

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION—1987

FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, SATURDAY, MAY 16, 1987

The House of Representatives convened at 10:00 a.m. and was called to order by Wayne Simoneau, Speaker pro tempore of the House.

Prayer was offered by the Reverend Larry Mens, United Methodist Church, Minneapolis Native American Ministries, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Greenfield	Larsen	Orenstein	Seaberg
Anderson, R.	Gruenes	Lasley	Osthoff	Segal
Battaglia	Gutknecht	Lieder	Otis	Shaver
Bauerly	Hartle	Long	Ozment	Simoneau
Beard	Haukoos	Marsh	Pappas	Skoglund
Begich	Heap	McDonald	Pauly	Solberg
Bennett	Himle	McEachern	Pelowski	Sparby
Bertram	Hugoson	McLaughlin	Peterson	Stanius
Bishop	Jacobs	McPherson	Poppenhagen	Steensma
Blatz	Jaros	Milbert	Price	Swiggum
Boo	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Trimble
Carlson, L.	Johnson, A.	Munger	Reding	Tunheim
Carruthers	Johnson, R.	Murphy	Rest	Uphus
Clark	Johnson, V.	Nelson, C.	Rice	Valento
Clausnitzer	Kahn	Nelson, D.	Richter	Vellenga
Cooper	Kalis	Nelson, K.	Riveness	Voss
Dauner	Kelly	Neuenschwander	Rodosovich	Waltman
DeBlieck	Kelso	O'Connor	Rose	Welle
Dempsey	Kinkel	Ogren	Rukavina	Wenzel
Dille	Kludt	Olsen, S.	Sarna	Wynia
Dorn	Knickerbocker	Olson, E.	Schafer	Wynia
Forsythe	Knuth	Olson, K.	Scheid	Spk. Norton
Frederick	Kostohryz	Omann	Schoenfeld	
Frerichs	Krueger	Onnen	Schreiber	

A quorum was present.

McKasy and Tompkins were excused.

Tjornhom was excused until 10:45 a.m. Wagenius was excused until 11:15 a.m. Vanasek was excused until 12:00 noon. Carlson, D., was excused until 1:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. McDonald moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Anderson, R., was excused while in conference.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1203, 566, 1279, 578, 169, 794, 176, 363, 1109, 835, 777, 1087, 886, 1074, 1465, 1335, 1219 and 1499 and S. F. Nos. 682, 69, 1184, 478, 905, 1203, 405, 514, 1524, 612, 858, 1202, 1345, 1437, 834, 1008, 897 and 1479 have been placed in the members' files.

S. F. No. 905 and H. F. No. 379, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Neuenschwander moved that the rules be so far suspended that S. F. No. 905 be substituted for H. F. No. 379 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1524 and H. F. No. 1645, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 1524 be substituted for H. F. No. 1645 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1202 and H. F. No. 1407, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 1202 be substituted for H. F. No. 1407 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 514 and H. F. No. 516, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wynia moved that the rules be so far suspended that S. F. No. 514 be substituted for H. F. No. 516 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 858 and H. F. No. 302, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson, D., moved that the rules be so far suspended that S. F. No. 858 be substituted for H. F. No. 302 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1203 and H. F. No. 1095, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, G., moved that the rules be so far suspended that S. F. No. 1203 be substituted for H. F. No. 1095 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1437 and H. F. No. 1453, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 1437 be substituted for H. F. No. 1453 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1345 and H. F. No. 1595, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Solberg moved that the rules be so far suspended that S. F. No. 1345 be substituted for H. F. No. 1595 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 834 and H. F. No. 829, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Segal moved that the rules be so far suspended that S. F. No. 834 be substituted for H. F. No. 829 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1008 and H. F. No. 939, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ogren moved that the rules be so far suspended that S. F. No. 1008 be substituted for H. F. No. 939 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 587 and H. F. No. 578, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Beard moved that S. F. No. 587 be substituted for H. F. No. 578 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1479 and H. F. No. 1109, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Otis moved that the rules be so far suspended that S. F. No. 1479 be substituted for H. F. No. 1109 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 841 and H. F. No. 886, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Munger moved that the rules be so far suspended that S. F. No. 841 be substituted for H. F. No. 886 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Appropriations to which was referred:

S. F. No. 1223, A bill for an act relating to state departments and agencies; creating a commission for the quincentennial of the Hispanic presence in the western hemisphere.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 905, 1524, 1202, 514, 858, 1203, 1437, 1345, 834, 1008, 587, 1479, 841 and 1223 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Cooper, Brown, Bertram, Dauner and Winter introduced:

H. F. No. 1676, A bill for an act relating to agriculture; requiring agricultural contracts to comply with the plain language contract act; amending Minnesota Statutes 1986, sections 325G.30, by adding subdivisions; 325G.31; 325G.32; 325G.33, subdivision 2; 325G.34, subdivisions 3, 4, and 5; 325G.35, subdivisions 1, 3, and 5; and 325G.36.

The bill was read for the first time and referred to the Committee on Commerce.

Segal; Knuth; McEachern; Nelson, K., and Kelso introduced:

H. F. No. 1677, A bill for an act relating to education; requiring the department of education to study alternative methods of financing elementary and secondary education.

The bill was read for the first time and referred to the Committee on Education.

Johnson, A.; Simoneau and Otis introduced:

H. F. No. 1678, A bill for an act relating to housing; requiring written disclosure of defects in residential housing before sale of that housing; providing for the form, delivery, and effect of disclosure; proposing coding for new law as Minnesota Statutes, chapter 327D.

The bill was read for the first time and referred to the Committee on Economic Development and Housing.

Kelso, Schafer and McEachern introduced:

H. F. No. 1679, A bill for an act relating to education; providing that community education directors and coordinators are not required to hold a license; amending Minnesota Statutes 1986, section 121.88, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Clark and Kahn introduced:

H. F. No. 1680, A bill for an act relating to health; prohibiting law enforcement officers from removing emergency identifying devices or cards from disabled persons; clarifying the crime of disorderly conduct; amending Minnesota Statutes 1986, sections 145.853, subdivision 2; and 609.72, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

HOUSE ADVISORIES

The following House Advisories were introduced:

Nelson, D.; Blatz; Kelly and McKasy introduced:

H. A. No. 48, A proposal to study the Minnesota government data practices act.

The advisory was referred to the Committee on Judiciary.

O'Connor, Carruthers, Frerichs, Ogren and Sarna introduced:

H. A. No. 49, A proposal to study consumer interest rate regulation.

The advisory was referred to the Committee on Commerce.

Orenstein, Bishop, Kludt, Kelly and Carruthers introduced:

H. A. No. 50, A proposal to examine the workload of the state judicial branch.

The advisory was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 230, A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; providing mail balloting; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 854, A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1986, sections 548.27; 548.30; 549.09; and 550.04.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1138, A bill for an act relating to small business; requiring use of certain socially and economically disadvantaged subcontractors; removing a five-year eligibility limitation; modifying the definition of small business; amending Minnesota Statutes 1986, sections 16B.19, subdivision 6; 16B.22; and 645.445, subdivisions 2 and 3.

The Senate has appointed as such committee:

Ms. Peterson, D. C.; Mrs. Adkins and Mr. Storm.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1015, A bill for an act relating to motorboat safety; providing for enforcement of sanctions for operation of a motorboat while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, section 361.121, subdivisions 2 and 3, and by adding subdivisions.

The Senate has appointed as such committee:

Ms. Peterson, D. C.; Messrs. Merriam and Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 919, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state and local bonds; authorizing levies; imposing taxes; appropriating money; amending Minnesota Statutes 1986, sections 297.13, subdivision 1; and 297.26; 297A.01, subdivision 3; 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A and 124; proposing coding for new law as Minnesota Statutes, chapter 240A.

The Senate has appointed as such committee:

Messrs. Merriam; Freeman; Solon; Johnson, D. E., and Moe, R. D.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 444, A bill for an act relating to insurance; regulating funeral and burial expenses; allowing persons to select funeral or burial services and supplies of their choice; amending Minnesota Statutes 1986, section 72A.325.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sparby moved that the House concur in the Senate amendments to H. F. No. 444 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 444, A bill for an act relating to insurance; regulating funeral and burial expenses; allowing persons to select funeral or burial services and supplies of their choice; amending Minnesota Statutes 1986, section 72A.325.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Otis	Simoneau
Bauerly	Gutknecht	Lieder	Ozment	Skoglund
Beard	Hartle	Marsh	Pappas	Solberg
Begich	Haukoos	McDonald	Pauly	Sparby
Bennett	Heap	McEachern	Pelowski	Stanisus
Bertram	Hugoson	McPherson	Peterson	Steensma
Blatz	Jacobs	Milbert	Price	Sviggun
Boo	Jaros	Miller	Quinn	Swenson
Brown	Jefferson	Minne	Redalen	Thiede
Burger	Jennings	Morrison	Reding	Trimble
Carlson, L.	Jensen	Munger	Rest	Tunheim
Carruthers	Johnson, A.	Murphy	Rice	Uphus
Clark	Johnson, R.	Nelson, C.	Richter	Valento
Clausnitzer	Johnson, V.	Nelson, K.	Riveness	Vellenga
Cooper	Kalis	Neuenschwander	Rodosovich	Voss
Dauner	Kelly	O'Connor	Rose	Waltman
DeBlick	Kelso	Ogren	Rukavina	Wenzel
Dempsey	Kinkel	Olsen, S.	Sarna	Winter
Dille	Kludt	Olson, E.	Schafer	Wynia
Dorn	Knickerbocker	Olson, K.	Scheid	Spk. Norton
Forsythe	Knuth	Omann	Schoenfeld	
Frederick	Kostohryz	Onnen	Schreiber	
Frerichs	Krueger	Orenstein	Seaberg	
Greenfield	Larsen	Osthoff	Segal	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1252, A bill for an act relating to eminent domain; authorizing court having jurisdiction over an eminent domain proceeding to compel occupants of condemned real estate to deliver possession; proposing coding for new law in Minnesota Statutes, chapter 117.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 1252 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1252, A bill for an act relating to eminent domain; authorizing court having jurisdiction over an eminent domain proceeding to compel occupants of condemned real estate to deliver possession; proposing coding for new law in Minnesota Statutes, chapter 117.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 99 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Lasley	Osthoff	Segal
Battaglia	Greenfield	Lieder	Otis	Simoneau
Bauerly	Hartle	Marsh	Ozment	Skoglund
Beard	Heap	McEachern	Pappas	Solberg
Begich	Jacobs	McLaughlin	Pelowski	Sparby
Bennett	Jaros	Milbert	Peterson	Stanisus
Bertram	Jefferson	Minne	Price	Steensma
Bishop	Jensen	Morrison	Quinn	Swenson
Blatz	Johnson, A.	Munger	Redalen	Trimble
Brown	Johnson, R.	Murphy	Reding	Tunheim
Burger	Kalis	Nelson, C.	Rest	Uphus
Carlson, L.	Kelly	Nelson, K.	Rice	Valento
Carruthers	Kelso	Neuenschwander	Riveness	Vellenga
Clark	Kinkel	O'Connor	Rodosovich	Voss
Cooper	Kludt	Ogren	Rose	Welle
Dauner	Knickerbocker	Olsen, S.	Rukavina	Wenzel
DeBleck	Knuth	Olson, E.	Sarna	Winter
Dempsey	Kostohryz	Olson, K.	Scheid	Wynia
Dille	Krueger	Omann	Schoenfeld	Spk. Norton
Dorn	Larsen	Orenstein	Schreiber	

Those who voted in the negative were:

Boo	Gutknecht	McDonald	Pauly	Thiede
Clausnitzer	Haukoos	McPherson	Richter	Waltman
Frederick	Hugoson	Miller	Schafer	
Frerichs	Johnson, V.	Onnen	Sviggum	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1030, A bill for an act relating to water pollution; providing for grants and loans for the construction and rehabilitation of wastewater treatment facilities and systems; authorizing rulemaking; amending Minnesota Statutes 1986, sections 116.16, subdivision 5; 116.167; 116.18, subdivisions 2a, 3a, and by adding

subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Munger moved that the House concur in the Senate amendments to H. F. No. 1030 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1030, A bill for an act relating to water pollution; providing for grants and loans for the construction and rehabilitation of wastewater treatment facilities and systems; authorizing rulemaking; amending Minnesota Statutes 1986, section 116.18, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Shaver
Battaglia	Hartle	Long	Ozment	Simoneau
Bauerly	Haukoos	Marsh	Pappas	Skoglund
Beard	Heap	McDonald	Pauly	Solberg
Begich	Himle	McEachern	Pelowski	Sparby
Bennett	Hugoson	McLaughlin	Peterson	Stanisus
Bertram	Jacobs	McPherson	Poppenhagen	Steensma
Bishop	Jaros	Milbert	Price	Sviggun
Blatz	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kalis	Nelson, K.	Riveness	Vellenga
Dauner	Kelly	Neuenschwander	Rodosovich	Voss
DeBlick	Kelso	O'Connor	Rose	Waltman
Dempsey	Kinkel	Ogren	Rukavina	Welle
Dille	Kludd	Olsen, S.	Sarna	Wenzel
Dorn	Knickerbocker	Olson, E.	Schafer	Winter
Forsythe	Knuth	Olson, K.	Scheid	Wynia
Frederick	Kostohryz	Omman	Schoenfeld	Spk. Norton
Frerichs	Krueger	Onnen	Schreiber	
Greenfield	Larsen	Orenstein	Seaberg	
Gruenes	Lasley	Osthoff	Segal	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 834, A bill for an act relating to natural resources; providing for the deposit of receipts from private forest management services into the forest management fund; amending Minnesota Statutes 1986, sections 88.79, subdivision 2; and 89.04.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Solberg moved that the House concur in the Senate amendments to H. F. No. 834 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 834, A bill for an act relating to natural resources; providing for the deposit of receipts from private forest management services into the forest management fund; appropriating money; amending Minnesota Statutes 1986, sections 88.79, subdivision 2; and 89.04.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Kalis	Morrison	Peterson
Battaglia	Forsythe	Kelly	Munger	Poppenhagen
Bauerly	Frederick	Kelso	Murphy	Price
Beard	Frerichs	Kinkel	Nelson, C.	Quinn
Begich	Greenfield	Kludt	Nelson, D.	Quist
Bennett	Gruenes	Knickerbocker	Nelson, K.	Redalen
Bertram	Gutknecht	Knuth	Neuenschwander	Reding
Bishop	Hartle	Kostohryz	O'Connor	Rest
Blatz	Haukoos	Krueger	Ogren	Rice
Boo	Heap	Larsen	Olsen, S.	Richter
Brown	Himle	Lasley	Olson, E.	Riveness
Burger	Hugoson	Lieder	Olson, K.	Rodosovich
Carlson, L.	Jacobs	Long	Omam	Rose
Carruthers	Jaros	Marsh	Onnen	Rukavina
Clark	Jefferson	McDonald	Orenstein	Sarna
Clausnitzer	Jennings	McEachern	Osthoff	Schafer
Cooper	Jensen	McLaughlin	Otis	Scheid
Dauner	Johnson, A.	McPherson	Ozment	Schoenfeld
DeBlicke	Johnson, R.	Milbert	Pappas	Schreiber
Dempsey	Johnson, V.	Miller	Pauly	Seaberg
Dille	Kahn	Minne	Pelowski	Segal

Shaver
Simoneau
Skoglund
Solberg
Sparby

Stanius
Steensma
Swiggum
Swenson
Thiede

Tjornhom
Trimble
Tunheim
Uphus
Valento

Vellenga
Voss
Waltman
Welle
Wenzel

Winter
Wynia
Spk. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1113, A bill for an act relating to state departments and agencies; abolishing the Minnesota humane society as a state agency and authorizing its formation as a state federation of county and district societies; providing for the powers and duties of county and district societies and for the prevention of cruelty to animals; amending Minnesota Statutes 1986, sections 16B.51, subdivision 1; 43A.27, subdivision 2; 343.01; 343.06; 343.10; 343.12; 343.22, subdivision 1; 343.29, subdivision 1; 346.37, subdivision 6; and 347.37; repealing Minnesota Statutes 1986, section 343.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kludt moved that the House concur in the Senate amendments to H. F. No. 1113 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1113, A bill for an act relating to state departments and agencies; abolishing the Minnesota humane society as a state agency and authorizing its formation as a state federation of county and district societies; providing for the powers and duties of county and district societies and for the prevention of cruelty to animals; amending Minnesota Statutes 1986, sections 16B.51, subdivision 1; 43A.27, subdivision 2; 343.01; 343.06; 343.10; 343.11; 343.12; 343.22, subdivision 1; 343.29, subdivision 1; 346.37, subdivision 6; and 347.37; repealing Minnesota Statutes 1986, section 343.08.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Segal
Battaglia	Hartle	Long	Ozment	Shaver
Bauerly	Haukoos	Marsh	Pappas	Simoneau
Beard	Heap	McDonald	Pauly	Skoglund
Begich	Himle	McEachern	Pelowski	Solberg
Bennett	Hugoson	McLaughlin	Peterson	Sparby
Bertram	Jacobs	McPherson	Poppenhagen	Stanius
Bishop	Jaros	Milbert	Price	Steensma
Blatz	Jefferson	Miller	Quinn	Sviggum
Brown	Jennings	Minne	Quist	Swenson
Burger	Jensen	Morrison	Redalen	Thiede
Carlson, L.	Johnson, A.	Munger	Reding	Tjornhom
Clark	Johnson, R.	Murphy	Rest	Trimble
Clausnitzer	Johnson, V.	Nelson, C.	Rice	Tunheim
Cooper	Kalis	Nelson, D.	Richter	Uphus
Dauner	Kelly	Nelson, K.	Riveness	Valento
DeBlieck	Kelso	Neuenschwander	Rodosovich	Vellenga
Dempsey	Kinkel	O'Connor	Rose	Waltman
Dille	Kludt	Ogren	Rukavina	Welle
Dorn	Knickerbocker	Olsen, S.	Sarna	Wenzel
Forsythe	Knuth	Olson, E.	Schafer	Winter
Frederick	Kostohryz	Olson, K.	Scheid	Wynia
Frerichs	Krueger	Omann	Schoenfeld	Spk. Norton
Greenfield	Larsen	Onnen	Schreiber	
Gruenes	Lasley	Orenstein	Seaberg	

The bill was repassed, as amended by the Senate, and its title agreed to.

Rodosovich was excused while in conference.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1127, A bill for an act relating to utilities; providing for the establishment of flexible gas utility rates for certain customers subject to effective competition; requiring the department of public service to conduct a study; providing for recovery of study costs; proposing coding for new law in Minnesota Statutes, chapter 216B.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Osthoff moved that the House concur in the Senate amendments to H. F. No. 1127 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1127, A bill for an act relating to utilities; providing for the establishment of flexible gas utility rates for certain customers subject to effective competition; requiring the department of public

service to conduct a study; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Krueger	Onnen	Schreiber
Battaglia	Gruenes	Larsen	Orenstein	Seaberg
Bauerly	Gutknecht	Lasley	Osthoff	Segal
Beard	Hartle	Lieder	Otis	Shaver
Begich	Haukoos	Long	Ozment	Simoneau
Bennett	Heap	Marsh	Pappas	Skoglund
Bertram	Himle	McDonald	Pauly	Solberg
Bishop	Hugoson	McEachern	Pelowski	Sparby
Blatz	Jacobs	McLaughlin	Peterson	Stanius
Boo	Jaros	Milbert	Poppenhagen	Steensma
Brown	Jefferson	Miller	Price	Sviggum
Burger	Jennings	Minne	Quinn	Swenson
Carlson, L.	Jensen	Morrison	Quist	Thiede
Carruthers	Johnson, A.	Munger	Redalen	Tjornhom
Clark	Johnson, R.	Murphy	Redling	Trimble
Clausnitzer	Johnson, V.	Nelson, C.	Rest	Tunheim
Cooper	Kahn	Nelson, D.	Rice	Uphus
Dauner	Kalis	Nelson, K.	Richter	Valento
DeBlick	Kelly	Neuenschwander	Riveness	Vellenga
Dempsey	Kelso	O'Connor	Rose	Voss
Dille	Kinkel	Ogren	Rukavina	Waltman
Dorn	Kludt	Olsen, S.	Sarna	Welle
Forsythe	Knickerbocker	Olson, E.	Schafer	Wenzel
Frederick	Knuth	Olson, K.	Scheid	Winter
Frerichs	Kostohryz	Omann	Schoenfeld	Wynia
				Spk. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1542, A bill for an act relating to unemployment compensation; making various technical and housekeeping changes; defining "wages"; regulating benefits and contributions; providing for the administration of the unemployment compensation law; providing penalties; amending Minnesota Statutes 1986, sections 268.04, subdivisions 9, 12, 24, 25, 26, 29, and by adding subdivisions; 268.06, subdivisions 2, 3a, 5, 6, 8, 19, 20, 22, and 24; 268.07, subdivision 3; 268.08, subdivisions 3, 3a, and by adding a subdivision; 268.09, subdivisions 1 and 3; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2, and by adding subdivi-

sions; 268.161, subdivisions 1, 8, 9, and by adding a subdivision; 268.18, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; 268.65, subdivision 5; 270A.09, by adding a subdivision; and 508.25; proposing coding for new law in Minnesota Statutes, chapter 268; and repealing Minnesota Statutes 1986, section 268.24.

PATRICK E. FLAHAVEN, Secretary of the Senate

O'Connor moved that the House refuse to concur in the Senate amendments to H. F. No. 1542, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 291, A bill for an act relating to financial institutions; regulating incorporations and operations of banks; requiring approval of certain insider agreements; regulating acquisitions by bank holding companies; authorizing the commissioner to borrow money to satisfy obligations of certain closed institutions; regulating bank or trust company investments; regulating claims against liquidated institutions; providing for the organization of credit unions; regulating interest and dividends paid on deposits; regulating industrial loan and thrifts; providing for the submission of certain reports; modifying the maximum allowable interest rate on certain loans used to satisfy the balances owed on contracts for deed; requiring the periodic examination of collection agencies; regulating consumer deficiency judgments; modifying the examination requirement for safe deposit companies and insurance premium finance companies; regulating motor vehicle installment sales; regulating bank applications; amending Minnesota Statutes 1986, sections 46.041; 46.042; 46.07, subdivision 2; 46.131, subdivision 9; 47.10, subdivision 3, and by adding a subdivision; 47.204, subdivision 1; 47.205, subdivisions 2 and 4; 48.055, subdivision 5; 48.15, subdivision 2; 48.51; 48.61, subdivisions 3 and 5; 48.92, subdivision 10; 48.97, subdivision 2; 48.98, subdivision 1; 48.99, subdivision 1; 49.04, subdivision 1; 49.05, by adding a subdivision; 49.24, subdivision 5; 51A.58; 52.01; 52.02, subdivision 3; 52.09, subdivision 2; 52.18; 53.04, subdivisions 3a and 5; 53.09, subdivision 2; 55.095; 55.15; 56.12; 59A.06, subdivision 3; 168.66, subdivisions 5 and 9; 168.705; 168.71; 168.72, subdivisions 1 and 4; 168.73; 168.74; 325G.36; and 332.29, subdivision 1; proposing coding for new law in

Minnesota Statutes, chapters 46 and 47; repealing Minnesota Statutes 1986, sections 48.60 and 55.13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Winter moved that the House refuse to concur in the Senate amendments to H. F. No. 291, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 184.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 184

A bill for an act relating to utilities; trade practices; restricting use and connection of automatic dialing-announcing devices to telephone lines; proposing coding for new law in Minnesota Statutes, chapter 325E.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 184, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 184 be further amended as follows:

Page 1, after line 19, insert:

"Subd. 4. [COMMERCIAL TELEPHONE SOLICITATION.] "Commercial telephone solicitation" means any unsolicited call to a residential subscriber when the person initiating the call has not had a prior business or personal relationship with the subscriber, and when the purpose of the call is to solicit the purchase or the consideration of purchase of goods or services by the subscriber. Commercial telephone solicitation does not include calls initiated by organizations listed in section 290.21, subdivision 3, clauses (a) to (e)."

Renumber the remaining subdivision

Page 2, line 6, delete "does" and insert "and section 5 do"

Page 2, line 7, delete everything after "(2)" and insert "messages to subscribers with whom the caller has a current business or personal relationship"

Page 2, delete line 8

Page 2, line 9, delete everything before the comma

Page 2, after line 28, insert:

"Sec. 5. [325E.30] [TIME OF DAY LIMIT.]

A caller shall not use an automatic dialing-announcing device nor make any commercial telephone solicitation before 9:00 a.m. or after 9:00 p.m."

Page 2, line 29, delete "5" and insert "6"

Page 2, line 30, delete "4" and insert "5"

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

Senate Conferees: ALLAN H. SPEAR, WILLIAM V. BELANGER, JR., AND GREGORY L. DAHL.

House Conferees: JOSEPH QUINN, KAREN CLARK AND JOHN SARNA.

Quinn moved that the report of the Conference Committee on S. F. No. 184 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 184, A bill for an act relating to utilities; trade practices; restricting use and connection of automatic dialing-announcing devices to telephone lines; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lieder	Ozment	Simoneau
Battaglia	Gutknecht	Marsh	Pappas	Skoglund
Bauerly	Hartle	McDonald	Pauly	Solberg
Beard	Haukoos	McEachern	Pelowski	Sparby
Begich	Heap	McLaughlin	Peterson	Stanis
Bennett	Himle	McPherson	Poppenhagen	Steensma
Bertram	Hugoson	Milbert	Price	Sviggum
Bishop	Jacobs	Miller	Quinn	Swenson
Boo	Jaros	Minne	Quist	Thiede
Brown	Jefferson	Morrison	Redalen	Tjornhom
Burger	Jennings	Munger	Reding	Trimble
Carlson, L.	Jensen	Murphy	Rest	Tunheim
Carruthers	Johnson, A.	Nelson, C.	Rice	Uphus
Clark	Johnson, R.	Nelson, D.	Richter	Valento
Clausnitzer	Johnson, V.	Nelson, K.	Riveness	Vellenga
Cooper	Kalis	Neuenschwander	Rose	Voss
Dauner	Kelly	O'Connor	Rukavina	Wagenius
DeBlick	Kinkel	Ogren	Sarna	Waltman
Dempsey	Kludt	Olsen, S.	Schafer	Welle
Dille	Knickerbocker	Olson, E.	Scheid	Wenzel
Dorn	Knuth	Olson, K.	Schoenfeld	Winter
Forsythe	Kostohryz	Omman	Schreiber	Wynia
Frederick	Krueger	Onnen	Seaberg	Spk. Norton
Frerichs	Larsen	Orenstein	Segal	
Greenfield	Lasley	Otis	Shaver	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 785.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 785

A bill for an act relating to crimes; eliminating consent defense to charge of depriving another of parental rights; allowing filing of

felony charges before 14 days have elapsed; increasing penalty for depriving another of parental rights; amending Minnesota Statutes 1986, section 609.26, subdivisions 2, 5, and 6.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 785, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 785 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] No person violates subdivision 1 if the action:

(1) is taken to protect the child from physical or sexual assault or substantial emotional harm;

(2) is taken to protect the person taking the action from physical or sexual assault;

(3) is consented to by the parent, stepparent, or legal custodian seeking prosecution, but consent to custody or specific visitation is not consent to the action of failing to return or concealing a minor child; or

(4) is otherwise authorized by a court order issued prior to the violation of subdivision 1.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 2. Minnesota Statutes 1986, section 609.26, subdivision 5, is amended to read:

Subd. 5. [DISMISSAL OF CHARGE.] A felony charge brought under this section shall be dismissed if:

(a) the person voluntarily returns the child within 14 days after taking, detaining, or failing to return the child in violation of this section; or

(b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of 14 days after taking the action, (i) a motion or proceeding under chapter 518, 518A, 518B, or 518C is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapter 518, 518A, 518B, or 518C.

Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities.

This subdivision does not prohibit the filing of felony charges or an offense report before the expiration of the 14 days.

Sec. 3. Minnesota Statutes 1986, section 609.26, subdivision 6, is amended to read:

Subd. 6. [PENALTY.] Except as otherwise provided in subdivision 5, whoever violates this section may be sentenced to imprisonment for not more than ~~one year and one day~~ two years or to payment of a fine of \$3,000 \$4,000, or both."

Delete the title and insert:

"A bill for an act relating to crimes; restricting consent defense to charge of depriving another of parental rights; allowing filing of felony charges before 14 days have elapsed; increasing penalty for depriving another of parental rights; amending Minnesota Statutes 1986, section 609.26, subdivisions 2, 5, and 6."

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

Senate Conferees: DONNA C. PETERSON, WILLIAM V. BELLANGER, JR., AND LAWRENCE J. POGEMILLER.

House Conferees: GLORIA M. SEGAL, TERRY M. DEMPSEY AND RANDY C. KELLY.

Segal moved that the report of the Conference Committee on S. F. No. 785 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 785, A bill for an act relating to crimes; eliminating consent defense to charge of depriving another of parental rights; allowing filing of felony charges before 14 days have elapsed; increasing penalty for depriving another of parental rights; amending Minnesota Statutes 1986, section 609.26, subdivisions 2, 5, and 6.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Kostohryz	Omann	Schreiber
Battaglia	Greenfield	Krueger	Onnen	Seaberg
Bauerly	Gruenes	Larsen	Orenstein	Segal
Beard	Gutknecht	Lasley	Otis	Shaver
Begich	Hartle	Lieder	Ozment	Simoneau
Bennett	Haukoos	Marsh	Pappas	Skoglund
Bertram	Heap	McEachern	Pauly	Solberg
Bishop	Himle	McLaughlin	Pelowski	Stanius
Blatz	Hugoson	McPherson	Peterson	Steensma
Boo	Jacobs	Milbert	Poppenhagen	Sviggum
Brown	Jaros	Miller	Price	Swenson
Burger	Jefferson	Minne	Quinn	Thiede
Carlson, L.	Jennings	Morrison	Quist	Tjornhom
Carruthers	Jensen	Munger	Redalen	Trimble
Clark	Johnson, A.	Murphy	Reding	Tunheim
Clausnitzer	Johnson, R.	Nelson, C.	Rest	Uphus
Cooper	Johnson, V.	Nelson, D.	Rice	Valento
Dauner	Kalis	Nelson, K.	Richter	Vellenga
DeBlieck	Kelly	Neuenschwander	Riveness	Voss
Dempsey	Kelso	O'Connor	Rose	Wagenius
Dille	Kinkel	Ogren	Rukavina	Waltman
Dorn	Kludt	Olsen, S.	Sarna	Welle
Forsythe	Knickerbocker	Olson, E.	Schafer	Wenzel
Frederick	Knuth	Olson, K.	Schoenfeld	Winter
				Spk. Norton

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 911.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 911

A bill for an act relating to education; requiring school districts to make available instruction in Braille reading and writing to blind pupils; proposing coding for new law in Minnesota Statutes, chapter 126.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 911, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 911 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [126.071] [BRAILLE-INSTRUCTION.]

Subdivision 1. [AVAILABILITY.] A school district shall make available, to a blind pupil, instruction in Braille reading and writing as specified under subdivisions 2 and 3. A blind pupil is a pupil who is blind as defined in section 290.06, subdivision 3f, paragraph (4), clause (e).

Subd. 2. [ASSESSMENT.] A reading and writing assessment of a child identified as a blind child must be done at least once every three years. The person who performs the assessment must be mutually agreed upon by the school district and the parent. The assessment must be in writing and must recommend whether or not instruction in Braille reading and writing should be commenced or continued for the assessed child. The commissioner of education shall adopt rules establishing criteria for determining whether or not instruction in Braille reading and writing should be commenced or continued for the assessed child.

Subd. 3. [SPECIFICS OF RECOMMENDATION.] The child's individual education plan must specify:

(1) a reason for recommending or not recommending Braille instruction;

(2) the date on which Braille instruction will commence;

(3) how many Braille sessions per week must be provided by the school district;

(4) the duration of each session;

(5) how to integrate Braille instruction into the assessed child's regular classroom activities; and

(6) the special training, if any, that the classroom instructional personnel must have to provide the integrated Braille instruction.

Subd. 4. [BRAILLE IS A SERVICE.] Instruction in Braille reading and writing is a service included in special instruction and services under section 120.17."

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

Senate Conferees: JEROME M. HUGHES, NANCY BRATAAS AND JAMES C. PEHLER.

House Conferees: TOM RUKAVINA, LONA A. MINNE AND SALLY OLSEN.

Rukavina moved that the report of the Conference Committee on S. F. No. 911 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 911, A bill for an act relating to education; requiring school districts to make available instruction in Braille reading and writing to blind pupils; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	DeBlieck	Hartle	Jensen
Battaglia	Brown	Dempsey	Haukoos	Johnson, A.
Bauerly	Burger	Dille	Heap	Johnson, R.
Beard	Carlson, L.	Dorn	Himle	Johnson, V.
Begich	Carruthers	Forsythe	Hugoson	Kahn
Bennett	Clark	Frederick	Jacobs	Kalis
Bertram	Clausnitzer	Frerichs	Jaros	Kelly
Bishop	Cooper	Greenfield	Jefferson	Kelso
Blatz	Dauner	Gutknecht	Jennings	Kinkel

Kludt	Munger	Pappas	Schafer	Trimble
Knickerbocker	Murphy	Pauly	Scheid	Tunheim
Knuth	Nelson, C.	Pelowski	Schoenfeld	Uphus
Kostohryz	Nelson, D.	Peterson	Schreiber	Valento
Krueger	Neuenschwander	Poppenhagen	Seaberg	Vellenga
Larsen	O'Connor	Price	Segal	Voss
Lieder	Ogren	Quinn	Shaver	Wagenius
Marsh	Olsen, S.	Redalen	Simóneau	Waltman
McDonald	Olson, E.	Reding	Skoglund	Welle
McEachern	Olson, K.	Rest	Solberg	Wenzel
McLaughlin	Omann	Rice	Sparby	Winter
McPherson	Onnen	Richter	Stanius	Wynia
Milbert	Orenstein	Riveness	Steensma	Spk. Norton
Miller	Osthoff	Rose	Sviggum	
Minne	Otis	Rukavina	Swenson	
Morrison	Ozment	Sarna	Tjornhom	

Those who voted in the negative were:

Lasley Quist Thiede

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1261.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1261

A bill for an act relating to the state building code; changing certain provisions relating to public buildings; amending Minnesota Statutes 1986, sections 16B.60, subdivisions 3 and 6; 16B.61, by adding a subdivision; and 16B.71.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1261, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1261 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 16B.60, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means a city, county, or town meeting the requirements of section 368.01, subdivision 1, ~~or the University of Minnesota, or the state for public buildings.~~

Sec. 2. Minnesota Statutes 1986, section 16B.60, subdivision 6, is amended to read:

Subd. 6. [PUBLIC BUILDING.] "Public building" means a building and its grounds, the cost of which is paid for by the state, a state agency ~~or governmental subdivision, an agency of a governmental subdivision,~~ or a school district.

Sec. 3. Minnesota Statutes 1986, section 16B.61, is amended by adding a subdivision to read:

Subd. 1a. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer and enforce the state building code as a municipality with respect to public buildings in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings. Fees and surcharges for public buildings must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

Sec. 4. Minnesota Statutes 1986, section 16B.71, is amended to read:

16B.71 [PERMIT FEES, TO WHOM APPLICABLE.]

Municipal building officials shall administer and enforce the state building code with respect to all subject structures constructed within their jurisdiction, including all buildings constructed by the state of Minnesota, its agencies, departments, and instrumentalities, school districts, municipalities other than the state, as defined in section 16B.60, and the University of Minnesota. These governmental bodies shall pay the building permit fees and surcharges that the inspecting municipality customarily imposes for its administration and enforcement of the code.

Sec. 5. Minnesota Statutes 1986, section 515A.2-110, is amended to read:

515A.2-110 [CONDOMINIUM PLATS.]

(a) Condominium plats are a part of the declaration. The condominium plat shall contain a certification by a registered professional land surveyor or registered professional architect, as to the parts of the plat prepared by each, that the condominium plat accurately depicts all information required by this section. The portions of the condominium plat depicting the dimensions of the portions of the condominium described in paragraphs (b)(3), (8), (9), (10), and (11), may be prepared by either a land surveyor or an architect. The other portions of the plat must be prepared only by a land surveyor. All measurements must be undertaken in accordance with good professional practice. The certification must indicate that the work was undertaken by or under the supervision of the certifying architect or land surveyor. Certification by the architect or land surveyor does not constitute a guaranty or warranty of the nature, suitability, or quality of construction of the condominium.

(b) Each condominium plat shall show:

(1) the number of the condominium and the boundaries and dimensions of the land included in the condominium;

(2) the dimensions and location of all existing structural improvements and roadways;

(3) the intended location and dimensions of any contemplated common element improvements to be constructed within the condominium labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";

(4) the location and dimensions of any additional real estate, labeled as such;

(5) the extent of any encroachments by or upon any portion of the condominium;

(6) the location and dimensions of all recorded easements within the condominium serving or burdening any portion of the condominium;

(7) the distance between noncontiguous parcels of real estate;

(8) the location and dimensions of limited common elements, including porches, balconies and patios, other than limited common elements described in section 515A.2-102(2) and (4);

(9) the location and dimensions of the vertical boundaries of each unit and that unit's identifying number;

(10) the location and dimensions of the horizontal unit boundaries with reference to established or assumed datum and that unit's identifying number;

(11) any units which may be converted by the declarant to create additional units or common elements (section 515A.2-115) identified separately.

(c) When adding additional real estate (section 515A.2-111), the declarant shall record supplemental condominium plats for that real estate conforming to the requirements of subsection (b). If less than all additional real estate is being added, the supplemental condominium plats shall also show the location and dimensions of the remaining portion.

(d) If a declarant subdivides or converts any unit into two or more units, common elements or limited common elements (section 515A.2-115), the declarant shall record an amendment to the condominium plat showing the location and dimensions of any new units, common elements and limited common elements thus created.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment, but do not apply to the construction and remodeling of public buildings for which plans and specifications have been approved by the commissioner before that date.

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

Senate Conferees: JOHN J. MARTY, DENNIS R. FREDERICKSON AND DAVID J. FREDERICKSON.

House Conferees: NORMAN R. DEBLIECK, RICHARD "JEFF" JEFFERSON, AND CONNIE MORRISON.

DeBlick moved that the report of the Conference Committee on S. F. No. 1261 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1261, A bill for an act relating to the state building code; changing certain provisions relating to public buildings; amending Minnesota Statutes 1986, sections 16B.60, subdivisions 3 and 6; 16B.61, by adding a subdivision; and 16B.71.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Onnen	Segal
Battaglia	Gutknecht	Lasley	Orenstein	Shaver
Bauerly	Hartle	Lieder	Otis	Simoneau
Beard	Haukoos	Long	Ozment	Skoglund
Begich	Heap	Marsh	Pappas	Solberg
Bennett	Himle	McDonald	Pauly	Sparby
Bertram	Hugoson	McEachern	Pelowski	Stanis
Bishop	Jacobs	McLaughlin	Peterson	Steensma
Blatz	Jaros	McPherson	Poppenhagen	Sviggum
Boo	Jefferson	Milbert	Price	Swenson
Brown	Jennings	Miller	Quinn	Thiede
Burger	Jensen	Minne	Quist	Tjornhom
Carlson, L.	Johnson, A.	Morrison	Redalen	Trimble
Carruthers	Johnson, R.	Munger	Reding	Tunheim
Clark	Johnson, V.	Murphy	Rest	Uphus
Clausnitzer	Kahn	Nelson, C.	Rice	Valento
Cooper	Kalis	Nelson, D.	Richter	Vellenga
Dauner	Kelly	Nelson, K.	Riveness	Voss
DeBlick	Kelso	Neuenschwander	Rose	Wagenius
Dille	Kinkel	O'Connor	Rukavina	Waltman
Dorn	Kludt	Ogren	Sarna	Welle
Forsythe	Knickerbocker	Olsen, S.	Schafer	Wenzel
Frederick	Knuth	Olson, E.	Scheid	Winter
Frerichs	Kostohryz	Olson, K.	Schoenfeld	Wynia
Greenfield	Krueger	Omann	Schreiber	Spk. Norton

Those who voted in the negative were:

Dempsey Osthoff

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 89.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 89

A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 336.9-501; 550.365; 559.209; 581.015; 583.22, subdivisions 2 and 8, and by adding a subdivision; 583.24, subdivisions 1, 3, and by adding a subdivision; 583.26, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and by adding a subdivision; 583.27, subdivisions 1, 3, and 4; 583.28; and 583.285; proposing coding for new law in Minnesota Statutes, chapter 583.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 89, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 89 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [550.366] [JUDGMENTS ON DEBTS RELATED TO AGRICULTURAL PROPERTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section the following terms have the meanings given:

(a) [AGRICULTURAL PROPERTY.] "Agricultural property" means personal property that is used in a farm operation.

(b) [FARM DEBTOR.] "Farm debtor" means a person who has incurred debt while in the operation of a family farm, a family farm corporation, or an authorized farm corporation as defined in section 500.24, subdivision 2.

Subd. 2. [LIMITS ON EXECUTION.] A judgment for the unpaid balance of a debt on agricultural property owed by a farm debtor

may not be executed upon real or personal property after three years from the date the judgment was entered.

Subd. 3. [ATTACHMENT TO NEWLY ACQUIRED PROPERTY.] A judgment for the unpaid balance of a debt on agricultural property owed by a farm debtor does not attach to real or personal property that is acquired by the farm debtor after the judgment is entered.

Sec. 2. Minnesota Statutes 1986, section 336.9-501, is amended to read:

336.9-501 [DEFAULT; PROCEDURE WHEN SECURITY AGREEMENT COVERS BOTH REAL AND PERSONAL PROPERTY.]

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this part and except as limited by subsection (3) those provided in the security agreement. The secured party may reduce a claim to judgment, foreclose, or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies, and duties provided in section 336.9-207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this part, those provided in the security agreement, and those provided in section 336.9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (3) of section 336.9-504 and section 336.9-505) and with respect to redemption of collateral (section 336.9-506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) Subsection (2) of section 336.9-502 and subsection (2) of section 336.9-504 insofar as they require accounting for surplus proceeds of collateral;

(b) Subsection (3) of section 336.9-504 and subsection (1) of section 336.9-505 which deal with disposition of collateral;

(c) Subsection (2) of section 336.9-505 which deals with acceptance of collateral as discharge of obligation;

(d) Section 336.9-506 which deals with redemption of collateral; and

(e) Subsection (1) of section 336.9-507 which deals with the secured party's liability for failure to comply with this part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this part as to the personal property or may proceed as to both the real and the personal property in accordance with the secured party's rights and remedies in respect of the real property in which case the provisions of this part do not apply.

(5) When a secured party has reduced a claim to judgment the lien of any levy which may be made upon collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(6) A person may not begin to enforce a security interest in collateral that is agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than \$5,000 unless: a mediation notice under subsection (7) is served on the debtor after a condition of default has occurred in the security agreement and a copy filed with served on the director; and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed under sections 583.20 to 583.32.

(7) A mediation notice under subsection (6) must contain the following notice with the blanks properly filled in.

"TO:(Name of Debtor)....

YOU HAVE DEFAULTED ON THE(Debt in Default).... SECURED BY AGRICULTURAL PROPERTY DESCRIBED AS(Reasonable Description of Agricultural Property Collateral)....

AS A SECURED PARTY,(Name of Secured Party).... INTENDS TO ENFORCE THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A COURT JUDGMENT AGAINST THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT

BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A CREDIT FINANCIAL ANALYST TO HELP YOU TO PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR ... ~~(Date of 14 Days after Service of the Mediation Notice)...~~ WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM:(Name and Address of Secured Party)...."

Sec. 3. [514.661] [LIEN FOR RENTAL VALUE OF FARM MACHINERY DURING MEDIATION.]

Subdivision 1. [DEFINITIONS.] The definitions in this section apply to this section.

(a) "Reasonable rental value" means an amount not more than the rental value of machinery of like capacity and age as determined by the director of the University of Minnesota extension service and is limited to the tachometer time during which or the acreage for which the machinery is used during the mediation period.

(b) "Seasonal use machinery" means machinery, equipment, or implements used exclusively for planting, for row crop cultivating, or for harvesting. Seasonal use machinery does not include a tractor, tillage equipment, or utility implements used for general farm purposes.

Subd. 2. [LIEN; ATTACHMENT.] (a) A person or entity with a debt secured by a perfected or unperfected security interest in seasonal use machinery that is subject to mediation who engages in mediation under sections 583.20 to 583.32, as a result of a debtor's default on a purchase money loan or contract, has a lien limited to the lesser of: (1) the total of principal and interest amounts required to bring the debt current until the stay of the creditor's enforcement action is lifted; and (2) the reasonable rental value of seasonal use machinery that is used for field operation during mediation until the stay of the creditor's enforcement action is lifted.

(b) The lien attaches to the crops produced by the debtor in the calendar year in which mediation occurs.

Subd. 3. [PERFECTION.] To perfect a lien under this section, the lien must attach and a person or entity entitled to the lien must file a lien statement in the appropriate filing office under section 336.9-401 during mediation or within 30 days after the conclusion of mediation.

Subd. 4. [DUTIES OF FILING OFFICER.] The filing officer shall enter on the lien statement the time of day and date of filing. The filing officer shall file, amend, terminate, note the filing of a lien statement, and charge the fee for filing under this section in the manner provided by section 336.9-403 for a financing statement. A lien statement is void and may be removed from the filing system 18 months after the date of filing. The lien statement may be physically destroyed after 30 months from the date of filing.

Subd. 5. [PRIORITY.] (a) A perfected lien has priority over all other liens and security interests in crops produced by the debtor during the calendar year in which the mediation occurs except for a perfected landlord's lien under section 514.960.

(b) An unperfected lien has the priority of an unperfected security interest under section 336.9-312.

Subd. 6. [ENFORCEMENT OF LIEN.] (a) The holder of a lien under this section may enforce the lien in the manner provided in sections 336.9-501 to 336.9-508, subject to section 550.17. For enforcement of the lien, the lienholder is the secured party and the person leasing the property is the debtor, and each has the respective rights and duties of a secured party and a debtor under sections 336.9-501 to 336.9-508. If a right or duty under sections 336.9-501 to 336.9-508 is contingent upon the existence of express language in a security agreement or may be waived by express language in a security agreement, the requisite language does not exist.

(b) The principal amount of debt secured by seasonal use machinery must be reduced by an amount equal to any amount paid in satisfaction of a lien created under this section, less interest accrued on the debt during mediation.

Subd. 7. [ENFORCEMENT ACTIONS; LIEN EXTINGUISHED.] An action to enforce a lien under this section may be brought in district court in a county where the property is located after the lien is perfected. A lien statement may be amended, except the amount demanded, by leave of the court in the furtherance of justice. A lien is extinguished if an action to enforce the lien is not brought within 18 months after the date the lien statement is filed.

Subd. 8. [EXEMPTION FROM MEDIATION.] A lien created and perfected under this section is exempt from sections 583.20 to 583.32 and is effective against crops growing or to be grown by the debtor in the calendar year.

Sec. 4. Minnesota Statutes 1986, section 514.960, subdivision 2, is amended to read:

Subd. 2. [PERFECTION.] (a) To perfect a landlord lien, the lien must attach and the person or entity entitled to the lien must file a lien statement with the appropriate filing office under section 336.9-401 by 30 days after the crops become growing crops.

(b) A landlord lien that is not perfected has the priority of an unperfected security interest under section 336.9-312.

Sec. 5. Minnesota Statutes 1986, section 514.960, subdivision 4, is amended to read:

Subd. 4. [PRIORITY.] (a) A perfected landlord lien has priority over all other liens or security interests in crops grown or produced on the property that was leased and the crop products and proceeds.

(b) A landlord lien that is not perfected has the priority of an unperfected security interest under section 336.9-312.

Sec. 6. Minnesota Statutes 1986, section 550.365, is amended to read:

550.365 [MEDIATION NOTICE AND CONDITIONS REQUIREMENTS FOR AGRICULTURAL PROPERTY.]

Subdivision 1. [REQUIREMENT.] A person may not attach, execute on, levy on, or seize agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than \$5,000 unless: (1) a mediation notice is served on the judgment debtor and a copy filed with served on the director; and (2) the debtor and creditor have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

Subd. 2. [CONTENTS.] A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Judgment Debtor)....

A JUDGMENT WAS ORDERED AGAINST YOU BY(Name of Court).... ON(Date of Judgment).

AS A JUDGMENT CREDITOR,(Name of Judgment Creditor).... INTENDS TO TAKE ACTION AGAINST THE AGRICUL-

TURAL PROPERTY DESCRIBED AS(Description of Agricultural Property).... TO SATISFY THE JUDGMENT.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A CREDIT FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR ... (Date of 14 Days after Service of the Mediation Notice).... WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM:(Name and Address of Judgment Creditor)...."

Sec. 7. Minnesota Statutes 1986, section 559.209, is amended to read:

559.209 [MEDIATION NOTICE AND CONDITIONS FOR AGRICULTURAL PROPERTY.]

Subdivision 1. [REQUIREMENT.] A person may not begin to terminate a contract for deed under section 559.21 to purchase agricultural property subject to sections 583.20 to 583.32 ~~that secured a debt for a remaining balance on the contract of more than \$5,000 unless:~~ (1) a mediation notice is served on the contract for deed purchaser after a default has occurred under the contract and a copy filed with served on the director; and (2) the contract for deed vendor and purchaser have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

Subd. 2. [CONTENTS.] A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Contract for Deed Purchaser)....

YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of Property, Not Legal Description)....

AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor).... INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A CREDIT FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR(Date of 14 Days after Service of the Mediation Notice).... WITHIN 14 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM:(Name and Address of Contract for Deed Vendor)...."

Sec. 8. [559.2091] [CONTRACT FOR DEED SUBJECT TO MEDIATION.]

Subdivision 1. [LIEN FOR RENTAL VALUE; ATTACHMENT.] (a) A contract for deed vendor who is a natural person with a debt subject to mediation under sections 583.20 to 583.32 and who engages in mediation under sections 583.20 to 583.32 as a result of a purchaser's default on the contract, is considered a person who leases a property for agricultural production under section 514.960. The vendor has a lien for the reasonable rental value of the property

during the mediation period as mutually determined by the vendor and the vendee not to exceed the rental value of the land as determined by the director of the University of Minnesota extension service, or by district court. The rental period under this section must not exceed the period in which the vendor's remedies are stayed under sections 583.20 to 583.32.

(b) The lien attaches to crops grown or to be grown by the vendee on the property subject to the contract regardless of the ownership of the crops.

Subd. 2. [PERFECTION.] Notwithstanding the requirement of section 514.960, subdivision 2, that the lien be filed within 30 days after the crops become growing crops, the lien provided under this subdivision is perfected by the vendor only if filed during mediation or within 30 days after the conclusion of mediation.

Subd. 3. [CREDITING OF PAYMENTS.] Payments acquired through a lien created under this subdivision must be applied as a payment on the contract according to the terms of the contract.

Subd. 4. [MEDIATION EXEMPTION.] A lien created under this section and filed under section 514.960 is exempt from sections 583.20 to 583.32.

Sec. 9. Minnesota Statutes 1986, section 580.031, is amended to read:

580.031 [MINIMUM NOTICE.]

Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead to which ~~the provisions of chapter 583 sections 583.01 to 583.12~~ apply if the notice is published for the first time after May 24, 1983 and prior to May 1, 1985 or, after June 8, 1985, and prior to May 1, 1987, or after the effective date of this act and prior to May 1, 1989. The notice must contain the information specified in section 580.04.

At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

Sec. 10. Minnesota Statutes 1986, section 581.015, is amended to read:

581.015 [MEDIATION NOTICE AND CONDITIONS FOR AGRICULTURAL PROPERTY.]

Subdivision 1. [REQUIREMENT.] A person may not begin a proceeding under this chapter 580 or 581 to foreclose a mortgage on agricultural property subject to sections 583.20 to 583.32 that has a secured debt of more than \$5,000 unless: (1) a mediation notice is served on the mortgagor after a default has occurred in the mortgage and a copy is filed with served on the director; and (2) the mortgagor and mortgagee have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

Subd. 2. [CONTENTS.] A mediation notice must contain the following notice with the blanks properly filled in.

"TO:(Name of Record Owner)....

YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location, Not Legal Description)....

AS HOLDER OF THE MORTGAGE,(Name of Holder of Mortgage).... INTENDS TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A CREDIT FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR ... (Date of 14 Days after Service of the Mediation Notice)... WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM:(Name and Address of Holder of Mortgage)...."

Sec. 11. Minnesota Statutes 1986, section 583.22, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL PROPERTY.] "Agricultural property" means real property that is principally used for farming as defined in section 500.24, subdivision 2, paragraph (a), and raising poultry, and personal property that is used as security to finance a farm operation or used as part of a farm operation including equipment, crops, livestock, and proceeds of the security, and removable agricultural structures under lease with option to purchase. "Agricultural property" does not include: personal property that is subject to a possessory lien under sections 514.18 to 514.22; property that is leased to the debtor other than removable agricultural structures under lease with option to purchase; or farm machinery that is primarily used for custom field work.

Sec. 12. Minnesota Statutes 1986, section 583.22, is amended by adding a subdivision to read:

Subd. 6a. [FINANCIAL ANALYST.] "Financial analyst" means a person: (1) knowledgeable in agricultural and financial matters that can provide financial analysis; (2) who is able to aid the debtor in preparing the financial information required under section 583.26, subdivision 3; and (3) who is approved by the director. A financial analyst may include county extension agents, adult farm management instructors, AVTI instructors, and other persons able to carry out the duties of a financial analyst.

Sec. 13. Minnesota Statutes 1986, section 583.22, subdivision 7b, is amended to read:

Subd. 7b. [NECESSARY LIVING EXPENSES.] As used in section 583.27, "necessary living expenses" means a sum approximately equal to one and one-half times the amount to which the family would be entitled if eligible for payments under section 256.74, unless limited by section 583.27, subdivision 1, paragraph (b).

Sec. 14. Minnesota Statutes 1986, section 583.22, subdivision 8, is amended to read:

Subd. 8. [SERVE.] "Serve" means (1) personal service as in a district court civil action; (2) service by certified mail using return receipt signed by addressee only; or (3) actual delivery of required documents with signed receipt; or (4) if an unsuccessful attempt is made to serve under clause (1) or (2), service may be made by mail with a certificate of mailing to the last known address of the debtor. For purposes of serving under clause (4), the addressee is considered to have been served the documents five days after the date on the certificate of mailing.

Sec. 15. Minnesota Statutes 1986, section 583.24, subdivision 1, is amended to read:

Subdivision 1. [CREDITORS.] (a) The farmer-lender mediation act applies to creditors who are owed debts subject to the farmer-lender mediation act and are:

- (1) the United States or an agency of the United States;
- (2) corporations, partnerships, and other business entities; and
- (3) individuals.

(b) The farmer-lender mediation act does not apply to creditors of a debtor described under subdivision 2, paragraph (b).

Sec. 16. Minnesota Statutes 1986, section 583.24, is amended by adding a subdivision to read:

Subd. 4. [DEBTS.] (a) The farmer-lender mediation act does not apply to a debt:

(1) for which a proof of claim form has been filed in bankruptcy by a creditor or that was listed as a scheduled debt, of a debtor who has filed a petition in bankruptcy after the effective date of this act under United States Code, title 11, chapter 7, 11, 12, or 13;

(2) if the debt was in default when the creditor received a mediation proceeding notice under the farmer-lender mediation act and the creditor filed a claim form, the debt was mediated during the mediation period under section 583.26, subdivision 8, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(3) for which the creditor has served a mediation notice, the debtor has failed to make a timely request for mediation, and within 30 days after the debtor failed to make a timely request the creditor began a proceeding to enforce the debt against the agricultural property of the debtor;

(4) for which a creditor has received a mediation proceeding notice and the creditor and debtor have restructured the debt and have signed a separate mediation agreement with respect to that debt; or

(5) for which there is a lien for rental value of farm machinery under section 514.661 or a lien for rental value relating to a contract for deed subject to the farmer-lender mediation act under section 559.2091.

(b) For purposes of paragraph (a), clause (3), providing a copy of a forbearance policy is considered beginning a proceeding to enforce a debt if the board of an institution has adopted a forbearance policy that provides for deferring or rescheduling payments of principal or interest, renewal or extension of loan terms, reduction in the amount or rate of principal or interest due on a loan, or other similar actions, and requires that the debtor must receive a copy of the policy at least 20 days prior to loan acceleration or debt collection proceedings.

Sec. 17. Minnesota Statutes 1986, section 583.26, subdivision 1, is amended to read:

Subdivision 1. [MEDIATION NOTICE.] (a) A creditor desiring to start a proceeding to enforce a debt against agricultural property under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property, must serve an applicable mediation notice under sections 336.9-501, 550.365, 559.209, and 581.015 on the debtor and the director. The creditor must also file with the director proof of the date the mediation notice was served on the debtor. The creditor may not begin the proceeding until the creditor and debtor have completed mediation the stay of the creditor's remedies is lifted under subdivision 5, or as allowed under sections 583.20 to 583.32.

(b) The director shall combine all mediation notices for the same debtor that are received prior to the initial mediation meeting into one mediation proceeding.

Sec. 18. Minnesota Statutes 1986, section 583.26, subdivision 2, is amended to read:

Subd. 2. [MEDIATION REQUEST.] (a) A debtor must file a mediation request form with the director by 14 days after receiving a mediation notice. The debtor must state all known creditors with debts secured for agricultural property. The mediation request form must include an instruction that the debtor must state all known creditors with debts secured by agricultural property and unsecured creditors that are necessary for the farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors are necessary for the farm operation. The mediation request must state the date that the notice was served on the debtor. The director shall make mediation request forms available in the county recorder's and county extension office of each county.

(b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a debtor who fails to file a timely mediation request waives the right to mediation for that debt under the farmer-lender mediation act. The director shall notify a the creditor who served the

mediation notice stating that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request.

(c) If a debtor has not received a mediation notice and is subject to a proceeding of a creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections 336.9-501 to 336.9-508, terminating a contract for deed to purchase agricultural property under section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property, the debtor may file a mediation request with the director. The mediation request form must indicate that the debtor has not received a mediation notice.

Sec. 19. Minnesota Statutes 1986, section 583.26, subdivision 3, is amended to read:

Subd. 3. [CREDIT FINANCIAL ANALYST AND FARM ADVOCATE.] (a) Within three business days after receiving a mediation notice request, the director shall provide a credit financial analyst knowledgeable in agricultural and financial matters to meet with the debtor and assure that information relative to the finances of the debtor is prepared for the initial mediation meeting. The financial analyst must review and, if necessary, prepare the debtor's financial records before the initial mediation meeting.

(b) After receiving the mediation notice, the director shall notify provide the debtor that with a list of farm advocate advocates that may be available without charge to assist the debtor and the credit financial analyst.

Sec. 20. Minnesota Statutes 1986, section 583.26, is amended by adding a subdivision to read:

Subd. 3a. [ORIENTATION SESSION.] The director shall schedule an orientation session to be held at least five days before the first mediation meeting. The debtor, the financial analyst, and a mediator shall participate in the orientation session. The mediator at the session need not be the one assigned to the mediation proceeding under subdivision 4. Creditors participating in the mediation may participate in the orientation session. At the orientation session, the financial analyst shall review the debtor's financial and inventory records to determine if they are adequate for the mediation and inform the debtor of any inadequacies, and the mediator shall inform the debtor of the requirements of the mediation process.

Sec. 21. Minnesota Statutes 1986, section 583.26, subdivision 4, is amended to read:

Subd. 4. [INITIAL MEDIATION MEETING PROCEEDING NOTICE.] (a) By ten days after receiving a mediation request, the director shall send: (1) a mediation meeting proceeding notice to the

debtor; and (2) a mediation meeting proceeding notice to all creditors listed by the debtor in the mediation request; and (3) a claim form to all known secured creditors of stated by the debtor.

(b) The mediation meeting proceeding notice must include a time and place for an initial mediation meeting between the debtor, all known creditors of the debtor, and a list of three mediators. state:

(1) the name and address of the debtor;

(2) that the debtor has requested mediation under the farmer-lender mediation act;

(3) the time and place for the orientation session;

(4) the time and place for the initial mediation meeting;

(5) a list of the names of three mediators that may be assigned to the proceeding, along with background information on those mediators including biographical information, a summary of previous mediation experience, and the number of agreements signed by parties to previous mediation;

(6) that the debtor and the initiating creditor may each request the director to exclude one mediator by notifying the director within three days after receiving the notice;

(7) that in lieu of having a mediator assigned by the director, the debtor and any one or more of the creditors may agree to select and pay for a professional mediator that is approved by the director;

(8) that the farmer-lender mediation act prohibits the creditor from beginning or continuing a proceeding to enforce the debt against agricultural property for 90 days after the debtor files a mediation request with the director unless otherwise allowed; and

(9) that the creditor must provide the debtor by the initial mediation meeting with copies of notes and contracts for debts subject to the farmer-lender mediation act and provide a statement of interest rates on the debts, delinquent payments, unpaid principal and interest balances, the creditor's value of the collateral, and debt restructuring programs available by the creditor.

(c) An initial mediation meeting must be held within 20 days of the notice.

(e) ~~Each~~ (d) The initiating creditor and the debtor may each request the director to exclude one mediator from the list by sending the director a notice to such effect exclude the mediator within three days after receiving the mediation meeting proceeding notice. ~~In the~~

event that requests from the creditors to remove mediators from the list would result in the exclusion of all of the remaining mediators the director shall appoint the mediator not excluded by the creditor owed the largest debt. In the event that a debtor and creditor request the same mediator, the director shall appoint that mediator.

(e) In lieu of the director assigning a mediator, the debtor and any one or more of the creditors may agree to select and pay for a professional mediator for the mediation proceeding. The director must approve the professional mediator before the professional mediator may be assigned to the mediation proceeding. The professional mediator may not be approved unless the professional mediator prepares and signs an affidavit:

(1) disclosing any biases, relationships, or previous associations with the debtor or creditors subject to the mediation proceedings;

(2) stating certifications, training, or qualifications as a professional mediator;

(3) disclosing fees to be charged or a rate schedule of fees for the mediation proceeding; and

(4) affirming to uphold the farmer-lender mediation act and faithfully discharge the duties of a mediator.

(f) After receiving a mediation proceeding notice, a secured creditor must return a claim form if the debt is not subject to the farmer-lender mediation act and specify why the debt is not subject to sections 583.20 to 583.32.

Sec. 22. Minnesota Statutes 1986, section 583.26, subdivision 5, is amended to read:

Subd. 5. [EFFECT OF MEDIATION MEETING PROCEEDING NOTICE.] (a) Except as provided in ~~paragraph~~ paragraphs (b), (c), and (d), if a creditor receives a mediation meeting proceeding notice under subdivision 4 the creditor and the creditor's successors in interest may not begin or continue proceedings to enforce a debt subject to the farmer-lender mediation act against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 90 days after the initiation of mediation, or (2) a mediation agreement is reached date the debtor files a mediation request with the director.

(b) Except as provided in paragraph (c), if a creditor is an agency of the United States and receives a mediation meeting proceeding

notice under subdivision 4, the creditor and the creditor's successors in interest may not begin or continue proceedings to enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 180 days after the initiation of mediation, or (2) a mediation agreement is reached date the debtor files a mediation request with the director.

(c) Notwithstanding paragraphs (a) and (b) or section 583.26, subdivision 1, a creditor receiving a mediation proceeding notice may begin proceedings to enforce a debt against agricultural property of the debtor:

(1) at the time the creditor receives a mediator's affidavit of the debtor's lack of good faith under section 583.27; or

(2) five days after the date the debtor and creditor sign an agreement allowing the creditor to proceed to enforce the debt against agricultural property if the debtor has not rescinded the agreement within the five days.

(d) A creditor receiving a mediation proceeding notice must provide the debtor by the initial mediation meeting with copies of notes and contracts for debts subject to the farmer-lender mediation act and provide a statement of interest rates on the debts, delinquent payments, unpaid principal balance, a list of all collateral securing debts, a creditor's estimate of the value of the collateral, and debt restructuring programs available by the creditor.

(e) The provisions of this subdivision are subject to section 583.27, relating to extension or reduction in the period before a creditor may begin to enforce a debt and court-supervised mediation.

Sec. 23. Minnesota Statutes 1986, section 583.26, subdivision 6, is amended to read:

Subd. 6. [ELIGIBILITY AND DUTIES OF MEDIATOR.] (a) A person is not eligible to be a mediator if the person has a conflict of interest that does not allow the person to be impartial. A conflict of interest includes being a current officer or board member or officer of the initiating creditor.

(b) At the initial mediation meeting and subsequent meetings, the mediator shall:

(1) listen to the debtor and the creditors desiring to be heard;

- (2) attempt to mediate between the debtor and the creditors;
- (3) advise the debtor and creditors of assistance programs available;
- (4) attempt to arrive at an agreement to fairly adjust, refinance, or pay the debts; and
- (5) advise, counsel, and assist the debtor and creditors in attempting to arrive at an agreement for the future conduct of financial relations among them.

Sec. 24. Minnesota Statutes 1986, section 583.26, subdivision 9, is amended to read:

Subd. 9. [MEDIATION AGREEMENT.] (a) If an agreement is reached among the debtor and creditors the mediator shall draft witness and sign a written mediation agreement, have it signed by the debtor and creditors, and, if applicable, submit the agreement to the Minnesota rural finance administration for approval of debt restructuring.

(b) The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement:

- (1) are bound by the terms of the agreement;
- (2) may enforce the mediation agreement as a legal contract; and
- (3) may use the mediation agreement as a defense against an action contrary to the mediation agreement.

(c) A debtor may agree to allow a creditor to proceed to enforce a debt against agricultural property before the enforcement is otherwise allowed under subdivision 5, but the debtor or creditor may rescind the agreement within five business days after the debtor and particular creditor both sign the agreement.

Sec. 25. Minnesota Statutes 1986, section 583.26, is amended by adding a subdivision to read:

Subd. 10. [END OF MEDIATION.] (a) The mediator shall sign and serve to the parties and the director a termination statement by the end of the time period specified in subdivision 5.

(b) The mediator shall prepare a termination statement that:

- (1) acknowledges that mediation has ended; and

(2) describes or references agreements reached between a creditor and the debtor, if any, and agreements reached among creditors, if any.

(c) Mediation agreements may be included as part of the termination statement.

Sec. 26. Minnesota Statutes 1986, section 583.27, subdivision 1, is amended to read:

Subdivision 1. [OBLIGATION OF GOOD FAITH.] (a) The parties must engage in mediation in good faith. Not participating in good faith includes: (1) a failure on a regular or continuing basis to attend and participate in mediation sessions without cause; (2) failure to provide full information regarding the financial obligations of the parties and other creditors including the obligation of a creditor to provide information under section 583.26, subdivision 5, paragraph (d); (3) failure of the creditor to designate a representative to participate in the mediation with authority to make binding commitments within one business day to fully settle, compromise, or otherwise mediate the matter; (4) lack of a written statement of debt restructuring alternatives and a statement of reasons why alternatives are unacceptable to one of the parties; (5) failure of a creditor to release funds from the sale of farm products to the debtor for necessary living and farm operating expenses; or (6) other similar behavior which evidences lack of good faith by the party. A failure to agree to reduce, restructure, refinance, or forgive debt does not, in itself, evidence lack of good faith by the creditor.

(b) The amount that the creditor is required to release for necessary living expenses under this section is limited to \$1,600 per month less the debtor's off-farm income.

(c) If the debtor and creditor do not agree on the amount of necessary living expenses to be released, the debtor or creditor may petition conciliation court in the county of the debtor's residence to make a determination of the amount to be released. The conciliation court must make the determination within ten days after receiving the petition.

(d) If the debtor and creditors do not agree on the amount of necessary operating expenses or necessary living and operating expenses to be released, the debtor or a creditor requested to release necessary living or operating expenses may petition the district court of the debtor's residence to make a determination of the amount to be released. The court shall hear and make a determination of the amount of living and operating expenses to be released within ten days after receiving the petition. The court shall also add or subtract up to ten days to the time when the creditor can begin to enforce a proceeding to collect the debt against agricultural property of the debtor and assess costs, including any attorney fees, among

the parties to the court proceeding. The court shall equitably adjust the time to begin a creditor's proceeding and the assessment of costs based on the parties' good faith claim to the amount of living and operating expenses to be released.

Sec. 27. Minnesota Statutes 1986, section 583.27, subdivision 3, is amended to read:

Subd. 3. [CREDITOR'S LACK OF GOOD FAITH; COURT SUPERVISED MEDIATION.] If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court supervised mandatory mediation by filing the affidavit with the district court of the county ~~where the property is located of the debtor's residence~~ with a request for court supervision of mediation and serving a copy of the request on the creditor. Upon request the court shall require both parties to mediate under the supervision of the court in good faith for a period of not more than 60 days. All creditor remedies must be suspended during this period. The court may issue orders necessary to effect good faith mediation. Following the mediation period, if the court finds the creditor has not participated in mediation in good faith, the court shall by order suspend the creditor's remedies for an additional period of 180 days. A creditor found by the mediator not to have participated in good faith shall pay attorneys' fees and costs of the debtor requesting court-supervision of mediation or additional suspension of creditor's remedies.

Sec. 28. Minnesota Statutes 1986, section 583.27, subdivision 4, is amended to read:

Subd. 4. [DEBTOR LACK OF GOOD FAITH.] (a) A debtor is not mediating in good faith if the debtor fraudulently conceals, removes, or transfers agricultural property in which the debtor knows there is a security interest. The concealing, removing, or transferring must be in violation of a security agreement without remitting the proceeds to the secured party and must have occurred during the mediation period.

(b) A creditor may immediately proceed with creditor's remedies upon receipt of a mediator's affidavit of a debtor's lack of good faith notwithstanding any other requirements of sections 583.20 to 583.32.

Sec. 29. Minnesota Statutes 1986, section 583.27, is amended by adding a subdivision to read:

Subd. 5. [INSPECTION OF COLLATERAL.] (a) After a debtor requests mediation under section 583.26, subdivision 2, a creditor who is participating in the mediation and who has a security agreement relating to agricultural property under the debtor's control may inspect the secured agricultural property during normal

business hours on 24 hours' notice to the debtor. For purposes of this subdivision, "normal business hours" means 8:00 a.m. to 6:00 p.m. Monday through Saturday but excludes legal Minnesota and United States holidays.

(b) Failure to permit this inspection by the creditor, or destruction or waste of the property securing the debt, is evidence of the debtor's lack of good faith under subdivision 1, clause (6).

Sec. 30. Minnesota Statutes 1986, section 583.27, is amended by adding a subdivision to read:

Subd. 6. [REVIEW OF GOOD FAITH FINDING.] (a) Upon petition by a debtor or creditor, a court may review a mediator's affidavit of lack of good faith or a mediator's failure to file an affidavit of lack of good faith of a creditor under subdivision 3 or a debtor under subdivision 4. The review is limited to whether the mediator committed an abuse of discretion in filing or failing to file an affidavit of lack of good faith. The petition must be reviewed by the court within ten days after the petition is filed.

(b) If the court finds that the mediator committed an abuse of discretion in filing, or failing to file, an affidavit of lack of good faith, the court may: (1) reinstate mediation and the stay of creditors' enforcement actions; (2) order court supervised mediation; or (3) allow creditors to proceed immediately with creditors' remedies.

(c) A mediator may offer testimony but is not required to testify as part of the court's review.

Sec. 31. Minnesota Statutes 1986, section 583.27, is amended by adding a subdivision to read:

Subd. 7. [CONVERSION OF SECURITY.] A debtor who fraudulently conceals, removes, or transfers agricultural property in which the debtor knows there is a security interest is ineligible for mediation under the farmer-lender mediation act if the concealing, removing, or transferring was in violation of a security agreement without remitting the proceeds to the secured party. The secured party must petition the district court in the county of the debtor's residence for an order permitting the secured party to proceed with the secured party's remedies notwithstanding sections 583.20 to 583.32. The petition must be brought within one year after the concealing, removing, or transferring occurred. The district court shall issue a summons within seven days commanding the person against whom the petition is made to appear before the court on a day and place stated in the summons. The appearance must be no less than seven and no more than 14 days from the issuance of the summons. The district court must deliver findings within ten days after the close of the hearing. A petition under this subdivision

cannot be brought after the secured party has served a mediation notice on the debtor under section 583.26.

Sec. 32. [583.284] [RETENTION OF PURCHASE MONEY SECURITY INTEREST.]

If a creditor has a purchase money security interest as defined in section 336.9-107, and renegotiates the debt under the farmer-lender mediation act to reduce the principal balance or the interest rate or to extend the repayment period, the creditor retains the purchase money security interest for the renegotiated debt.

Sec. 33. Minnesota Statutes 1986, section 583.285, is amended to read:

583.285 [RULES.]

The state court administrator commissioner of agriculture, in consultation with the director of the bureau of mediation services and the director of the University of Minnesota agricultural extension service, shall make rules under chapter 14, to implement the farmer-lender mediation act. The state court administrator commissioner of agriculture may adopt emergency rules.

Sec. 34. [583.305] [PROHIBITED WAIVERS.]

A waiver of mediation rights under the farmer-lender mediation act is void except as expressly allowed under the farmer-lender mediation act.

Sec. 35. [CONTINUING EFFECT OF RULES.]

Rules adopted by the state court administrator's office and published in the State Register on August 18, 1986, in volume 11, pages 302 to 307, are effective until June 30, 1989, unless the rules are amended or superseded by rules adopted by the commissioner of agriculture or the rules are inconsistent with this act.

Sec. 36. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, as amended by Laws 1985, chapter 306, section 26, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, 1987 1989, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 37. Laws 1986, chapter 398, article 1, section 18, is amended to read:

Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), are repealed on July 1, ~~1988~~ 1989.

Sec. 38. [INSTRUCTION TO REVISOR.]

The revisor shall renumber section 581.015 as section 582.039 and make all corresponding changes to cross references.

Sec. 39. [REPEALER.]

Minnesota Statutes 1986, section 583.24, subdivision 3, is repealed.

Sec. 40. [EFFECTIVE DATES.]

Except as otherwise provided in this section, this act takes effect July 1, 1987.

Section 1 is effective the day after final enactment and applies to all judgments entered on or after that date.

Sections 2 to 8, 10 to 32, and 34 apply to mediation proceedings related to notices filed after June 30, 1987.

Sections 9, 33, 35, and 36 take effect the day after final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 336.9-501; 514.960, subdivisions 2 and 4; 550.365; 559.209; 580.031; 581.015; 583.22, subdivisions 2, 7b, and 8, and by adding a subdivision; 583.24, subdivision 1, and by adding a subdivision; 583.26, subdivisions 1, 2, 3, 4, 5, 6, and 9, and by adding a subdivision; 583.27, subdivisions 1, 3, and 4; and 583.285; proposing coding for new law in Minnesota Statutes, chapters 514, 550, 559, and 583; repealing Minnesota Statutes 1986, section 583.24, subdivision 3."

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

Senate Conferees: CHARLES A. BERG, JOHN E. BRANDL, CHARLES R. DAVIS, LEROY A. STUMPF AND DENNIS R. FREDERICKSON.

House Conferees: JERRY SCHOENFELD, ANDY STEENSMA, EDGAR L. OLSON, WALLY A. SPARBY AND STEPHEN E. DILLE.

Schoenfeld moved that the report of the Conference Committee on S. F. No. 89 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 89, A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 336.9-501; 550.365; 559.209; 581.015; 583.22, subdivisions 2 and 8, and by adding a subdivision; 583.24, subdivisions 1, 3, and by adding a subdivision; 583.26, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and by adding a subdivision; 583.27, subdivisions 1, 3, and 4; 583.28; and 583.285; proposing coding for new law in Minnesota Statutes, chapter 583.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Osthoff	Seaberg
Battaglia	Hartle	Lieder	Otis	Segal
Bauerly	Haukoos	Long	Ozment	Simoneau
Beard	Heap	Marsh	Pappas	Skoglund
Begich	Himle	McDonald	Pauly	Solberg
Bennett	Hugoson	McEachern	Pelowski	Sparby
Bertram	Jacobs	McLaughlin	Peterson	Stanius
Blatz	Jaros	McPherson	Poppenhagen	Steensma
Boo	Jefferson	Milbert	Price	Sviggum
Brown	Jennings	Miller	Quinn	Swenson
Burger	Jensen	Minne	Quist	Thiede
Carlson, L.	Johnson, A.	Munger	Redalen	Tjornhom
Carruthers	Johnson, R.	Murphy	Reding	Trimble
Clark	Kahn	Nelson, C.	Rest	Tunheim
Cooper	Kalis	Nelson, D.	Rice	Uphus
Dauner	Kelly	Neuenschwander	Richter	Valento
DeBlieck	Kelso	O'Connor	Riveness	Vellenga
Dempsey	Kinkel	Ogren	Rose	Voss
Dille	Kludt	Olsen, S.	Rukavina	Wagenius
Dorn	Knickerbocker	Olson, E.	Sarna	Waltman
Forsythe	Knuth	Olson, K.	Schafer	Welle
Frederick	Kostohryz	Omman	Scheid	Wenzel
Frerichs	Krueger	Onnen	Schoenfeld	Winter
Greenfield	Larsen	Orenstein	Schreiber	Wynia
				Spk. Norton

Those who voted in the negative were:

Bishop

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 397.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 397

A bill for an act relating to elections; setting times for changing election precincts and redistricting certain election districts; amending Minnesota Statutes 1986, sections 204B.14, subdivision 3; and 375.025, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B.

April 21, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 397, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 397 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [204B.135] [REDISTRICTING OF ELECTION DISTRICTS.]

Subdivision 1. [CITIES WITH WARDS.] A city that elects its council members by wards may not redistrict those wards in a year ending in one or before the legislature has been redistricted in a year ending in two. The wards must be redistricted within 45 days after the legislature has been redistricted or by May 10 in the year ending in two, whichever is first.

Subd. 2. [OTHER ELECTION DISTRICTS.] For purposes of this subdivision, "local government election district" means a county

district, park and recreation district, school district, or soil and water conservation district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are re-established under section 204B.14, subdivision 3, paragraph (c) or by May 10 in a year ending in two, whichever comes first. Election districts covered by this subdivision must be redistricted within 65 days of the time when the legislature has been redistricted or by June 1 in the year ending in two, whichever comes first.

Sec. 2. Minnesota Statutes 1986, section 204B.14, subdivision 3, is amended to read:

Subd. 3. [BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION.] Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in seven to January 1 in any the time when the legislature has been redistricted in a year ending in two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

During a year ending in one, the council of each home rule charter city which elects its council members by wards and which has a city election in the year ending in one or which has a general city election before March 15 in a year ending in two may change precinct boundaries for the purpose of reapportioning wards. As soon as possible after legislative apportionment, and prior to the next election, cities shall rearrange the

(c) Precinct boundaries must be re-established within 45 days of the time when the legislature has been redistricted, or by May 10 in a year ending in two, whichever comes first.

Precincts must be arranged so that no precinct lies in more than one legislative district.

Sec. 3. Minnesota Statutes 1986, section 375.025, subdivision 1, is amended to read:

Subdivision 1. [STANDARDS.] The redistricting plan in use in a county shall be used until a new plan is adopted in accordance with this section. Each county shall be divided into as many districts numbered consecutively as it has members of the county board. Commissioner districts shall be bounded by town, municipal, ward, or precinct lines. Each district shall be composed of contiguous territory as regular and compact in form as practicable, depending upon the geography of the county involved and shall be as nearly equal in population as possible. No district shall vary in population more than ten percent from the average for all districts in the county, unless the result forces a voting precinct to be split. A majority of the least populous districts shall contain not less than a majority of the population of the county. A county may be redistricted by the county board after each federal census. When it appears after a federal census that the districts of the county are not in accord with the standards set forth in this subdivision, the county shall be redistricted by the county board within 180 days of the date on which certified copies of the latest federal census are filed with the secretary of state in accordance with section 600.18 the times set in section 1, subdivision 2. Before acting to redistrict, the county board, or a redistricting commission if one is appointed, shall publish three weeks notice of its purpose, stating the time and place of the meeting where the matter will be considered, in the newspaper having the contract to publish the commissioners' proceedings for the county for the current year."

Delete the title and insert:

"A bill for an act relating to elections; setting times for changing election precincts and redistricting certain election districts; amending Minnesota Statutes 1986, sections 204B.14, subdivision 3; and 375.025, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B."

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

Senate Conferees: DONNA C. PETERSON, GARY W. LAIDIG AND WILLIAM P. LUTHER

House Conferees: LINDA SCHEID, JERRY KNICKERBOCKER AND TOM OSTHOFF.

Scheid moved that the report of the Conference Committee on S. F. No. 397 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 397, A bill for an act relating to elections; setting times for changing election precincts and redistricting certain election

districts; amending Minnesota Statutes 1986, sections 204B.14, subdivision 3; and 375.025, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Osthoff	Shaver
Battaglia	Gutknecht	Lieder	Otis	Simoneau
Bauerly	Hartle	Long	Ozment	Skoglund
Beard	Haukoos	Marsh	Pappas	Solberg
Begich	Heap	McDonald	Pauly	Sparby
Bennett	Himle	McEachern	Pelowski	Stanisus
Bertram	Hugoson	McLaughlin	Peterson	Steensma
Bishop	Jacobs	McPherson	Poppenhagen	Sviggum
Blatz	Jaros	Milbert	Price	Swenson
Boo	Jefferson	Miller	Quinn	Thiede
Brown	Jennings	Minne	Quist	Tjornhom
Burger	Jensen	Morrison	Redalen	Trimble
Carlson, L.	Johnson, A.	Munger	Reding	Tunheim
Carruthers	Johnson, R.	Murphy	Rest	Uphus
Clark	Johnson, V.	Nelson, C.	Rice	Valento
Clausnitzer	Kahn	Nelson, D.	Richter	Vellenga
Cooper	Kalis	Nelson, K.	Riveness	Wagenius
Dauner	Kelly	Neuenschwander	Rose	Waltman
DeBlieck	Kelso	O'Connor	Rukavina	Welle
Dempsey	Kinkel	Ogren	Sarna	Wenzel
Dille	Kludt	Olsen, S.	Schafer	Winter
Dorn	Knickerbocker	Olson, E.	Scheid	Wynia
Forsythe	Knuth	Olson, K.	Schoenfeld	Spk. Norton
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	
Greenfield	Larsen	Orenstein	Segal	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 187 and 326.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 187, A bill for an act relating to liens; personal property; establishing a lien on personal property held in self-service storage

facilities; providing for the enforcement of these liens; regulating rental agreements and advertising; proposing coding for new law in Minnesota Statutes, chapter 514.

The bill was read for the first time and referred to the Committee on Commerce.

S. F. No. 326, A bill for an act relating to public safety; authorizing executive council, under federal law, to repair state property damaged by major disaster; dedicating receipts from criminal justice datacommunications network billings; appropriating video gaming license fees to commissioner of public safety for disbursement to municipalities; amending Minnesota Statutes 1986, sections 9.061, subdivision 1; 299C.48; and 349.52, subdivisions 2 and 3.

The bill was read for the first time.

Knuth moved that S. F. No. 326 and H. F. No. 566, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 841

A bill for an act relating to utilities; providing for prevention of unlawful meter bypass, tampering, and use; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

May 14, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 841, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 841 be further amended as follows:

Page 1, line 21, delete "otherwise interfering with or"

Page 2, line 3, delete "moving,"

Page 2, delete lines 10 to 21 and insert:

"Subd. 2. [CIVIL ACTIONS; REMEDIES.] A utility may bring a civil action for damages against a person who: (1) deliberately commits, authorizes, attempts, solicits, aids, or abets bypassing, tampering, unauthorized connection, or unauthorized metering that results in damages to the utility; or (2) knowingly receives service provided as a result of bypassing, tampering, unauthorized connection, or unauthorized metering. The utility may recover double the costs of the service provided; the costs and expenses for investigation, disconnection, reconnection, service calls, equipment, and employees; and the trial costs and witness fees."

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

House Conferees: PHIL CARRUTHERS, BERT McKASY AND JOEL JACOBS.

Senate Conferees: TAD JUDE, JIM RAMSTAD AND ALLAN H. SPEAR.

Carruthers moved that the report of the Conference Committee on H. F. No. 841 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 841, A bill for an act relating to utilities; providing for prevention of unlawful meter bypass, tampering, and use; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dauner	Jaros	Larsen	Neuenschwander
Battaglia	DeBlieck	Jefferson	Lasley	O'Connor
Bauerly	Dempsey	Jennings	Lieder	Ogren
Beard	Dille	Jensen	Long	Olsen, S.
Begich	Dorn	Johnson, A.	Marsh	Olson, E.
Bennett	Forsythe	Johnson, R.	McDonald	Olson, K.
Bertram	Frederick	Johnson, V.	McEachern	Omann
Bishop	Frerichs	Kahn	McLaughlin	Onnen
Blatz	Greenfield	Kalis	McPherson	Orenstein
Boo	Gruenes	Kelly	Milbert	Osthoff
Brown	Gutknecht	Kelso	Miller	Otis
Burger	Hartle	Kinkel	Minne	Ozment
Carlson, L.	Haukoos	Kludd	Morrison	Pappas
Carruthers	Heap	Knickerbocker	Munger	Pauly
Clark	Himle	Knuth	Murphy	Pelowski
Clausnitzer	Hugoson	Kostohryz	Nelson, C.	Peterson
Cooper	Jacobs	Krueger	Nelson, K.	Poppenhagen

Price	Riveness	Seaberg	Steenasma	Valento
Quinn	Rose	Segal	Svigum	Vellenga
Quist	Rukavina	Shaver	Swenson	Voss
Redalen	Sarna	Simoneau	Thiede	Wagenius
Reding	Schafer	Skoglund	Tjornhom	Waltman
Rest	Scheid	Solberg	Trimble	Wenzel
Rice	Schoenfeld	Sparby	Tunheim	Winter
Richter	Schreiber	Stanis	Uphus	Wynia

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1209

A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

May 14, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1209, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: JEAN D. WAGENIUS, DAVID T. BISHOP AND HOWARD R. ORENSTEIN.

Senate Conferees: DONNA C. PETERSON, JIM RAMSTAD AND RICHARD J. COHEN.

Wagenius moved that the report of the Conference Committee on H. F. No. 1209 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1209, A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances;

proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lasley	Otis	Simoneau
Battaglia	Hartle	Lieder	Ozment	Skoglund
Bauerly	Haukoos	Long	Pappas	Solberg
Beard	Heap	Marsh	Pauly	Sparby
Begich	Himle	McDonald	Pelowski	Stanisus
Bennett	Hugoson	McEachern	Peterson	Steensma
Bertram	Jacobs	McLaughlin	Price	Sviggum
Blatz	Jaros	McPherson	Quinn	Swenson
Boo	Jefferson	Milbert	Quist	Thiede
Brown	Jennings	Miller	Redalen	Tjornhom
Burger	Jensen	Minne	Reding	Trimble
Carlson, L.	Johnson, A.	Munger	Rest	Tunheim
Carruthers	Johnson, R.	Murphy	Rice	Uphus
Clark	Johnson, V.	Nelson, C.	Richter	Valento
Clausnitzer	Kahn	Nelson, K.	Riveness	Vellenga
Cooper	Kalis	Neuenschwander	Rose	Voss
Dauner	Kelly	O'Connor	Rukavina	Wagenius
DeBlick	Kelso	Ogren	Sarna	Waitman
Dempsey	Kinkel	Olsen, S.	Schafer	Wenzel
Dille	Kludt	Olson, E.	Scheid	Winter
Dorn	Knickerbocker	Olson, K.	Schoenfeld	Wynia
Forsythe	Knuth	Omman	Schreiber	Spk. Norton
Frerichs	Kostohryz	Onnen	Seaberg	
Greenfield	Krueger	Orenstein	Segal	
Gruenes	Larsen	Osthoff	Shaver	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 638

A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

May 15, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 638, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment.

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

House Conferees: LONA A. MINNE, GIL GUTKNECHT AND RICHARD KOSTOHRYZ.

Senate Conferees: RONALD R. DICKLICH, WILLIAM P. LUTHER AND LAWRENCE J. POGEMILLER.

Minne moved that the report of the Conference Committee on H. F. No. 638 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 638, A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Kinkel	Nelson, K.	Reding
Battaglia	Frerichs	Kludt	Neuenschwander	Rest
Bauerly	Greenfield	Knickerbocker	O'Connor	Rice
Beard	Gruenes	Knuth	Ogren	Richter
Begich	Gutknecht	Kostohryz	Olsen, S.	Riveness
Bennett	Hartle	Krueger	Olson, E.	Rose
Bertram	Haukoos	Larsen	Olson, K.	Rukavina
Blatz	Heap	Lasley	Omam	Sarna
Boo	Himle	Lieder	Onnen	Schafer
Brown	Hugoson	Long	Orenstein	Scheid
Burger	Jacobs	Marsh	Osthoff	Schoenfeld
Carlson, L.	Jaros	McDonald	Otis	Schreiber
Carruthers	Jefferson	McEachern	Ozment	Seaberg
Clark	Jennings	McLaughlin	Pappas	Segal
Clausnitzer	Jensen	McPherson	Pauly	Shaver
Cooper	Johnson, A.	Milbert	Pelowski	Simoneau
Dauner	Johnson, R.	Miller	Peterson	Skoglund
DeBlicke	Johnson, V.	Minne	Poppenhagen	Solberg
Dempsey	Kahn	Morrison	Price	Sparby
Dille	Kalis	Munger	Quinn	Stanis
Dorn	Kelly	Murphy	Quist	Steensma
Forsythe	Kelso	Nelson, C.	Redalen	Swigum

Swenson
Thiede
Tjornhom
Trimble

Tunheim
Uphus
Valento
Vanasek

Vellenga
Voss
Wagenius
Waltman

Welle
Wenzel
Winter
Wynia

Spk. Norton

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1304

A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

May 15, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1304, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1304 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [60A.172] [INSURANCE AGENCY CONTRACTS; CANCELLATION.]

(a) An insurer may not cancel a written agreement with an agent or, without the agent's written approval at the time of a reduction or restriction, reduce or restrict an agent's underwriting authority with respect to property or casualty insurance, based solely on the loss ratio experience on that agent's book of business, if: the insurer required the agent to submit the application for underwriting approval, all material information on the application was fully completed, and the agent has not omitted or altered any information provided by the applicant.

(b) For purposes of this section, “loss ratio experience” means the ratio of premiums paid divided by the claims paid during the previous two-year period.

(c) This section applies only to agents who write insurance business exclusively for one company and are not in the direct employ of the company.

Sec. 2. [60A.173] [EFFECTIVE DATE.]

Section 1 is effective January 1, 1987, and applies to cancellations begun as of that date. As a condition of doing business in the state of Minnesota, an insurer shall promptly reinstate any agreements cancelled under section 1 and shall restore any authority reduced or restricted under section 1 from January 1, 1987, until the day following final enactment of this act.

Sec. 3. [60A.174] [SEVERABILITY.]

If section 2 is determined by a final, nonappealable order of any Minnesota or federal court of competent jurisdiction to be invalid or unconstitutional, section 1 is effective the day following final enactment."

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

House Conferees: BOB MILBERT, DAVID T. BISHOP AND JOSEPH QUINN.

Senate Conferees: WILLIAM P. LUTHER, DON ANDERSON AND JAMES METZEN.

Milbert moved that the report of the Conference Committee on H. F. No. 1304 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1304, A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Dille	Heap	Johnson, V.
Battaglia	Burger	Dorn	Himle	Kahn
Bauerly	Carlson, L.	Forsythe	Hugoson	Kalis
Beard	Carruthers	Frederick	Jacobs	Kelly
Begich	Clark	Frerichs	Jaros	Kelso
Bennett	Clausnitzer	Greenfield	Jefferson	Kinkel
Bertram	Cooper	Gruenes	Jennings	Kludt
Bishop	Dauner	Gutknecht	Jensen	Knickerbocker
Blatz	DeBlieck	Hartle	Johnson, A.	Knuth
Boo	Dempsey	Haukoos	Johnson, R.	Kostohryz

Krueger	Nelson, C.	Pelowski	Scheid	Trimble
Larsen	Nelson, K.	Peterson	Schoenfeld	Tunheim
Lasley	Neuenschwander	Poppenhagen	Schreiber	Uphus
Lieder	O'Connor	Price	Seaberg	Valento
Long	Ogren	Quinn	Segal	Vanasek
Marsh	Olsen, S.	Quist	Shaver	Vellenga
McDonald	Olson, E.	Redalen	Simoneau	Voss
McEachern	Olson, K.	Reding	Skoglund	Wagenius
McLaughlin	Omann	Rest	Solberg	Waltman
McPherson	Onnen	Rice	Sparby	Wenzel
Milbert	Orenstein	Richter	Stanis	Winter
Miller	Osthoff	Riveness	Steensma	Wynia
Minne	Otis	Rose	Svigum	Spk. Norton
Morrison	Ozment	Rukavina	Swenson	
Munger	Pappas	Sarna	Thiede	
Murphy	Pauly	Schafer	Tjornhom	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 283

A bill for an act relating to elections; requiring confidentiality of certain matters before the ethical practices board; raising certain campaign contribution disclosure limits; changing the method of calculating certain campaign expenditure limits; amending Minnesota Statutes 1986, sections 10A.02, subdivision 11; 10A.12, subdivision 5; 10A.20, subdivisions 3 and 5; 10A.25, subdivisions 2 and 7; 10A.255; and Laws 1980, chapter 362, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 210A.

May 12, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 283, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 283 be further amended as follows:

Page 7, after line 23, insert:

"Sec. 8. Minnesota Statutes 1986, section 10A.32, subdivision 3, is amended to read:

Subd. 3. As a condition of receiving any money from the state elections campaign fund, a candidate shall agree by stating in writing to the board that (a) the candidate's expenditures and

approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25 and that (b) the candidate shall not accept contributions or allow approved expenditures to be made on the candidate's behalf for the period beginning with January 1 of the election year or with the registration of the candidate's principal campaign committee, whichever occurs later, and ending December 31 of the election year, which aggregate contributions and approved expenditures exceed the difference between the amount in excess of 25 percent of the expenditure limits set forth in section 10A.25, but not exceeding \$15,000, which may legally be expended by, or for the candidate, and the amount which the candidate receives from the state elections campaign fund. The agreement, insofar as it relates to the expenditure limits set forth in section 10A.25, remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first. Money in the account of the principal campaign committee of a candidate on January 1 of the election year for the office held or sought shall be considered contributions accepted by that candidate in that year for the purposes of this subdivision. That amount of all contributions accepted by a candidate in an election year which equals the amount of noncampaign disbursements and contributions and expenditures to promote or defeat a ballot question which are made by that candidate in that year shall not count toward the aggregate contributions and approved expenditure limit imposed by this subdivision. Any amount by which the aggregate contributions and approved expenditures agreed to under clause (b) exceed the difference shall be returned to the state treasurer in the manner provided in subdivision 2. In no case shall the amount returned exceed the amount received from the state elections campaign fund.

The candidate may submit the signed agreement to the filing officer on the day of filing the affidavit of candidacy or petition to appear on the ballot, or to the board no later than September 1.

The board prior to the first day of filing for office shall forward forms for the agreement to all filing officers. The filing officer shall without delay forward signed agreements to the board. An agreement may not be rescinded after September 1.

For the purposes of this subdivision only, the total amount to be distributed to each candidate is calculated to be the candidate's share of the total estimated funds in the candidate's party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a to be in the general account of the state elections campaign fund and set aside for that office divided by the number of candidates whose names are to appear on the general election ballot for that office. If for any reason the amount actually received by the candidate is greater than the candidate's share of the

estimate, and the contributions thereby exceed the difference, the agreement shall not be considered violated."

Pages 7 and 8, delete section 9, and insert:

"Sec. 10. Minnesota Statutes 1986, section 383B.048, subdivision 2, is amended to read:

Subd. 2. [CONTENT OF REPORTS.] Each campaign report required under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, committee or political fund that made transfers or donations in kind to the political committee in an aggregate amount or value in excess of ~~\$50~~ \$100, together with the amount and date;

(c) The sum of all contributions made to the political committee or political fund;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. A loan made to a political committee or political fund which is forgiven or is repaid by an entity other than that political committee or fund shall be reported as a contribution;

(e) The sum of all receipts, including all contributions and loans, during the reporting period;

(f) The name and address of each person to whom aggregate expenditures have been made by or on behalf of the political committee or fund within the year in excess of \$100, the amount, date and purpose of each expenditure and the ballot question or the name and address of the candidate supported or opposed by the expenditure;

(g) The sum of all expenditures made by the political committee or fund;

(h) The amount and nature of any advance of credit incurred by the political committee or fund continuously reported until paid or forgiven. An advance of credit incurred by a political committee or fund which is forgiven or is paid by an entity other than that political committee or fund shall be reported as a donation in kind;

(i) The name and address of each political committee or fund to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(j) The sum of all transfers made to political committees or funds; and

(k) The sum of all disbursements not made to influence the outcome of an election."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "and Laws 1980,"

Page 1, line 10, delete everything before the semicolon and insert "10A.32, subdivision 3; and 383B.048, subdivision 2"

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

House Conferees: ALICE JOHNSON, LINDA SCHEID AND JERRY KNICKERBOCKER.

Senate Conferees: DON FRANK, GREGORY L. DAHL AND WILLIAM P. LUTHER.

Johnson, A., moved that the report of the Conference Committee on H. F. No. 283 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 283, A bill for an act relating to elections; requiring confidentiality of certain matters before the ethical practices board; raising certain campaign contribution disclosure limits; changing the method of calculating certain campaign expenditure limits; amending Minnesota Statutes 1986, sections 10A.02, subdivision 11; 10A.12, subdivision 5; 10A.20, subdivisions 3 and 5; 10A.25, subdivisions 2 and 7; 10A.255; and Laws 1980, chapter 362, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 210A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Krueger	Orenstein	Seaberg
Battaglia	Gruenes	Larsen	Osthoff	Segal
Bauerly	Gutknecht	Lasley	Otis	Shaver
Beard	Hartle	Lieder	Ozment	Simoneau
Begich	Haukoos	Long	Pappas	Skoglund
Bennett	Heap	Marsh	Pauly	Solberg
Bertram	Himle	McDonald	Pelowski	Sparby
Bishop	Hugoson	McEachern	Peterson	Stanius
Blatz	Jacobs	McLaughlin	Poppenhagen	Steensma
Boo	Jaros	McPherson	Price	Swiggum
Brown	Jefferson	Milbert	Quinn	Swenson
Burger	Jennings	Miller	Quist	Tjornhom
Carlson, L.	Jensen	Minne	Redalen	Trimble
Carruthers	Johnson, A.	Morrison	Reding	Tunheim
Clark	Johnson, R.	Munger	Rest	Uphus
Clausnitzer	Johnson, V.	Murphy	Rice	Valento
Cooper	Kahn	Nelson, C.	Richter	Vanasek
Dauner	Kalis	Nelson, K.	Riveness	Vellenga
DeBlick	Kelly	Neuenschwander	Rose	Voss
Dempsey	Kelso	O'Connor	Rukavina	Wagenius
Dille	Kinkel	Ogren	Sarna	Waltman
Dorn	Kludt	Olsen, S.	Schafer	Wenzel
Forsythe	Knickerbocker	Olson, E.	Scheid	Winter
Frederick	Knuth	Omann	Schoenfeld	Wynia
Frerichs	Kostohryz	Onnen	Schreiber	Spk. Norton

Those who voted in the negative were:

Olson, K.

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

S. F. No. 463 was reported to the House.

Sparby moved to amend S. F. No. 463, as follows:

Page 2, line 36, delete everything after the headnote and insert "Persons who represent that they are financial planners have"

Page 3, line 1, delete everything before the second "a"

Page 9, line 4, after "writing" insert "or is permitted by subdivision 4"

Page 9, line 7, delete "OFFERS" and insert "AGREEMENTS"

Page 9, line 8, delete "orally" and after "an" insert "oral"

Page 9, line 10, after "agreement" insert "provided that if the borrower and lender have not executed a written agreement, this

subdivision does not prohibit the offer and acceptance of an oral agreement which is offered and accepted during a period no greater than ten days before closing"

Page 9, line 35, after "application" insert "which causes the agreement to expire before closing"

Page 10, after line 22, insert:

"Sec. 6. [47.208] [DELIVERY OF SATISFACTION OF MORTGAGE.]

Subdivision 1. [DELIVERY REQUIRED.] Upon written request, a good and valid satisfaction of mortgage in recordable form shall be delivered to any party paying the full and final balance of a mortgage indebtedness that is secured by Minnesota real estate; such delivery shall be in hand or by certified mail postmarked within 45 days of the receipt of the written request to the holder of any interest of record in said mortgage and within 45 days of the payment of all sums due thereon.

Subd. 2. [PENALTY.] If a lender fails to comply with the requirements of subdivision 1, the lender may be held liable to the party paying the balance of the mortgage debt, for a civil penalty of up to \$500, in addition to any actual damages caused by the violation."

Page 29, delete section 21

Page 34, line 18, delete "operational expenses" and insert "the direct cost of prizes given to the public by the charitable organization in connection with lawful gambling conducted in compliance with chapter 349"

Page 35, lines 31 and 35, delete "operational expenses" and insert "the direct cost of prizes given to the public by the charitable organization in connection with lawful gambling conducted in compliance with chapter 349"

Page 36, lines 10 and 11, 21, and 25, delete "operational expenses" and insert "the direct cost of prizes given to the public by the charitable organization in connection with lawful gambling conducted in compliance with chapter 349"

Page 38, lines 12 and 25, delete "operational expenses" and insert "the direct cost of prizes given to the public by the charitable organization in connection with lawful gambling conducted in compliance with chapter 349"

Page 50, line 7, delete "commissioner" and insert "department"

Page 50, line 15, before "Section 26" insert "Section 5 is effective June 1, 1987."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 31, delete "82.19,"

Page 1, line 32, delete "subdivision 3;"

The motion prevailed and the amendment was adopted.

S. F. No. 463, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Kludt moved that the action whereby S. F. No. 463, as amended, was read for the third time be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Kludt motion and the roll was called. There were 74 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Beard	Gutknecht	Lasley	Ozment	Segal
Bennett	Hartle	Marsh	Pappas	Shaver
Bertram	Haukoos	McDonald	Pauly	Simoneau
Blatz	Heap	McEachern	Pelowski	Skoglund
Boo	Himle	McLaughlin	Poppenhagen	Stanisus
Burger	Hugoson	McPherson	Quinn	Sviggum
Carlson, L.	Jacobs	Miller	Quist	Swenson
Carruthers	Jaros	Morrison	Redalen	Thiede
Clausnitzer	Jefferson	Nelson, D.	Rest	Tjornhom
Dempsey	Jennings	Nelson, K.	Richter	Uphus
Dille	Johnson, V.	Ogren	Rose	Valento
Forsythe	Kelly	Omann	Rukavina	Voss
Frederick	Kludt	Onnen	Schafer	Wagenius
Greenfield	Knickerbocker	Orenstein	Schreiber	Waltman
Gruenes	Krueger	Otis	Seaberg	

Those who voted in the negative were:

Anderson, G.	Dauner	Kelso	Munger	Osthoff
Battaglia	DeBleck	Kinkel	Murphy	Peterson
Bauerly	Dorn	Kostohryz	Nelson, C.	Price
Begich	Frerichs	Larsen	Neuenschwander	Reding
Bishop	Jensen	Lieder	O'Connor	Rice
Brown	Johnson, A.	Long	Olsen, S.	Sarna
Clark	Johnson, R.	Milbert	Olson, E.	Scheid
Cooper	Kalis	Minne	Olson, K.	Schoenfeld

Solberg
SparbySteensma
TunheimVellenga
WelleWenzel
WinterWynia
Spk. Norton

The motion prevailed.

S. F. No. 463, as amended, was again reported to the House.

Kludt moved to amend S. F. No. 463, as amended, as follows:

Page 2, line 12, delete "or advice"

The motion prevailed and the amendment was adopted.

Carruthers moved to amend S. F. No. 463, as amended, as follows:

Page 2, delete lines 3 to 36

Page 3, delete lines 1 to 9

Renumber the remaining sections

Knickerbocker moved that S. F. No. 463, as amended, be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Sparby and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Battaglia
Bauerly
Beard
Begich
Bennett
Bishop
Blatz
Boo
Brown
Burger
Carruthers
Clark
Clausnitzer
Cooper
Dauner
DeBlieck
Dempsey
Dille
Dorn

Forsythe
Frederick
Frerichs
Gruenes
Gutknecht
Hartle
Haukoos
Heap
Himle
Hugoson
Jacobs
Jefferson
Jennings
Jensen
Johnson, A.
Johnson, V.
Kelly
Kelso
Kinkel

Kludt
Knickerbocker
Knuth
Kostohryz
Krueger
Larsen
Lasley
Lieder
Long
McDonald
McLaughlin
McPherson
Milbert
Miller
Minne
Morrison
Murphy
Nelson, C.
Nelson, K.

Olsen, S.
Olson, E.
Olson, K.
Omann
Onnen
Orenstein
Pappas
Pauly
Poppenhagen
Price
Quinn
Redalen
Reding
Richter
Riveness
Schafer
Scheid
Schreiber
Shaver

Skoglund
Solberg
Sparby
Stanis
Steensma
Sviggum
Swenson
Thiede
Tjornhom
Trimble
Uphus
Valento
Vellenga
Wagenius
Waltman
Welle
Wenzel
Winter
Spk. Norton

Minne moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Poppenhagen was excused between the hours of 1:25 p.m. and 4:20 p.m.

The question recurred on the Knickerbocker motion and the roll was called.

Riveness moved that those not voting be excused from voting. The motion prevailed.

There were 36 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bennett	Gutknecht	McPherson	Schafer	Tjornhom
Blatz	Haukoos	Miller	Schreiber	Uphus
Carlson, D.	Heap	Morrison	Seaberg	Valento
Clausnitzer	Himle	Olsen, S.	Shaver	Waltman
Dempsey	Hugoson	Pauly	Stanisus	
Dille	Johnson, V.	Quist	Swiggun	
Frederick	Kelly	Richter	Swenson	
Frerichs	Knickerbocker	Rose	Thiede	

Those who voted in the negative were:

Anderson, G.	Forsythe	Knuth	Olson, E.	Sarna
Battaglia	Greenfield	Kostohryz	Olson, K.	Scheid
Bauerly	Gruenes	Krueger	Omman	Schoenfeld
Beard	Hartle	Larsen	Onnen	Simoneau
Begich	Jacobs	Lasley	Orenstein	Skoglund
Bertram	Jaros	Lieder	Osthoff	Solberg
Bishop	Jefferson	McEachern	Pappas	Sparby
Brown	Jennings	McLaughlin	Pelowski	Steensma
Burger	Jensen	Milbert	Peterson	Trimble
Carlson, L.	Johnson, A.	Minne	Price	Tunheim
Carruthers	Johnson, R.	Munger	Quinn	Vellenga
Clark	Kahn	Murphy	Redalen	Voss
Cooper	Kalis	Nelson, C.	Reding	Wagenius
Dauner	Kelso	Nelson, K.	Rice	Welle
DeBlicke	Kinkel	O'Connor	Riveness	Wenzel
Dorn	Kludd	Ogren	Rukavina	Winter
				Spk. Norton

The motion did not prevail.

The question recurred on the adoption of the Carruthers amendment to S. F. No. 463, as amended. The motion prevailed and the amendment was adopted.

Sparby moved that S. F. No. 463, as amended, be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 1203 was reported to the House.

Rice moved that S. F. No. 1203 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 682 was reported to the House.

Rice moved that S. F. No. 682 be temporarily laid over on Special Orders. The motion prevailed.

CALL OF THE HOUSE LIFTED

Riveness moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

S. F. No. 1472 was reported to the House.

Kelly moved to amend S. F. No. 1472, as follows:

Pages 1 to 2, delete section 1, and insert:

"Section 1. Minnesota Statutes 1986, section 169.121, is amended by adding a subdivision to read:

Subd. 3b. [HABITUAL OFFENDERS; CHEMICAL USE TREATMENT.] If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of violating this section, section 169.129, or an ordinance in conformity with either of them (1) once within five years of the first conviction or (2) two or more times within ten years after the first conviction, the court must order the person to submit to the level of care recommended in the chemical use assessment required under section 169.126.

Sec. 2. Minnesota Statutes 1986, section 169.121, subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in section 1, when a court sentences a person convicted of violating this section, section 169.129, or an ordinance in conformity with either of them, the court may stay imposition or execution of any sentence authorized by subdivision 3 or 4, except the revocation of the driver's license, on the condition that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of human services the level of care recommended in the chemical use assessment report required under section 169.126. If the court does not order a level of

care in accordance with the assessment report recommendation as a condition of a stay of imposition or execution, it shall state on the record its reasons for not following the assessment report recommendation. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section."

Renumber the remaining sections

Page 2, line 18, delete "9" and insert "10"

Page 5, line 31, delete "9" and insert "10"

Page 8, line 15, delete "9" and insert "10"

Amend the title as follows:

Page 1, line 5, after the semicolon insert "requiring courts to order chemical use treatment for habitual DWI offenders in accordance with the assessment recommendation;"

Page 1, lines 11 to 12, delete "a subdivision" and insert "subdivisions"

The motion prevailed and the amendment was adopted.

S. F. No. 1472, A bill for an act relating to traffic regulations; requiring certain persons convicted of DWI or a DWI-related offense and certain juveniles adjudicated for a DWI offense to undergo chemical use assessment; imposing a chemical dependency assessment charge on persons convicted of DWI or a DWI-related offense, and juveniles adjudicated for a DWI offense for the purpose of financing these chemical use assessments; appropriating money; amending Minnesota Statutes 1986, sections 169.121, subdivision 5, and by adding a subdivision; 169.124; 169.125; 169.126, subdivisions 1, 2, 3, 4, 6, and by adding subdivisions; and 260.193, subdivision 8; repealing Minnesota Statutes 1986, section 169.126, subdivision 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.
Battaglia

Bauerly
Beard

Begich
Bennett

Bertram
Bishop

Blatz
Boo

Brown	Jaros	McLaughlin	Pelowski	Sparby
Burger	Jefferson	McPherson	Peterson	Stanius
Carlson, D.	Jennings	Milbert	Price	Steensma
Carlson, L.	Jensen	Minne	Quinn	Sviggum
Carruthers	Johnson, A.	Morrison	Quist	Swenson
Clark	Johnson, R.	Munger	Redalen	Thiede
Clausnitzer	Johnson, V.	Murphy	Reding	Tjornhom
Cooper	Kahn	Nelson, C.	Rest	Trimble
Dauner	Kalis	Nelson, D.	Rice	Tunheim
DeBlieck	Kelly	Nelson, K.	Richter	Uphus
Dempsey	Kelso	Neuenschwander	Riveness	Valento
Dorn	Kinkel	O'Connor	Rose	Vanasek
Forsythe	Kludt	Ogren	Rukavina	Vellenga
Frederick	Knickerbocker	Olsen, S.	Sarna	Voss
Frerichs	Knuth	Olson, E.	Schafer	Wagenius
Greenfield	Kostohryz	Olson, K.	Scheid	Waltman
Gruenes	Krueger	Omann	Schoenfeld	Welle
Gutknecht	Larsen	Onnen	Schreiber	Wenzel
Hartle	Lasley	Orenstein	Seaberg	Winter
Haukoos	Lieder	Osthoff	Segal	Wynia
Heap	Long	Otis	Shaver	Spk. Norton
Himle	Marsh	Ozment	Simoneau	
Hugoson	McDonald	Pappas	Skoglund	
Jacobs	McEachern	Pauly	Solberg	

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

S. F. No. 682 which was temporarily laid over earlier today was again reported to the House.

Riveness moved that S. F. No. 682 be returned to General Orders. The motion prevailed.

S. F. No. 1029 was reported to the House.

Clark moved to amend S. F. No. 1029, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [237.50] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 1 to 7 have the meanings given them in this section.

Subd. 2. [BOARD.] "Board" means the telecommunication access for communication-impaired persons board established in section 2.

Subd. 3. [COMMUNICATION IMPAIRED.] "Communication impaired" means certified as deaf, severely hearing impaired, hard of hearing, speech impaired, or deaf and blind.

Subd. 4. [COMMUNICATION DEVICE.] "Communication device" means a device that when connected to a telephone enables a

communication-impaired person to communicate with another person utilizing the telephone system. A "communication device" includes a ring signaler, an amplification device, a telephone device for the deaf, and a telebraille unit.

Subd. 5. [EXCHANGE.] "Exchange" means a unit area established and described by the tariff of a telephone company for the administration of telephone service in a specified geographical area, usually embracing a city, town, or village and its environs, and served by one or more central offices, together with associated facilities used in providing service within that area.

Subd. 6. [FUND.] "Fund" means the telecommunication access for communication-impaired persons fund established in section 3.

Subd. 7. [INTEREXCHANGE SERVICE.] "Interexchange service" means telephone service between points in two or more exchanges.

Subd. 8. [INTER-LATA INTEREXCHANGE SERVICE.] "Inter-LATA interexchange service" means interexchange service originating and terminating in different LATAs.

Subd. 9. [LOCAL ACCESS AND TRANSPORT AREA.] "Local access and transport area (LATA)" means a geographical area designated by the Modification of Final Judgment in U.S. v. Western Electric Co., Inc., 552 F. Supp. 131 (D.D.C. 1982), including modifications in effect on the effective date of sections 2 to 5.

Subd. 10. [LOCAL EXCHANGE SERVICE.] "Local exchange service" means telephone service between points within an exchange.

Subd. 11. [MESSAGE RELAY SERVICE.] "Message relay service" means a central statewide service through which a communication-impaired person, using a communication device, may send and receive messages to and from a non-communication-impaired person whose telephone is not equipped with a communication device and through which a non-communication-impaired person may, by using voice communication, send and receive messages to and from a communication-impaired person.

Sec. 2. [237.51] [BOARD.]

Subdivision 1. [CREATION.] The telecommunication access for communication-impaired persons board is established to establish and administer a program to distribute communication devices to eligible communication-impaired persons and to create and maintain a message relay service.

Subd. 2. [MEMBERS.] The board consists of 12 persons to include:

(1) the commissioner of the department of human services or the commissioner's designee;

(2) the director of the department of public service or the director's designee;

(3) five communication-impaired persons appointed by the governor;

(4) one person appointed by the governor who is a professional in the area of communications disabilities;

(5) one person appointed by the governor to represent the telephone company providing local exchange service to the largest number of persons;

(6) one member of the Minnesota Telephone Association appointed by the governor to represent other affected telephone companies; and

(7) one person appointed by the governor to represent companies providing inter-LATA interexchange telephone service; and

(8) one person to represent the organization operating the message relay service to be appointed by the governor at the time the board contracts with the organization pursuant to section 5.

Subd. 3. [REMOVAL; VACANCY; EXPENSES.] The removal of members and filling of vacancies shall be handled as provided under section 15.059, subdivision 4. Members of the board may be reimbursed for expenses incurred in attending meetings as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2.

Subd. 4. [MEETINGS.] The board shall meet at least monthly until December 31, 1988, and at least quarterly thereafter.

Subd. 5. [DUTIES.] In addition to any duties specified elsewhere in sections 2 to 7, the board shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;

(2) establish a method to verify eligibility requirements;

(3) research and publish lists of available communication devices and compatibility of the devices with available telephone equipment;

(4) enter contracts for the establishment and operation of the message relay service pursuant to section 5;

(5) inform the public and specifically the community of communication-impaired persons of the program;

(6) prepare the reports required by section 6;

(7) administer the fund created in section 3;

(8) retain the services of a program administrator; and

(9) study the potential economic impact of the program on local communication device retailers and dispensers and develop guidelines for the purchase of some communication devices from local retailers and dispensers if the study determines that otherwise they will be economically harmed by implementation of sections 1 to 7.

Subd. 6. [ADMINISTRATIVE SUPPORT.] The director of the department of public service shall provide staff assistance not including the program administrator who is to be chosen by the board, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for services, staff, and space provided. The board may request necessary information from the supervising officer of any state agency.

Sec. 3. [237.52] [FUND; ASSESSMENT.]

Subdivision 1. [FUND.] A telecommunication access for communication-impaired persons fund is established as an account in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [ASSESSMENT.] The board shall annually recommend to the commission an adequate and appropriate mechanism to implement sections 1 to 7. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the program administrator and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than ten cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Subd. 3. [COLLECTION.] Every telephone company providing local service in this state shall collect the charges established by the commission under subdivision 2 and transfer amounts collected to the commissioner of administration in the same manner as provided in section 403.11, subdivision 1, paragraph (c). The commissioner of administration must deposit the receipts in the fund established in subdivision 1.

Subd. 4. [APPROPRIATION.] Money in the fund is appropriated to the board to implement sections 2 to 7.

Subd. 5. [EXPENDITURES.] Money in the fund may only be used for:

(1) program administration including personnel cost, public relations, board members' expenses, preparation of reports, and other reasonable expenses not to exceed 20 percent of total program expenditures;

(2) reimbursing telephone companies for purchases made or services provided pursuant to section 4;

(3) contracting for establishment and operation of the message relay service required by section 5.

All costs directly associated with the establishment of the board and program, the purchase and distribution of communication devices and the establishment and operation of the message relay service are either reimbursable or directly payable from the fund after authorization by the board.

Sec. 4. [237.53] [COMMUNICATION DEVICES.]

Subdivision 1. [APPLICATION.] A person applying for a communication device under this section must apply to the program administrator on a form prescribed by the board.

Subd. 2. [ELIGIBILITY.] To be eligible to obtain a communication device under this section, a person must be:

(1) at least five years of age;

(2) communication impaired;

(3) a resident of the state;

(4) a resident in a household that has a median income at or below the applicable median household income in the state, except a deaf and blind person applying for a telebraille unit may reside in a

household that has a median income no more than 150 percent of the applicable median household income in the state; and

(5) a resident in a household that has telephone service or that has made application for service and has been assigned a telephone number.

Subd. 3. [DISTRIBUTION.] The telephone company providing local exchange service to the largest number of persons in the state shall purchase and distribute to each other telephone company providing local exchange service a sufficient number of communication devices so that each eligible household receives an appropriate device. Each telephone company providing local exchange service shall distribute the devices to eligible households in its service area free of charge as directed by the program administrator. Initial distribution of the devices will be on a priority basis as determined by the board under section 2.

Subd. 4. [TRAINING; MAINTENANCE.] The company providing local exchange service to an eligible household shall maintain the communication devices and provide training, without charge, to first-time users of the devices.

Subd. 5. [WIRING INSTALLATION.] If a communication-impaired person is not served by telephone service and is subject to economic hardship as determined by the board, the telephone company providing local service shall at the direction of the administrator of the program install necessary outside wiring without charge to the household.

Subd. 6. [OWNERSHIP.] All communication devices purchased pursuant to subdivision 3 will become the property of the company providing the communication device to eligible recipients and are excluded from that company's rate base for the purpose of establishing rates under section 237.075 as applicable.

Subd. 7. [STANDARDS.] The communication devices distributed under this section must comply with the electronic industries association standards and approved by the Federal Communications Commission. Each company must provide each eligible person a choice of several models of devices, the retail value of which may not exceed \$600 for a communication device for the deaf and a retail value of \$7,000 for a telebraille device.

Subd. 8. [REIMBURSEMENT.] The board shall reimburse telephone companies for the cost of any purchase or service required under this section from money in the fund established in section 3.

Sec. 5. [237.54] [MESSAGE RELAY SERVICE.]

Subdivision 1. [ESTABLISHMENT.] The board shall contract with an inter-LATA interexchange telephone service provider to establish a third-party message relay service with an "800" number to enable telecommunication between communication-impaired persons and non-communication-impaired persons.

Subd. 2. [OPERATION.] The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the message relay system. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. The operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a telebraille device.

Sec. 6. [237.55] [REPORTS; PLANS.]

The board shall prepare a report for presentation to the commission not later than December 31, 1987, to include plans for distributing communication devices and establishing a third-party message relay service and a recommendation for a funding mechanism pursuant to section 3, subdivision 2. The provision of service required under sections 1 to 7 may begin when the plan is approved by the commission or March 1, 1988, whichever is earlier.

Beginning in 1988, the board must prepare a report for presentation to the commission by December 31 of each year through the year 1992. Each report must review the accessibility of the telephone system to communication-impaired persons, review the ability of non-communication-impaired persons to communicate with communication-impaired persons via the telephone system, describe services provided, account for money received and disbursed annually for each aspect of the program to date, and include predicted future operation until the final report.

The final report must, in detail, describe program operation and make recommendations for the funding and service level for necessary ongoing services. The commission may recommend changes in the program to the legislature throughout its operation and shall make a recommendation to the legislature by February 1, 1993, for the future provision and maintenance of the services.

Sec. 7. [237.56] [ADEQUATE SERVICE.]

The services required to be provided under sections 1 to 6 may be enforced under section 237.081 upon a complaint of at least two communication-impaired persons within the service area of any one telephone company, provided that if only one person within the service area of a company is receiving service under sections 1 to 6, the commission may proceed upon a complaint from that person.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1987, and are repealed effective June 30, 1993."

Delete the title and insert:

"A bill for an act relating to utilities; establishing program to provide communication-impaired people with devices enabling their use of telephones; creating advisory committee and requiring report; providing for payment of costs of program; proposing coding for new law in Minnesota Statutes, chapter 237."

The motion prevailed and the amendment was adopted.

S. F. No. 1029, A bill for an act relating to utilities; establishing program to provide communication-impaired people with devices enabling their use of telephones; creating advisory committee and requiring report; providing for payment of costs of program; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Larsen	Omann	Seaberg
Battaglia	Greenfield	Lasley	Onnen	Segal
Bauerly	Gruenes	Lieder	Orenstein	Simoneau
Beard	Himle	McEachern	Otis	Solberg
Begich	Jacobs	Milbert	Ozment	Steensma
Bertram	Jaros	Miller	Pappas	Swenson
Blatz	Jefferson	Minne	Pelowski	Tjornhom
Brown	Jennings	Morrison	Peterson	Trimble
Burger	Jensen	Munger	Price	Tunheim
Carlson, D.	Johnson, A.	Murphy	Quinn	Vanasek
Carlson, L.	Johnson, R.	Nelson, C.	Reding	Vellenga
Carruthers	Kelly	Nelson, D.	Rice	Voss
Clark	Kelso	Nelson, K.	Riveness	Welle
Cooper	Kinkel	Neuenschwander	Rose	Wenzel
Dauner	Kludt	O'Connor	Rukavina	Winter
DeBlicke	Knuth	Ogren	Sarna	Wynia
Dille	Kostohryz	Olsen, S.	Scheid	Spk. Norton
Dorn	Krueger	Olson, K.	Schoenfeld	

Those who voted in the negative were:

Bennett	Gutknecht	Kalis	Redalen	Sviggrum
Clausnitzer	Hartle	Knickerbocker	Richter	Thiede
Dempsey	Haukoos	McDonald	Schafer	Uphus
Forsythe	Hugoson	Pauly	Schreiber	Valento
Frerichs	Johnson, V.	Quist	Shaver	Waltman

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

S. F. No. 1524 was reported to the House.

Kalis moved to amend S. F. No. 1524, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [VETERANS BONUS CLAIMS; APPROPRIATIONS; GENERAL FUND.]

Subdivision 1. [GENERALLY.] The sums set forth in this section are appropriated from the general fund to the persons named in subdivisions 2, 3, and 4 in full and final payment of claims against the state for adjusted compensation arising from World War II, the Korean conflict, and Vietnam service.

Subd. 2. [WORLD WAR II.] Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021\$245.

Subd. 3. [KOREAN CONFLICT.] Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021.....\$180.

Frank H. Bellanger, Box 367, Cass Lake, Minnesota 56633.....\$97.50.

David Hoff, Route 2, Box 140, Cohasset, Minnesota 55721.....\$90.

Walter R. Kaisler, Route 3, Cambridge, Minnesota 55008.....\$45.

Calvin E. Peterson, Box 9, Tri-Court Motel, East Highway 12, Willmar, Minnesota 56201.....\$195.

Richard E. Swan, 714 8th Street South, Moorhead, Minnesota 56560.....\$97.50.

Floyd E. Thorpe, 500 Home Street, Apartment 25B, Fairmont, Minnesota 56031.....\$105.

Louis C. Welter, 1681 Euclid, St. Paul, Minnesota 55106.....\$165.

Subd. 4. [VIETNAM SERVICE.] Robert E. Becker, 314 North Van Buren Street, Springfield, Minnesota 56087.....\$600.

Toshi K. Behrendt (beneficiary), Route 78, Box 198, 606 3rd Street, Pine River, Minnesota 56474.....\$300.

Steven P. Brandt, 718 Oakdale Avenue, St. Paul, Minnesota 55107.....\$105.

Raymond D. Campbell, Jr., 15679 220th Street North, Scandia, Minnesota 55073.....\$100.

Bruce E. Cook, Rural Route 1, Box 127A, Mountain Iron, Minnesota 55768.....\$500.

William E. Dwyer, 768 East Orange Avenue, St. Paul, Minnesota 55106.....\$300.

Lonny L. Gohde, Route 1, Box 267, Sarona, Wisconsin 54870.....\$585.

Joseph L. Goulet, 3119 4th Street North, Apartment 1, Minneapolis, Minnesota 55411.....\$300.

John E. Hanson, 3004 3rd Avenue Southwest, Grand Rapids, Minnesota 55744.....\$300.

Dennis H. Huot, 3402 Cedar Avenue South, Minneapolis, Minnesota 55407.....\$300.

Steven G. Johnson, Route 2, Box 157, St. Charles, Minnesota 55972.....\$255.

Jack E. Keefer, Jr., 20 North 3rd Street, Long Prairie, Minnesota 56347.....\$210.

Robert D. Keto, 12900 Pilgrim Lane, Champlin, Minnesota 55316.....\$100.

Reuben D. Kort, 918 Lindburg Drive, Little Falls, Minnesota 56345.....\$600.

William F. Loll, P. O. Box 1052, Eyota, Minnesota 55934.....\$150.

Gerald E. May, 1311 South Arago, Peoria, Illinois 61605.....\$600.

Margaret A. McLain, 2610 Woodland Avenue, Duluth, Minnesota 55803.....\$300.

Steven S. Nowlan, 5730 Camden Avenue North, Brooklyn Center, Minnesota 55430.....\$300.

Joseph C. Olson, 534 Forest Street, St. Paul, Minnesota 55106.....\$600.

Steven R. Olson, 4224 Winnetka Avenue North, Apartment 206, New Hope, Minnesota 55428.....\$100.

Dennis W. Pooler, 516 Walnut Street, Petaluma, California 94952.....\$300.

Garrett I. Raasch, Grove City, Minnesota 56243.....\$600.

Michael D. St. Dennis, 2958 Queen Avenue North, Minneapolis, Minnesota 55411.....\$120.

Arlen G. Simi, 2268 26th Avenue South, St. Cloud, Minnesota 56301.....\$300.

Phyllis J. Strader (beneficiary), Rural Route 1, Wheaton, Minnesota 56296.....\$1,000.

Gary B. Stranberg, 13201 Pierce Street Northeast, Blaine, Minnesota 55434.....\$465.

Wayne L. Svare, 327 8th Avenue South, St. Cloud, Minnesota 56301.....\$300.

David H. Swaggert, 6515 Corvallis Avenue North, Minneapolis, Minnesota 55428.....\$600.

Michael L. Thesenvitz, 2068 Temple Court, St. Paul, Minnesota 55104.....\$600.

Sec. 2. [CLAIMS OF DEPARTMENT OF CORRECTIONS.]

There is appropriated from the general fund to the department of corrections \$269.16 for calendar year 1985 and \$357.66 for calendar year 1986 to reimburse the department for money expended for medical expenses incurred by individuals under the jurisdiction of the department who were injured while performing community service work in instances where insurance coverage did not apply.

Sec. 3. [TRUNK HIGHWAY FUND CLAIMS.]

Subdivision 1. The sum set forth in this section is appropriated from the trunk highway fund to the commissioner of transportation for payment to the person named in this section in full and final payment of claims against the state. This appropriation is available until June 30, 1988.

Subd. 2. Lillian J. Rehak, 222 Duke Street, St. Paul, Minnesota 55102, for well damage in 1985 resulting from highway construction on the route of Interstate 35E.....\$13,000.00."

Delete the title and insert:

"A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money."

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kalis moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1524, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Kalis moved that the Rules of the House be so far suspended that S. F. No. 1524, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1524, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Knickerbocker	O'Connor	Riveness
Battaglia	Greenfield	Knuth	Ogren	Rose
Bauerly	Gruenes	Kostohryz	Olsen, S.	Rukavina
Beard	Gutknecht	Krueger	Olson, E.	Sarna
Begich	Hartle	Larsen	Olson, K.	Schafer
Bennett	Haukoos	Lasley	Omann	Scheid
Bertram	Heap	Lieder	Onnen	Schoenfeld
Blatz	Himle	Long	Orenstein	Schreiber
Brown	Hugoson	Marsh	Osthoff	Seaberg
Burger	Jacobs	McDonald	Otis	Segal
Carlson, D.	Jaros	McEachern	Ozment	Shaver
Carlson, L.	Jefferson	McLaughlin	Pappas	Simoneau
Carruthers	Jennings	McPherson	Pauly	Skoglund
Clark	Jensen	Milbert	Pelowski	Solberg
Clausnitzer	Johnson, A.	Miller	Peterson	Sparby
Cooper	Johnson, R.	Minne	Price	Stanius
Dauner	Johnson, V.	Morrison	Quinn	Steensma
DeBlieck	Kahn	Munger	Quist	Sviggum
Dempsey	Kalis	Murphy	Redalen	Swenson
Dille	Kelly	Nelson, C.	Reding	Thiede
Dorn	Kelso	Nelson, D.	Rest	Tjornhom
Forsythe	Kinkel	Nelson, K.	Rice	Trimble
Frederick	Kludt	Neuenschwander	Richter	Tunheim

Uphus
Valento
Vanasek

Vellenga
Voss
Wagenius

Waltman
Welle
Wenzel

Winter
Wynia
Spk. Norton

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

S. F. No. 834 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Segal moved that the rule therein be suspended and an urgency be declared so that S. F. No. 834 be given its third reading and be placed upon its final passage. The motion prevailed.

Segal moved that the Rules of the House be so far suspended that S. F. No. 834 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 834, A bill for an act relating to human services; establishing the office of assistant commissioner of mental health; establishing a state advisory council on mental health; creating a mental health division in the department of human services; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Kalis	Morrison	Peterson
Battaglia	Forsythe	Kelly	Munger	Price
Bauerly	Frederick	Kelso	Murphy	Quinn
Beard	Frerichs	Kinkel	Nelson, C.	Quist
Begich	Greenfield	Kludd	Nelson, D.	Redalen
Bennett	Gruenes	Knickerbocker	Nelson, K.	Reding
Bertram	Gutknecht	Knuth	Neuenschwander	Rest
Blatz	Hartle	Kostohryz	O'Connor	Rice
Boo	Haukoos	Krueger	Ogren	Richter
Brown	Heap	Larsen	Olsen, S.	Riveness
Burger	Himle	Lasley	Olsen, E.	Rose
Carlson, D.	Hugoson	Lieder	Olson, K.	Rukavina
Carlson, L.	Jacobs	Long	Omann	Sarna
Carruthers	Jaros	Marsh	Onnen	Schafer
Clark	Jefferson	McDonald	Orenstein	Scheid
Clausnitzer	Jennings	McEachern	Osthoff	Schoenfeld
Cooper	Jensen	McLaughlin	Otis	Schreiber
Dauner	Johnson, A.	McPherson	Ozment	Seaberg
DeBleek	Johnson, R.	Milbert	Pappas	Segal
Dempsey	Johnson, V.	Miller	Pauly	Shaver
Dille	Kahn	Minne	Pelowski	Simoneau

Skoglund	Sviggum	Tunheim	Voss	Winter
Solberg	Swenson	Uphus	Wagenius	Wynia
Sparby	Thiede	Valento	Waltman	Spk. Norton
Stanisus	Tjornhom	Vanasek	Welle	
Steensma	Trimble	Vellenga	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 438, A bill for an act relating to human services; authorizing the commissioner of human services to study the needs of elderly persons with mental retardation or related conditions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Onnen	Simoneau
Battaglia	Gutknecht	Lasley	Orenstein	Skoglund
Bauerly	Hartle	Lieder	Osthoff	Solberg
Beard	Haukoos	Long	Otis	Sparby
Begich	Heap	Marsh	Ozment	Stanisus
Bennett	Himle	McDonald	Pappas	Steensma
Bertram	Hugoson	McEachern	Pauly	Sviggum
Blatz	Jacobs	McLaughlin	Pelowski	Swenson
Boo	Jaros	McPherson	Peterson	Tjornhom
Brown	Jefferson	Milbert	Price	Trimble
Burger	Jennings	Miller	Quinn	Tunheim
Carlson, L.	Jensen	Minne	Redalen	Uphus
Carruthers	Johnson, A.	Morrison	Reding	Valento
Clark	Johnson, R.	Munger	Rest	Vanasek
Clausnitzer	Johnson, V.	Murphy	Rice	Vellenga
Cooper	Kahn	Nelson, C.	Riveness	Voss
Dauner	Kalis	Nelson, D.	Rukavina	Wagenius
DeBleck	Kelly	Nelson, K.	Sarna	Waltman
Dempsey	Kelso	Neuenschwander	Schafer	Welle
Dille	Kinkel	O'Connor	Scheid	Wenzel
Dorn	Kludt	Ogren	Schoenfeld	Winter
Forsythe	Knickerbocker	Olsen, S.	Schreiber	Wynia
Frederick	Knuth	Olson, E.	Seaberg	Spk. Norton
Frerichs	Kostohryz	Olson, K.	Segal	
Greenfield	Krueger	Omman	Shaver	

Those who voted in the negative were:

Richter Thiede

The bill was passed and its title agreed to.

S. F. No. 1202 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kahn moved that the rule therein be suspended and

an urgency be declared so that S. F. No. 1202 be given its third reading and be placed upon its final passage. The motion prevailed.

Kahn moved that the Rules of the House be so far suspended that S. F. No. 1202 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1202, A bill for an act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Onnen	Segal
Battaglia	Gutknecht	Lasley	Orenstein	Shaver
Bauerly	Hartle	Lieder	Osthoff	Simoneau
Beard	Haukoos	Long	Otis	Skoglund
Begich	Heap	Marsh	Ozment	Solberg
Bennett	Himle	McDonald	Pappas	Stanias
Bertram	Hugoson	McEachern	Pauly	Steensma
Blatz	Jacobs	McLaughlin	Pelowski	Sviggum
Boo	Jaros	McPherson	Peterson	Swenson
Brown	Jefferson	Milbert	Price	Thiede
Burger	Jennings	Miller	Quinn	Tjornhom
Carlson, L.	Jensen	Minne	Quist	Trimble
Carruthers	Johnson, A.	Morrison	Redalen	Tunheim
Clark	Johnson, R.	Munger	Reding	Uphus
Clausnitzer	Johnson, V.	Murphy	Rest	Valento
Cooper	Kahn	Nelson, C.	Rice	Vanasek
Dauner	Kalis	Nelson, D.	Richter	Vellenga
DeBlicke	Kelly	Nelson, K.	Riveness	Voss
Dempsey	Kelso	Neuenschwander	Rukavina	Wagenius
Dille	Kinkel	O'Connor	Sarna	Waltman
Dorn	Kludt	Ogren	Schafer	Welle
Forsythe	Knickerbocker	Olsen, S.	Scheid	Wenzel
Frederick	Knuth	Olson, E.	Schoenfeld	Winter
Frerichs	Kostohryz	Olson, K.	Schreiber	Wynia
Greenfield	Krueger	Omamm	Seaberg	Spk. Norton

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 303, A bill for an act relating to agriculture; changing the shade tree disease control program; imposing certain penalties; eliminating certain audit requirements and an insurance limitation; changing the cooperative associations law; amending Minnesota Statutes 1986, sections 18.023, subdivision 1; 28A.08; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 40.071; 308.58, subdivision 2; 308.62; 308.77; 308.83; and 308.85; repealing Minnesota Statutes 1986, sections 38.02, subdivision 2; and 38.13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, C., moved that the House refuse to concur in the Senate amendments to H. F. No. 303, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

POINT OF ORDER

Quist raised a point of order pursuant to section 677, paragraph 1, of "Mason's Manual of Legislative Procedure" relating to minority committee reports. Speaker pro tempore Simoneau ruled the point of order not well taken.

The question was taken on the Nelson, C., motion and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	Clausnitzer	Forsythe	Haukoos
Bauerly	Brown	Cooper	Frederick	Heap
Beard	Burger	Dauner	Frerichs	Himle
Begich	Carlson, D.	DeBlieck	Greenfield	Hugoson
Bennett	Carlson, L.	Dempsey	Gruenes	Jacobs
Bertram	Carruthers	Dille	Gutknecht	Jaros
Blatz	Clark	Dorn	Hartle	Jefferson

Jennings	Marsh	Olson, E.	Rice	Svigum
Jensen	McDonald	Olson, K.	Richter	Swenson
Johnson, A.	McEachern	Omman	Riveness	Thiede
Johnson, R.	McLaughlin	Onnen	Rose	Tjornhom
Johnson, V.	McPherson	Orenstein	Rukavina	Trimble
Kalis	Milbert	Osthoft	Sarna	Tunheim
Kelly	Miller	Otis	Schafer	Uphus
Kelso	Minne	Ozment	Scheid	Valento
Kinkel	Morrison	Pappas	Schoenfeld	Vanasek
Kludt	Munger	Pauly	Schreiber	Vellenga
Knickerbocker	Murphy	Pelowski	Segal	Voss
Knuth	Nelson, C.	Peterson	Shaver	Wagenius
Kostohryz	Nelson, D.	Price	Simoneau	Waltman
Krueger	Nelson, K.	Quinn	Skoglund	Welle
Larsen	Neuenschwander	Quist	Solberg	Wenzel
Lasley	O'Connor	Redalen	Sparby	Winter
Lieder	Ogren	Reding	Stanisus	Wynia
Long	Olsen, S.	Rest	Steensma	Spk. Norton

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 141, A bill for an act relating to liability; authorizing the elimination or limitation of a director's personal liability to a cooperative association or its members; exempting certain directors, members, and agents of nonprofit corporations from civil liability; exempting certain members of hospital district boards from certain civil liability; amending Minnesota Statutes 1986, sections 317.201; and 447.32, by adding a subdivision; and proposing coding for new law in Minnesota Statutes, chapter 308.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ogren moved that the House refuse to concur in the Senate amendments to H. F. No. 141, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 303:

Nelson, C.; Wenzel; Kalis; Schoenfeld and Dille.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 141:

Ogren, Orenstein and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 291:

Winter, Skoglund and Knickerbocker.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1542:

O'Connor, Begich and Sarna.

SPECIAL ORDERS, Continued

S. F. No. 1203 was reported to the House.

Anderson, G., moved to amend S. F. No. 1203, as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ENERGY

Section 1. Minnesota Statutes 1986, section 18.023, subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each year, the commissioner shall report to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision 10a. The commissioner, with the assistance of the commissioner of energy trade and economic development and the director of public service, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products.

Sec. 2. Minnesota Statutes 1986, section 18.024, subdivision 1, is amended to read:

Subdivision 1. The department of agriculture, in cooperation with the commissioner of energy trade and economic development, the director of public service, and the Minnesota shade tree advisory

committee, shall draft recommendations for wood utilization or disposal systems as defined in section 18.023. These recommendations shall encourage maximum utilization of diseased shade trees. In addition to insuring maximum utilization, the recommendations shall must be designed to insure public safety and to assure compliance with approved disease control programs.

Sec. 3. Minnesota Statutes 1986, section 104.35, subdivision 2, is amended to read:

Subd. 2. The commissioner shall make the proposed management plan available to affected local governmental bodies, shoreland owners, conservation and outdoor recreation groups, the commissioner of energy trade and economic development, the director of public service, the governor, and the general public. The commissioner of energy trade and economic development, the director of public service, and the governor shall review the proposed management plan pursuant to in accordance with the criteria specified in section 86A.09, subdivision 3, and submit any written comments to the commissioner within 60 days after receipt of the proposed management plan. Not less than 60 days after making such information available, the commissioner shall conduct a public hearing on the proposed management plan in the county seat of each county which that contains a portion of the designated area, in the manner provided in chapter 14.

Sec. 4. Minnesota Statutes 1986, section 104.35, subdivision 3, is amended to read:

Subd. 3. Upon receipt of the administrative law judge's report, the commissioner shall immediately forward the proposed management plan and the administrative law judge's report to the commissioner of energy trade and economic development and the director of public service for review pursuant to under section 86A.09, subdivision 3, except that the review by the commissioner of energy trade and economic development shall and the director of public service must be completed or be deemed completed within 30 days after receiving the administrative law judge's report, and the review by the governor shall must be completed or be deemed completed within 15 days after receipt. Within 60 days after receipt of the administrative law judge's report, the commissioner shall decide whether to designate by order the river or a segment thereof of the river as a wild, scenic, or recreational river and, if so designated, shall adopt a management plan to govern the area. The commissioner shall notify and inform public agencies and private landowners of the plan and its purposes so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and its purposes.

Sec. 5. Minnesota Statutes 1986, section 115A.12, subdivision 2, is amended to read:

Subd. 2. [TECHNICAL ADVISORY COUNCIL.] The chair of the board shall establish an interagency technical advisory council to advise the board and the chair on matters the board, through its chair, deems necessary. The members of the council ~~shall be~~ are the commissioner of health; the commissioner of agriculture; the commissioner of natural resources; the director of the pollution control agency; the commissioner of energy trade and economic development; the director of public service; other heads of agency the chair of the board deems necessary; or their designees. The council shall meet at the call of the chair of the board, who shall serve as chair of the council. The members, collectively and individually shall advise the board and the chair on matters within their various areas of expertise and shall provide technical assistance and information as requested by the board through its chair.

Sec. 6. Minnesota Statutes 1986, section 116C.03, subdivision 2, is amended to read:

Subd. 2. ~~The board shall include as members of the board are the~~ director of the state planning agency, the director of public service, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members shall must have knowledge of and be conversant in water management issues in the state.

Sec. 7. [216C.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to section 8 and those sections renumbered by section 10.

Subd. 2. [DIRECTOR.] "Director" means the director of the department of public service.

Subd. 3. [DEPARTMENT.] "Department" means the department of public service.

Sec. 8. [216C.02] [POWERS AND DUTIES OF DIRECTOR; RULES.]

Subdivision 1. [POWERS.] The director may:

(1) apply for, receive, and spend money received from federal, municipal, county, regional, and other government agencies and private sources;

(2) apply for, accept, and disburse grants and other aids from public and private sources;

(3) contract for professional services if work or services required or authorized to be carried out by the director cannot be satisfactorily performed by employees of the department or by another state agency;

(4) enter into interstate compacts to carry out research and planning jointly with other states or the federal government when appropriate;

(5) upon reasonable request, distribute informational material at no cost to the public; and

(6) enter into contracts for the performance of the director's duties with federal, state, regional, metropolitan, local, and other agencies or units of government and educational institutions, including the University of Minnesota, without regard to the competitive bidding requirements of chapters 16A and 16B.

Subd. 2. [RULES.] The director may adopt rules under chapter 14 to carry out the director's duties and responsibilities under this section and those sections renumbered by section 10.

Sec. 9. [FUNCTIONS TRANSFERRED; ENERGY DIVISION ESTABLISHED.]

The functions of the department of energy and economic development energy division are transferred from that division to the public service department and are placed under the jurisdiction and control of the director of public service. The energy division is established within the department of public service. The division shall administer the duties and functions assigned to it by law.

Sec. 10. [INSTRUCTION TO REVISOR.]

Subdivision 1. The revisor of statutes shall renumber the section of Minnesota Statutes specified in column A with the corresponding number in column B. The revisor shall make necessary cross reference changes consistent with the renumbering.

In the statutes listed below, the revisor of statutes shall also change all references to "commissioner" or "commissioner of the department of energy and economic development" in the statutes specified in column A to "director" and all references to "department of energy and economic development" to "department."

Column A

116J.04
116J.05
116J.06
116J.07
116J.08
116J.09
116J.10
116J.11
116J.12
116J.13
116J.14
116J.15
116J.16
116J.17
116J.18
116J.19
116J.20
116J.21
116J.22
116J.23
116J.24
116J.25
116J.26
116J.261
116J.262
116J.27
116J.29
116J.30
116J.31
116J.315
116J.32
116J.33
116J.34
116J.35
116J.373
116J.38
116J.381

Column B

216C.04
216C.05
216C.06
216C.07
216C.08
216C.09
216C.10
216C.11
216C.12
216C.13
216C.14
216C.15
216C.16
216C.17
216C.18
216C.19
216C.20
216C.21
216C.22
216C.23
216C.24
216C.25
216C.26
216C.261
216C.262
216C.27
216C.29
216C.30
216C.31
216C.315
216C.32
216C.33
216C.34
216C.35
216C.373
216C.38
216C.381

Subd. 2. The revisor of statutes shall change all references to the "commissioner of energy and economic development" or the "commissioner" (meaning the commissioner of energy and economic development) to the "director of public service" or the "director" in the statutes listed below:

13.68

325F.19

325F.20

325F.21

325F.22

325F.23

325F.24

16B.56, subd. 1

115A.15

126.111

174.03, subd. 7

AGRICULTURE AND TRADE

Sec. 11. Minnesota Statutes 1986, section 17.03, is amended by adding a subdivision to read:

Subd. 6. [COOPERATION WITH MINNESOTA TRADE OFFICE.] The commissioner of agriculture, the commissioner of trade and economic development, and the director of the Minnesota trade office shall cooperate with each other to promote the beneficial agricultural interests of the state. The commissioner of trade and economic development and the director of the Minnesota trade office have primary responsibility for promoting state agricultural interests to national and international markets. The commissioner of agriculture has primary responsibility for promoting the agricultural interests of producers, promoting state agricultural markets, and promoting agricultural interests of the state in cooperative production and marketing efforts with other states.

Sec. 12. Minnesota Statutes 1986, section 17.101, subdivision 1, is amended to read:

~~Subdivision 1. [DEPARTMENTAL DUTIES.]~~ For the purposes of expanding, improving, and developing the markets for products of Minnesota agriculture, the commissioner shall encourage and promote the marketing of these products by means of:

- (a) advertising Minnesota agricultural products;
- (b) assisting state agricultural commodity organizations;
- (c) developing methods to increase processing and marketing of agricultural commodities including commodities not being produced

in Minnesota on a commercial scale, but which may have economic potential in national and international markets;

(d) investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;

(e) evaluating livestock marketing opportunities;

(f) assessing and developing national and international markets for Minnesota agricultural products;

(g) studying the conversion of raw agricultural products to manufactured products including ethanol;

(h) hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;

(i) assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and

(j) other activities the commissioner deems appropriate to promote Minnesota agricultural products in national and international markets.

Sec. 13. Minnesota Statutes 1986, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(a) Chosen by election or appointed to fill an elective office;

(b) Heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions and institutions specifically established by law in the unclassified service;

(c) Deputy and assistant agency heads, and one confidential secretary in the agencies listed in subdivision 1a;

(d) The confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(e) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(f) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;

(g) Employees of the Washington, D.C., office of the state of Minnesota;

(h) Employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

~~(h)~~ (i) Presidents, vice presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants and student employees eligible under terms of the federal economic opportunity act work study program in the state universities and community colleges. This paragraph shall, but not be construed to include the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions.

~~(i)~~ (j) Officers and enlisted persons in the national guard;

~~(j)~~ (k) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

~~(k)~~ (l) Judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

~~(l)~~ (m) Members of the state patrol; provided that selection and appointment of state patrol troopers shall be made in accordance with applicable laws governing the classified service;

~~(m)~~ (n) Chaplains employed by the state;

~~(n)~~ (o) Examination monitors and intermittent training instructors employed by the departments of employee relations and commerce;

~~(o)~~ (p) Student workers; and

~~(p)~~ (q) Employees unclassified pursuant to other statutory authority.

Sec. 14. Minnesota Statutes 1986, section 116J.01, is amended to read:

116J.01 [DEPARTMENT OF ENERGY TRADE AND ECONOMIC DEVELOPMENT.]

Subdivision 1. [APPOINTMENT.] The department of energy trade and economic development ~~shall be~~ is supervised and controlled by the commissioner of energy trade and economic development, who ~~shall be~~ is appointed by the governor and ~~serve~~ serves under the provisions of section 15.06.

Subd. 2. [CONFIDENTIAL SECRETARY.] The commissioner may appoint a confidential secretary in the unclassified service.

Subd. 3. [DEPARTMENTAL ORGANIZATION.] The commissioner shall organize the department as provided in section 15.06. The department shall be organized into four divisions, ~~which shall~~ be designated as the energy business promotion and marketing division, the community development division, the economic development policy analysis division, and the financial management Minnesota trade office division; and one office, the office of tourism. Each division and office is responsible for administering ~~shall administer~~ the duties and functions assigned to it by law. When the duties of the divisions or office are not allocated by law, the commissioner may establish and revise the assignments of each division and office. Each division ~~shall be~~ is under the direction of a deputy commissioner in the unclassified service. The office of tourism is under the direction of a director of tourism in the unclassified service. The governor shall appoint the director of tourism.

Sec. 15. Minnesota Statutes 1986, section 116J.03, is amended to read:

116J.03 [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in chapter 116J, the terms defined in this section have the meaning given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of energy trade and economic development.

Subd. 3. [DEPARTMENT.] "Department" means the department of energy trade and economic development.

Sec. 16. Minnesota Statutes 1986, section 116J.58, subdivision 2, is amended to read:

Subd. 2. [PROMOTIONAL CONTRACTS.] In order to best carry out duties and responsibilities and to serve the people of the state in the promotion of tourism, trade, and economic development, the commissioner may engage in programs and projects jointly with a

private person, firm, corporation or association and may enter into contracts under terms to be mutually agreed upon to carry out such programs and projects not including acquisition of land or buildings. Such Contracts may be negotiated and shall are not be subject to the provisions of chapter 16, insofar as such provisions relate 16B relating to competitive bidding.

Sec. 17. Minnesota Statutes 1986, section 116J.60, is amended to read:

116J.60 [PROMOTIONAL EXPENSES.]

In the promotion of tourism, trade, and economic development of the state, the commissioner of energy trade and economic development may expend money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. An expenditure for food, lodging, or travel is not governed by the travel rules of the commissioner of employee relations. No money shall be expended for the appearance in radio or television broadcasts by an elected public official.

Sec. 18. [116J.613] [WASHINGTON OFFICE.]

The commissioner may appoint employees in the Washington, D.C., office of the state of Minnesota in accordance with chapter 43A, and prescribe their duties.

In the operation of the Washington, D.C., office of the state of Minnesota, the commissioner may expend money appropriated by the legislature for promotional purposes in the same manner as private persons, firms, corporations, and associations expend money for promotional purposes. Promotional expenditures for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

Sec. 19. Minnesota Statutes 1986, section 116J.63, subdivision 2, is amended to read:

Subd. 2. The commissioner shall recommend a schedule of fees pursuant to section 16A.128 to be charged for these materials and for services rendered by the department in furnishing them. Fees for reports, publications, or related publicity or promotional material are not subject to the rulemaking requirements of chapter 14 and are not subject to sections 16A.128 and 16A.1281. The fees prescribed by the commissioner shall must be commensurate with the distribution objective of the department for the material produced or with the cost of furnishing the services. All fees for materials and services shall must be deposited in the general fund.

Sec. 20. [116J.966] [COMMISSIONER'S POWERS AND DUTIES;
TRADE OFFICE.]

Subdivision 1. [TRADE PROMOTION DUTIES GENERALLY.]
The commissioner shall promote, develop, and facilitate trade and
foreign investment in Minnesota. In furtherance of these goals, and
in addition to the powers granted by section 116J.035, the commis-
sioner may:

(1) locate, develop, and promote international markets for Minne-
sota products and services;

(2) locate, develop, and promote domestic and international mar-
kets for Minnesota agricultural products and services;

(3) arrange and lead trade missions to countries with promising
international markets for Minnesota goods, technology, services,
and agricultural products;

(4) promote Minnesota products and services at international
trade shows;

(5) promote Minnesota agricultural products and services at
domestic and international trade shows;

(6) organize, promote, and present international trade shows
featuring Minnesota products and services;

(7) organize, promote, and present domestic and international
trade shows featuring Minnesota agricultural products;

(8) host trade delegations and assist foreign traders in contacting
appropriate Minnesota businesses and investments;

(9) develop contacts with Minnesota businesses and gather and
provide information to assist them in locating and communicating
with international trading or joint venture counterparts;

(10) provide information, education, and counseling services to
Minnesota businesses regarding the economic, commercial, legal,
and cultural contexts of international trade;

(11) provide Minnesota businesses with international trade leads
and information about the availability and sources of services
relating to international trade, such as export financing, licensing,
freight forwarding, international advertising, translation, and cus-
tom brokering;

(12) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(13) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(14) undertake activities to support the world trade center; and

(15) enter into contracts or other agreements with private persons and public entities to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09.

Subd. 2. [AGRICULTURAL PROMOTION.] The commissioner of trade and economic development and the director of the Minnesota trade office shall cooperate and consult with the commissioner of agriculture in promoting the beneficial agricultural interests of the state. The commissioner of trade and economic development and the director of the Minnesota trade office shall have the primary responsibility for promoting state agricultural interests to national and international markets. The commissioner of agriculture has primary responsibility for promoting the agricultural interests of producers, promoting state agricultural markets, and promoting the agricultural interests of the state in cooperative production and marketing efforts with other states.

Subd. 3. [ADMINISTRATIVE SUPPORT.]

The commissioner of agriculture in consultation with the director of the Minnesota trade office shall provide administrative staff and support to the Interstate Agricultural Grain Marketing Commission members from this state.

JUVENILE JUSTICE AND YOUTH INTERVENTION

Sec. 21. [268.29] [JUVENILE JUSTICE PROGRAM.]

The governor shall designate the department of jobs and training as the sole agency responsible for supervising the preparation and administration of the state plan for juvenile justice required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The governor shall designate the juvenile justice advisory committee as the supervisory board for the department of jobs and

training with respect to preparation and administration of the state plan and award of grants.

The governor shall appoint members to the juvenile justice advisory committee in accordance with the membership requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Sec. 22. [268.30] [GRANTS-IN-AID TO YOUTH INTERVENTION PROGRAMS.]

Subdivision 1. [GRANTS.] The commissioner may make grants to nonprofit agencies administering youth intervention programs in communities where the programs are or may be established.

"Youth intervention program" means a nonresidential community-based program providing advocacy, education, counseling, and referral services to youth and their families experiencing personal, familial, school, legal, or chemical problems with the goal of resolving the present problems and preventing the occurrence of the problems in the future.

Subd. 2. [APPLICATIONS.] Applications for a grant-in-aid shall be made by the administering agency to the commissioner. The grant-in-aid is contingent upon the agency having obtained from the community in which the youth intervention program is established local matching money two times the amount of the grant that is sought.

The commissioner shall provide by rule the application form, procedures for making application form, criteria for review of the application, and kinds of contributions in addition to cash that qualify as local matching money. No grant to any agency shall exceed \$25,000.

Sec. 23. [REPEALER.]

Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 116J.404; and 116J.405 are repealed.

Sec. 24. [INSTRUCTION TO REVISOR.]

Subdivision 1. The revisor of statutes shall renumber each section of Minnesota Statutes in column A with the corresponding number in column B. The revisor shall also make necessary cross reference changes consistent with the renumbering and change the words "commissioner of agriculture" or similar words to "commissioner of the department of trade and economic development" or similar words.

Column A

17.10317.10417.105

Column B

116J.972116J.973116J.974

Subd. 2. The revisor of statutes shall, except in those sections listed in section 10, change all references to the commissioner or the department of energy and economic development to the commissioner or department of trade and economic development, as appropriate, whenever those words appear in Minnesota Statutes.

Sec. 25. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 2

WORLD TRADE CENTER

Section 1. [44A.001] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of this chapter, the following terms have the meaning given them in this section.

Subd. 2. [BOARD.] "Board" means the governing board of the Minnesota world trade center corporation.

Subd. 3. [CONFERENCE AND SERVICE CENTER.] "Conference and service center" means the approximately 20,000 square feet of space on the third and fourth floors of the Minnesota world trade center that the state of Minnesota has the right to possess, occupy and use subject to the terms and conditions of the development agreement.

Subd. 4. [CORPORATION.] "Corporation" means the Minnesota world trade center corporation established by section 44A.01.

Subd. 5. [DEVELOPMENT AGREEMENT.] "Development agreement" means the agreement entered into by and between the world trade center board, as agent of the state of Minnesota, and Oxford Development Minnesota, Inc., dated July 27, 1984, and the amendments to that agreement, for development and construction of a world trade center at a designated site in Minnesota.

Subd. 6. [MINNESOTA WORLD TRADE CENTER.] "Minnesota world trade center" means the facility constructed in accordance with the development agreement.

Sec. 2. Minnesota Statutes 1986, section 44A.01, is amended to read:

44A.01 [WORLD TRADE CENTER BOARD CORPORATION.]

Subdivision 1. [MEMBERSHIP ESTABLISHMENT.] (a) A world trade center board is created to facilitate and support Minnesota world trade center programs and services and promote the growth of international trade in Minnesota. The world trade center board consists of nine voting members and four legislators serving as nonvoting members. Three members are representatives of the membership of the Minnesota world trade center, one member is a representative of the international business community, and one member is a representative of the agricultural community.

(b) The initial voting members are appointed by the governor with the advice and consent of the senate. The terms of five of the initial voting members shall expire the first Monday in January 1987. The terms of the remaining four initial voting members shall expire the first Monday in January 1989. A vacancy is filled in the same manner as the appointment. The Minnesota world trade center corporation is a public corporation. The corporation is established to facilitate and support Minnesota world trade center programs and services and to promote the Minnesota world trade center. The corporation is a state agency but is not subject to chapters 14, 16A, 16B, 43A, 179, and 179A.

Subd. 2. [BOARD MEMBERSHIP.] (a) The Minnesota world trade center corporation is governed by a board of directors consisting of (1) nine members elected by the association of members established under section 4, subdivision 2, clause (5); (2) three members appointed by the governor; and (3) six legislators.

(b) The members elected by the association shall be elected from members of the international business community and shall serve terms of six years.

(c) The three members appointed by the governor shall be appointed with the advice and consent of the senate and serve terms of six years.

(e) (d) Legislator members are two three members of the senate appointed under the rules of the senate and two three members of the house of representatives appointed by the speaker. At least one member from each house must be appointed from the minority party of that house. Except for the initial members, who are to be appointed following enactment, they are appointed at the beginning of each regular session of the legislature for two-year terms. A legislator who remains a member of the body from which the legislator was appointed may serve until a successor is appointed and qualifies. A vacancy in a legislator member's term is filled for

the unexpired portion of the term in the same manner as the original appointment.

Subd. 2-3. [TERMS; COMPENSATION; REMOVAL.] Except as provided in this section, terms, compensation, and removal of members who are not legislators are as provided in section 15.059.

Subd. 3-4. [ORGANIZATION.] ~~The chair of the world trade center board is selected by the board members~~ The board shall elect a chair and an executive committee from its members.

Sec. 3. Minnesota Statutes 1986, section 44A.02, is amended to read:

44A.02 [PRESIDENT.]

Subdivision 1. [SELECTION.] The president of the world trade center ~~board~~ corporation is selected by a majority of the board and serves at the pleasure of the board. The president must be familiar with the international business community, and have demonstrated proficiency in communication skills, administration, and management. The salary of the president is set by the board ~~within the limit set by sections, but may not exceed 95 percent of the salary for the governor under section 15A.081, subdivision 1, and 43A.17 6.~~

Subd. 2. [DUTIES.] The president is the chief administrative officer of the ~~board~~ corporation and is responsible for performing the executive duties of the ~~board~~ corporation. The president is not a member of the board.

Subd. 3. [EMPLOYEES.] The president may appoint ~~unclassified employees in accordance with chapter 43A~~ and prescribe their duties. Employees and officers of the corporation are not state employees, but at the option of the board may participate in the following plans for employees in the unclassified service: the state retirement plan, the state deferred compensation plan, and the health insurance and life insurance plans. The president may delegate to a subordinate the exercise of specified statutory powers or duties as the president deems advisable, subject to the control of the president.

Sec. 4. [44A.023] [POWERS.]

Subdivision 1. [LEGAL ACTION.] The corporation may sue, and be sued in the manner and subject to the limitations of other state agencies.

Subd. 2. [OTHER POWERS.] The board may directly, or authorize others in the corporation to:

(1) define, formulate, administer, and deliver programs and services through the world trade center;

(2) establish satellite operations of the Minnesota world trade center within the continental United States;

(3) accept gifts and grants from other sources;

(4) set and collect fees for services and programs;

(5) adopt membership requirements for an association of members of the Minnesota world trade center;

(6) participate jointly with private persons, firms, corporations, or organizations or with public entities in appropriate programs or projects and enter into contracts to spend money to carry out those programs or projects;

(7) have a seal and alter it at will;

(8) acquire and dispose of personal property, including inchoate and intellectual property, royalties, stock, and stock warrants;

(9) enter into contracts or agreements with a federal or state agency, individual, business entity, or other organization;

(10) acquire and dispose of real property or an interest in real property;

(11) purchase insurance;

(12) spend money appropriated to it for its purposes, including expenditures for the food, lodging, and travel of consultants and speakers hired by the board, and for publications, advertising, and promotional activities; and

(13) hold and maintain, with the owner of the Minnesota world trade center, membership for the Minnesota world trade center in the world trade centers association.

Sec. 5. [44A.025] [DUTIES.]

The board shall directly, or authorize others in the corporation to:

(1) promote and market the Minnesota world trade center;

(2) sponsor conferences or other promotional events in the conference and service center;

(3) adopt bylaws governing operation of the corporation by November 1, 1987;

(4) establish a Minnesota world trade center club program in accordance with the development agreement;

(5) conduct public relations and liaison activities between the corporation and the international business community; and

(6) establish and maintain an office in the Minnesota world trade center.

Sec. 6. Minnesota Statutes 1986, section 44A.031, is amended to read:

44A.031 [PROMOTIONAL EXPENSES.]

The world trade center board may directly, or authorize others in the corporation to, expend money in the world trade center fund, and any other money appropriated by the legislature, for the purpose of promotion of world trade in Minnesota to carry out sections 4 and 5. Promotional expenses include, but are not limited to, expenses for the food, lodging and travel of consultants and, speakers and corporation employees hired by the board, and publications and other forms of advertising. Promotional expenditures may be made in the same manner as expenditures made by private persons, firms, corporations, or associations for similar purposes, and are not subject to regulation by the commissioner of employee relations.

Sec. 7. [44A.0311] [WORLD TRADE CENTER CORPORATION FUND.]

A world trade center corporation fund is established as an account in the state treasury. All money received by the corporation, including money generated from the use of the conference and service center, except money generated from the use of the center by the Minnesota trade office, shall be deposited in the fund. Money in the fund including interest earned is appropriated to the board and shall be used exclusively for corporation purposes.

Sec. 8. [44A.11] [USE OF CONFERENCE AND SERVICE CENTER.]

The board shall operate or provide for the operation of the conference and service center. Priority use of the conference and service center shall be given to programs and activities related to international trade. The board may provide for the use of the center for public benefits and other revenue raising purposes only after all other uses of the center for international business have been accommodated.

Sec. 9. [TRANSITION.]

(a) Nine members of the first Minnesota world trade center corporation board of directors are the nine members of the Minnesota world trade center board on the effective date of this section. Three of these members shall serve a term of two years, three a term of four years, and three a term of six years. The determination of members who serve these terms shall be made by lot. On expiration of a member's term under this paragraph, a successor shall be elected under section 2, subdivision 2, paragraph (b).

(b) Three members of the first Minnesota world trade center corporation board of directors shall be appointed by the members of the first Minnesota world trade center corporation board of directors chosen under section 2, paragraph (d) and paragraph (a) of this section. One of these members shall serve a term of two years, one a term of four years, and one a term of six years. The determination of members who serve these terms shall be made by lot. On expiration of a member's term under this paragraph, a successor shall be chosen under section 2, subdivision 2, paragraph (c).

Sec. 10. [MEMBERSHIP AGREEMENT.]

The Minnesota world trade center corporation may request the executive board of the world trade centers association to transfer the membership of the Minnesota world trade center board in the world trade centers association to the corporation and the owner of the Minnesota world trade center.

Sec. 11. [TRANSFERS; APPROPRIATIONS; COMPLEMENT.]

Subdivision 1. [DEFINITIONS.] The definitions in section 1 apply to this section.

Subd. 2. [TRANSFER.] All of the state of Minnesota's rights and obligations under the development agreement and all existing contracts related to the approximately 20,000 square feet to which the world trade center board is a party or beneficiary is transferred to the board of the corporation. All other property of the world trade center board, including any unexpended balance of the world trade center board 1987 appropriation and matching funds, is transferred and appropriated to the board of the corporation.

Subd. 3. [OPERATING EXPENSES APPROPRIATION.] \$135,000 the first year and \$180,000 the second year is appropriated from the general fund to the commissioner of administration to pay the operating expenses of the Minnesota world trade center conference and service center as required by the development agreement, to be available until June 30, 1989. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 12. [REPEALER.]

Minnesota Statutes 1986, sections 44A.03; 44A.04; 44A.05; and 44A.07, are repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 1987."

Delete the title and insert:

"A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; creating the Minnesota world trade center corporation and providing for its powers and duties; changing the membership of the world trade center board; authorizing the board to contract for certain services and programs; establishing the conference and service facility fund; appropriating money; amending Minnesota Statutes 1986, sections 17.03, subdivision 1, and by adding a subdivision; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.02; 44A.031; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 44A; 116J; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405."

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Anderson, G., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1203, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Anderson, G., moved that the Rules of the House be so far suspended that S. F. No. 1203, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1203, A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; changing the membership of the world trade center board; establishing the world trade center institute; authorizing the board to contract for certain services and programs; appropriating money; amending Minnesota Statutes 1986, sections 17.03, by adding a subdivision; 17.101, subdivision 1; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.031; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 44A; 116J; 236A; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Marsh	Pauly	Steensma
Battaglia	Hartle	McDonald	Pelowski	Swiggum
Bauerly	Haukoos	McEachern	Peterson	Swenson
Beard	Heap	McLaughlin	Price	Thiede
Begich	Himle	McPherson	Quinn	Tjornhom
Bennett	Hugoson	Milbert	Quist	Trimble
Bertram	Jacobs	Miller	Redalen	Tunheim
Blatz	Jaros	Minne	Reding	Uphus
Boo	Jefferson	Morrison	Rest	Valento
Brown	Jennings	Munger	Rice	Vanasek
Burger	Jensen	Murphy	Richter	Vellenga
Carlson, L.	Johnson, A.	Nelson, C.	Riveness	Voss
Carruthers	Johnson, R.	Nelson, D.	Rukavina	Wagenius
Clark	Johnson, V.	Nelson, K.	Sarna	Waltman
Clausnitzer	Kalis	Neuenschwander	Schafer	Welle
Cooper	Kelly	O'Connor	Scheid	Wenzel
Dauner	Kelso	Ogren	Schoenfeld	Winter
DeBlieck	Kinkel	Olsen, S.	Schreiber	Wynia
Dempsey	Kludt	Olson, E.	Seaberg	Spk. Norton
Dille	Knickerbocker	Olson, K.	Segal	
Dorn	Knuth	Omann	Shaver	
Forsythe	Kostohryz	Onnen	Simoneau	
Frederick	Krueger	Orenstein	Skoglund	
Frerichs	Larsen	Otis	Solberg	
Greenfield	Lasley	Ozment	Sparby	
Gruenes	Lieder	Pappas	Stannus	

Those who voted in the negative were:

Osthoff

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

S. F. No. 858 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Nelson, D., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 858 be given its third reading and be placed upon its final passage. The motion prevailed.

Nelson, D., moved that the Rules of the House be so far suspended that S. F. No. 858 be given its third reading and be placed upon its final passage. The motion prevailed.

Speaker pro tempore Simoneau called Long to the Chair.

S. F. No. 858, A bill for an act relating to health; providing for asbestos regulation; directing the commissioner of health to regulate and license persons or entities enclosing, removing, or encapsulating asbestos; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	DeBlieck	Jefferson	Lieder	Ogren
Battaglia	Dempsey	Jennings	Marsh	Olsen, S.
Bauerly	Dille	Jensen	McDonald	Olson, E.
Beard	Dorn	Johnson, A.	McEachern	Olson, K.
Begich	Forsythe	Johnson, R.	McLaughlin	Omann
Bennett	Frederick	Johnson, V.	McPherson	Onnen
Bertram	Frerichs	Kalis	Milbert	Orenstein
Blatz	Greenfield	Kelly	Miller	Osthoff
Boo	Gruenes	Kelso	Minne	Otis
Brown	Gutknecht	Kinkel	Morrison	Ozment
Burger	Hartle	Kludt	Munger	Pappas
Carlson, L.	Haukoos	Knickerbocker	Murphy	Pauly
Carruthers	Heap	Knuth	Nelson, C.	Pelowski
Clark	Himle	Kostohryz	Nelson, D.	Peterson
Clausnitzer	Hugoson	Krueger	Nelson, K.	Price
Cooper	Jacobs	Larsen	Neuenschwander	Quinn
Dauner	Jaros	Lasley	O'Connor	Quist

Redalen	Sarna	Simoneau	Thiede	Voss
Reding	Schafer	Skoglund	Tjornhom	Wagenius
Rest	Scheid	Solberg	Trimble	Waltman
Rice	Schoenfeld	Sparby	Tunheim	Welle
Richter	Schreiber	Stanis	Uphus	Wenzel
Riveness	Seaberg	Steensma	Valento	Winter
Rose	Segal	Svigum	Vanasek	Wynia
Rukavina	Shaver	Swenson	Vellenga	Spk. Norton

The bill was passed and its title agreed to.

S. F. No. 1008 was reported to the House.

Ogren moved to amend S. F. No. 1008, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 148.06, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED; QUALIFICATIONS.] No person shall practice chiropractic in this state without first being licensed by the state board of chiropractic examiners. The applicant shall have earned at least one-half of all academic credits required for awarding of a baccalaureate degree from the University of Minnesota, or other university, college or community college of equal standing, in subject matter determined by the board, and taken a four-year resident course of at least eight months each in a school or college of chiropractic that is fully accredited by the council on chiropractic education or fully accredited by an agency approved by the United States office of education or their successors. The board may recommend a two-year prechiropractic course of instruction to any university, college or community college which in its judgment would satisfy the academic prerequisite for licensure as established by this section.

An examination for a license shall be in writing and shall include testing in:

(a) The basic sciences including but not limited to anatomy, physiology, bacteriology, pathology, hygiene, and chemistry as related to the human body or mind;

(b) The clinical sciences including but not limited to the science and art of chiropractic, chiropractic physiotherapy, diagnosis, roentgenology and nutrition; and

(c) Professional ethics and any other subjects that the board may deem advisable.

The board may consider a valid certificate of examination from the National Board of Chiropractic Examiners as evidence of compliance with the written examination requirements of this subdivision. The applicant shall be required to give practical demonstration in vertebral palpation, ~~nerve tracing~~ neurology, adjusting and any other subject that the board may deem advisable. A license, countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who correctly answers 75 percent of the questions propounded in each of the subjects required by this subdivision and meets the standards of practical demonstration established by the board. Each application shall be accompanied by a fee set by the board. The fee shall not be returned in the event of failure to pass, but the applicant may, within one year, apply for examination without the payment of an additional fee. The board may grant a license to an applicant who holds a valid license to practice chiropractic issued by the appropriate licensing board of another state or country, provided the applicant meets the other requirements of this section and satisfactorily passes the practical examination before the board. The burden of proof is on the applicant to demonstrate these qualifications or satisfaction of these requirements.

Sec. 2. Minnesota Statutes 1986, section 148.07, subdivision 2, is amended to read:

Subd. 2. [EXPENSES.] The expenses of administering sections 148.01 to ~~148.101~~ 148.105 shall be paid from the appropriation made to the state board of chiropractic examiners. Expenditures and revenues must be managed in accordance with the statewide accounting principles and requirements of the commissioner of finance.

Sec. 3. Minnesota Statutes 1986, section 148.08, subdivision 3, is amended to read:

Subd. 3. [RULES.] The board of chiropractic examiners shall promulgate rules necessary to administer sections 148.01 to ~~148.101~~ 148.105 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to ~~148.101~~ 148.105, if the definitions are not inconsistent with the provisions of sections 148.01 to ~~148.101~~ 148.105.

Sec. 4. Minnesota Statutes 1986, section 148.10, subdivision 1, is amended to read:

Subdivision 1. [GROUND.] The state board of chiropractic examiners may refuse to grant, or may revoke, suspend, condition,

limit, restrict or qualify a license to practice chiropractic, or may cause the name of a person licensed to be removed from the records in the office of the court administrator of the district court for:

(1) the publishing or distributing, or causing to be published or distributed, in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, wherein the term "cure" or "guarantee to cure" or similar terms are used; which is hereby declared to be fraudulent and misleading to the general public; Advertising that is false or misleading; that violates a rule of the board; or that claims the cure of any condition or disease.

(2) The employment of fraud or deception in applying for a license or in passing the examination provided for in section 148.06; or conduct which subverts or attempts to subvert the licensing examination process.

(3) The practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name;

(4) The conviction of a crime involving moral turpitude;

(5) The conviction, during the previous five years, of a felony reasonably related to the practice of chiropractic.

(6) Habitual intemperance in the use of alcohol or drugs;

(6) (7) Failure to pay the annual renewal license fee;

(7) (8) Advanced physical or mental disability;

(8) (9) The revocation or suspension of a license to practice chiropractic; or other disciplinary action against the licensee; or the denial of an application for a license by the proper licensing authority of another state, territory or country; or failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction.

(9) (10) The violation of, or failure to comply with, the provisions of sections 148.01 to 148.101 148.105, the rules of the state board of chiropractic examiners, or a lawful order of the board;

(10) (11) Unprofessional conduct; or

(11) (12) Being unable to practice chiropractic with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material, or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills. If the board has probable cause to believe that a

person comes within this clause, it shall direct the person to submit to a mental or physical examination. For the purpose of this clause, every person licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a person to submit to such examination when directed shall constitute an admission of the allegations, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A person affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that the person can resume the competent practice of chiropractic with reasonable skill and safety to patients.

In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.42, 144.651, or any other law limiting access to health data, obtain health data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that a doctor of chiropractic comes under this clause. The health data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider or entity giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under sections 13.01 to 13.87.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a person in any other proceeding.

(13) Aiding or abetting an unlicensed person in the practice of chiropractic, except that it is not a violation of this clause for a doctor of chiropractic to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of his or her license or registration or delegated authority.

(14) Improper management of health records, including failure to maintain adequate health records as described in clause (18), to comply with a patient's request made under section 144.335 or to furnish a health record or report required by law.

(15) Failure to make reports required by section 7, subdivisions 2 and 5, or to cooperate with an investigation of the board as required by section 9, or the submission of a knowingly false report against another doctor of chiropractic under section 5.

(16) Splitting fees, or promising to pay a portion of a fee or a commission, or accepting a rebate.

(17) Revealing a privileged communication from or relating to a patient, except when otherwise required or permitted by law.

(18) Failing to keep written chiropractic records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, and X-rays. Unless otherwise required by law, written records need not be retained for more than seven years and X-rays need not be retained for more than four years.

(19) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, or appliances.

(20) Gross or repeated malpractice or the failure to practice chiropractic at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(21) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the person is not qualified by training, experience, or licensure to perform them.

For the purposes of clause (2), conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to: (a) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (b) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (c) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

For the purposes of clause clauses (4) and (5), conviction shall be deemed to include a criminal proceeding in which as used in these subdivisions includes a conviction of an offense that if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of

guilt is made or returned but the adjudication of guilt is either withheld or not entered.

For the purposes of clauses (4) and, (5), and (6), a copy of the judgment or proceeding under seal of the administrator of the court or of the administrative agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of its contents.

For the purposes of clause (10) (11), unprofessional conduct means any unethical, deceptive or deleterious conduct or practice harmful to the public, any departure from or the failure to conform to the minimal standards of acceptable chiropractic practice, or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractor:

(a) Gross ignorance of, or incompetence in, the practice of chiropractic;

(b) Making suggestive, lewd, lascivious or improper advances to a patient Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

(c) Performing unnecessary services;

(d) Charging a patient an unconscionable fee or charging for services not rendered;

(e) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;

(f) Perpetrating fraud upon patients, third party payers, or others, relating to the practice of chiropractic, including violations of the Medicare or Medicaid laws or state medical assistance laws; and

(g) Advertising that the licensee will accept for services rendered assigned payments from any third-party payor as payment in full, if the effect is to give the impression of eliminating the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan; or advertising a fee or charge for a service or treatment different from the fee or charge the licensee submits to a third-party payor for that service or treatment. As used in this clause, "advertise" means solicitation by the licensee by means of handbills, posters, circulars, motion pictures, radio, newspapers, television, or in any other manner. In addition to the board's power to punish for violations of this clause, violation of this clause is also a misdemeanor;

(h) Accepting for services rendered assigned payments from any third-party payor as payment in full, if the effect is to eliminate the need of payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan, except as hereinafter provided; or collecting a fee or charge for a service or treatment different from the fee or charge the licensee submits to a third-party payor for that service or treatment, except as hereinafter provided. This clause is intended to prohibit offerings to the public of the above listed practices and those actual practices as well, except that in instances where the intent is not to collect an excessive remuneration from the third-party payor but rather to provide services at a reduced rate to a patient unable to afford the deductible or copayment, the services may be performed for a lesser charge or fee. The burden of proof for establishing that this is the case shall be on the licensee; and

(i) Any other act that the board by rule may define.

Sec. 5. Minnesota Statutes 1986, section 148.10, subdivision 3, is amended to read:

Subd. 3. [REPRIMAND; PENALTIES; PROBATION.] In addition to the other powers granted to the board under this chapter, the board may, in connection with any person whom the board, after a hearing, adjudges unqualified or whom the board, after a hearing, finds to have performed one or more of the acts described in subdivision 1:

(a) Publicly reprimand or censure the person;

(b) Place the person on probation for the period and upon the terms and conditions that the board may prescribe; and

(c) Require payment of all costs of proceedings resulting in the disciplinary action; and

(d) Impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the doctor of chiropractic of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding.

Sec. 6. Minnesota Statutes 1986, section 148.10, is amended by adding a subdivision to read:

Subd. 6. [EFFECT OF APPEAL.] A suspension, revocation, condition, limitation, qualification, or restriction of a license shall be in effect pending determination of an appeal unless the court, upon petition and for good cause shown, shall otherwise order.

A license to practice chiropractic is automatically suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court under sections 525.54 to 525.61, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court under chapter 253B or sections 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing.

Sec. 7. [148.102] [REPORTS OF STATE OR LOCAL SOCIETIES.]

Subdivision 1. [REQUIREMENT.] If a state or local chiropractic society receives a complaint which might be grounds for discipline under section 148.10 against a member doctor of chiropractic, the society shall report the complaint or shall direct the complainant to the board of chiropractic examiners.

Subd. 2. [LICENSED PROFESSIONALS.] A licensed health professional shall report to the board personal knowledge of any conduct which the professional reasonably believes constitutes grounds for disciplinary action under section 148.10 by any doctor of chiropractic including any conduct indicating that the doctor of chiropractic may be incompetent, or may have engaged in unprofessional conduct, or may be physically unable to engage safely in the practice of chiropractic. No report shall be required if the information was obtained in the course of a patient relationship if the patient is a doctor of chiropractic and the treating health professional successfully counsels the doctor of chiropractic to limit or withdraw from practice to the extent required by the impairment; or (2) is a patient or former patient of the doctor of chiropractic and the treating professional is a psychologist from whom the patient is receiving psychotherapeutic services.

Subd. 3. [INSURERS.] Two times each year each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to chiropractors shall submit to the board a report concerning the chiropractors against whom malpractice settlements or awards have been made to the plaintiff. The report must contain at least the following information:

(1) the total number of malpractice settlements or awards made to the plaintiff;

(2) the date the malpractice settlements or awards to the plaintiff were made;

(3) the allegations contained in the claim or complaint leading to the settlements or awards made to the plaintiff;

(4) the dollar amount of each malpractice settlement or award;

(5) the regular address of the practice of the doctor of chiropractic against whom an award was made or with whom a settlement was made; and

(6) the name of the doctor of chiropractic against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, report to the board any information it possesses which tends to substantiate a charge that a doctor of chiropractic may have engaged in conduct violating section 148.10 and this section.

Subd. 4. [COURTS.] The clerk of district court or any other court of competent jurisdiction shall report to the board any judgment or other determination of the court which adjudges or includes a finding that a doctor of chiropractic is mentally ill, mentally incompetent, guilty of a felony, guilty of an abuse or fraud, appoints a guardian of the doctor of chiropractic under sections 525.54 to 525.61 or commits a doctor of chiropractic under chapter 253B or sections 526.09 to 526.11.

Subd. 5. [SELF-REPORTING.] A doctor of chiropractic shall report to the board any action concerning that doctor which would require that a report be filed with the board by any person, health care facility, business, or organization under subdivision 4.

Subd. 6. [DEADLINES; FORMS.] Reports required by subdivisions 1 to 5 must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Subd. 7. [SUBPOENAS.] The board may issue subpoenas for the production of any reports required by subdivisions 1 to 5 or any related documents.

Sec. 8. [148.103] [IMMUNITY FOR REPORTING OR INVESTIGATING.]

Subdivision 1. [REPORTING.] Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the board under section 7 or for otherwise reporting to the board violations or alleged violations of section 148.10. The reports are private.

Subd. 2. [INVESTIGATION.] Members of the board and persons employed by the board or engaged in the investigation or prosecution of violations and in the preparation and management of charges of violations of sections 148.01 to 148.105 on behalf of the board are

immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under sections 148.01 to 148.105.

Sec. 9. [148.104] [COOPERATION DURING INVESTIGATIONS.]

A doctor of chiropractic who is the subject of an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient health records, as reasonably requested by the board, to assist the board in its investigation.

Sec. 10. [148.105] [VIOLATION.]

Subdivision 1. [GENERALLY.] Any person who practices, or attempts to practice, chiropractic or who uses any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "D.C.," or any other title or letters under any circumstances as to lead the public to believe that the person who so uses the terms is engaged in the practice of chiropractic, without having complied with the provisions of sections 148.01 to 148.104, is guilty of a gross misdemeanor; and, upon conviction, fined not less than \$1,000 nor more than \$10,000 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It is the duty of the county attorney of the county in which the person practices to prosecute. Nothing in sections 148.01 to 148.105 shall be considered as interfering with any person:

(a) licensed by a health related licensing board, as defined in section 214.01, subdivision 2, including licensed psychologists with respect to the use of hypnosis;

(b) registered by the commissioner of health under section 214.13;
or

(c) engaged in other methods of healing regulated by law in the state of Minnesota;
provided that the person confines activities within the scope of the license or other regulation and does not practice or attempt to practice chiropractic.

Subd. 2. [EXCEPTIONS.] The following persons shall not be in violation of subdivision 1:

(1) a student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized chiropractic college; and

(2) a student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any institution approved for training by the board.

Sec. 11. [148.106] [PEER REVIEW OF SERVICES AND FEES.]

Subdivision 1. [DEFINITIONS.] As used in this section, the term:

(a) "Accepted standards" for peer review of a licensed chiropractor means those standards of care, skill, and treatment which are recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

(b) "Appropriate chiropractic treatment" means a determination made of treatment and other services performed, which by virtue of a substantiated and properly diagnosed condition, appears to be of a type consistent with that diagnosis as reviewed by the peer review committee.

(c) "Unconscionable fees" means charges submitted for services performed that are unnecessary or unreasonable charges in the judgment of the peer review committee. In determining the unconscionability of costs, the committee may consider, among other appropriate factors, charges by health care providers other than chiropractors for the same or similar services.

(d) "Bill for treatment" means all services provided to a consumer, regardless of the monetary consideration paid to the health care provider.

(e) "Patient" means an individual who receives chiropractic treatment from a chiropractor.

(f) "Peer review" means an evaluation, based on accepted standards, by a peer review committee of the appropriateness, quality, utilization, and cost of health care and health services provided to a patient.

(g) "Peer review committee" means a committee of seven individuals, five of whom are chiropractors licensed under this chapter, two of whom are consumers, and none of whom is in a direct business relationship with the provider, insurer, or patient whose case is being reviewed. The committee shall be appointed by the executive director of the board or provided for by a contractual arrangement with the board, and may consist of different individuals for review of different cases.

(h) "Properly utilized services" means appropriate treatment services rendered, including frequency and duration, which are

substantiated as being necessary and reasonable by clinical records and reports of the provider or any other facts or evidence pertinent to the controversy as reviewed by the peer review committee.

Subd. 2. [PURPOSE.] The board shall review directly or by contract information relating to certain chiropractic providers for the purposes identified in section 145.61.

It is the intention of the legislature that the peer review system and activities established under this chapter, including the board and the peer review committee and their officers, members, employees and agents, shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

Subd. 3. [DUTIES.] The peer review committee shall advise the board as to its findings under subdivision 2. The peer review committee may hear, without qualification or threshold, any submission regarding the appropriateness, quality, or utilization of chiropractic services. The board may establish additional criteria for screening requests for peer review. The screening shall occur upon submission by a patient, the patient's representative, insurer, or chiropractor of an inquiry about a bill for treatment rendered to a patient by a health care provider.

Subd. 4. [FEES FOR REVIEW.] Any third party provider making a peer review request may be charged a fee to assist in defraying the administrative costs of performing the review.

Subd. 5. [CONDUCT OF REVIEW.] Peer review occurs upon submission by a patient, the patient's representative, insurer, or chiropractor, in accordance with the procedures approved by the board, of an inquiry about a bill for treatment rendered to a patient by a chiropractor. The peer review committee shall examine each inquiry submitted to it and shall report its findings to the executive director of the board and furnish copies of the findings to the patient, chiropractor, and third-party payor. The findings of the peer review committee on each inquiry reviewed shall include a determination of whether or not the chiropractor properly utilized services and rendered or ordered appropriate treatment or services and whether or not the cost of the treatment was unconscionable.

Subd. 6. [ANNUAL REPORT.] An annual summary of the findings of the peer review committee shall be prepared by the committee and submitted to the board. The report may be made available to interested persons upon request and upon payment of necessary administrative costs to defray the expenses of reproduction. No report or summary submitted to the public by the board may disclose the name or identifier of any patient without the patient's consent.

Subd. 7. [TREATMENT RECORDS.] The acceptance of, or the request for, payment for treatment rendered to a patient by a doctor of chiropractic constitutes the consent of the doctor of chiropractic to the submission of all necessary records and other information concerning the treatment to the peer review committee.

Subd. 8. [RULES.] (a) The board may adopt rules it considers necessary and appropriate to implement the peer review system and activities established under this chapter.

(b) The decision by the board to refer the matter to a peer review committee, the establishment by the board of the procedures by which a peer review committee reviews the rendering of health care services, and the proceedings and findings of a peer review committee are not subject to the rulemaking provisions of chapter 14.

Subd. 9. [APPLICATION OF OTHER LAW.] (a) The provisions of Minnesota Statutes, section 145.62, apply to any person, firm, corporation, or other entity providing information to the board or the peer review committee.

(b) The provisions of Minnesota Statutes, section 145.63, apply to an officer, member, employee, or agent of the board and to an officer, member, employee, or agent of an entity with which the board has contracted under this section.

Subd. 10. [CONFIDENTIALITY OF PEER REVIEW RECORDS.] All data and information acquired by the board or the peer review committee, in the exercise of its duties and functions, shall be subject to the same disclosure and confidentiality protections as provided for data and information of other review organizations under section 145.64. This subdivision does not limit or restrict the board or the peer review committee from fully performing their prescribed peer review duties and functions, nor does it apply to disciplinary and enforcement proceedings under Minnesota Statutes, sections 14.57 to 14.62, 148.10, 148.105, 214.10, and 214.11. The peer review committee shall file with the board a complaint against a health care provider if it determines that reasonable cause exists to believe the health care provider has violated any portion of this chapter or rules adopted under it, for which a licensed chiropractor may be disciplined. The peer review committee shall transmit all complaint information it possesses to the board. The data, information, and records are classified as private data on individuals for purposes of chapter 13. The patient records obtained by the board pursuant to this section must be used solely for the purposes of the board relating to peer review or the disciplinary process.

Sec. 12. Minnesota Statutes 1986, section 319A.02, subdivision 2, is amended to read:

Subd. 2. "Professional service" means personal service rendered by a professional pursuant to a license or certificate issued by the state of Minnesota to practice medicine and surgery pursuant to sections 147.01 to 147.29, chiropractic pursuant to sections 148.01 to ~~148.101~~ 148.105, nursing pursuant to sections 148.171 to 148.285, optometry pursuant to sections 148.52 to 148.62, psychology pursuant to sections 148.88 to 148.98, dentistry pursuant to sections 150A.01 to 150A.12, pharmacy pursuant to sections 151.01 to 151.40, podiatry pursuant to sections 153.01 to 153.15, veterinary medicine pursuant to sections 156.001 to 156.14, architecture, engineering, surveying and landscape architecture pursuant to sections 326.02 to 326.15, accountancy pursuant to sections 326.17 to 326.23, or law pursuant to sections 481.01 to 481.17, or pursuant to a license or certificate issued by another state pursuant to similar laws.

Sec. 13. [APPROPRIATION.]

The sum of \$336,400 is appropriated from the special revenue fund to the state board of chiropractic examiners for the purposes of funding the board's operation.

Fees assessed shall be adjusted to provide for this appropriation.

The appropriation is available until June 30, 1989.

Sec. 14. [REPEALER.]

Minnesota Statutes 1986, section 148.101, is repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 12 and 14 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to occupations and professions; providing for the regulation of the practice of chiropractic; providing for peer review of services and fees; providing grounds for license revocation; prescribing penalties; appropriating money; amending Minnesota Statutes 1986, sections 148.06, subdivision 1; 148.07, subdivision 2; 148.08, subdivision 3; 148.10, subdivisions 1, 3, and by adding a subdivision; and 319A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1986, section 148.101."

The motion prevailed and the amendment was adopted.

Ogren moved to amend S. F. No. 1008, as amended, as follows:

Page 17, line 36, delete "\$336,400" and insert "\$44,000"

Page 18, line 2, delete "board's operation" and insert "peer review committee"

The motion prevailed and the amendment was adopted.

Ogren moved to amend S. F. No. 1008, as amended, as follows:

Page 15, line 20, after "provider" insert "or chiropractor"

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Ogren moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1008, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Ogren moved that the Rules of the House be so far suspended that S. F. No. 1008, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1008, A bill for an act relating to occupations and professions; providing for the regulation of the practice of chiropractic; providing for peer review of services and fees; providing grounds for license revocation; prescribing penalties; amending Minnesota Statutes 1986, sections 148.06, subdivision 1; 148.07, subdivision 2; 148.08, subdivision 3; 148.10, subdivisions 1, 3, and by adding a subdivision; and 319A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1986, section 148.101.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Burger	Clausnitzer	Dorn
Battaglia	Bertram	Carlson, D.	Cooper	Forsythe
Bauerly	Blatz	Carlson, L.	Dauner	Frederick
Beard	Boo	Carruthers	DeBlieck	Frerichs
Begich	Brown	Clark	Dempsey	Greenfield

Gruenes	Knickerbocker	Nelson, D.	Redalen	Stanius
Hartle	Knuth	Nelson, K.	Reding	Steensma
Haukoos	Kostohryz	O'Connor	Rest	Sviggum
Heap	Krueger	Ogren	Rice	Swenson
Himle	Larsen	Olsen, S.	Richter	Thiede
Hugoson	Lasley	Olson, E.	Riveness	Tjornhom
Jacobs	Lieder	Olson, K.	Rose	Trimble
Jaros	Long	Omann	Rukavina	Tunheim
Jefferson	Marsh	Onnen	Sarna	Uphus
Jennings	McDonald	Orenstein	Schafer	Valento
Jensen	McEachern	Osthoff	Scheid	Vanasek
Johnson, A.	McLaughlin	Otis	Schoenfeld	Vellenga
Johnson, R.	McPherson	Ozment	Schreiber	Voss
Johnson, V.	Milbert	Pappas	Seaberg	Wagenius
Kahn	Miller	Pauly	Segal	Waltman
Kalis	Minne	Pelowski	Shaver	Welle
Kelly	Morrison	Peterson	Simoneau	Wenzel
Kelso	Munger	Price	Skoglund	Winter
Kinkel	Murphy	Quinn	Solberg	Wynia
Kludt	Nelson, C.	Quist	Sparby	Spk. Norton

Those who voted in the negative were:

Gutknecht

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

S. F. No. 1280 was reported to the House.

Jensen moved to amend S. F. No. 1280, as follows:

Page 3, line 31, after "misdemeanor" strike the remainder of the line and insert a period

Page 3, lines 32 through 34, strike all existing language and delete all underscored language

The motion prevailed and the amendment was adopted.

Jacobs moved to amend S. F. No. 1280, as amended, as follows:

Page 11, after line 15, insert:

"Sec. 15. Minnesota Statutes 1986, section 299A.02, subdivision 3, is amended to read:

Subd. 3. [REPORTS; RULES.] The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging

whiskey. No rule may require cordials or liqueurs to contain in excess of two and one-half percent by weight of sugar or dextrose or both."

Renumber the sections in sequence:

Amend the title as follows:

Page 1, line 17, after "approaching;" insert "restricting rulemaking authority of the commissioner;"

Page 1, line 30, after "2," insert "299A.02, subdivision 3;"

The motion prevailed and the amendment was adopted.

S. F. No. 1280, A bill for an act relating to public safety; increasing taxable gross weight of vehicles at which proof of payment of use tax is required; providing for permits for new vehicles used in events for promotion purposes; changing trip permit conditions; increasing fine for unlawful use of registration plates or certificates; allowing police to give age of parties in traffic accident to media; providing for the disclosure of certain information from accident reports; providing for service of notice of driver's license revocation by court; prescribing contents of petition for judicial review of driver's license revocation; subjecting alcohol problem assessment rules to administrative procedure act; prescribing actions by drivers on one-way road when emergency vehicle approaching; requiring school buses on one-way, separated roads with shoulders to load and unload without flashing lights; removing obsolete deadlines; prohibiting alteration of vehicle stop lamps; providing for \$10 fee for class A classified provisional driver's license; allowing inspection of school buses for approved wheelchair devices; amending Minnesota Statutes 1986, sections 168.013, subdivision 20; 168.187, subdivision 17; 168.27, subdivision 16; 168.36, subdivision 2; 169.09, subdivision 13; 169.121, subdivision 7; 169.123, subdivision 5c; 169.124, subdivision 2; 169.20, subdivision 5; 169.44, subdivisions 2, 16, and 17; 169.57, by adding a subdivision; 171.06, subdivision 2; and 299A.11.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Burger	Cooper	Dorn
Battaglia	Bertram	Carlson, L.	Dauner	Forsythe
Bauerly	Blatz	Carruthers	DeBlieck	Frederick
Beard	Boo	Clark	Dempsey	Frerichs
Beigh	Brown	Clausnitzer	Dille	Greenfield

Gruenes	Kludt	Nelson, D.	Redalen	Sviggum
Gutknecht	Knickerbocker	Nelson, K.	Reding	Swenson
Hartle	Kostohryz	Neuenschwander	Rest	Thiede
Haukoos	Krueger	O'Connor	Richter	Tjornhom
Heap	Larsen	Ogren	Riveness	Trimble
Himle	Lasley	Olsen, S.	Rukavina	Tunheim
Hugoson	Lieder	Olson, E.	Sarna	Uphus
Jacobs	Long	Olson, K.	Schafer	Valento
Jaros	Marsh	Omann	Scheid	Vanasek
Jefferson	McDonald	Onnen	Schoenfeld	Vellenga
Jennings	McEachern	Orenstein	Schreiber	Wagenius
Jensen	McLaughlin	Osthoff	Seaberg	Waltman
Johnson, A.	McPherson	Otis	Segal	Welle
Johnson, R.	Milbert	Ozment	Shaver	Wenzel
Johnson, V.	Miller	Pappas	Simoneau	Winter
Kahn	Minne	Pauly	Skoglund	Wynia
Kalis	Morrison	Pelowski	Solberg	Spk. Norton
Kelly	Munger	Peterson	Sparby	
Kelso	Murphy	Quinn	Stanius	
Kinkel	Nelson, C.	Quist	Steensma	

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

S. F. No. 1232, A bill for an act relating to public safety; providing an exception from certain regulations for steam turbines which receive steam from remote municipal facilities; amending Minnesota Statutes 1986, section 183.56.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Hartle	Larsen	Ozment	Simoneau
Battaglia	Haukoos	Lieder	Pappas	Skoglund
Bennett	Heap	Long	Pauly	Solberg
Bertram	Himle	Marsh	Pelowski	Sparby
Blatz	Hugoson	McDonald	Peterson	Stanius
Boo	Jacobs	McLaughlin	Price	Steensma
Brown	Jaros	McPherson	Quinn	Sviggum
Burger	Jennings	Miller	Quist	Swenson
Carlson, D.	Jensen	Minne	Redalen	Thiede
Clausnitzer	Johnson, A.	Morrison	Reding	Tjornhom
Cooper	Johnson, R.	Munger	Rest	Trimble
Dauner	Johnson, V.	Nelson, C.	Richter	Tunheim
DeBlick	Kahn	Nelson, D.	Riveness	Uphus
Dempsey	Kelly	Neuenschwander	Rose	Valento
Dille	Kelso	Olsen, S.	Schafer	Vanasek
Dorn	Kinkel	Olson, E.	Scheid	Vellenga
Forsythe	Kludt	Olson, K.	Schoenfeld	Wagenius
Frederick	Knickerbocker	Omann	Schreiber	Waltman
Frerichs	Knuth	Onnen	Seaberg	Welle
Gruenes	Kostohryz	Orenstein	Segal	Winter
Gutknecht	Krueger	Otis	Shaver	Wynia
				Spk. Norton

Those who voted in the negative were:

Bauerly	Clark	Lasley	Ogren	Sarna
Beard	Greenfield	McEachern	Osthoff	Voss
Begich	Jefferson	Milbert	Rice	Wenzel
Carruthers	Kalis	O'Connor	Rukavina	

The bill was passed and its title agreed to.

S. F. No. 1272, A bill for an act relating to public meetings; requiring certain notice for all meetings; amending Minnesota Statutes 1986, section 471.705, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Larsen	Otis	Solberg
Battaglia	Hartle	Lasley	Ozment	Sparby
Bauerly	Haukoos	Long	Pappas	Stanis
Beard	Heap	Marsh	Pauly	Steensma
Bennett	Himle	McDonald	Pelowski	Svigum
Bertram	Hugoson	McEachern	Peterson	Swenson
Blatz	Jacobs	McLaughlin	Price	Thiede
Boo	Jaros	McPherson	Quinn	Tjornhom
Burger	Jefferson	Miller	Quist	Trimble
Carlson, D.	Jennings	Minne	Redalen	Tunheim
Carlson, L.	Jensen	Morrison	Reding	Uphus
Carruthers	Johnson, A.	Munger	Rest	Valento
Clark	Johnson, R.	Nelson, C.	Richter	Vanasek
Clausnitzer	Johnson, V.	Nelson, D.	Riveness	Vellenga
Cooper	Kahn	Nelson, K.	Rose	Voss
DeBleck	Kalis	Neuenschwander	Rukavina	Wagenius
Dempsey	Kelly	O'Connor	Sarna	Waltman
Dille	Kelso	Ogren	Schafer	Welle
Dorn	Kinkel	Olsen, S.	Scheid	Wenzel
Forsythe	Kludt	Olson, K.	Schoenfeld	Winter
Frederick	Knickerbocker	Omann	Schreiber	Wynia
Frerichs	Knuth	Onnen	Seaberg	Spk. Norton
Greenfield	Kostohryz	Orenstein	Shaver	
Gruenes	Krueger	Osthoff	Skoglund	

Those who voted in the negative were:

Begich	Dauner	Rice
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The bill was passed and its title agreed to.

S. F. No. 717 was reported to the House.

Kalis moved that S. F. No. 717 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 12 was reported to the House.

Rukavina moved to amend H. F. No. 12, the first engrossment, as follows:

Page 1, line 12, after "benefits" insert "accrued to the member up to the date of death"

The motion prevailed and the amendment was adopted.

H. F. No. 12, A bill for an act relating to retirement; increasing survivor benefits payable by the Virginia firefighters' relief association; authorizing payment to alternate beneficiaries if no spouse survives:

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Onnen	Seaberg
Battaglia	Gutknecht	Lasley	Orenstein	Shaver
Bauerly	Hartle	Lieder	Osthoff	Skoglund
Beard	Haukoos	Long	Otis	Solberg
Begich	Heap	Marsh	Ozment	Sparby
Bennett	Himle	McDonald	Pappas	Stanius
Bertram	Hugoson	McEachern	Pauly	Steensma
Blatz	Jacobs	McLaughlin	Pelowski	Sviggum
Boo	Jaros	McPherson	Peterson	Swenson
Brown	Jefferson	Milbert	Price	Thiede
Burger	Jennings	Miller	Quinn	Tjornhom
Carlson, L.	Jensen	Minne	Quist	Trimble
Carruthers	Johnson, A.	Morrison	Redalen	Tunheim
Clark	Johnson, R.	Munger	Reding	Uphus
Clausnitzer	Johnson, V.	Murphy	Rest	Valento
Cooper	Kahn	Nelson, C.	Rice	Vanasek
Dauner	Kalis	Nelson, D.	Richter	Vellenga
DeBlieck	Kelly	Nelson, K.	Riveness	Voss
Dempsey	Kelso	Neuenschwander	Rose	Wagenius
Dille	Kinkel	O'Connor	Rukavina	Waltman
Dorn	Kludt	Ogren	Sarna	Welle
Forsythe	Knickerbocker	Olsen, S.	Schafer	Wenzel
Frederick	Knuth	Olson, E.	Scheid	Winter
Frerichs	Kostohryz	Olson, K.	Schoenfeld	Wynia
Greenfield	Krueger	Omann	Schreiber	Spk. Norton

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

Speaker pro tempore Long called Simoneau to the Chair.

H. F. No. 549, A bill for an act relating to retirement; increasing survivor benefits payable by the Hibbing police and firefighters

relief associations and service pensions for certain retired firefighters; amending Laws 1967, chapter 678, section 2, as amended; Laws 1977, chapter 169, section 1, subdivision 1a, as amended; and Laws 1971, chapter 614, section 1, subdivision 2, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Skoglund
Battaglia	Hartle	Long	Ozment	Solberg
Bauerly	Haukoos	Marsh	Pappas	Sparby
Beard	Heap	McDonald	Pauly	Stanisus
Begich	Himle	McEachern	Pelowski	Steensma
Bennett	Hugoson	McLaughlin	Peterson	Sviggun
Bertram	Jacobs	McPherson	Price	Swenson
Blatz	Jaros	Milbert	Quinn	Thiede
Boo	Jefferson	Miller	Quist	Tjornhom
Brown	Jennings	Minne	Redalen	Trimble
Burger	Jensen	Morrison	Reding	Tunheim
Carlson, L.	Johnson, A.	Munger	Rest	Uphus
Carruthers	Johnson, R.	Murphy	Rice	Valento
Clark	Johnson, V.	Nelson, C.	Richter	Vanasek
Clausnitzer	Kahn	Nelson, D.	Riveness	Vellenga
Cooper	Kalis	Nelson, K.	Rose	Voss
Dauner	Kelly	Neuenschwander	Rukavina	Wagenius
DeBlieck	Kelso	O'Connor	Sarna	Waltman
Dempsey	Kinkel	Ogren	Schafer	Welle
Dille	Kludt	Olsen, S.	Scheid	Wenzel
Dorn	Knickerbocker	Olson, E.	Schoenfeld	Winter
Forsythe	Knuth	Olson, K.	Schreiber	Wynia
Frederick	Kostohryz	Omman	Seaberg	Spk. Norton
Frerichs	Krueger	Onnen	Segal	
Greenfield	Larsen	Orenstein	Shaver	
Gruenes	Lasley	Osthoff	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 652, A bill for an act relating to agriculture; providing a computerized filing system and central data base for uniform commercial code financing statements and lien statements; imposing a penalty; appropriating money; amending Minnesota Statutes 1986, section 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 336.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Shaver
Battaglia	Hartle	Long	Ozment	Simoneau
Bauerly	Haukoos	Marsh	Pappas	Skoglund
Beard	Heap	McDonald	Pauly	Solberg
Begich	Himle	McEachern	Pelowski	Sparby
Bennett	Hugoson	McLaughlin	Peterson	Stanius
Bertram	Jacobs	McPherson	Poppenhagen	Steensma
Blatz	Jaros	Milbert	Price	Sviggum
Boo	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kalis	Nelson, K.	Riveness	Vanasek
Dauner	Kelly	Neuenschwander	Rodosovich	Vellenga
DeBlieck	Kelso	O'Connor	Rose	Voss
Dempsey	Kinkel	Ogren	Rukavina	Wagenius
Dille	Kludt	Olsen, S.	Sarna	Waltman
Dorn	Knickerbocker	Olson, E.	Schafer	Welle
Forsythe	Knuth	Olson, K.	Scheid	Wenzel
Frederick	Kostohryz	Omann	Schoenfeld	Winter
Frerichs	Krueger	Onnen	Schreiber	Wynia
Greenfield	Larsen	Orenstein	Seaberg	Spk. Norton
Gruenes	Lasley	Osthoff	Segal	

The bill was passed and its title agreed to.

H. F. No. 1153, A bill for an act relating to retirement; Millerville volunteer firefighters relief association; authorizing the recognition of certain prior service in the computation of service pension amounts.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Johnson, R.	McLaughlin	Osthoff
Battaglia	Dorn	Johnson, V.	McPherson	Otis
Bauerly	Forsythe	Kahn	Milbert	Ozment
Beard	Frederick	Kalis	Miller	Pappas
Begich	Frerichs	Kelly	Minne	Pauly
Bennett	Greenfield	Kelso	Morrison	Pelowski
Bertram	Gruenes	Kinkel	Munger	Peterson
Blatz	Gutknecht	Kludt	Murphy	Poppenhagen
Boo	Hartle	Knickerbocker	Nelson, C.	Price
Brown	Haukoos	Knuth	Nelson, D.	Quinn
Burger	Heap	Kostohryz	Nelson, K.	Quist
Carlson, L.	Himle	Krueger	Neuenschwander	Redalen
Carruthers	Hugoson	Larsen	O'Connor	Reding
Clark	Jacobs	Lasley	Ogren	Rest
Clausnitzer	Jaros	Lieder	Olsen, S.	Rice
Cooper	Jefferson	Long	Olson, E.	Richter
Dauner	Jennings	Marsh	Olson, K.	Riveness
DeBlieck	Jensen	McDonald	Omann	Rodosovich
Dempsey	Johnson, A.	McEachern	Orenstein	Rose

Rukavina	Segal	Steensma	Uphus	Welle
Sarna	Shaver	Svigum	Valento	Wenzel
Schafer	Simoneau	Swenson	Vanasek	Winter
Scheid	Skoglund	Thiede	Vellenga	Wynia
Schoenfeld	Solberg	Tjornhom	Voss	Spk. Norton
Schreiber	Sparby	Trimble	Wagenius	
Seaberg	Stanius	Tunheim	Waltman	

Those who voted in the negative were:

Onnen

The bill was passed and its title agreed to.

H. F. No. 1176, A bill for an act relating to retirement; authorizing the Mankato police benefit association to base certain postretirement increases on other increases granted.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Shaver
Battaglia	Hartle	Long	Ozment	Simoneau
Bauerly	Haukoos	Marsh	Pappas	Skoglund
Beard	Heap	McDonald	Pauly	Solberg
Begich	Himle	McEachern	Pelowski	Sparby
Bennett	Hugoson	McLaughlin	Peterson	Stanius
Bertram	Jacobs	McPherson	Poppenhagen	Steensma
Blatz	Jaros	Milbert	Price	Svigum
Boo	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kalis	Nelson, K.	Riveness	Vanasek
Dauner	Kelly	Neuenschwander	Rodosovich	Vellenga
DeBlick	Kelso	O'Connor	Rose	Voss
Dempsey	Kinkel	Ogren	Rukavina	Wagenius
Dille	Kludt	Olsen, S.	Sarna	Waltman
Dorn	Knickerbocker	Olson, E.	Schafer	Welle
Forsythe	Knuth	Olson, K.	Scheid	Wenzel
Frederick	Kostohryz	Omann	Schoenfeld	Winter
Frerichs	Krueger	Onnen	Schreiber	Wynia
Greenfield	Larsen	Orenstein	Seaberg	Spk. Norton
Gruenes	Lasley	Osthoff	Segal	

The bill was passed and its title agreed to.

H. F. No. 1459, A bill for an act relating to the town of Irondale; removing a town levy limitation; repealing Laws 1971, chapter 336.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Hartle	Long	Pappas	Skoglund
Battaglia	Haukoos	Marsh	Pauly	Solberg
Bauerly	Heap	McDonald	Pelowski	Sparby
Beard	Himle	McEachern	Peterson	Stanius
Begich	Hugoson	McLaughlin	Poppenhagen	Steensma
Bennett	Jacobs	McPherson	Price	Sviggun
Bertram	Jaros	Milbert	Quinn	Swenson
Blatz	Jefferson	Minne	Quist	Thiede
Brown	Jennings	Morrison	Redalen	Tjornhom
Burger	Jensen	Munger	Reding	Trimble
Carlson, L.	Johnson, A.	Murphy	Rest	Tunheim
Carruthers	Johnson, R.	Nelson, C.	Rice	Uphus
Clark	Johnson, V.	Nelson, D.	Richter	Valento
Clausnitzer	Kahn	Nelson, K.	Riveness	Vanasek
Cooper	Kalis	Neuenschwander	Rodosovich	Vellenga
Dauner	Kelly	O'Connor	Rose	Voss
DeBlieck	Kelso	Ogren	Rukavina	Wagenius
Dempsey	Kinkel	Olsen, S.	Sarna	Waltman
Dille	Kludt	Olson, E.	Schafer	Welle
Dorn	Knickerbocker	Olson, K.	Scheid	Wenzel
Forsythe	Knuth	Omann	Schoenfeld	Winter
Frederick	Kostohryz	Onnen	Schreiber	Wynia
Frerichs	Krueger	Orenstein	Seaberg	Spk. Norton
Greenfield	Larsen	Osthoff	Segal	
Gruenes	Lasley	Otis	Shaver	
Gutknecht	Lieder	Ozment	Simoneau	

Those who voted in the negative were:

Miller

The bill was passed and its title agreed to.

Carlson, D., was excused while in conference.

S. F. No. 317, A bill for an act relating to retirement; police and salaried firefighters relief associations; authorizing the voluntary consolidation of local relief associations with the public employees police and fire fund; authorizing the individual election of applicable benefit coverage upon consolidation; amending Minnesota Statutes 1986, sections 353.01, subdivisions 2b, 10, and 16; 353.271; 353.64, subdivision 1; and 353.65, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 353 and 356; proposing coding for new law as Minnesota Statutes, chapters 353A and 353B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Heap	Long	Ozment	Segal
Battaglia	Himle	Marsh	Pappas	Shaver
Bennett	Hugoson	McDonald	Pauly	Simoneau
Blatz	Jacobs	McLaughlin	Peterson	Skoglund
Boo	Jaros	McPherson	Poppenhagen	Stanisus
Brown	Jennings	Miller	Price	Steensma
Burger	Jensen	Minne	Quinn	Tjornhom
Clausnitzer	Johnson, A.	Morrison	Quist	Trimble
Cooper	Johnson, R.	Munger	Redalen	Uphus
Dauner	Johnson, V.	Murphy	Reding	Valento
DeBlieck	Kahn	Nelson, C.	Rice	Vellenga
Dempsey	Kelly	Nelson, D.	Richter	Wagenius
Dorn	Kelso	Nelson, K.	Riveness	Waltman
Forsythe	Kludt	Neuenschwander	Rodosovich	Wenzel
Frederick	Knickerbocker	Olsen, S.	Rose	Winter
Frerichs	Knuth	Olson, E.	Rukavina	Wynia
Greenfield	Kostohryz	Olson, K.	Schafer	Spk. Norton
Gruenes	Krueger	Omann	Scheid	
Gutknecht	Larsen	Onnen	Schoenfeld	
Hartle	Lasley	Orenstein	Schreiber	
Haukoos	Lieder	Osthoff	Seaberg	

Those who voted in the negative were:

Bauerly	Clark	Milbert	Solberg	Tunheim
Beard	Jefferson	O'Connor	Sparby	Voss
Begich	Kalis	Ogren	Sviggum	Welle
Bertram	Kinkel	Pelowski	Swenson	
Carruthers	McEachern	Sarna	Thiede	

The bill was passed and its title agreed to.

S. F. No. 1230, A bill for an act relating to the Minnesota state historical society; providing for preservation and interpretation of public areas of the state capitol; amending Minnesota Statutes 1986, section 138.67; proposing coding for new law in Minnesota Statutes, chapter 138.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Clark	Dorn	Hartle
Battaglia	Boo	Clausnitzer	Forsythe	Haukoos
Bauerly	Brown	Cooper	Frederick	Heap
Beard	Burger	Dauner	Frerichs	Himle
Begich	Carlson, D.	DeBlieck	Greenfield	Hugoson
Bennett	Carlson, L.	Dempsey	Gruenes	Jacobs
Bertram	Carruthers	Dille	Gutknecht	Jaros

Jefferson	Long	Olson, K.	Riveness	Swenson
Jennings	Marsh	Omann	Rodosovich	Thiede
Jensen	McDonald	Onnen	Rose	Tjornhom
Johnson, A.	McEachern	Orenstein	Rukavina	Trimble
Johnson, R.	McLaughlin	Osthoff	Sarna	Tunheim
Johnson, V.	McPherson	Otis	Schafer	Uphus
Kahn	Milbert	Ozment	Scheid	Valento
Kalis	Miller	Pappas	Schoenfeld	Vanasek
Kelly	Minne	Pauly	Schreiber	Vellenga
Kelso	Morrison	Pelowski	Seaberg	Voss
Kinkel	Munger	Peterson	Segal	Wagenius
Kludt	Murphy	Poppenhagen	Shaver	Waltman
Knickerbocker	Nelson, C.	Price	Simoneau	Wenzel
Knuth	Nelson, D.	Quinn	Skoglund	Winter
Kostohryz	Neuenschwander	Redalen	Solberg	Wynia
Krueger	O'Connor	Reding	Sparby	Spk. Norton
Larsen	Ogren	Rest	Stanius	
Lasley	Olsen, S.	Rice	Steensma	
Lieder	Olson, E.	Richter	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 927, A bill for an act relating to driver's licenses; providing for a medical alert identifier; amending Minnesota Statutes 1986, section 171.07, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Shaver
Battaglia	Hartle	Long	Ozment	Simoneau
Bauerly	Haukoos	Marsh	Pappas	Skoglund
Beard	Heap	McDonald	Pauly	Solberg
Begich	Himle	McEachern	Pelowski	Sparby
Bennett	Hugoson	McLaughlin	Peterson	Stanius
Bertram	Jacobs	McPherson	Poppenhagen	Steensma
Blatz	Jaros	Milbert	Price	Sviggum
Boo	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kalis	Nelson, K.	Riveness	Vanasek
Dauner	Kelly	Neuenschwander	Rodosovich	Vellenga
DeBlicek	Kelso	O'Connor	Rose	Voss
Dempsey	Kinkel	Ogren	Rukavina	Wagenius
Dille	Kludt	Olsen, S.	Sarna	Waltman
Dorn	Knickerbocker	Olson, E.	Schafer	Welle
Forsythe	Knuth	Olson, K.	Scheid	Wenzel
Frederick	Kostohryz	Omann	Schoenfeld	Winter
Frerichs	Krueger	Onnen	Schreiber	Wynia
Greenfield	Larsen	Orenstein	Seaberg	Spk. Norton
Gruenes	Lasley	Osthoff	Segal	

The bill was passed and its title agreed to.

S. F. No. 508 was reported to the House.

There being no objection, S. F. No. 508 was temporarily laid over on Special Orders.

S. F. No. 456, A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; prescribing amount of marijuana for possession in a motor vehicle; amending Minnesota Statutes 1986, sections 152.01, subdivision 16; 152.02, subdivision 3; and 152.15, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Ozment	Simoneau
Battaglia	Hartle	Long	Pappas	Skoglund
Bauerly	Haukoos	Marsh	Pauly	Solberg
Beard	Heap	McDonald	Pelowski	Sparby
Begich	Himle	McEachern	Peterson	Stanis
Bennett	Hugoson	McLaughlin	Poppenhagen	Steensma
Bertram	Jacobs	McPherson	Price	Swiggum
Blatz	Jaros	Miller	Quinn	Swenson
Boo	Jefferson	Minne	Quist	Thiede
Brown	Jennings	Morrison	Redalen	Tjornhom
Burger	Jensen	Munger	Reding	Trimble
Carlson, L.	Johnson, A.	Murphy	Rest	Tunheim
Carruthers	Johnson, R.	Nelson, C.	Rice	Uphus
Clark	Johnson, V.	Nelson, D.	Richter	Valento
Clausnitzer	Kahn	Nelson, K.	Riveness	Vanasek
Cooper	Kalis	Neuenschwander	Rodosovich	Vellenga
Dauner	Kelly	O'Connor	Rose	Voss
DeBlieck	Kelso	Ogren	Rukavina	Wagenius
Dempsey	Kinkel	Olsen, S.	Sarna	Waltman
Dille	Kludt	Olson, E.	Schafer	Welle
Dorn	Knickerbocker	Olson, K.	Scheid	Wenzel
Forsythe	Knuth	Omann	Schoenfeld	Winter
Frederick	Kostohryz	Onnen	Schreiber	Wynia
Frerichs	Krueger	Orenstein	Seaberg	Spk. Norton
Greenfield	Larsen	Osthoff	Segal	
Gruenes	Lasley	Otis	Shaver	

The bill was passed and its title agreed to.

Riveness moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Orenstein, Dorn and Rodosovich were excused while in conference.

SPECIAL ORDERS, Continued

H. F. No. 913 was reported to the House.

Simoneau moved to amend H. F. No. 913, the third engrossment, as follows:

Page 34, line 3, after the period, insert "No action to recover the cost of copies may be brought until the commissioner adopts a schedule of reasonable charges under subdivision 7."

Page 36, line 27, delete "not exceed \$15 for up to" and insert "be reasonable. The commissioner shall adopt a schedule of reasonable charges by emergency rules."

Page 36, delete lines 28 to 29

Page 90, line 31, delete "43" and insert "44"

Page 90, line 31, after "64" insert "67"

The motion prevailed and the amendment was adopted.

Heap moved to amend H. F. No. 913, the third engrossment, as amended, as follows:

Page 90, after line 22, insert:

"Sec. 116. [PREMIUM REDUCTION RECOMMENDATIONS.] The commissioner of labor and industry shall make detailed recommendations to the legislature proposing changes in the workers' compensation system, before January 1, 1988, which will result in reducing workers' compensation insurance premiums of employers by 20 percent. The proposal shall consider the level of wage replacement of benefits and shall be designed to reduce the high rate of litigation and to increase the equity of the system."

Renumber the sections accordingly

Murphy moved to amend the Heap amendment to H. F. No. 913, the third engrossment, as amended, as follows:

Page 1 of the Heap amendment, line 9, after "employers" delete "by 20 percent"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 74 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jefferson	McEachern	Otis	Skoglund
Battaglia	Jensen	McLaughlin	Pappas	Solberg
Beard	Johnson, A.	Milbert	Pelowski	Sparby
Begich	Kahn	Minne	Peterson	Trimble
Bertram	Kelly	Munger	Price	Tunheim
Brown	Kelso	Murphy	Quinn	Vanasek
Carlson, L.	Kinkel	Nelson, C.	Reding	Vellenga
Carruthers	Kludt	Nelson, D.	Rest	Voss
Clark	Knuth	Nelson, K.	Rice	Wagenius
Cooper	Kostohryz	Neuenschwander	Riveness	Welle
Dauner	Krueger	O'Connor	Rukavina	Wenzel
DeBlieck	Larsen	Ogren	Sarna	Winter
Greenfield	Lasley	Olson, E.	Scheid	Wynia
Jacobs	Lieder	Olson, K.	Segal	Spk. Norton
Jaros	Long	Osthoff	Simoneau	

Those who voted in the negative were:

Bauerly	Frerichs	Kalis	Ozment	Shaver
Bennett	Gruenes	Knickerbocker	Pauly	Stanisus
Blatz	Gutknecht	Marsh	Poppenhagen	Sviggun
Boo	Hartle	McDonald	Quist	Swenson
Burger	Haukoos	McPherson	Redalen	Thiede
Clausnitzer	Heap	Miller	Richter	Tjornhom
Dempsey	Himle	Morrison	Rose	Uphus
Dille	Hugoson	Olsen, S.	Schafer	Valento
Forsythe	Johnson, R.	Omann	Schreiber	Waltman
Frederick	Johnson, V.	Onnen	Seaberg	

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

The question recurred on the adoption of the Heap amendment, as amended, to H. F. No. 913, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Sviggun moved to amend H. F. No. 913, the third engrossment, as amended, as follows:

Page 32, after line 34, insert:

"Sec. 32. Minnesota Statutes 1986, section 176.132, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBLE RECIPIENTS.] (a) An employee who has suffered personal injury prior to October 1, 1983 for which benefits are payable under section 176.101 and who has been totally disabled for more than 104 weeks shall be eligible for supplementary benefits as prescribed in this section after 104 weeks have elapsed and for the remainder of the total disablement. Regardless of the number of weeks of total disability, no totally disabled person is ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, except as provided by clause (b), provided that all periods of disability are caused by the same injury.

(b) An employee who has suffered personal injury after October 1, 1983 is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no person who is receiving temporary total compensation shall be ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.

(c) No employee shall be eligible to receive supplementary benefits after October 1, 1987, unless the employee has been eligible and receiving such supplementary benefits prior to that date.

Renumber the sections

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 55 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Knickerbocker	Pelowski	Stanius
Bertram	Gruenes	Marsh	Popenhagen	Steenma
Blatz	Gutknecht	McDonald	Quist	Sviggum
Boo	Hartle	McPherson	Redalen	Swenson
Burger	Haukoos	Miller	Richter	Thiede
Clausnitzer	Heap	Morrison	Rose	Tjornhom
Dauner	Himle	Olsen, S.	Schafer	Uphus
Dempsey	Hugoson	Omann	Schoenfeld	Valento
Dille	Johnson, V.	Onnen	Schreiber	Waltman
Forsythe	Kalis	Ozment	Seaberg	Welle
Frederick	Kludt	Pauly	Shaver	Winter

Those who voted in the negative were:

Anderson, G.	Jefferson	Long	Osthoff	Skoglund
Battaglia	Jensen	McEachern	Otis	Solberg
Bauerly	Johnson, A.	McLaughlin	Pappas	Sparby
Beard	Johnson, R.	Milbert	Peterson	Trimble
Begich	Kahn	Minne	Price	Tunheim
Brown	Kelly	Munger	Quinn	Vanasek
Carlson, L.	Kelso	Murphy	Reding	Vellenga
Carruthers	Kinkel	Nelson, C.	Rest	Voss
Clark	Knuth	Nelson, D.	Rice	Wagenius
Cooper	Kostohryz	Nelson, K.	Riveness	Wenzel
DeBlieck	Krueger	Neuenschwander	Rukavina	Wynia
Greenfield	Larsen	O'Connor	Sarna	Spk. Norton
Jacobs	Lasley	Ogren	Scheid	
Jaros	Lieder	Olson, E.	Simoneau	

The motion did not prevail and the amendment was not adopted.

Sviggum moved to amend H. F. No. 913, the third engrossment, as amended, as follows:

Page 16, after line 16, insert:

"Sec. 15. Minnesota Statutes 1986, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] For injury producing temporary total disability, the compensation is 66 $\frac{2}{3}$ percent of the weekly wage at the time of injury

(1) provided that during the year commencing on October 1, 1979, and each year thereafter, commencing on October 1, the maximum weekly compensation payable is the statewide average weekly wage for the period ending December 31, of the preceding year.

(2) The minimum weekly compensation benefits for temporary total disability shall be not less than 50 20 percent of the statewide average weekly wage or the injured employee's actual weekly wage, whichever is less. In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.

Subject to subdivisions 3a to 3u this compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be."

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 4, after "penalties;" insert "changing minimum benefits"

Page 1, line 9, after "2," insert "176.101, subdivision 1;"

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 49 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Bennett	Forsythe	Johnson, V.	Ozment	Shaver
Bertram	Frederick	Kalis	Pauly	Stanius
Blatz	Frerichs	Kinkel	Poppenhagen	Steensma
Boo	Gruenes	Knickerbocker	Quist	Sviggum
Burger	Gutknecht	McDonald	Redalen	Swenson
Clausnitzer	Hartle	McPherson	Richter	Thiede
Cooper	Haukoos	Miller	Rose	Uphus
Dauner	Heap	Olsen, S.	Schafer	Valento
Dempsey	Himle	Omann	Schreiber	Waltman
Dille	Hugoson	Onnen	Seaberg	

Those who voted in the negative were:

Anderson, G.	Jensen	McEachern	Pappas	Solberg
Battaglia	Johnson, A.	McLaughlin	Pelowski	Sparby
Bauerly	Johnson, R.	Milbert	Peterson	Trimble
Beard	Kahn	Minne	Price	Tunheim
Begich	Kelly	Munger	Quinn	Vanasek
Brown	Kelso	Murphy	Reding	Vellenga
Carlson, L.	Kludt	Nelson, C.	Rest	Voss
Carruthers	Knuth	Nelson, K.	Rice	Wagenius
Clark	Kostohryz	Neuenschwander	Riveness	Welle
DeBlieck	Krueger	O'Connor	Rukavina	Wenzel
Dorn	Larsen	Ogren	Sarna	Wynia
Greenfield	Lasley	Olson, E.	Scheid	Spk. Norton
Jacobs	Lieder	Orenstein	Schoenfeld	
Jaros	Long	Osthoff	Simoneau	
Jefferson	Marsh	Otis	Skoglund	

The motion did not prevail and the amendment was not adopted.

H. F. No. 913, A bill for an act relating to workers' compensation; providing a general administrative reform; providing for certain proceedings to be expedited; providing penalties; amending Minnesota Statutes 1986, sections 14.48; 175.007, subdivision 1; 175.101, subdivision 2; 176.011, subdivisions 2, 6, 7a, 9, and by adding a subdivision; 176.041, subdivisions 1, 4, and by adding a subdivision; 176.081, subdivision 2; 176.102, subdivisions 2, 3, 3a, 4, 6, 8, 10, and 13; 176.103, subdivisions 2 and 3; 176.111, subdivision 17; 176.129, subdivisions 9, 11, and 13; 176.131, subdivisions 1 and 8; 176.133; 176.135, subdivisions 1, 1a, 2, 3, and by adding subdivisions; 176.136, subdivision 2; 176.1361; 176.139; 176.155, subdivisions 1, 3, and 5; 176.179; 176.181, subdivision 3; 176.182; 176.183, subdivisions 1a and 2; 176.185, by adding a subdivision; 176.191, subdivisions 1 and 2; 176.195, subdivision 3, 176.221, subdivisions 1, 3, and 7; 176.225, subdivisions 1, 2, and 4; 176.231, subdivisions 2, 10, and by adding a subdivision; 176.271, subdivision 1; 176.275;

176.291; 176.301, subdivision 1; 176.305, subdivisions 1, 2, and by adding subdivisions; 176.306, subdivision 1, and by adding a subdivision; 176.312; 176.321, subdivisions 2 and 3; 176.331; 176.341, subdivision 3, and by adding subdivisions; 176.351, subdivision 2a; 176.361, subdivisions 2, 5, and 7; 176.371; 176.411, subdivision 1; 176.421, subdivision 4, and by adding a subdivision; 176.442; 176.511, subdivisions 1, 2, and 3; 176.521; 176.541, subdivisions 2, 3, 4, and 6; 176.571, subdivisions 1 and 2; 176.572; 176.581; 176.591, subdivision 3; 176.603; 176.83, subdivisions 5, 7, and 11; 176.84; 176B.02; and 176B.05; proposing coding for new law in Minnesota Statutes, chapters 60A and 176; repealing Minnesota Statutes 1986, sections 176.012; 176.101, subdivision 3v; 176.102, subdivision 6a; 176.103, subdivision 4; 176.136, subdivision 4; 176.195, subdivisions 4, 5, and 6; 176.241; 176.242; 176.2421; 176.243; 176.244; 176.271, subdivision 2; 176.501; 176.571, subdivisions 3, 4, 5, 6, and 7; and 176.602.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Osthoff	Shaver
Battaglia	Gutknecht	Lieder	Otis	Simoneau
Bauerly	Hartle	Long	Ozment	Solberg
Beard	Haukoos	Marsh	Pappas	Sparby
Begich	Heap	McDonald	Pauly	Stanis
Bennett	Himle	McEachern	Pelowski	Steensma
Bertram	Hugoson	McPherson	Peterson	Sviggum
Blatz	Jacobs	Milbert	Poppenhagen	Swenson
Boo	Jaros	Miller	Price	Thiede
Brown	Jefferson	Minne	Quinn	Tjornhom
Burger	Jensen	Morrison	Quist	Trimble
Carlson, L.	Johnson, A.	Munger	Redalen	Tunheim
Carruthers	Johnson, R.	Murphy	Reding	Uphus
Clark	Johnson, V.	Nelson, C.	Rest	Valento
Clausnitzer	Kahn	Nelson, D.	Rice	Vanasek
Cooper	Kalis	Nelson, K.	Richter	Vellenga
Dauner	Kelly	Neuenschwander	Riveness	Voss
DeBlick	Kelso	O'Connor	Rose	Wagenius
Dempsey	Kinkel	Ogren	Rukavina	Waltman
Dille	Kludt	Olsen, S.	Sarna	Welle
Dorn	Knickerbocker	Olson, E.	Schafer	Wenzel
Forsythe	Knuth	Olson, K.	Scheid	Winter
Frederick	Kostohryz	Omann	Schoenfeld	Wynia
Frerichs	Krueger	Onnen	Schreiber	Spk. Norton
Greenfield	Larsen	Orenstein	Seaberg	

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

S. F. No. 508 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 508, A bill for an act relating to transportation; requiring a license for the transportation of hazardous waste; providing for

license administration, suspension, and revocation; requiring rulemaking; providing penalties; specifying articles that may be carried as household goods; revising fees for certain motor carrier permits and certificates; appropriating money; amending Minnesota Statutes 1986, sections 221.061; 221.121, subdivision 7, and by adding a subdivision; 221.131, subdivisions 2 and 3; 221.291, subdivision 3; 221.296, subdivision 5; and 221.60, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 221.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Lieder	Otis	Simoneau
Battaglia	Hartle	Long	Ozment	Skoglund
Bauerly	Haukoos	Marsh	Pappas	Solberg
Beard	Heap	McDonald	Pauly	Sparby
Begich	Himle	McEachern	Pelowski	Stanius
Bennett	Hugoson	McLaughlin	Peterson	Steensma
Bertram	Jacobs	McPherson	Poppenhagen	Sviggum
Blatz	Jaros	Milbert	Price	Swenson
Boo	Jefferson	Miller	Quinn	Thiede
Brown	Jennings	Minne	Quist	Tjornhom
Burger	Jensen	Morrison	Redalen	Trimble
Carlson, L.	Johnson, A.	Munger	Reding	Tunheim
Carruthers	Johnson, R.	Murphy	Rest	Uphus
Clark	Johnson, V.	Nelson, C.	Rice	Valento
Clausnitzer	Kahn	Nelson, D.	Richter	Vanasek
Cooper	Kalis	Nelson, K.	Riveness	Vellenga
Dauner	Kelly	Neuenschwander	Rose	Voss
DeBlieck	Kelso	O'Connor	Rukavina	Wagenius
Dempsey	Kinkel	Ogren	Sarna	Waltman
Dille	Kludt	Olsen, S.	Schafer	Welle
Dorn	Knickerbocker	Olsen, E.	Scheid	Wenzel
Forsythe	Knuth	Olson, K.	Schoenfeld	Winter
Frederick	Kostohryz	Omann	Schreiber	Wynia
Frerichs	Krueger	Onnen	Seaberg	Spk. Norton
Greenfield	Larsen	Orenstein	Segal	
Gruenes	Lasley	Osthoff	Shaver	

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 542, A bill for an act relating to transportation; providing an alternative procedure to record town roads; proposing coding for new law in Minnesota Statutes, chapter 164.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 887, A bill for an act relating to environment; creating the clean water partnership program for the control of nonpoint source water pollution and providing for administration by the pollution control agency; requiring a state water quality assessment; authorizing technical and financial assistance to local governments; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

H. F. No. 1219, A bill for an act relating to taxation; authorizing Scott county to impose a tax on admissions to major amusement facilities; providing for expenditure of the proceeds of the tax.

H. F. No. 1326, A bill for an act relating to energy; authorizing loans to municipalities for energy conservation investments and authorizing repayment of those loans; authorizing issuance of bonds; appropriating money; amending Minnesota Statutes 1986, sections 116J.37; 275.50, subdivision 5; 471.65; and 475.51, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 841, A bill for an act relating to utilities; providing for prevention of unlawful meter bypass, tampering, and use; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1304, A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 638, A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1209, A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 283, A bill for an act relating to elections; requiring confidentiality of certain matters before the ethical practices board; raising certain campaign contribution disclosure limits; changing the method of calculating certain campaign expenditure limits; amending Minnesota Statutes 1986, sections 10A.02, subdivision 11; 10A.12, subdivision 5; 10A.20, subdivisions 3 and 5; 10A.25, subdivisions 2 and 7; 10A.255; 10A.32, subdivision 3; and 383B.048, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 210A.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 391, A bill for an act relating to crimes; increasing penalties for distributing controlled substances to a minor or employing a minor to distribute controlled substances; defining measurement and purity requirements of controlled substances for criminal and tax law purposes; amending Minnesota Statutes 1986, sections 152.15, subdivisions 1 and 4; 297D.01, subdivision 3; and 297D.07.

The Senate has appointed as such Committee:

Messrs. Jude and Spear and Ms. Peterson, D. C.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 236, A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

The Senate has appointed as such Committee:

Ms. Peterson, D. C.; Messrs. Luther and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 532, A bill for an act relating to public safety; motorized bicycles; establishing standards for the safe operation of motorized bicycles; amending Minnesota Statutes 1986, sections 65B.001, by adding a subdivision; 65B.43, subdivision 13; 168.011, subdivision 27; 169.01, subdivision 4a; 169.223; 171.01, subdivision 20; and 171.02, subdivision 3.

The Senate has appointed as such committee:

Messrs. DeCramer and Knaak and Mrs. Lantry.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 282.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 282

A bill for an act relating to metropolitan government; permitting regional railroad authorities to engage in certain activities; amending Minnesota Statutes 1986, section 473.398.

May 15, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 282, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 282 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 398A.04, subdivision 8, is amended to read:

Subd. 8. [TAXATION.] Before deciding to exercise the power to tax, the authority shall give six weeks published notice in all municipalities in the region. If a number of voters in the region equal to five percent of those who voted for candidates for governor at the last gubernatorial election present a petition within nine weeks of the first published notice to the secretary of state requesting that the matter be submitted to popular vote, it shall be submitted at the next general election. The question prepared shall be:

"Shall the regional rail authority have the power to impose a property tax?

Yes

No"

If a majority of those voting on the question approve or if no petition is presented within the prescribed time the authority may thereafter levy a tax at any annual rate not exceeding ~~four~~ two mills

on the assessed valuation of all taxable property situated within the municipality or municipalities named in its organization resolution. Its recording officer shall file in the office of the county auditor of each county in which territory under the jurisdiction of the authority is located a certified copy of the board of commissioners' resolution levying the tax, and each county auditor shall assess and extend upon the tax rolls of each municipality named in the organization resolution the portion of the tax that bears the same ratio to the whole amount that the assessed valuation of taxable property in that municipality bears to the assessed value of taxable property in all municipalities named in the organization resolution. Collections of the tax shall be remitted by each county treasurer to the treasurer of the authority.

Sec. 2. [473.169] [LIGHT RAIL TRANSIT; DESIGN PLANS.]

Subdivision 1. [REQUIREMENT.] Before constructing a light rail transit facility, the political subdivision proposing the facility must hold a public hearing on the preliminary design plans as provided in subdivision 2, and submit the preliminary and final design plans for review as provided in subdivisions 3 to 5. The design plans must include a plan for handicapped accessibility.

Subd. 2. [PRELIMINARY DESIGN PLANS; PUBLIC HEARING.] Before preparing final design plans for a light rail transit facility, the political subdivision proposing the facility must hold a public hearing on the preliminary design plans. The proposer must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing.

Subd. 3. [PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.] At least 30 days before the hearing under subdivision 2, the proposer must submit the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town must hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town must review and approve or disapprove the plans for the route to be located in the city, county, or town. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the proposer. If the preliminary design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with final design plans under subdivision 5.

Subd. 4. [PRELIMINARY DESIGN PLANS; METROPOLITAN COUNCIL REFERRAL.] If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the proposer may refer the plans to the metropolitan council. The council must hold a hearing,

giving the proposer and the disapproving local governmental units an opportunity to present the case for or against approval of the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council must either approve the plans as submitted by the proposer or recommend amended plans to accommodate the objections presented by the disapproving local governmental units. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the council and the proposer. Following approval or recommendation of preliminary design plans by the council, the proposer may proceed with final design plans under subdivision 5.

Subd. 5. [FINAL DESIGN PLANS.] (a) After the approval of preliminary design plans under subdivision 3 or review by the council following referral to the council under subdivision 4, the proposer may prepare final design plans.

(b) Before proceeding with construction, the proposer must submit the final design plans to the governing body of each statutory and home rule city, county, and town in which the route is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town must review and approve or disapprove the plans for the route located in the city, county, or town. Failure to approve or disapprove the plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the proposer. If the final design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with construction on that route.

(c) If the governing body of one or more cities, counties, or towns disapproves the final design plans within the period allowed under paragraph (b), the proposer may refer the plans to the metropolitan council. The council must review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans. Following approval or recommendation of final design plans by the council, the proposer may proceed with construction.

Subd. 6. [COUNTY APPROVAL.] The proposer of a light rail transit facility in the metropolitan area must submit the preliminary and final design plans for the facility to the governing board of the county in which the route is proposed to be located for approval or disapproval. The proposer of the facility may not proceed with construction of the facility without the approval of the county.

Subd. 7. [COUNCIL REVIEW.] Before proceeding with construction of a light rail transit facility, a regional rail authority established under chapter 398A must submit preliminary and final design plans to the metropolitan council. The council must review

the plans for consistency with the council's development guide and comment on the plans.

Subd. 8. [METROPOLITAN SIGNIFICANCE.] This section does not diminish or replace the authority of the council under section 473.173.

Sec. 3. [473.17] [COOPERATION IN LIGHT RAIL TRANSIT.]

Notwithstanding section 473.398, the metropolitan council may cooperate with regional rail authorities in the study, planning, and design of regional rail authority light rail transit systems, and the metropolitan transit commission may cooperate with regional rail authorities in the operational planning and operation of regional rail authority light rail transit systems.

Sec. 4. Minnesota Statutes 1986, section 473.398, is amended to read:

473.398 [TRANSIT NEEDS ASSESSMENT.]

(a) The metropolitan council, the regional transit board, and the metropolitan transit commission, ~~and any regional rail authority or political subdivision in the metropolitan area~~ may not either separately or in combination expend or obligate any money from public sources for study, planning, design, preliminary engineering, engineering, acquisition, construction, or any other purpose related to facilities for transporting passengers by cars operating on fixed rails, without express legislative authorization.

(b) Before performing any further detailed work on light rail transit, the regional transit board shall complete the total assessment of transit service needs and markets for the metropolitan area and the implementation plan required by section 473.377, subdivisions 1 and 2. It may consider any mode of travel to serve identified needs and markets.

(c) Following approval of the implementation plan by the metropolitan council, as required by section 473.377, subdivision 1, the regional transit board may commence corridor planning, consisting of preliminary engineering for general route configuration and alignments, station locations, modal interconnectors, and access of any modes including light rail transit, for the corridor between the downtowns of Minneapolis and St. Paul if the needs assessment and implementation plan so provide. It may utilize private or public funds to do this work.

(d) The board shall report to the legislature by December 1, 1986, on the needs, alternative transit systems, and services considered

and recommendations for implementation, costs, alternative sources of financing, and preferred financing sources.

Sec. 5. [METROPOLITAN TRANSIT PLANNING PROCESS.]

By January 15, 1988, the metropolitan council shall report to the legislature a recommended process to coordinate transit planning and development by regional railroad authorities and other political subdivisions.

Sec. 6. [COMPREHENSIVE PLAN.]

By July 1, 1988, the Hennepin county regional rail authority must develop a comprehensive plan for the development of a light rail transit system in Hennepin county. In developing the comprehensive plan, the authority must consider at least three primary corridors, including the southwest corridor, a northern corridor, and a southern corridor. In evaluating the corridors, the authority must consider the ridership potential of each corridor, the cost of developing each corridor, and the public benefit to be derived from each corridor. During this evaluation, the authority may acquire right-of-way so that all corridors have, to the extent practicable, an equal opportunity for development based on the guidelines contained in the comprehensive plan. This section does not prohibit the authority from proceeding with the preparation of engineering plans for any corridor before July 1, 1988.

Sec. 7. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. A regional rail authority that has acquired the power to impose a property tax under section 398A.04, subdivision 8, before the effective date of section 1, may levy an annual tax up to but not exceeding two mills on the assessed valuation of all taxable property situated within the municipality or municipalities named in its organization resolution for study, planning, design, preliminary engineering, engineering, acquisition, construction, or any purpose related to facilities for transporting passengers on a light rail transit system.

Sec. 8. [APPLICATION.]

Sections 2 to 6 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to transportation; reducing maximum tax levy authorized for regional railroad authorities; permitting regional railroad authorities to engage in activities related to light

rail transit; providing for review of light rail transit plans by local governmental units and the metropolitan council; amending Minnesota Statutes 1986, sections 398A.04, subdivision 8; and 473.398; proposing coding for new law in Minnesota Statutes, chapter 473."

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

Senate Conferees: WILLIAM P. LUTHER, PHYLLIS W. MCQUAID, CARL W. KROENING, CLARENCE M. PURFEERST AND MARILYN M. LANTRY.

House Conferees: KEN NELSON, HENRY J. KALIS, SALLY OLSEN, PETER McLAUGHLIN AND GLORIA M. SEGAL.

Nelson, K., moved that the report of the Conference Committee on S. F. No. 282 be adopted and that the bill be repassed as amended by the Conference Committee.

The Speaker called Simoneau to the Chair.

Long moved that the House refuse to adopt the Conference Committee report on S. F. No. 282, that the present House Conference Committee be discharged, and that the Speaker appoint a new Conference Committee consisting of 5 members on the part of the House.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Nelson, K., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Battaglia	Dempsey	Johnson, A.	Marsh	Olson, E.
Bauerly	Dille	Johnson, R.	McDonald	Olson, K.
Beard	Dorn	Johnson, V.	McEachern	Omann
Begich	Forsythe	Kalis	McLaughlin	Onnen
Bennett	Frederick	Kelly	McPherson	Orenstein
Bertram	Frerichs	Kelso	Milbert	Osthoff
Blatz	Gruenes	Kinkel	Miller	Otis
Boo	Gutknecht	Kludt	Minne	Ozment
Brown	Hartle	Knickerbocker	Morrison	Pappas
Burger	Haukoos	Knuth	Murphy	Pauly
Carruthers	Heap	Kostohryz	Nelson, C.	Pelowski
Clark	Himle	Krueger	Nelson, K.	Peterson
Clausnitzer	Hugoson	Larsen	Neuenschwander	Poppenhagen
Cooper	Jacobs	Lasley	O'Connor	Price
Dauner	Jefferson	Lieder	Ogren	Quinn
DeBlicke	Jensen	Long	Olsen, S.	Quist

Redalen	Schafer	Skoglund	Tjornhom	Waltman
Reding	Scheid	Solberg	Trimble	Welle
Rest	Schreiber	Stanius	Tunheim	Wenzel
Richter	Seaberg	Steensma	Uphus	Winter
Riveness	Segal	Svigguim	Valento	
Rukavina	Shaver	Swenson	Vellenga	
Sarna	Simoneau	Thiede	Wagenius	

Otis moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Long motion and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 44 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Kostohryz	Poppenhagen	Shaver
Blatz	Hartle	Long	Quist	Svigguim
Boo	Haukoos	McDonald	Redalen	Swenson
Burger	Heap	McPherson	Richter	Thiede
Clausnitzer	Himle	Miller	Riveness	Tjornhom
Dempsey	Hugoson	Morrison	Rose	Uphus
Dille	Kelso	Neuenschwander	Schafer	Valento
Forsythe	Knickerbocker	Orenstein	Schreiber	Waltman
Frederick	Knuth	Pauly	Seaberg	

Those who voted in the negative were:

Anderson, G.	Gutknecht	Lieder	Osthoff	Skoglund
Battaglia	Jacobs	Marsh	Otis	Solberg
Bauerly	Jaros	McEachern	Pappas	Sparby
Beard	Jefferson	McLaughlin	Pelowski	Stanius
Begich	Jensen	Milbert	Peterson	Steensma
Bertram	Johnson, A.	Murphy	Price	Tunheim
Brown	Johnson, R.	Nelson, C.	Quinn	Vanasek
Carlson, L.	Johnson, V.	Nelson, D.	Reding	Vellenga
Carruthers	Kahn	Nelson, K.	Rest	Wagenius
Clark	Kalis	O'Connor	Rice	Welle
Cooper	Kelly	Ogren	Rukavina	Wenzel
Dauner	Kinkel	Olsen, S.	Sarna	Winter
DeBlicck	Kludt	Olson, E.	Scheid	Spk. Norton
Dorn	Krueger	Olson, K.	Schoenfeld	
Greenfield	Larsen	Olmann	Segal	
Gruenes	Lasley	Onnen	Simoneau	

The motion did not prevail.

The question recurred on the Nelson, K., motion that the report of the Conference Committee on S. F. No. 282 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 282, A bill for an act relating to metropolitan government; permitting regional railroad authorities to engage in certain activities; amending Minnesota Statutes 1986, section 473.398.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Otis moved that those not voting be excused from voting. The motion prevailed.

There were 95 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Omann	Segal
Battaglia	Gutknecht	Lasley	Onnen	Simoneau
Bauerly	Hartle	Lieder	Osthoff	Skoglund
Beard	Heap	Marsh	Otis	Solberg
Begich	Jacobs	McEachern	Ozment	Sparby
Bennett	Jaros	McLaughlin	Pappas	Stanis
Bertram	Jefferson	Milbert	Pelowski	Steensma
Boo	Jensen	Minne	Peterson	Swenson
Brown	Johnson, A.	Munger	Price	Trimble
Burger	Johnson, R.	Murphy	Quinn	Tunheim
Carlson, L.	Johnson, V.	Nelson, C.	Redalen	Uphus
Carruthers	Kahn	Nelson, D.	Reding	Vanasek
Clark	Kalis	Nelson, K.	Rest	Vellenga
Cooper	Kelly	Neuenschwander	Rice	Wagenius
Dauner	Kelso	O'Connor	Rose	Welle
DeBlieck	Kinkel	Ogren	Rukavina	Wenzel
Dille	Kludt	Olsen, S.	Sarna	Winter
Dorn	Knuth	Olson, E.	Scheid	Wynia
Greenfield	Krueger	Olson, K.	Schoenfeld	Spk. Norton

Those who voted in the negative were:

Blatz	Himle	Miller	Riveness	Tjornhom
Clausnitzer	Hugoson	Morrison	Schafer	Valento
Dempsey	Knickerbocker	Orenstein	Schreiber	Waltman
Forsythe	Kostohryz	Pauly	Seaberg	
Frederick	Long	Poppenhagen	Shaver	
Frerichs	McDonald	Quist	Sviggum	
Haukoos	McPherson	Richter	Thiede	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 478:

S. F. No. 478, A bill for an act relating to insurance; requiring notification of group life or health coverage changes; eliminating

mandatory temporary insurance agent licenses; requiring those who solicit insurance to act as agent for the insured; regulating surplus lines insurance; regulating rates and forms; regulating insurance plan administrators; regulating trust funds; regulating the renewal, nonrenewal, and cancellation of commercial liability and property insurance policies; authorizing employers to jointly self-insure for property or casualty liability and regulating these plans; providing continued group life coverage upon termination or layoff; providing for the establishment and operation of the insurance guaranty association and the life and health guaranty association; regulating accident and health insurance; regulating joint self-insurance employee health plans; requiring the treatment of pregnancy-related conditions in the same manner as other illnesses; mandating certain coverages; clarifying coverage for handicapped dependents; providing continued group accident and health coverage upon termination or layoff; requiring coverage of current spouse and children; imposing surety bond or securities requirements on certain health benefit plans; regulating Medicare supplement plan premium refunds; authorizing the renewal of certain long-term health policies; providing for the establishment and operation of the comprehensive health association and the joint underwriting association; providing comprehensive health insurance coverage for certain employees not eligible for Medicare; regulating fraternal benefit associations; regulating automobile insurance; providing for exemption from certain legal process of cash value, proceeds, or benefits under certain life insurance or annuity contracts; limiting the cancellation of fire insurance binders and policies; providing for administration of the FAIR plan; requiring accident prevention course premium reductions; limiting the grounds for cancellation or reduction in limits during the policy period; providing for the priority of security for payment of basic economic loss benefits; extending basic economic loss benefit protection; requiring coverages for former spouses; specifying membership on the assigned claims bureau; extending no-fault benefits to pedestrians who are struck by motorcycles; regulating township mutual insurance companies; providing for mandatory arbitration of certain claims; establishing a demonstration project to provide medical insurance to certain low income persons; requiring the commissioner to set rates for cooperative housing and neighborhood real estate trust insurance; authorizing investments in certain insurers; regulating trade practices; requiring life and health insurers to substantiate the underwriting standards they use; providing assigned risk plan coverage for certain vehicles used by the handicapped; regulating motor vehicle repairs; regulating certain self-insurance by political subdivisions; granting immunity from liability for volunteer coaches, managers, and officials; clarifying the statute of limitations applicable to actions regarding manufacturers or suppliers of material containing asbestos; modifying discounting of future damages; prescribing penalties; amending Minnesota Statutes 1986, sections 16A.133, subdivision 1; 45.024, subdivision 2; 60A.17, subdivisions 1a, 2c, 11, and 13; 60A.1701, subdivisions 7, and 8; 60A.196; 60A.197; 60A.198, subdivision 3; 60A.23, subdivision 8; 60A.29, subdivisions 2, 5, and 16,

and by adding subdivisions; 60A.30; 60A.31; 60B.44, subdivisions 1, 4, 5, and 9; 60C.08, subdivision 1; 60C.09; 60C.12; 61A.28, subdivision 12; 61B.05, subdivision 1; 61B.09; 62A.041; 62A.043, by adding a subdivision; 62A.141; 62A.146; 62A.152, subdivision 2; 62A.17; 62A.21; 62A.27; 62A.31, subdivision 1a; 62A.43, subdivision 2, and by adding a subdivision; 62A.46, by adding a subdivision; 62A.48, subdivisions 1, 2, 6, and by adding a subdivision; 62A.50, subdivision 3; 62D.05, by adding a subdivision; 62D.102; 62E.06, subdivision 1; 62E.10, subdivision 2, and by adding subdivisions; 62E.14, by adding a subdivision; 62F.041, subdivision 2; 62F.06, subdivision 1; 62H.01; 62H.02; 62H.04; 62I.02, subdivisions 1, and 3, and by adding a subdivision; 62I.03, subdivision 5; 62I.04; 62I.12, subdivision 1; 62I.13, by adding a subdivision; 62I.16, subdivision 3; 62I.22, subdivision 2, and by adding a subdivision; 64B.11, subdivision 4; 64B.18; 64B.27; 65A.01, subdivision 3a; 65A.03, subdivision 1; 65A.10; 65A.29, by adding a subdivision; 65A.35, subdivision 5; 65A.39; 65B.03, subdivision 1; 65B.12; 65B.1311; 65B.16; 65B.21, subdivision 2; 65B.28; 65B.46; 65B.49, by adding a subdivision; 65B.525, subdivision 1; 65B.63, subdivision 1; 67A.05, subdivision 2; 67A.06; 67A.231; 70A.06, by adding a subdivision; 70A.08, subdivision 3; 72A.20, subdivisions 11, 17, and by adding subdivisions; 72A.31, subdivision 1; 169.045, subdivision 1, and by adding a subdivision; 471.98, subdivision 2; 604.07, subdivisions 2, 3, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 62A; 62E; 65A; 65B; 72A; 256B; 541; and 604; proposing coding for new law as Minnesota Statutes, chapter 60E; repealing Minnesota Statutes 1986, sections 62A.12; and 67A.43, subdivision 3; and Minnesota Rules, parts 2700.2400 to 2700.2440.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Mr. Luther; Ms. Peterson, D. C.; Messrs. Solon, Anderson and Metzen.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Skoglund moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 478. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 478:

Skoglund, Carruthers, Segal, Peterson and Knickerbocker.

CALL OF THE HOUSE LIFTED

Otis moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Otis moved that the the House recess subject to the call of the Chair.

POINT OF ORDER

Schreiber raised a point of order pursuant to rule 6.3 relating to committee meeting schedules. Speaker pro tempore Simoneau ruled the point of order not well taken.

POINT OF ORDER

Thiede raised a point of order pursuant to rule 6.6 relating to committee records. Speaker pro tempore Simoneau ruled the point of order not well taken.

POINT OF ORDER

Valento raised a point of order pursuant to rule 6.3 relating to committee meeting schedules. Speaker pro tempore Simoneau ruled the point of order not well taken.

The question recurred on the Otis motion that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Simoneau.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Vanasek, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately following S. F. No. 465 for today, Saturday, May 16, 1987:

H. F. No. 1074; S. F. Nos. 841 and 587; H. F. No. 1279; S. F. No. 368; H. F. No. 539; S. F. Nos. 593 and 377; H. F. No. 777; S. F. No. 1057; H. F. Nos. 566, 1087 and 1465; S. F. Nos. 908 and 69; H. F. Nos. 835 and 1335; S. F. Nos. 131, 1184 and 946; H. F. No. 363; and S. F. No. 905.

Anderson, G., was excused between the hours of 11:45 p.m. and 12:00 midnight.

SPECIAL ORDERS, Continued

S. F. No. 514 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Segal moved that the rule therein be suspended and an urgency be declared so that S. F. No. 514 be given its third reading and be placed upon its final passage. The motion prevailed.

Segal moved that the Rules of the House be so far suspended that S. F. No. 514 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 514, A bill for an act relating to human services; creating the office of ombudsman for mental health and mental retardation; providing for the powers and duties of the ombudsman; creating a medical review board; requiring reporting of abuse and neglect to the ombudsman for mental health and mental retardation; appropriating money; amending Minnesota Statutes 1986, sections 13.46, subdivision 1; 626.556, subdivisions 9 and 10; and 626.557, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Brown	Dempsey	Hartle	Jensen
Bauerly	Burger	Dille	Haukoos	Johnson, A.
Beard	Carlson, L.	Dorn	Heap	Johnson, R.
Begich	Carruthers	Forsythe	Himle	Johnson, V.
Bennett	Clark	Frederick	Hugoson	Kahn
Bertram	Clausnitzer	Frerichs	Jacobs	Kalis
Bishop	Cooper	Greenfield	Jaros	Kelly
Blatz	Dauner	Gruenes	Jefferson	Kelso
Boo	DeBlieck	Gutknecht	Jennings	Kinkel

Kludd	Munger	Pappas	Schafer	Trimble
Knickerbocker	Murphy	Pauly	Scheid	Tunheim
Knuth	Nelson, C.	Pelowski	Schoenfeld	Uphus
Kostohryz	Nelson, D.	Peterson	Schreiber	Valento
Krueger	Nelson, K.	Poppenhagen	Seaberg	Vanasek
Larsen	Neuenschwander	Price	Segal	Vellenga
Lasley	O'Connor	Quinn	Shaver	Voss
Lieder	Ogren	Quist	Simoneau	Wagenius
Long	Olsen, S.	Redalen	Skoglund	Waltman
Marsh	Olson, E.	Reding	Solberg	Welle
McEachern	Olson, K.	Rest	Sparby	Wenzel
McLaughlin	Omann	Rice	Stanius	Winter
McPherson	Onnen	Richter	Steensma	Wynia
Milbert	Orenstein	Riveness	Sviggum	Spk. Norton
Miller	Osthoff	Rose	Swenson	
Minne	Otis	Rukavina	Thiede	
Morrison	Ozment	Sarna	Tjornhom	

The bill was passed and its title agreed to.

H. F. No. 683, A bill for an act relating to the organization and operation of state government; modifying and clarifying the powers of the board of animal health; regulating dealers; prescribing a civil penalty; appropriating money; amending Minnesota Statutes 1986, sections 347.31; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; 347.39; and 347.40; proposing coding for new law in Minnesota Statutes, chapter 346.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Battaglia	Forsythe	Kelso	Nelson, D.	Redalen
Bauerly	Frederick	Kinkel	Nelson, K.	Reding
Beard	Frerichs	Kludd	Neuenschwander	Rest
Begich	Greenfield	Knickerbocker	O'Connor	Rice
Bennett	Gruenes	Knuth	Ogren	Richter
Bertram	Gutknecht	Kostohryz	Olsen, S.	Riveness
Bishop	Hartle	Larsen	Olson, E.	Rose
Blatz	Haukoos	Lasley	Olson, K.	Rukavina
Boo	Heap	Lieder	Omann	Sarna
Brown	Himle	Long	Onnen	Schafer
Burger	Hugoson	Marsh	Orenstein	Scheid
Carlson, L.	Jacobs	McDonald	Osthoff	Schoenfeld
Carruthers	Jaros	McEachern	Otis	Schreiber
Clark	Jefferson	McLaughlin	Ozment	Seaberg
Clausnitzer	Jennings	McPherson	Pappas	Segal
Cooper	Jensen	Milbert	Pauly	Shaver
Dauner	Johnson, A.	Miller	Pelowski	Simoneau
DeBlieck	Johnson, R.	Morrison	Peterson	Skoglund
Dempsey	Johnson, V.	Munger	Poppenhagen	Solberg
Dille	Kahn	Murphy	Price	Sparby
Dorn	Kalis	Nelson, C.	Quinn	Stanius

Steensma
Swenson
Tjornhom
Tunheim

Uphus
Valento
Vanasek
Vellenga

Voss
Wagenius
Waltman
Welle

Wenzel
Winter
Wynia
Spk. Norton

Those who voted in the negative were:

Quist

Sviggunn

Thiede

The bill was passed and its title agreed to.

McDonald was excused for the remainder of today's session.

S. F. No. 463, as amended, which was temporarily laid over earlier today was again reported to the House.

Carruthers, Skoglund, Clausnitzer, Seaberg, Kelly and Bishop moved to amend S. F. No. 463, as amended, as follows:

Delete the Carruthers amendment and further amend S. F. No. 463, as amended, as follows:

Page 2, line 10, after "a" delete the remainder of the line

Page 2, delete line 11

Page 2, line 12, delete everything before "person"

Page 2, line 16, delete "'estate planner,'"

Page 3, line 5, after "disbursements" delete the remainder of the line

Page 3, line 6, delete "attorney fees"

Page 3, line 7, delete "who damages a"

Page 3, line 8, delete everything before "is"

Page 3, line 9, delete "the penalties specified" and insert "section 2, subdivision 5"

The motion prevailed and the amendment was adopted.

Speaker pro tempore Simoneau called Anderson, G., to the Chair.

S. F. No. 463, A bill for an act relating to commerce; providing enforcement powers; regulating securities; regulating the business of financial planning; restricting certain charges made by investment advisors and broker dealers; providing for the registration of securities; providing for disclosure of interest rate or discount point agreements; providing for the denial, suspension, and revocation of licenses and the censure of licensees; exempting the sale of certain stock of a closely-held corporation; exempting certain industrial revenue bond transactions; regulating real estate brokers and salespersons; prohibiting commission-splitting and rebating on timeshare and other recreational lands; providing for continuing education of brokers; regulating licensees acting as principals; regulating abandoned property; establishing a presumption of abandonment for certain profits or sums held by a cooperative; regulating the transfer and storage of abstracts of title to real property; transferring the powers and duties of the commissioner for the regulation of social and charitable organizations to the attorney general and providing for further regulation of such organizations; appropriating money; amending Minnesota Statutes 1986, sections 60A.17, subdivision 6c; 72A.27; 80A.06, subdivision 5; 80A.07, subdivision 1; 80A.09, subdivision 1; 80A.12, by adding a subdivision; 80A.14, subdivision 18; 80A.15, subdivisions 1 and 2; 80A.19, subdivision 1; 80A.23, subdivision 11; 80A.26, subdivision 3; 80C.17, subdivision 1; 82.17, subdivision 4; 82.19, subdivision 3; 82.21, subdivision 1; 82.22, subdivision 6; 82.24, subdivision 2; 82.34, subdivision 19; 308.12, by adding a subdivision; 309.50, subdivision 6; 309.515, subdivision 1; 309.52, subdivisions 1a and 2; 309.53, subdivisions 1a, 3, 4, and by adding a subdivision; 309.531; 309.533, by adding a subdivision; 309.54; 309.55, subdivision 6; 309.556; 309.56, subdivision 1; 309.57; 345.39; and 386.375; proposing coding for new law in Minnesota Statutes, chapters 45, 47, 82, and 508; repealing Minnesota Statutes 1986, sections 72A.23; 72A.24; 72A.28; 80A.20; 80A.21; 80C.15; 80C.16, subdivision 1; 82.25; 82.26; 83.34; 83.35, subdivision 3; 238.085; 309.515, subdivision 3; 309.532; 309.533, subdivisions 2, 3, and 4; 309.534; 309.555; and 309.58.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Cooper	Greenfield	Jensen
Battaglia	Boo	Dauner	Gruenes	Johnson, A.
Bauerly	Brown	DeBleck	Gutknecht	Johnson, R.
Beard	Burger	Dempsey	Hartle	Johnson, V.
Begich	Carlson, L.	Dille	Himle	Kahn
Bennett	Carruthers	Dorn	Jacobs	Kalis
Bertram	Clark	Forsythe	Jaros	Kelly
Bishop	Clausnitzer	Frederick	Jefferson	Kelso

Kinkel	Munger	Otis	Schafer	Tjornhom
Kludt	Murphy	Ozment	Scheid	Trimble
Knuth	Nelson, C.	Pappas	Schoenfeld	Tunheim
Kostohryz	Nelson, D.	Pelowski	Schreiber	Uphus
Krueger	Nelson, K.	Peterson	Seaberg	Valento
Larsen	Neuenschwander	Price	Segal	Vanasek
Lasley	O'Connor	Quinn	Shaver	Vellenga
Lieder	Ogren	Redalen	Simoneau	Voss
Long	Olsen, S.	Reding	Skoglund	Wagenius
Marsh	Olson, E.	Rest	Solberg	Waltman
McEachern	Olson, K.	Rice	Sparby	Welle
McLaughlin	Omann	Riveness	Stanis	Wenzel
Milbert	Onnen	Rose	Steensma	Winter
Minne	Orenstein	Rukavina	Sviggrum	Wynia
Morrison	Osthoff	Sarna	Swenson	Spk. Norton

Those who voted in the negative were:

Frerichs	Hugoson	Pauly	Richter
Haukoos	McPherson	Poppenhagen	Thiede
Heap	Miller	Quist	

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

S. F. No. 451 was reported to the House.

Reding moved to amend S. F. No. 451, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 168.021, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL PLATES; APPLICATION FOR ISSUANCE.] When a motor vehicle registered under section 168.017, or a self-propelled recreational vehicle, is owned or primarily operated by a physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two license ~~number~~ plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for issuance of these the plates must be made at the time of renewal or first application for registration. When the owner first applies for the plates, and whenever the plates must be replaced, the owner must submit a physician's statement on a form developed by the commissioner under section 169.345.

Sec. 2. Minnesota Statutes 1986, section 168.021, subdivision 1a, is amended to read:

Subd. 1a. [SCOPE OF PRIVILEGE.] If ~~any~~ a physically handicapped person parks a vehicle displaying license plates described in this section or any person parks ~~such a the vehicle while transporting for~~ a physically handicapped person, that person shall be

entitled to courtesy in the parking of park the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extended to handicapped persons shall not apply on streets or highways where and at the time parking is prohibited. The license plates specified in this section shall also serve to identify vehicles properly parked in designated handicapped parking spaces, as provided in section 169.346 as provided in section 169.345.

Sec. 3. Minnesota Statutes 1986, section 168.021, subdivision 2, is amended to read:

Subd. 2. [DESIGN OF PLATES; FURNISHING BY REGISTRAR.]

The registrar of motor vehicles shall design and furnish two license number plates with attached emblems to each such eligible owner. The emblem shall must bear the internationally accepted wheelchair symbol, as designated in section 16.8632, approximately three inches square. The emblem shall must be of such size as large enough to be visible plainly from a distance of 50 feet. Applicants An applicant eligible for these the special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

Sec. 4. Minnesota Statutes 1986, section 168.021, subdivision 3, is amended to read:

Subd. 3. [PENALTIES FOR UNAUTHORIZED USE OF PLATE PLATES.] A person who appropriates or uses the plate plates provided in under this section upon on a motor vehicle other than as authorized by in violation of this section is guilty of a gross misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle upon which these bearing the plates are displayed where if the person is the owner of the vehicle and permits its operation by a physically handicapped person, or where if the person operates the vehicle with the consent of the owner who is physically handicapped. A nonhandicapped driver who is not handicapped is not entitled to the parking privileges provided in this section and in section 169.346 unless transporting parking the vehicle for a physically handicapped person.

Sec. 5. Minnesota Statutes 1986, section 168.021, subdivision 5, is amended to read:

Subd. 5. [DEFINITIONS.] For the purposes of this section, a the term "physically handicapped person" means a person who has sustained an amputation or material disability of either or both

arms or legs, or who has been otherwise disabled in any manner, rendering it difficult and burdensome for the person to walk has the meaning given it in section 169.345.

Sec. 6. Minnesota Statutes 1986, section 168.021, subdivision 6, is amended to read:

Subd. 6. [DRIVERS DRIVER'S LICENSE LAW NOT AFFECTED.] Nothing in this section shall be construed to revoke, limit, or amend any of the terms of the drivers license law chapter 171.

Sec. 7. Minnesota Statutes 1986, section 169.345, is amended to read:

169.345 [PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED.]

Subdivision 1. [SCOPE OF PRIVILEGE.] Any physically handicapped person who displays prominently upon the vehicle parked by or under the direction and for the use of the handicapped person, A vehicle that prominently displays the distinguishing certificate specified in authorized by this section shall be entitled to courtesy in the parking of the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body, or bears license plates issued under section 168.021, may be parked by or for a physically handicapped person:

(1) in a designated handicapped parking space, as provided in section 169.346;

(2) in a limited time parking space without regard to the posted time limit; and

(3) in a metered parking space without obligation to pay the meter fee.

Notwithstanding clauses (1) to (3), this section does not permit parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway for the purpose of creating to create a fire lane, or to provide for the accommodation of accommodate heavy traffic during morning and afternoon rush hours and the privileges extended to such handicapped persons shall not these ordinances also apply on streets or highways where and at such time parking is prohibited. The certificate specified in this section shall also serve to identify vehicles properly parked in

designated handicapped parking spaces as provided in section 169.346 to physically handicapped persons.

Subd. 2. [DEFINITIONS.] For the purpose of this section "physically handicapped person" means any a person who has sustained an amputation or material disability of either or both arms or legs, or who has been otherwise disabled in any manner rendering it difficult and burdensome to walk:

(1) because of disability cannot walk without significant risk of falling;

(2) because of disability cannot walk 200 feet without stopping to rest;

(3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;

(4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;

(5) has an arterial oxygen tension (P_{AO_2}) of less than 60 mm/hg on room air at rest;

(6) uses portable oxygen; or

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association.

Subd. 2a. [PHYSICIAN'S STATEMENT.] The commissioner shall develop a form for the physician's statement. The statement must be signed by a licensed physician who certifies that the applicant is a physically handicapped person as defined in subdivision 2. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility. The physician's statement must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. A physician who fraudulently certifies to the commissioner that a person is a physically handicapped person as defined in subdivision 2, and that the person is entitled to the license plates authorized by section 168.021 or to the certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

Subd. 3. [IDENTIFYING CERTIFICATE.] (a) The division of driver and vehicle services in the department of public safety shall issue without charge a special identifying certificate for a marked

motor vehicle to any when a physically handicapped applicant upon submission by the applicant of a certificate by a qualified physician to the division that the applicant is a physically handicapped person within the meaning of subdivision 2 submits a physician's statement. The commissioner shall issue a single type of certificate to both permanently and temporarily physically handicapped persons. The certificate is valid for the duration of the person's disability, as specified in the physician's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional periods of time, up to six years each, as specified in the physician's statement.

(b) Upon submission of satisfactory evidence When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically handicapped persons within the meaning of subdivision 2, the division may issue without charge a special identifying certificate or insignia for the vehicle. The operator of the a vehicle, when displaying the certificate or insignia, has the same parking privileges provided in subdivision 1 for the physically handicapped during the period while the vehicle is in use for transporting physically handicapped persons. The certificate issued to a person transporting physically handicapped persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically handicapped persons.

The commissioner of public safety shall determine the form, size and promulgate rules governing their issuance and use necessary to carry out the provisions of this section. The physician's certificate shall specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. The commissioner may issue special identifying certificates to temporarily physically handicapped persons for limited periods of time.

(c) A certificate must be made of plastic or similar durable material, must be distinct from certificates issued before December 31, 1987, and must bear its expiration date prominently on its face. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate.

Subd. 4. [UNAUTHORIZED USE; REVOCATION; PENALTY.] If the police of the state or any city, or other local government shall find a peace officer finds that the certificate is being improperly used, they the officer shall report the violation to the division of driver and vehicle services in the department of public safety any violation and the commissioner of public safety may remove revoke the privilege certificate. A person who uses the certificate in violation of this section is guilty of a misdemeanor and is subject to a fine of \$500.

Sec. 8. Minnesota Statutes 1986, section 169.346, is amended to read:

169.346 [PARKING FOR PHYSICALLY HANDICAPPED; PROHIBITIONS; PENALTIES.]

Subdivision 1. [PARKING CRITERIA.] ~~No~~ A person shall not park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically handicapped, on either private or public property, ~~or shall not park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a handicapped transfer zone, and shall not exercise the parking privilege provided in section 169.345, unless:~~

(a) (1) that person is a physically handicapped person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically handicapped person; and

(b) (2) the vehicle visibly displays ~~the certificate or one of the following: a license plate issued to physically handicapped persons or the under section 168.021, a certificate issued to persons transporting physically handicapped persons by the department of public safety pursuant to under section 169.345, subdivision 3, or 168.021, or if the vehicle visibly displays an equivalent certificate, insignia, or license plate issued by another state or one of its political subdivisions.~~

Subd. 2. [SIGNS; PARKING SPACES TO BE FREE OF OBSTRUCTIONS.] (a) Handicapped parking spaces must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that the parking space is reserved for the handicapped persons with vehicles displaying the required certificate, license plates, or insignia. Signs must also indicate the fine for violation provided in subdivision 3. Spaces which have been that are clearly identified for handicapped parking by signs which that are not in compliance with the design standards as set forth in this subdivision shall also be deemed designated and reserved for the physically handicapped for the purposes of this section. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable or only movable by authorized persons.

(b) The owner of the property on which the designated parking space is located shall ensure that the space is kept free of obstruction. If the owner or manager allows the space to be blocked by snow, merchandise, or similar obstructions for 24 hours after receiving a warning from a police officer, the property owner or manager is guilty of a misdemeanor and subject to a fine of \$500.

Subd. 3. [PENALTY.] ~~Any~~ A person who violates the provisions of subdivision 1 is guilty of a petty misdemeanor and shall be fined ~~not less than \$25 nor more than \$100~~ \$50. This subdivision shall be enforced in the same manner as parking ordinances or regulations are enforced in the governmental subdivision in which the violation occurs. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of the provisions of subdivision 1. A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violating subdivision 1 because the person parked in a handicapped parking space without the required certificate or insignia license plates shall not be convicted ~~upon producing if the person produces~~ in court or prior to before the court appearance the required certificate or insignia evidence that the person has been issued license plates under section 168.021, and demonstrates entitlement to the certificate or insignia plates at the time of arrest or tagging.

Sec. 9. [TRANSITION.]

From January 1, 1988, to December 31, 1988, the owner of a vehicle with license plates issued under Minnesota Statutes, section 168.021 before January 1, 1988, must reapply for the plates and submit the physician's statement required under Minnesota Statutes, section 169.345, subdivision 2a, to the commissioner when the registration for the plates expires. A certificate issued under Minnesota Statutes, section 169.345 before January 1, 1988, expires on December 31, 1988, unless it is reissued by the commissioner before that date. The commissioner of public safety shall develop and implement an informational campaign to notify the public and holders of certificates and license plates issued before January 1, 1988, of the need to reapply for certificates and license plates and of other changes made by sections 1 to 8 in the certificate and license plate program for physically handicapped persons. The council for the handicapped shall assist the commissioner and officials charged with enforcing municipal parking restrictions in the implementation of sections 1 to 8.

Sec. 10. [REPEALER.]

Minnesota Statutes 1986, section 168.021, subdivision 7, is repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 9 are effective December 31, 1987."

Delete the title and insert:

"A bill for an act relating to public safety; parking for handicapped persons; imposing a fine for violations of handicapped parking

provisions; providing penalties; amending Minnesota Statutes 1986, section 168.021, subdivisions 1, 1a, 2, 3, 5, and 6; 169.345; and 169.346; repealing Minnesota Statutes 1986, section 168.021, subdivision 7."

The motion prevailed and the amendment was adopted.

Reding moved to amend S. F. No. 451, as amended, as follows:

Page 7, line 35, strike "Spaces"

Page 7, line 36 and page 8, lines 1 to 3, strike the old language and delete the new language

Page 8, line 4, strike "this section."

The motion prevailed and the amendment was adopted.

Bishop and Reding moved to amend S. F. No. 451, as amended, as follows:

Page 4, delete lines 3 and 4

Renumber clauses accordingly

Page 4, line 7, delete "(1) to (3)" and insert "(1) and (2)"

The motion prevailed and the amendment was adopted.

Osthoff was excused for the remainder of today's session.

Bennett moved to amend S. F. No. 451, as amended, as follows:

Page 4, line 6, after "fee" insert "for up to twice the maximum time otherwise allowed by the meter for parking in that space"

A roll call was requested and properly seconded.

The question was taken on the Bennett amendment and the roll was called. There were 41 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Bennett
Boo
Brown

Burger
Clausnitzer
Dempsey

Dille
Forsythe
Frederick

Gruenes
Hartle
Hugoson

Jennings
Johnson, V.
Kelly

Knuth	Olson, E.	Quist	Seaberg	Valento
Krueger	Olson, K.	Redalen	Shaver	Waltman
Lieder	Omann	Richter	Stanius	
Marsh	Ozment	Rose	Swenson	
Miller	Pauly	Schafer	Tjornhom	
Morrison	Poppenhagen	Schreiber	Uphus	

Those who voted in the negative were:

Anderson, G.	Greenfield	Lasley	Pappas	Simoneau
Battaglia	Gutknecht	Long	Pelowski	Skoglund
Bauerly	Haukoos	McEachern	Peterson	Solberg
Beard	Jacobs	McLaughlin	Price	Sparby
Begich	Jaros	Minne	Quinn	Steensma
Bertram	Jefferson	Munger	Reding	Thiede
Bishop	Jensen	Murphy	Rest	Trimble
Blatz	Johnson, A.	Nelson, C.	Rice	Tunheim
Carlson, L.	Johnson, R.	Nelson, K.	Riveness	Vanasek
Carruthers	Kahn	Neuenschwander	Rodosovich	Vellenga
Clark	Kelso	O'Connor	Rukavina	Voss
Cooper	Kinkel	Ogren	Sarna	Wagenius
Dauner	Kludt	Olsen, S.	Scheid	Wenzel
DeBlicke	Kostohryz	Orenstein	Schoenfeld	Winter
Dorn	Larsen	Otis	Segal	Spk. Norton

The motion did not prevail and the amendment was not adopted.

Bennett moved to amend S. F. No. 451, as amended, as follows:

Page 4, after line 20, insert:

"For purposes of this subdivision "prominently displays" means displaying on the dashboard in the left-hand corner of the front windshield of the vehicle with no part of the certificate obscured."

The motion prevailed and the amendment was adopted.

Bennett moved to amend S. F. No. 451, as amended, as follows:

Page 5, line 30, delete everything after the period

Page 5, delete line 31

Page 5, line 32, delete everything through the period

Page 6, line 28, after the period insert "For a certificate issued for a temporarily disabled person the expiration date shown must be the date of expiration of the duration of the disability, as determined under paragraph (a). The commissioner shall design separate certificates for persons with permanent and temporary disabilities in such a manner that the two certificates can be readily distinguished from each other from outside a vehicle at a distance of 25 feet."

The motion prevailed and the amendment was adopted.

Bennett moved to amend S. F. No. 451, as amended, as follows:

Page 6, line 28, after the period insert "Each certificate must have printed on the back a summary of the parking privileges and restrictions which apply to each vehicle in which it is used."

The motion prevailed and the amendment was adopted.

S. F. No. 451, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Bennett moved that the action whereby S. F. No. 451, as amended, was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 451, as amended, was again reported to the House.

Bennett moved to amend S. F. No. 451, as amended, as follows:

Page 7, line 34, delete everything after the period

Page 7, line 35, delete everything before the period

The motion prevailed and the amendment was adopted.

S. F. No. 451, A bill for an act relating to public safety; parking for handicapped persons; imposing a fine for violations of handicapped parking provisions; providing penalties; amending Minnesota Statutes 1986, sections 168.021, subdivisions 1, 1a, 2, 3, 5, and 6; 169.345; and 169.346; repealing Minnesota Statutes 1986, section 168.021, subdivision 7.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Bishop	Clark	Dorn	Hartle
Battaglia	Blatz	Clausnitzer	Forsythe	Haukoos
Bauerly	Boo	Cooper	Frederick	Heap
Beard	Brown	Dauner	Frerichs	Himle
Begich	Burger	DeBlieck	Greenfield	Hugoson
Bennett	Carlson, L.	Dempsey	Gruenes	Jacobs
Bertram	Carruthers	Dille	Gutknecht	Jaros

Jefferson	Long	Omann	Rodosovich	Thiede
Jennings	Marsh	Onnen	Rose	Tjornhom
Jensen	McLaughlin	Orenstein	Rukavina	Trimble
Johnson, A.	McPherson	Otis	Schafer	Tunheim
Johnson, R.	Milbert	Ozment	Scheid	Uphus
Johnson, V.	Miller	Pappas	Schoenfeld	Valento
Kahn	Minne	Pauly	Schreiber	Vanasek
Kahis	Morrison	Pelowski	Seaberg	Vellenga
Kelly	Munger	Peterson	Segal	Voss
Kelso	Murphy	Poppenhagen	Shaver	Wagenius
Kinkel	Nelson, C.	Price	Simoneau	Waltman
Kludt	Nelson, K.	Quinn	Skoglund	Welle
Knickerbocker	Neuenschwander	Quist	Solberg	Wenzel
Knuth	O'Connor	Redalen	Sparby	Winter
Krueger	Ogren	Reding	Stanius	Wynia
Larsen	Olsen, S.	Rest	Steensma	Spk. Norton
Lasley	Olson, E.	Rice	Sviggun	
Lieder	Olson, K.	Riveness	Swenson	

Those who voted in the negative were:

Richter

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1515.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1515

A bill for an act relating to higher education; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, the Mayo medical foundation, and the Minnesota job

skills partnership board, with certain conditions; amending Minnesota Statutes 1986, sections 135A.03, subdivision 1; 136A.101, by adding a subdivision; 136A.111, by adding a subdivision; 136A.121, subdivisions 4 and 5; 136A.132, subdivisions 3, 6, and 7; 136A.233, subdivisions 1 and 2; 136A.85; 136A.86, subdivisions 1 and 2; 136A.87; 137.31, subdivision 3; and 645.445, subdivision 5; Laws 1983, chapter 334, section 7; repealing Minnesota Statutes 1986, section 136.09, subdivision 3.

May 16, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1515, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1515 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [HIGHER EDUCATION; APPROPRIATIONS.]

The sums in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or other named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal year indicated for each purpose. The listing of an amount under the figure "1987," "1988," or "1989" in this act indicates that the amount is appropriated to be available for the year ending June 30, 1987, June 30, 1988, or June 30, 1989, respectively.

In this act, "first year" and "second year" mean the first fiscal year and second fiscal year, respectively, of the 1987-1989 biennium beginning July 1, 1987, and ending 24 months later.

In this act, "biennium" and "1987-1989 biennium" mean the two consecutive fiscal years beginning July 1, 1987, and ending 24 months later.

SUMMARY BY FUND

1987	1988	1989	TOTAL
General			
\$ 2,910,500	\$810,380,600	\$843,643,500	\$1,656,934,600

SUMMARY BY AGENCY - ALL FUNDS

1987	1988	1989	TOTAL
Higher Education Coordinating Board			
	\$ 73,094,200	\$ 75,284,300	\$ 148,378,500
State Board of Vocational Technical Education			
\$1,895,000	151,749,400	156,777,800	310,422,200
State Board for Community Colleges			
	65,922,900	69,774,400	135,697,300
State University Board			
500,000	130,897,600	139,554,800	270,952,400
Board of Regents of the University of Minnesota			
\$515,500	387,865,200	401,343,300	789,724,000
Mayo Medical Foundation			
	851,300	908,900	1,760,200

APPROPRIATIONS
Available for the Year
Ending June 30

1987	1988	1989
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Sec. 2. HIGHER EDUCATION
COORDINATING BOARD

Subdivision 1. Total Appropriation

\$73,094,200	\$75,284,300
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

	1987	1988	1989
	\$	\$	\$
Subd. 2. Agency Administration			
\$ 3,321,300	\$2,638,300		

This appropriation includes \$150,000 in 1988 for staff to administer the job skills partnership program. The higher education coordinating board may employ staff to administer the job skills partnership program. The job skills partnership program staff positions and their incumbents are transferred to and become employees subject to the direction of the higher education coordinating board.

This appropriation includes \$294,000 in 1988 and \$214,000 in 1989 for the optometry and osteopathy contract program to continue seats for students who were in the program in the 1986-1987 academic year. No new students may be admitted to the program during the biennium.

This appropriation includes \$15,000 in 1988 for scholarships and grants for eligible students of optometry. Eligible students are those who were enrolled in the 1984-1985 academic year in schools of optometry with which Minnesota had an agreement for each academic year in the 1985-1987 biennium for optometry seats. Students are obligated to practice in Minnesota as provided in Minnesota Statutes, section 136A.225.

\$118,000 in 1988 and \$180,000 in 1989 are to continue the post-high school planning program. The additional funding in 1989 is to include more students and offer increased services.

	1987	1988	1989
	\$	\$	\$
<p>A task force of equal numbers of representatives of the student advisory committee, financial aid administrators association, each public system, and the higher education coordinating board shall be convened by the HECB. It shall develop guidelines to interpret unusual circumstances for the purpose of being an independent student. The HECB shall distribute the guidelines to financial aid directors and representative student organizations at each campus.</p>			

Subd. 3. State Scholarships and Grants

\$60,500,000	\$62,750,000
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If the appropriation for either year is insufficient, the appropriation for the other year is available to meet scholarship and grant obligations.

This appropriation contains money for increasing living allowances for state scholarships and grants to \$2,985 for 1988 and \$2,995 for 1989.

Notwithstanding section 136A.121, subdivision 10, the implementation of eligibility for four full years of scholarships and grants is delayed until July 1, 1989.

\$100,000 the first year is for short-term living and transportation expenses of AVTI students.

Subd. 4. Interstate Tuition Reciprocity

\$ 3,700,000	\$4,300,000
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If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

Subd. 5. State Work Study

\$ 4,503,600	\$4,678,600
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	1987	1988	1989
	\$	\$	\$
Of this appropriation \$325,000 is to cover increases in minimum wage for the biennium.			

Subd. 6. Income Contingent Loans

\$ 110,000 \$ 158,100

This appropriation is for an income contingent loan repayment program to assist graduates of Minnesota schools in medical, dental, pharmacy, chiropractic medicine, public health, and veterinary medicine in repaying their student debt by providing a repayment plan based on their annual income. The HECB shall study the possible inclusion of students in other academic programs including optometry and osteopathy and report its recommendations to the appropriations and finance committees by December 1, 1987. During the biennium, applicant data collected by the HECB for this program may be disclosed to a consumer credit reporting agency under the same conditions as apply to the supplemental loan program according to section 136A.162.

Subd. 7. Minitex Library Program

\$ 759,300 \$ 759,300

Subd. 8. Enterprise Development Partnerships

\$ 200,000

Subd. 9. An unexpended balance in the first year under a subdivision in this section does not cancel but is available for the second year.

Sec. 3. STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

	1987	1988	1989
	\$	\$	\$
Subdivision 1. Total Appropriation	1,895,000	151,749,400	156,777,800

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Instructional Expenditures

The legislature estimates that the amount for instructional expenditures will be \$196,837,300 for the first year and \$204,908,600 for the second year.

\$2,730,000 each year is for repair and replacement. Revenue for this purpose must be recorded in a separate account in the board's internal accounting system. Money may be transferred into and out of the account. A transfer, together with the amount and nature of the transfer, must be reported with the system's 1989-1991 biennial budget request. The report must include an analysis of the adequacy of the above appropriation in meeting the system's repairs and replacement needs.

During the biennium, each outstanding and any future assessment by a local unit of government which is less than five percent of the appropriation for repairs and replacements may be paid when due by the board.

\$500,000 in 1988 and \$1,000,000 in 1989 are to provide customized training services to Minnesota employers. Expenses incurred in training under this section must be matched in the form of tuition. The state director shall be responsible for ensuring this requirement is met.

	1987	1988	1989
	\$	\$	\$

The appropriation for fiscal year 1987 is added to the appropriation in Laws 1985, First Special Session chapter 11, section 4, subdivision 2, and must be used for retirement and social security employer's costs.

Subd. 3. Noninstructional Expenditures

The legislature estimates that the amount for noninstructional expenditures will be \$6,227,300 for the first year and \$5,570,300 for the second year.

\$5,371,700 the first year and \$4,704,700 the second year are for debt service payments to school districts for AVTI buildings financed with district bonds issued before January 1, 1979.

\$56,100 the first year and \$49,200 the second year are for veteran farmer cooperative training programs.

\$125,000 each year is for providing services for handicapped students.

Subd. 4. State Council on Vocational Technical Education

\$38,400 the first year and \$39,400 the second year must be allocated by the state board to the state council on vocational education.

Sec. 4. STATE BOARD FOR COMMUNITY COLLEGES

Subdivision 1. Total Appropriation	65,922,900	69,774,400
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

	1987	1988	1989
	\$	\$	\$
Subd. 2. Instructional Expenditures			

The legislature estimates that the amount for instructional expenditures will be \$83,787,100 for the first year and \$89,619,300 for the second year.

\$220,000 each year is for special needs students.

\$1,085,000 each year is for repair and replacement. Revenue for this purpose must be recorded in a separate account in the board's internal accounting system. Money may be transferred into and out of the account. A transfer, together with the amount and nature of the transfer, must be reported with the system's 1989-1991 biennial budget request. The report must include an analysis of the adequacy of the above appropriation in meeting the system's repairs and replacement needs.

During the biennium, each outstanding and any future assessment by a local unit of government which is less than five percent of the appropriation for repairs and replacements may be paid when due by the board.

Subd. 3. Noninstructional Expenditures

The legislature estimates that the amount for noninstructional expenditures will be \$10,962,300 for the first year and \$10,906,300 for the second year.

Sec. 5. STATE UNIVERSITY BOARD

Subdivision 1. Total Appropriation

500,000	130,897,600	139,554,800
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

	1987	1988	1989
	\$	\$	\$
Subd. 2. Instructional Expenditures			

The legislature estimates that the amount for instructional expenditures will be \$182,126,300 for the first year and \$194,951,000 for the second year.

\$2,245,000 each year is for repair and replacement. Revenue for this purpose must be recorded in a separate account in the board's internal accounting system. Money may be transferred into and out of the account. The transfer, together with the amount and nature of the transfer, must be reported with the system's 1989-1991 biennial budget request. The report must include an analysis of the adequacy of the above appropriation in meeting the system's repairs and replacement needs.

During the biennium, each outstanding and any future assessment by a local unit of government which is less than five percent of the appropriation for repairs and replacements may be paid when due by the board.

During the biennium, the state university board shall continue to ensure that classroom teaching assistants for whom English is a second language are proficient in speaking, reading, and writing English.

\$250,000 in 1988 and \$400,000 in 1989 is for the expansion of upper division programs at Metropolitan State University.

Notwithstanding Minnesota Statutes, section 136.09, subdivision 3, or other law to the contrary, during the biennium neither the state university board nor the state university campuses shall engage in planning or development of doctoral level programs or degrees without prior approval of the house and senate higher education policy and money committees.

	1987	1988	1989
	\$	\$	\$
<p>\$50,000 in 1988 is for the planning of the materials science engineering program at Winona State University. The state university board shall develop short and long range plans that specify the directions and intentions of the system in program development, particularly in the science, technology, and engineering areas. The plans shall provide an overview of the entire system as well as specifically examining the status of current programs and future plans at each campus. In its planning during the biennium, the board shall study at least immediate and long range: (1) needs for and opportunities available to students graduating in these program areas; (2) possibilities of co-operative arrangements with other educational institutions; (3) incorporation of new technology developments into existing programs rather than creating new programs; (4) potential for private sector participation and investment; (5) effects of emphasizing technological programs on other academic areas; and (6) consequences for the state's economy. The board shall report its findings to the appropriations and finance committees of the legislature by January 15, 1988.</p>			

The study must be submitted to the HECB for review and comment before its submission to the legislature. \$500,000 in fiscal year 1989 is for implementation of the program, contingent upon formal recommendation by the education divisions of the house appropriations committee and the senate finance committee.

	1987		1988		1989
	\$	\$	\$	\$	
During the biennium, revenue generated from royalties, patents, licenses, or interests kept by the state university board from the science and technology project at Southwest State University is appropriated to the state university board and must be allocated by the board to Southwest State University for the continued operation of the science and technology resource center.					

Subd. 3. Noninstructional Expenditures

The legislature estimates that the amount for noninstructional expenditures will be \$9,211,700 for the first year and \$9,276,300 for the second year.

This appropriation includes interest costs for outstanding bonds and in no way constitutes a commitment or obligation by the state of Minnesota to make any payments on the principal or the interest on the bonds or any associated fees or costs, nor does the appropriation constitute an admission or position by the state of Minnesota on the merits of any litigation arising out of an alleged default on the bonds or an alleged breach of any contract or loan agreement.

During the biennium, prior to resolving any litigation arising out of an alleged default on the bonds or an alleged breach of any contract or loan agreement, the attorney general is requested to determine whether any third parties may be liable for part or all of any alleged damages and to pursue appropriate litigation against or settlement with the third parties.

	1987	1988	1989
	\$	\$	\$
During the biennium, the city of Mankato may assess the state university board for costs of reconstruction and improvement of Val Imm Drive. The assessment must not be made until completion of the work and must not exceed \$500,000 or 40 percent of the project, whichever is less.			

During the biennium, notwithstanding any law to the contrary, the state university board may retain money received from successful litigation by or against the board. Awards made to the state or the board resulting from litigation against or by the board shall be retained by the board to the credit of the account from which the litigation was originally funded.

The appropriation for fiscal year 1987 is for the bridge assessment specified in Laws 1983, chapter 344, section 8, subdivision 5(b).

Subd. 4. Construction

During the biennium, the state university board may accept money from nonstate sources to construct a building on the Mankato, St. Cloud, and Moorhead state university campuses. No state appropriated funds shall be expended for this purpose. The board shall supervise and control the preparation of plans and specifications for the construction of each building. The board shall advertise for bids and award contracts, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

Sec. 6. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Subdivision	1.	Total	Appropriation
		515,500	387,865,200 401,343,300

	1987	1988	1989
	\$	\$	\$

The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Operations and Maintenance 313,688,200 324,702,900

On December 1, 1988, and December 1, 1989, the president of the University of Minnesota shall furnish the senate finance and house appropriations committees and the commissioner of finance the following information: the total amount of receipts during fiscal year 1988 from all sources in excess of \$124,040,700 and during the fiscal year 1989 from all sources in excess of \$128,638,300; the sources of these receipts; and the purposes for which any excess receipts were spent and the accounts to which the receipts transferred.

(a) Instructional Expenditures

The legislature estimates that the amount for instructional expenditures in subdivision 2 and subdivision 3, paragraph (a) will be \$344,009,900 for the first year and \$360,972,100 for the second year.

\$6,732,000 each year is for repair and replacement. Revenue for this purpose must be recorded in a separate account in the board's internal accounting system. Money may be transferred into and out of the account. A transfer, together with the amount and nature of the transfer, must be reported with the system's 1989-1991 biennial budget request. The report must include an analysis of the adequacy of the above appropriation in meeting the system's repairs and replacement needs. Of this amount, \$200,000 in the first year is for the Falcon Heights assessment for the

	1987	1988	1989
	\$	\$	\$
Roselawn Avenue project; \$82,000 in the first year is for city assessments for utilities and services for the Waseca campus; and \$3,000 in the first year is for city assessments for utilities and services for the Morris campus.			

During the biennium, each outstanding and any future assessment by a local unit of government which is less than five percent of the appropriation for repairs and replacements may be paid when due by the board.

The president of the University of Minnesota is requested to review, during the biennium, the University of Minnesota's institutional support costs and redirect any savings into academic programs.

During the biennium, the university is requested to continue to ensure that classroom teaching assistants for whom English is a second language are proficient in speaking, reading, and writing English.

The university is requested to develop a new plan by which the funding necessary to implement comparable worth in a timely manner is provided through internal reallocation. The university shall report on its actions by January 15, 1988, to the appropriations and finance committees.

(b) Noninstructional Expenditures

The legislature estimates that the amount for noninstructional expenditures will be \$95,461,000 for the first year and \$94,747,600 for the second year.

	1987	1988	1989
	\$	\$	\$
\$2,900,000 in fiscal year 1988, and 3,100,000 in fiscal year 1989, are for the graduate fellowship program. By January 15, 1989, the University of Minnesota shall report on the distribution of graduate fellowships and their use in furthering the University of Minnesota's efforts to focus its mission and improve its programs, particularly in the liberal arts.			

Subd. 3. Special Appropriations

\$515,500	74,177,000	76,640,400
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The university shall submit a report to the 1988 Legislature on all of its special appropriations. The report must include which special appropriations could be continued as is, consolidated, transferred to the operations and maintenance account, reduced, or eliminated; all sources of funding for each special appropriation; a detailed itemization of projects included in each special appropriation; the outcome of the activity; the reasons for each special appropriation; specific plans for each special appropriation; and any other pertinent information.

(a) Rank Funding Adjustment

\$1,742,000	\$2,378,500
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The legislature estimates that \$2,600,000 in fiscal year 1988 and \$3,550,000 in fiscal year 1989 is for the university's commitment to focus its efforts on academic excellence. This estimate is counted as instructional cost. This appropriation must not be allocated to the Board of Regents by the commissioner of finance until the Board of Regents adopts the plan and directs the president of the University of Minnesota to proceed with the plan.

	1987	1988	1989
	\$	\$	\$
Of this amount, up to \$400,000 is to ensure adequate counseling of students applying for admission.			

It is the intention of the legislature that the university's commitment to focus plan and enrollment targets provide the basis for funding in subsequent biennia.

The university shall report on its uses of these funds by January 15 of each year of the biennium. Beginning in the 1989-1991 biennium, the request for rank adjustment must be incorporated into the operations and maintenance budget request.

The regular session enrollment projected for this appropriation is 37,312 full-year equivalent undergraduate students for fiscal year 1988, and 36,236 for fiscal year 1989. For developing the 1989-1991 biennial budget request, the regular session undergraduate enrollment used for the average cost funding formula must not exceed these numbers. For the biennium ending June 30, 1989, tuition income resulting from students in excess of the projections reduces the general fund appropriation by a like dollar amount. The legislature further anticipates that the regular session full-year equivalent undergraduate students must not exceed 33,750 for fiscal year 1991, and 31,600 by fiscal year 1993. The university shall submit progress reports on the attainment of the anticipated enrollments.

(b) Minnesota Extension Service

\$515,500	\$14,359,200	\$14,637,100
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The appropriation in fiscal year 1987 is added to the appropriation in Laws 1986, chapter 398, article 29, section 1, subdivision 8; and must be used for farmer-lender mediation services.

	1987	1988	1989
	\$	\$	\$
Any salary increases granted by the university to personnel paid from this appropriation must not result in a reduction of the county portion of the salary payments.			

(c) Agricultural Research

\$24,248,300	\$24,863,400
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During the biennium, the university shall maintain an advisory council system for each experiment station. The advisory councils must be broadly representative of range of size and income distribution of farms and agribusinesses and must not disproportionately represent those from the upper half of the size and income distributions.

(d) Veterinary Diagnostic Laboratory

\$1,322,400	\$1,355,900
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(e) Coleman Leukemia Research Center

\$ 242,300	\$ 248,500
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(f) Indigent Patients (County Papers)

\$ 400,000	\$ 300,000
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(g) Rural Physicians Associates Program

\$ 568,800	\$ 583,200
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(h) Medical Research

\$2,344,700	\$2,404,200
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(i) Special Hospitals, Service and Educational Offset

\$9,678,900	\$9,924,400
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During the biennium, fees for service furnished to counties and individuals under this program must be sought to increase the money appropriated. The fees are appropriated to the university hospitals, to be available until June 30, 1989.

	1987	1988	1989
	\$	\$	\$
(j) Fellowships for Minority and Disadvantaged Students			
	\$ 54,900	\$ 56,300	

(k) General Research

\$2,125,900	\$2,179,800
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This appropriation is, as the board of regents may direct, for general research, and business and economic research including business and economic research at Duluth, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

(l) Intercollegiate Athletics

\$2,993,700	\$3,069,700
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This appropriation includes money to improve the programs and resources available to women and to ensure that campuses are in compliance with Title IX of the Educational Amendment Act of 1972 and Minnesota Statutes, section 126.21.

Of this appropriation, no less than the following amounts must be allocated to each campus:

Duluth	517,113	530,230
Morris	62,013	63,586
Crookston	42,128	43,196
Waseca	41,923	42,986

(m) Student Loans Matching Money

\$51,900	\$54,500
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(n) Talented Youth Mathematics Program

\$256,500	\$262,900
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Of this appropriation, \$45,000 is to match grant funds for teacher education.

	1987	1988	1989
	\$	\$	\$
This appropriation includes money to continue the outreach sites program to ensure an opportunity for the participation of youth outside the metropolitan area.			
(o) Geological Survey			
	\$951,900	\$976,100	
(p) Mineral Resources Research Center			
	\$762,500	\$781,800	
(q) Natural Resources Research Institute			
	\$2,400,000	\$2,500,000	
\$100,000 each year is included in this appropriation for a cooperative state working group to study Minnesota's aspen resource.			
(r) Sea Grant College Program			
	\$314,700	\$322,700	
(s) Underground Space Center			
	\$222,000	\$227,600	
(t) Institute for Advanced Studies in Biological Process Technology			
	\$770,500	\$936,300	
(u) Industrial Relations Education			
	\$724,600	\$742,300	
(v) Institute for Human Genetics			
	\$497,100	\$509,700	
(w) Microelectronics and Information Science Center			
	\$661,200	\$678,000	
(x) Productivity Center			
	\$333,000	\$341,500	

	1987	1988	1989
	\$	\$	\$
(y) Supercomputer Institute			
	\$6,150,000	\$6,306,000	

This appropriation includes money for the leasing of two supercomputer architectures.

Sec. 7. MAYO MEDICAL FOUNDATION

Subdivision 1. Total Appropriation	851,300	908,900
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The amounts that may be spent from this appropriation for each purpose are specified in the following subdivisions.

Subd. 2. Medical School

	\$674,900	\$728,000
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The state of Minnesota shall pay a capitation of \$8,653 in fiscal year 1988 and \$8,878 in fiscal year 1989 for each student who is a resident of Minnesota.

This appropriation provides capitation for 20 Minnesota residents in each of the four classes at Mayo Medical School. The appropriation may be transferred between years of the biennium to accommodate enrollment fluctuations.

The legislature intends that during the biennium the Mayo foundation use the capitation money to increase the number of doctors practicing in rural areas in need of doctors as identified by the higher education coordinating board.

Subd. 3. Family Practice and Graduate Residency Program

	\$176,400	\$180,900
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The state of Minnesota shall pay a capitation of \$14,700 in fiscal year 1988 and \$15,075 in fiscal year 1989 for a maximum of 12 students each year.

	1987	1988	1989
	\$	\$	\$

Sec. 8. Minnesota Statutes 1986, section 135A.03, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION OF APPROPRIATION.] The direct appropriation to each board for instructional services shall equal 67 percent of the estimated total cost of instruction for the University of Minnesota, the state university system, and the community college system, and, for area vocational technical institutes, ~~75~~ at least 67 percent of the estimated total cost of instruction.

Sec. 9. Minnesota Statutes 1986, section 135A.04, is amended to read:

135A.04 [VARIABLE TUITION.]

The board of regents of the University of Minnesota, state university board, state board for community colleges, and state board for vocational education shall establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board. In all systems that have a credit hour basis, tuition rates must be established on that basis and must not apply across a variable number of credits. Tuition may be set at any percentage of instructional cost established by the respective boards.

Sec. 10. Minnesota Statutes 1986, section 135A.06, is amended to read:

135A.06 [SYSTEM PLANS AND MISSIONS.]

Subdivision 1. [SUBMISSION OF PLANS PLANNING REPORTS.] It is the ~~intent~~ intention of the legislature that the planning efforts of the public post-secondary education systems be summarized and reported to the legislature. It is the further ~~intent~~ intention that the system missions be differentiated from one another to best serve the needs of the citizens of Minnesota. ~~In order~~ To accomplish these goals, the University of Minnesota board of regents, the state university board, the state board for community colleges, and the state board of vocational technical education shall each submit to the governor and the legislature on December 1 of each even-numbered year a planning report for its system. The ~~planning~~ report shall contain the mission of the system and short- and long-range plans for programs, staff, and facilities. ~~The report~~ It shall specify the mission and plans for two, five, and ten years. The assumptions used in developing the plans shall be included. The report shall also include plans for and progress toward achieving mission differentiation while maintaining the state's overall post-secondary objectives.

Subd. 2. [MISSION MISSIONS; INTERSYSTEM PLAN.] Each system shall review its mission as it relates to instruction, research, and public service. The systems, in cooperation with the higher education coordinating board, shall jointly review their missions ~~and~~, develop strategies to achieve clearer mission differentiation, and create an overall intersystem plan that ensures achieving the state's ~~overall~~ post-secondary objectives. The higher education coordinating board shall establish an agenda, determine schedules for accomplishing that agenda, and develop criteria for the intersystem plan.

Subd. 3. [SYSTEM PLANS.] Each system shall develop a program plan for instruction, research, and public service. Each system shall consult with the higher education coordinating board and with the other systems throughout the planning process. The higher education coordinating board shall coordinate intersystem efforts in the development of the program plans to achieve intersystem cooperation and differentiation.

Each planning report shall consider at least the following elements:

(a) (1) a statement of program priorities for undergraduate, graduate, and professional education. ~~Program plans shall also include, including data about program cost and average class size within each institution;~~

(b) (2) a review of plans for adjusting the number of facilities, staff, and programs to projected level of demand. ~~Plans for adjustments shall consider, including consideration of campus and program mergers, campus and program closings, new governance structures, the relationship between fixed costs and projected enrollment changes, and other methods including consolidation of institutions, services, and programs that serve the same geographic area under different governing boards;~~

(c) (3) enrollment projections for two, five, and ten years. ~~If a system uses projections which are different from the most based on recent available projections produced by the higher education coordinating board or, the system shall compare its projections with enrollment projections if different projections are used, they shall be compared to those prepared by the higher education coordinating board, and the system shall identify the method and assumptions used to prepare its projections;~~

(d) (4) estimated financial costs and savings of alternative plans for adjusting facilities, staff, and programs to declining enrollments and fiscal resources;

(e) (5) opportunities for providing services cooperatively with other public and private institutions in the same geographic area; and

(f) (6) differentiating and coordinating missions to reduce or eliminate duplication of services and offerings, to improve delivery of services, and to establish clear and distinct roles and priorities.

Subd. 4. [CAPITAL REQUESTS.] A capital budget request submitted by a system must specifically relate a proposed capital project to the plans required under this section.

Subd. 5. [HECB REVIEW AND COMMENT.] The higher education coordinating board shall review and comment on the reports prepared by the systems. In order to provide sufficient time for this review, The board shall submit the review and comment and the intersystem plan to the governor and legislature by December 1.

Systems shall submit the reports to the coordinating board on September 1 prior to the December 1 submission to the governor and legislature. Before the higher education coordinating board forwards submits its review and comment to the legislature, each system shall be given the opportunity by the higher education coordinating board to respond to the higher education coordinating board review. In order to provide sufficient time for the systems to respond, The HECB board shall provide copies of its review and comment to the systems by October 15 and the systems shall submit any responses to the higher education coordinating board by November 15, prior to the December 1 submission to the governor and the legislature. The system responses shall accompany the higher education coordinating board review and comment when it is submitted to the governor and the legislature.

As part of its review and comment, the higher education coordinating board shall present information on the costs, enrollment, and participation in public post-secondary institutions and on the progress the systems and the board are making toward an integrated intersystem planning effort.

Sec. 11. [136.27] [CAPITAL PROJECTS BIDDING PROCEDURES.]

In awarding contracts for capital projects under section 16B.09, the board must consider the documentation provided by the bidders regarding their qualifications including evidence of having successfully completed similar work, or delivering services or products comparable to that being requested. The board shall formulate procedures to administer this section which include practices that will assist in the economic development of small businesses and small businesses owned and operated by socially or economically disadvantaged persons.

Sec. 12. Minnesota Statutes 1986, section 136A.02, subdivision 6, is amended to read:

Subd. 6. ~~There is hereby created~~ A higher education advisory council; ~~the membership of which shall include is established. The council is composed of the president of the University of Minnesota, the chancellor of the state university board universities, the chancellor of the state board for community colleges, the state director of vocational technical education, the commissioner of education, the executive director president of the Minnesota private college council, and a representative from the Minnesota association of private post-secondary schools. The advisory council shall (1) bring to the attention of the board any matters which that the council deems as needing attention of the board necessary, (2) make appropriate recommendations to the board as the council deems appropriate, (3) review and comment upon proposals and other matters before the board, and (4) provide any reasonable other assistance to the board in its effort to fulfill responsibilities of the board. The board shall periodically inform the council of all matters under consideration by the board and. The board shall refer all proposals to the council prior to transmitting such proposals as before submitting recommendations to the governor and the legislature. The board shall provide time for a report from the advisory council at each meeting of the board.~~

The higher education advisory council shall report to the board at least quarterly and at such other times as the council may deem desirable. The council shall determine its meeting times, but the council it shall also meet within 30 days following after a request for a council meeting by the executive director of the board.

Sec. 13. Minnesota Statutes 1986, section 136A.04, subdivision 1, is amended to read:

Subdivision 1. The higher education coordinating board shall:

(a) Continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state in respect thereto;

(b) Continuously engage in long range planning for the needs of higher education and, if necessary, cooperatively engage in such planning with neighboring states and agencies of the federal government;

(c) Act as successor to any committee or commission heretofore previously authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(d) Review, approve or disapprove, make recommendations, and identify priorities with respect to all plans and proposals for new or additional programs of instruction or substantial changes in existing programs to be established in or offered by, the University of Minnesota, the state universities, the community colleges, and public area vocational technical institutes, and private collegiate and noncollegiate post-secondary institutions offering post-secondary education, and The board shall also periodically review existing programs offered in or by the above institutions and recommend discontinuing or modifying any existing program; the continuation of which is judged by the board as being. When reviewing new or existing programs, the board shall consider whether the program is unnecessary or, a needless duplication of existing programs, beyond the capability of the system or institution considering its resources, or beyond the scope of the system or institutional mission;

(e) Develop in cooperation with the post-secondary systems, ~~committee on appropriations of the house of representatives appropriations committee, committee on senate finance of the senate committee,~~ and the departments of administration and finance, a compatible budgetary reporting format designed to provide data of a nature to facilitate systematic review of the budget submissions of the University of Minnesota, the state university system, the state community college system and the public area vocational technical schools; ~~and,~~ which includes the relating of dollars to program output;

(f) Review budget requests, including plans for construction or acquisition of facilities, of the University of Minnesota, the state universities, the state community colleges, and public area vocational technical schools for the purpose of relating present resources and higher educational programs to the state's present and long range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including the assessments as to the extent to which the expenditures and accomplishments are consistent with legislative intent;

(g) Obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(h) Continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts.

Sec. 14. Minnesota Statutes 1986, section 136A.05, is amended to read:

136A.05 [COOPERATION OF INSTITUTIONS OF HIGHER EDUCATION.]

All public institutions of higher education, ~~public and private~~, and all state departments and agencies ~~are requested to shall~~ cooperate with and supply ~~written~~ information requested by the higher education coordinating board in order to enable it to carry out and perform its duties. Private post-secondary institutions are requested to cooperate and provide information.

Sec. 15. Minnesota Statutes 1986, section 136A.101, is amended by adding a subdivision to read:

Subd. 9. [INDEPENDENT STUDENT.] "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

Sec. 16. Minnesota Statutes 1986, section 136A.111, is amended by adding a subdivision to read:

Subd. 6. The board shall inform students, in writing, as part of the application process for financial aid, about the definition of and appeals to the financial aid administrator relating to the independent student status declaration.

Sec. 17. Minnesota Statutes 1986, section 136A.121, subdivision 4, is amended to read:

Subd. 4. [SCHOLARSHIP STIPENDS.] An eligible scholarship applicant shall be considered for a financial stipend if the applicant demonstrates financial need. The amount of a financial stipend must not exceed a scholarship applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the scholarship applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) for an applicant who is not an independent student, a contribution by the scholarship applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the scholarship applicant is eligible.

The minimum financial stipend is \$100.

Sec. 18. Minnesota Statutes 1986, section 136A.121, subdivision 5, is amended to read:

Subd. 5. [GRANTS-IN-AID STIPENDS.] A financial stipend based on financial need must accompany grants-in-aid. The amount of a financial stipend must not exceed a grant applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

(a) a contribution by the grant applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

(b) for an applicant who is not an independent student, a contribution by the grant applicant's parents, as determined by a standardized need analysis; and

(c) the amount of a federal Pell grant award for which the grant applicant is eligible.

The minimum financial stipend is \$100.

Sec. 19. Minnesota Statutes 1986, section 136A.132, subdivision 3, is amended to read:

Subd. 3. An applicant is eligible to be considered for a part-time student grant if the applicant:

(a) is a resident of the state of Minnesota;

(b) is an undergraduate student who has not earned a baccalaureate degree, except that a post-baccalaureate student enrolled in an undergraduate or graduate program who had been enrolled in the same program and had received a part-time grant during the 1984-1985 school year shall be eligible to be considered for a part-time student grant in the 1985-1986 school year;

(c) is pursuing a program or course of study that applies to a degree, diploma, or certificate; and

(d) is attending an eligible institution (1) in the 1985-1986 academic year less than full time as defined by the board, or (2) after July 1, 1986, either less than half time as defined by the board, or as a new or returning student enrolled at least half time but less than full time as defined by the board.

Sec. 20. Minnesota Statutes 1986, section 136A.132, subdivision 6, is amended to read:

Subd. 6. Part-time student grants-in-aid shall be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent terms as follows:

(a) In the 1985-1986 academic year a recipient of an award who is enrolled less than full time as defined by the board may apply for additional awards.

(b) After July 1, 1986, a recipient of an award who is enrolled less than half time as defined by the board may apply for additional awards.

A new or returning student enrolled at least half time but less than full time, as defined by the board, and pursuing a program or course of study that applies to a degree, diploma, or certificate shall be eligible for an award for only one term.

Sec. 21. Minnesota Statutes 1986, section 136A.132, subdivision 7, is amended to read:

Subd. 7. Funds appropriated for part-time student grants-in-aid shall be allocated among eligible institutions by the higher education coordinating board according to a formula which takes into account the number of resident part-time students enrolled in each institution and other relevant factors determined by the board. However, an institution must not receive less than it would have received under the allocation formula used before fiscal year 1988.

Sec. 22. Minnesota Statutes 1986, section 136A.233, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of sections 136A.09 to 136A.131, the higher education coordinating board may offer work-study grants to eligible post-secondary institutions according to the resident full time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program. The board shall seek to equalize work-study job opportunities by also taking into account student employment needs at eligible institutions. Each institution wishing to receive a work-study grant shall submit to the board in accordance with policies and procedures established by the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to full-time equivalent enrollment but which exceed the estimate of need by the institution or the actual need of the institution may be reallocated by the board to other institutions for which the estimate of need exceeds the amount of allocation according to enrollment. The institution must not receive less than it would have received under the allocation formula used before fiscal year 1988. No more than one-half of any increase in appropriations, attributable to this section, above the level before fiscal year 1988 may be allocated on the basis of identified student employment needs at eligible institu-

tions.

Sec. 23. Minnesota Statutes 1986, section 136A.233, subdivision 2, is amended to read:

Subd. 2. For purposes of sections 136A.231 to 136A.235, the following words have the meanings ascribed to them:

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution. A Minnesota resident includes a student who graduated from a Minnesota high school and has not since established residence in another state.

(b) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(c) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency or state institution located in the state of Minnesota, including state hospitals, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.

(e) "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

Sec. 24. Minnesota Statutes 1986, section 136A.85, is amended to read:

136A.85 [CAREER GUIDANCE POST-HIGH SCHOOL PLANNING PROGRAM; ESTABLISHMENT.]

The Minnesota higher education coordinating board shall establish a voluntary post-high school planning program for all eleventh grade students in the state who desire to participate; secondary students in grades 8 through 12, and adults. The program must be a statewide education and career guidance, testing, information and planning program designed to:

(a) Assist students to make career plans and decisions regarding post-secondary education, training and goals (1) enable students and

adults to consider the full range of available post-secondary opportunities;

(2) encourage early and systematic planning for education and careers by students and adults;

(3) encourage students and adults to acquire the academic skills to prepare them for a wide range of post-secondary programs;

(4) increase completion of post-secondary education by helping students and adults enroll in appropriate institutions and programs;

(5) consolidate and make more efficient the testing procedures used to advise, admit, and place students and adults in post-secondary programs;

(b) (6) assist high school, college and vocational institute counselors in their work with students and adults;

(e) (7) assist Minnesota colleges and vocational institutes to identify students and adults for whose talents, interests and needs they have appropriate programs;

(d) (8) assist colleges and scholarship agencies to select from applicants those who show the most promise of benefiting from particular programs;

(e) (9) provide educators, state planners and policy makers in the state a continuous inventory of the talents, plans, needs and other characteristics of students and adults in individual educational institutions, in educational systems, and in the state as a whole; and

(f) (10) assist educators, state planners and policy makers to develop improved educational measures and counseling tools.

Sec. 25. Minnesota Statutes 1986, section 136A.86, subdivision 1, is amended to read:

Subdivision 1. The board shall establish an advisory task force to define the objectives of the program and make recommendations to the board on program goals, policies and, selection of tests, and coordination of tests administered by the program and post-secondary institutes. The task force shall study and make recommendations about a variety of methods that could be used throughout the community to provide assistance to adults considering post-secondary education. Membership on the advisory task force shall include, but not be limited to, representatives of: the state university system, the university of Minnesota, the state community college system, the area vocational technical institute system, the Minnesota private college council, the Minnesota association of

private post-secondary schools, the Minnesota school boards association, the Minnesota association of secondary school principals, the Minnesota school counselors association, Minnesota area vocational technical institutes, the Minnesota department of education, the Minnesota association of private vocational schools, and a minimum of one secondary and one post-secondary education student, and other representatives who have knowledge of and interest in post-secondary education for adults. The expiration of this advisory task force and the terms, compensation and removal of its members shall be as provided in section 15.059, subdivision 6.

Sec. 26. Minnesota Statutes 1986, section 136A.86, subdivision 2, is amended to read:

Subd. 2. The board shall periodically at least biennially review and evaluate the statewide career guidance, testing, information and planning program and report to the governor and legislature the program status and the board's recommendations for legislation to improve the program.

Sec. 27. Minnesota Statutes 1986, section 136A.87, is amended to read:

136A.87 [ASPECTS OF THE PROGRAM.]

Subdivision 1. [ASSESSMENT INSTRUMENTS AND QUESTIONNAIRES.] The program shall:

(a) Administer to eleventh grade Minnesota high school students, who desire to participate in the program, educational measurement instruments and questionnaires as determined by the board to be appropriate to serve the purposes of sections 136A.85 to 136A.88;

(b) provide for administration of education and career assessment instruments and questionnaires to residents in grades 8 through 12, and to adults. The board shall determine the instruments and questionnaires that are appropriate to serve the purposes of sections 136A.85 to 136A.88.

Subd. 2. [HIGH SCHOOL ASSESSMENTS.] The program shall provide for administration of educational measurement instruments and questionnaires to high school students before their senior year. At least the following may be included:

(1) an aptitude assessment for students anticipating entry to collegiate programs;

(2) an inventory of interests, career directions, background information, and education plans; and

(3) a preliminary mathematics placement test to aid in future course selections, and, as determined appropriate by the board, preliminary placement tests in other subjects.

Subd. 3. [PROVIDING INFORMATION.] The board shall make available to all residents from 8th grade through adulthood information about planning and preparing for post-secondary opportunities. Information must be provided to all 8th grade students and their parents by January 1 of each year about the need to plan for their post-secondary education. The board may also provide information to high school students and their parents, to adults, and to out-of-school youth. The information provided may include the following:

- (1) the need to start planning early;
- (2) the availability of assistance in educational planning from educational institutions and other organizations;
- (3) suggestions for studying effectively during high school;
- (4) high school courses necessary to be adequately prepared for post-secondary education;
- (5) encouragement to involve parents actively in planning for all phases of education;
- (6) information about post-high school education and training opportunities existing in the state, their respective missions and expectations for students, their preparation requirements, admission requirements, and student placement;
- (7) ways to evaluate and select post-secondary institutions;
- (8) the process of transferring credits among Minnesota post-secondary institutions and systems;
- (9) the costs of post-secondary education and the availability of financial assistance in meeting these costs;
- (10) the interrelationship of assistance from student financial aid, public assistance, and job training programs; and
- (11) financial planning for education beyond high school.

Subd. 4. [DATA BASE.] A data base of information from the program's assessments and services shall be maintained to:

- (1) provide individual reports of results to the students, to the high schools in which students are enrolled, and, if authorized by the

students, to post-secondary educational institutions; and

(e) (2) provide annual statewide summary reports of results on a statewide basis to all Minnesota high schools and post-secondary educational institutions and to the department of education, the chairs of the education, higher education, appropriations and finance committees of the legislature, and the governor.

Subd. 5. [COORDINATION.] The board shall coordinate efforts and develop additional methods of providing information, guidance, and testing services to out-of-school youth and adults.

Sec. 28. [136C.043] [COLLECTING FEES FOR SEMINARS AND MATERIALS.]

The state board may charge fees for seminars, conferences, workshops, and instructional materials. The money is annually appropriated to the state board.

Sec. 29. Minnesota Statutes 1986, section 137.025, subdivision 1, is amended to read:

Subdivision 1. The commissioner of finance shall pay no money to the University of Minnesota pursuant to a direct appropriation, other than an appropriation for the university of Minnesota hospitals or for buildings, until the university first certifies to the commissioner of finance that its aggregate balances in the temporary investment pool, cash, or separate investments, resulting from all state maintenance and special appropriations do not exceed \$7,000,000, or any other amount specified in the act making the appropriation, plus one-third of all tuition and fee payments from the previous fiscal year. Upon this certification, 1/12 of the annual appropriation to the university shall be paid at the beginning of each month. Additional payments shall be made by the commissioner of finance whenever the state appropriations and tuition aggregate balances in the temporary investment pool, cash, or separate investments are reduced below the indicated levels.

Sec. 30. Minnesota Statutes 1986, section 137.31, subdivision 3, is amended to read:

Subd. 3. [SET ASIDE FOR DISADVANTAGED.] At least 15 percent of the value of the procurement contracts designated for the set-aside program shall be awarded, if possible, to small businesses owned and operated by socially or economically disadvantaged persons, as defined by state law section 645.445. If small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least 15 percent of the value of the set-aside contracts, the university may award the balance of the designated set-aside procurement contracts to other small businesses.

Sec. 31. Minnesota Statutes 1986, section 645.445, subdivision 5, is amended to read:

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic conditions. This disadvantage may arise from cultural, social or economic circumstances, or background, physical location if the person resides or is employed in an area designated a labor surplus area by the United States Department of Labor, or other similar cause. It includes racial minorities, women, or persons who have suffered a substantial physical disability. For purposes of sections 16B.19 to 16B.22 and 137.31, the definition of "socially or economically disadvantaged person" includes sheltered workshops and work activity programs.

Sec. 32. [UNIVERSITY OF MINNESOTA ADMISSIONS COUNSELING.]

To protect access while encouraging a reduction in enrollment during the biennium, the University of Minnesota shall develop counseling mechanisms to advise applicants regarding their post-secondary plans. The mechanisms must provide at least counseling for students whose high school rank and standardized test scores do not meet the minimum university admission standards or whose high school course preparation appears insufficient for academic success at the university. The counseling must occur before admission and must include a presentation of post-secondary options available to the student and an assessment of the student's opportunities for academic success within each option. The counseling is not intended to preclude applicants from being admitted to the university, but instead to improve their understanding of their enrollment options and potential for success in higher education. For applicants enrolled in high schools that have counselors, the high school counselor may provide the required advising. For applicants not enrolled in high schools or in schools without counseling staff, the advising must be provided by the university. The mechanisms may include, but are not limited to: workshops with high school counselors, campus based counseling, toll free hotlines, and reassigning or adding necessary university counseling staff. The public post-secondary systems should cooperate in these efforts to provide more thorough counseling for prospective students.

Sec. 33. [TASK FORCE ON QUALITY ASSESSMENT.]

Subdivision 1. [PURPOSE AND DUTIES.] A task force on post-secondary quality assessment is established for the biennium. The task force shall determine the goals of quality assessment, study and select strategies and mechanisms for the state to use in achieving those goals, and consider ways to use assessment in improving post-secondary education.

Subd. 2. [MEMBERSHIP.] The members of the task force must be determined by the executive director of the HECB and the members of the higher education advisory council. One system representative and one faculty representative must be chosen for each post-secondary system from a list of nominees prepared by that system's council member. One department representative and one secondary teacher must be chosen from a list of nominees submitted by the commissioner of education. The executive director shall submit a list of nominees from the HECB staff or board members from which one task force member must be selected. The student advisory council to the HECB shall submit nominations to the executive director and the council from which two student representatives shall be selected. The executive director and the council must consider geographical balance in their selection of members. The executive director shall appoint a representative of the HECB to convene the meetings.

Subd. 3. [STAFF.] The HECB shall provide staff assistance and support services necessary for the task force to undertake and complete its work.

Subd. 4. [PILOT PROJECTS.] During the 1988 calendar year, the task force shall establish a pilot assessment project within each of the public post-secondary systems. The pilot projects must be used to help determine appropriate assessment mechanisms and to evaluate the uses and effectiveness of quality assessment.

Subd. 5. [REPORTS.] The task force shall submit a preliminary report to the higher education policy and funding divisions and committees of the legislature by February 1, 1988, concerning progress and plans of the task force. It shall submit a full report of its activities, findings, and recommendations by February 1, 1989, to these divisions and committees. Before submitting each report to the legislature, the task force shall submit the report to the higher education coordinating board for review and comment.

Subd. 6. [FUNDING.] The HECB and the task force may seek funding from nonstate sources to provide for the costs necessary to accomplish subdivisions 1 to 5.

Sec. 34. [TASK FORCE ON COMMON COURSE NUMBERING.]

Subdivision 1. [ESTABLISHED.] A task force on common course numbering in post-secondary education is established. The purpose of the task force is to study and report on the benefits to students, the cost, and the feasibility of implementing a common course numbering system.

Subd. 2. [MEMBERSHIP.] The task force consists of 25 members as follows: one system level administrator experienced in transfer of credit issues, one campus level administrator experienced in curric-

ulum development issues, two faculty members appointed by each of the public post-secondary systems and the private college council, and one student representative from each post-secondary system appointed by the student advisory council. Task force members shall serve without compensation, except that the post-secondary systems must provide for the expenses incurred by their student representatives.

Subd. 3. [DUTIES.] The task force shall study and make recommendations on the expected outcomes and benefits of expanded course equivalency, a common course numbering system for higher education, more accessible transfer information, and students' opportunities for completion of their undergraduate educations. The legislature expects that the AVTIs will be included in these recommendations when they convert to a course credit hour basis.

Subd. 4. [HECB ROLE.] The task force study and report must be coordinated by the higher education coordinating board. The board shall provide necessary staff assistance and information to the task force.

Subd. 5. [REPORT.] By December 15, 1987, the task force shall submit its report to the higher education coordinating board for review and comment. By February 1, 1988, the task force shall submit its report and recommendations to the higher education policy, appropriations, and finance divisions or committees of the legislature. The task force terminates on June 30, 1988.

Sec. 35. [TASK FORCE ON INSTRUCTIONAL TECHNOLOGY.]

During the biennium, the higher education coordinating board shall convene a task force to coordinate the development of state-level policy for using new instructional technology. Membership shall include one representative selected by each public system and private post-secondary education sector; six representatives selected by the department of education, including representation from school districts and other educational organizations involved in telecommunications; a representative selected by the department of administration; a representative from the student advisory council; three representatives selected by the higher education coordinating board, including two from the private sector, and a representative from the Minnesota public television association.

The task force shall:

(1) conduct an inventory and evaluation of current and emerging systems of instructional technology and telecommunications in elementary, secondary, and post-secondary education;

(2) assess the costs and benefits statewide networks of local and regional telecommunications systems, including opportunities for

collaboration among post-secondary institutions, elementary and secondary schools, public agencies, communities and the private sector;

(3) examine the potential effect of telecommunications instruction transmitted from outside the state;

(4) determine objectives for the delivery of K-12 and post-secondary instruction through technological and telecommunications systems; and

(5) establish minimum state standards and procedures for the support of instructional technology and telecommunications systems.

The task force shall submit its recommendations to the higher education coordinating board for review and comment. The report and the review shall be submitted to the legislature by January 15, 1989.

Sec. 36. Laws 1983, chapter 334, section 7, is amended to read:

Sec. 7. [REPEALER.]

Minnesota Statutes, sections 1 to 6 116L.01; 116L.02; 116L.03, subdivisions 1, 2, 3, 4, 5, and 7; 116L.04; and 116L.05, are repealed June 30, 1987 1989.

Sec. 37. [INFORMATION FOR ADULTS CONSIDERING POST-SECONDARY EDUCATION.]

The advisory task force, established according to Minnesota Statutes, section 136A.86, subdivision 1, shall study and make recommendations about methods to provide assistance to adults who are considering beginning or returning to post-secondary studies. The methods shall be available throughout the entire community and may include the use of education brokers. The higher education coordinating board shall review and comment on the recommendations. By January 1, 1988, the task force recommendations and board comments shall be reported to the legislature.

Sec. 38. [INSTRUCTION TO THE REVISOR.]

The revisor shall change the heading before section 136A.85 from Career Guidance Program to Post-high School Planning Program.

Sec. 39. [REPEALER.]

Minnesota Statutes 1986, section 116L.03, subdivision 6, is repealed.

Sec. 40. [EFFECTIVE DATE.]

Section 3, subdivision 1, section 5, subdivision 1, and section 6, subdivision 1, are effective the day following final enactment. Sections 15, 17, 18, and 23 are effective the day following final enactment for financial aid for the 1987-1988 academic year. Section 29 is effective July 1, 1988."

Delete the title and insert:

"A bill for an act relating to public administration; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, and the Mayo medical foundation, with certain conditions; amending Minnesota Statutes 1986, sections 135A.03, subdivision 1; 135A.04; 135A.06; 136A.02, subdivision 6; 136A.04, subdivision 1; 136A.05; 136A.101, by adding a subdivision; 136A.111, by adding a subdivision; 136A.121, subdivisions 4 and 5; 136A.132, subdivisions 3, 6, and 7; 136A.233, subdivisions 1 and 2; 136A.85; 136A.86, subdivisions 1 and 2; 136A.87; 137.025, subdivision 1; 137.31, subdivision 3; and 645.445, subdivision 5; Laws 1983, chapter 334, section 7; proposing coding for new law in Minnesota Statutes, chapters 136 and 136C; repealing Minnesota Statutes 1986, section 116L.03, subdivision 6."

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

Senate Conferees: GENE WALDORF, RONALD R. DICKLICH, GLEN TAYLOR, JEROME M. HUGHES AND DEAN E. JOHNSON.

House Conferees: LYNDON R. CARLSON, HOWARD R. ORENSTEIN, JOHN W. DORN, LEONARD "LEN" PRICE AND JOHN T. ROSE.

Carlson, L., moved that the report of the Conference Committee on S. F. No. 1515 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Speaker pro tempore Anderson, G., called Simoneau to the Chair.

S. F. No. 1515, A bill for an act relating to higher education; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational

technical education, state board for community colleges, state university board, University of Minnesota, the Mayo medical foundation, and the Minnesota job skills partnership board, with certain conditions; amending Minnesota Statutes 1986, sections 135A.03, subdivision 1; 136A.101, by adding a subdivision; 136A.111, by adding a subdivision; 136A.121, subdivisions 4 and 5; 136A.132, subdivisions 3, 6, and 7; 136A.233, subdivisions 1 and 2; 136A.85; 136A.86, subdivisions 1 and 2; 136A.87; 137.31, subdivision 3; and 645.445, subdivision 5; Laws 1983, chapter 334, section 7; repealing Minnesota Statutes 1986, section 136.09, subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Larsen	Otis	Shaver
Anderson, R.	Greenfield	Lasley	Ozment	Simoneau
Battaglia	Gruenes	Lieder	Pappas	Skoglund
Bauerly	Gutknecht	Long	Pauly	Solberg
Beard	Hartle	Marsh	Pelowski	Sparby
Begich	Haukoos	McEachern	Peterson	Stanisus
Bennett	Heap	McLaughlin	Poppenhagen	Steensma
Bertram	Himle	McPherson	Price	Sviggun
Bishop	Hugoson	Milbert	Quinn	Swenson
Blatz	Jacobs	Miller	Quist	Thiede
Boo	Jefferson	Minne	Redalen	Tjornhom
Brown	Jennings	Morrison	Reding	Trimble
Burger	Jensen	Munger	Rest	Tunheim
Carlson, D.	Johnson, A.	Murphy	Rice	Uphus
Carlson, L.	Johnson, R.	Nelson, C.	Richter	Valento
Carruthers	Johnson, V.	Nelson, D.	Riveness	Vanasek
Clark	Kahn	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Kalis	Neuenschwander	Rose	Voss
Cooper	Kelly	O'Connor	Rukavina	Wagenius
Dauner	Kelso	Ogren	Sarna	Waltman
DeBlieck	Kinkel	Olsen, S.	Schafer	Welle
Dempsey	Kludt	Olson, E.	Scheid	Wenzel
Dille	Knickerbocker	Olson, K.	Schoenfeld	Winter
Dorn	Knuth	Omann	Schreiber	Wynia
Forsythe	Kostohryz	Onnen	Seaberg	Spk. Norton
Frederick	Krueger	Orenstein	Segal	

The bill was repassed, as amended by Conference, and its title agreed to.

Carlson, D.; Rodosovich and Anderson, R., were excused while in conference.

SPECIAL ORDERS, Continued

S. F. No. 1345 was reported to the House.

Bishop moved to amend S. F. No. 1345, as follows:

Page 1, line 28, after "county" insert "or to any county in the third judicial district"

A roll call was requested and properly seconded.

The question was taken on the Bishop amendment and the roll was called. There were 52 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Bennett	Hartle	McPherson	Quist	Steensma
Bishop	Haukoos	Miller	Redalen	Sviggrum
Blatz	Heap	Morrison	Reding	Thiede
Burger	Himle	Olsen, S.	Richter	Tjornhom
Clausnitzer	Hugoson	Omann	Rose	Uphus
Dille	Jensen	Onnen	Schafer	Valento
Dorn	Johnson, V.	Ozment	Schoenfeld	Waltman
Forsythe	Kalis	Pauly	Schreiber	Winter
Frederick	Knickerbocker	Pelowski	Seaberg	
Gruenes	Kostohryz	Peterson	Shaver	
Gutknecht	Marsh	Poppenhagen	Stanisus	

Those who voted in the negative were:

Battaglia	Jaros	Long	Pappas	Swenson
Bauerly	Jefferson	McEachern	Price	Trimble
Beard	Johnson, A.	McLaughlin	Quinn	Tunheim
Begich	Johnson, R.	Milbert	Rest	Vanasek
Bertram	Kahn	Minne	Rice	Vellenga
Brown	Kelly	Murphy	Riveness	Voss
Carlson, L.	Kelso	Nelson, C.	Rukavina	Wagenius
Carruthers	Kinkel	Nelson, K.	Sarna	Welle
Clark	Kludd	O'Connor	Scheid	Wenzel
Cooper	Knuth	Ogren	Segal	Spk. Norton
Dauner	Krueger	Olson, E.	Simoneau	
DeBlick	Larsen	Olson, K.	Skoglund	
Greenfield	Lasley	Orenstein	Solberg	
Jacobs	Lieder	Otis	Sparby	

The motion did not prevail and the amendment was not adopted.

Dempsey was excused for the remainder of today's session.

Bishop moved to amend S. F. No. 1345, as follows:

Page 13, line 27, after "enactment" insert ", except that it shall not apply in the third judicial district until July 1, 1988"

A roll call was requested and properly seconded.

The question was taken on the Bishop amendment and the roll was called. There were 55 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Bennett	Gutknecht	Knickerbocker	Pauly	Shaver
Bishop	Hartle	Kostohryz	Pelowski	Stanius
Blatz	Haukoos	Marsh	Peterson	Sviggum
Burger	Heap	McPherson	Poppenhagen	Swenson
Clausnitzer	Himle	Miller	Quist	Thiede
Dille	Hugoson	Morrison	Redalen	Tjornhom
Dorn	Jensen	Olsen, S.	Reding	Uphus
Forsythe	Johnson, A.	Olson, K.	Richter	Valento
Frederick	Johnson, V.	Omann	Rose	Vellenga
Frerichs	Kalis	Onnen	Schafer	Waltman
Gruenes	Kelly	Ozment	Schreiber	Winter

Those who voted in the negative were:

Battaglia	Jacobs	McEachern	Quinn	Trimble
Bauerly	Jefferson	Milbert	Rest	Tunheim
Beard	Johnson, R.	Minne	Rice	Vanasek
Begich	Kahn	Murphy	Riveness	Voss
Bertram	Kelso	Nelson, C.	Rukavina	Wagenius
Brown	Kinkel	Nelson, K.	Sarna	Welle
Carlson, L.	Kludt	O'Connor	Scheid	Wenzel
Carruthers	Knuth	Ogren	Schoenfeld	Wynia
Clark	Krueger	Olson, E.	Segal	Spk. Norton
Cooper	Larsen	Orenstein	Simoneau	
Dauner	Lasley	Otis	Solberg	
DeBlieck	Lieder	Pappas	Sparby	
Greenfield	Long	Price	Steensma	

The motion did not prevail and the amendment was not adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Solberg moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1345 be given its third reading and be placed upon its final passage. The motion prevailed.

Solberg moved that the Rules of the House be so far suspended that S. F. No. 1345 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1345, A bill for an act relating to the judiciary; public defenders; providing for membership of the state board of public defense; providing for appointment of a chief administrator; requiring the state board of public defense to adopt standards governing district public defender offices; authorizing the state board of public defense to fix the salary of the state public defenders; requiring the state public defender to provide training for state and district public defenders, appointed counsel, and legal service corporation attorneys; providing that compensation of district public defenders may not exceed compensation of county attorneys; allowing representation of indigents by public defender before formal appointment; amending Minnesota Statutes 1986, sections 611.215, subdivisions

1 and 2, and by adding a subdivision; 611.216, subdivisions 1, 2, and 3; 611.23; 611.24; 611.25; 611.26, subdivisions 1, 2, 3, 4, and 6; and 611.27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1986, sections 611.22; and 611.26, subdivisions 5 and 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Long	Orenstein	Sparby
Battaglia	Jaros	McEachern	Otis	Steensma
Bauerly	Jefferson	McLaughlin	Pappas	Trimble
Beard	Johnson, A.	Milbert	Price	Tunheim
Begich	Johnson, R.	Minne	Quinn	Vanasek
Bertram	Kahn	Munger	Rest	Vellenga
Brown	Kelly	Murphy	Rice	Voss
Carlson, L.	Kinkel	Nelson, C.	Riveness	Wagenius
Carruthers	Kludt	Nelson, K.	Rukavina	Welle
Clark	Knuth	Neuenschwander	Sarna	Wenzel
Cooper	Krueger	O'Connor	Scheid	Wynia
Dauner	Larsen	Ogren	Segal	Spk. Norton
DeBlick	Lasley	Olson, E.	Simoneau	
Greenfield	Lieder	Olson, K.	Solberg	

Those who voted in the negative were:

Bennett	Gruenes	Knickerbocker	Pelowski	Seaberg
Bishop	Gutknecht	Kostohryz	Peterson	Shaver
Blatz	Hartle	Marsh	Poppenhagen	Stanius
Boo	Haukoos	McPherson	Quist	Sviggrum
Burger	Heap	Miller	Redalen	Thiede
Clausnitzer	Himle	Morrison	Reding	Tjornhom
Dille	Hugoson	Olsen, S.	Richter	Uphus
Dorn	Jensen	Omänn	Rose	Valento
Forsythe	Johnson, V.	Onnen	Schafer	Waltman
Frederick	Kalis	Ozment	Schoenfeld	Winter
Frerichs	Kelso	Pauly	Schreiber	

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Appropriations to which was referred:

S. F. No. 612, A bill for an act relating to health; creating exceptions to the nursing home moratorium; establishing a review

process for approval of additional exceptions to the moratorium; prohibiting renewal of licenses for nursing home and boarding care home beds in rooms with more than four beds; providing for changes in property-related costs for reduced licensed bed capacity; allowing for depreciation recapture; providing for a new appeals procedure for appraised value appeal requests; establishing service principles and rate-setting procedures for day training and habilitation services to persons with mental retardation and related conditions; appropriating money; amending Minnesota Statutes 1986, sections 144.55, subdivision 6; 144A.05; 144A.071, subdivision 3; 144A.27; 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.02, subdivision 8; 256B.431, subdivisions 2b, 2e, 3a, 4, and by adding subdivisions; 256B.50, subdivision 2; 256B.501, subdivisions 1, 2, and 8; and 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 144A and 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

Reported the same back with the recommendation that the bill pass.

Anderson, G., from the Committee on Appropriations to which was referred:

S. F. No. 703, A bill for an act relating to occupations and professions; providing for the licensure of private detectives and protective agents; providing definitions; providing board powers and duties; specifying application and administrative procedure; authorizing rulemaking; requiring payment of fees; providing penalties; amending Minnesota Statutes 1986, sections 326.32, subdivisions 1, 5, 11, and by adding subdivisions; 326.33, subdivisions 1 and 2; 326.336; 326.338, subdivision 1, and by adding a subdivision; and 326.339; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1986, sections 326.32, subdivisions 6 and 7; 326.33, subdivisions 3, 4, and 5; 326.331; 326.332; 326.333; 326.334; 326.337; and 326.338, subdivisions 2 and 3.

Reported the same back with the recommendation that the bill pass.

POINT OF ORDER

Schreiber raised a point of order pursuant to Joint Rule No. 2.03 relating to deadlines. Speaker pro tempore Simoneau ruled the point of order well taken.

SPECIAL ORDERS, Continued

S. F. No. 465, A bill for an act relating to transportation; providing for reduced speeds in work zones; providing for payment of administrative, filing, and plate fees; restricting unauthorized use of motor vehicles on public airport property; defining peace officer; describing qualifications for aircraft dealers license; amending Minnesota Statutes 1986, sections 168.012, subdivision 1c; 169.14, by adding a subdivision; 360.018, subdivision 6, and by adding a subdivision; 360.0751, subdivision 1; and 360.63, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gutknecht	Larsen	Ozment	Shaver
Battaglia	Hartle	Lasley	Pappas	Simoneau
Bauerly	Haukoos	Lieder	Pauly	Solberg
Beard	Heap	Long	Pelowski	Sparby
Begich	Himle	Marsh	Peterson	Stanius
Bennett	Hugoson	McEachern	Poppenhagen	Steensma
Bertram	Jacobs	McPherson	Price	Sviggum
Blatz	Jaros	Milbert	Quinn	Swenson
Brown	Jefferson	Miller	Quist	Thiede
Burger	Jennings	Morrison	Redalen	Tjornhom
Carlson, L.	Jensen	Munger	Reding	Trimble
Carruthers	Johnson, A.	Murphy	Rest	Tunheim
Clark	Johnson, R.	Nelson, D.	Rice	Uphus
Clausnitzer	Johnson, V.	Nelson, K.	Richter	Valento
Cooper	Kahn	Neuenschwander	Riveness	Vanasek
Dauner	Kalis	O'Connor	Rose	Vellenga
DeBlicke	Kelly	Ogren	Rukavina	Voss
Dille	Kelso	Olsen, S.	Sarna	Wagenius
Dorn	Kinkel	Olson, E.	Schafer	Waltman
Forsythe	Kludt	Olson, K.	Scheid	Welle
Frederick	Knickerbocker	Omann	Schoenfeld	Wenzel
Frerichs	Knuth	Onnen	Schreiber	Winter
Greenfield	Kostohryz	Orenstein	Seaberg	Wynia
Gruenes	Krueger	Otis	Segal	Spk. Norton

The bill was passed and its title agreed to.

H. F. No. 1074, A bill for an act relating to small business; authorizing the bureau of small business within the department of energy and economic development to engage in certain collaborative activities with small business development centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Orenstein	Segal
Battaglia	Gutknecht	Lasley	Otis	Shaver
Bauerly	Hartle	Lieder	Ozment	Simoneau
Beard	Haukoos	Long	Pappas	Skoglund
Begich	Heap	Marsh	Pauly	Solberg
Bennett	Himle	McEachern	Pelowski	Sparby
Bertram	Hugoson	McLaughlin	Peterson	Stanis
Bishop	Jacobs	McPherson	Poppenhagen	Steensma
Blatz	Jaros	Milbert	Price	Swigum
Boo	Jefferson	Miller	Quinn	Swenson
Brown	Jennings	Minne	Quist	Thiede
Burger	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kalis	Nelson, K.	Riveness	Vanasek
Dauner	Kelly	Neuenschwander	Rodosovich	Vellenga
DeBlieck	Kelso	O'Connor	Rose	Voss
Dille	Kinkel	Ogren	Rukavina	Wagenius
Dorn	Kludt	Olsen, S.	Sarna	Waltman
Forsythe	Knickerbocker	Olson, E.	Schafer	Welle
Frederick	Knuth	Olson, K.	Scheid	Wenzel
Frerichs	Kostohryz	Omman	Schoenfeld	Winter
Greenfield	Krueger	Onnen	Seaberg	Spk. Norton

The bill was passed and its title agreed to.

S. F. No. 841 was reported to the House.

Munger moved to amend S. F. No. 841, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 40.41, is amended to read:

40.41 [PURPOSE AND POLICY.]

It is the purposes of sections 40.41 to 40.45 to keep certain marginal agricultural land out of crop production or ~~pasture~~ to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodable land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

Sec. 2. Minnesota Statutes 1986, section 40.42, subdivision 5, is amended to read:

Subd. 5. [LANDOWNER.] "Landowner" means a Minnesota resident who owns or is a buyer under a contract for deed, of land that qualifies as a family farm, a family farm corporation or an authorized farm corporation under section 500.24, subdivision 2 individuals, family farm, family farm corporations as defined under section 500.24, subdivision 2, paragraph (c), and authorized farm corporations as defined under section 500.24, subdivision 2, paragraph (d), which either own eligible land or are purchasing eligible land under a contract for deed.

Sec. 3. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

Subd. 7. [WETLAND.] "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Sec. 4. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

Subd. 8. [WINDBREAK.] "Windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.

Sec. 5. Minnesota Statutes 1986, section 40.43, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE LAND.] Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection. Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

(2) was owned by the applicant landowner on January 1, 1985, or for an application made on or after January 1, 1988, was owned by the applicant landowner, or a parent or other blood relative of the landowner, for at least three years before the date of application;

(3) is at least five acres in size, except for a windbreak, or is a whole field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

(5) was in agricultural crop production ~~or pasture~~ for at least two years during the period 1981 to 1985.

The ~~eligible~~ enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

(a) all agricultural land owned, if 20 acres or less; or

(b) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land.

In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Sec. 6. Minnesota Statutes 1986, section 40.43, subdivision 3, is amended to read:

Subd. 3. [CONSERVATION EASEMENTS.] The commissioner may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than ~~ten~~ 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

Sec. 7. Minnesota Statutes 1986, section 40.43, subdivision 5, is amended to read:

Subd. 5. [AGREEMENTS BY LANDOWNER.] The commissioner may enroll eligible land in the conservation reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the commissioner; or to plant trees or carry out other long-term capital improvements

approved by the commissioner for soil and water conservation or wildlife management;

(3) to restore any drained wetland and to convey to the state a permanent easement for the wetland;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation during the term of the easement, if it supports natural vegetation or has not been used in agricultural crop production or pasture, will not be converted to agricultural crop production or pasture unless a landowner under a permanent easement receives approval from the commissioners of agriculture and natural resources and, prior to the land conversion activity, implements a soil and water conservation district approved conservation plan following the recommendations of the field office technical guide; and

(4) (5) to the enforcement of the terms of the easement and agreements in this subdivision by an action for specific performance, a mandatory injunction, or for damages in an amount not to exceed the total amount paid by the state to the landowner under subdivision 6, with interest from the date of each default under the agreement; and

(6) that the easement duration may be lengthened only through mutual agreement with the commissioners of agriculture and natural resources if they determine that the changes are necessary to effectuate the purpose of the program or to facilitate its administration.

Sec. 8. Minnesota Statutes 1986, section 40.43, subdivision 6, is amended to read:

Subd. 6. [PAYMENTS FOR CONSERVATION EASEMENTS AND ESTABLISHMENT OF COVER.] The commissioner must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement, up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements;

(2) for the cost of planting trees required by the agreement, up to \$75 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time the of easement is conveyed application; and

(4) for an easement of limited duration, 90 percent of the present value of the average of the ~~acceptable~~ accepted bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids ~~made immediately prior to when accepted~~ accepted at the time of easement is conveyed. ~~If federal bid figures have not been determined for the area, or the federal program has been discontinued, the rate paid shall applica-~~ tion; or

(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the commissioner.

The commissioner may not pay more than \$50,000 to a landowner for all the landowner's conservation easements and agreements.

Sec. 9. Minnesota Statutes 1986, section 40.43, subdivision 7, is amended to read:

Subd. 7. [EASEMENT RENEWAL.] When a conservation easement of limited duration expires, a new conservation easement and agreement for an additional period of ~~ten~~ not less than 20 years may be acquired by agreement of the commissioner and the landowner, under the terms of this section. The commissioner may adjust payment rates as a result of renewing an agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

Sec. 10. Minnesota Statutes 1986, section 40.44, subdivision 2, is amended to read:

Subd. 2. [TECHNICAL ASSISTANCE.] The commissioners of agriculture and natural resources must provide necessary technical assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the commissioner on (1) the form and content of the conservation easement and agreement, ~~and on;~~ (2) forestry and agronomic practices; and (3) hydrologic and hydraulic design relating to the establishment and maintenance of permanent cover, or other conservation improvements. The commissioner of transportation must provide technical advice and assistance to the commissioners of agriculture and natural resources on the planting of windbreaks adjacent to highways. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.

Sec. 11. Minnesota Statutes 1986, section 40.44, subdivision 3, is amended to read:

Subd. 3. [SUPPLEMENTAL CONSERVATION PAYMENTS.] The commissioner may supplement ~~cost share~~ payments made under ~~other federal land retirement~~ programs, up to \$75 an acre, to the extent of available appropriations other than bond proceeds. The supplemental ~~cost share~~ payments must be used to establish perennial cover on land enrolled or increase payments for land enrollment in programs approved by the commissioner, including the federal conservation reserve program and federal and state waterbank programs program.

Sec. 12. Minnesota Statutes 1986, section 40.45, is amended to read:

40.45 [RULEMAKING.]

The commissioner ~~shall may~~ adopt emergency rules and is ~~authorized to adopt to implement this act~~. The emergency rules in order to implement sections 40.41 to 40.45 adopted on August 27, 1986, shall remain in effect until December 31, 1987, or until amended or replaced by emergency or permanent rules. The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.

Sec. 13. Minnesota Statutes 1986, section 84.943, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The Minnesota critical habitat private sector matching account is established as a separate account in the state treasury reinvest in Minnesota resources fund established under section 84.95. The account shall be administered by the commissioner of natural resources as provided in this section.

Sec. 14. Minnesota Statutes 1986, section 84.944, subdivision 1, is amended to read:

Subdivision 1. [ACQUISITION. CONSIDERATIONS.] In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 97.488;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

Based on the above clauses, the commissioner by order promulgated under section 97A.051, subdivision 3, must establish a process to prioritize what critical habitat shall be acquired or improved.

Sec. 15. Minnesota Statutes 1986, section 84.95, is amended by adding a subdivision to read:

Subd. 3. [WORK PLAN.] By February 1 of each year the commissioner of natural resources, in consultation with the commissioner of agriculture, must present a written work plan for expenditure of money from the reinvest in Minnesota resources fund for the next fiscal year to the senate and house committees on agriculture and environment and natural resources for their review and comment. Any recommendations to the commissioners by the committees must be returned to the commissioners by March 15. By April 30 of each year the commissioner must make the work plan, with any revisions, available to the public for comment. In so doing, the commissioner must hold at least three public meetings to inform the public of the work plan; one meeting to be held in the Twin Cities metropolitan area, the others at non-Twin Cities locations, one each in northern and southern Minnesota. By January 15 of each year, the commissioner must prepare a written progress report on projects undertaken and money encumbered during the fiscal year just ended, and must transmit the report to the above committees and make the report available to the public.

Sec. 16. [84.959] [FINDINGS.]

The legislature finds that native prairie is found primarily on marginal lands poorly suited to grain production and provides important wildlife, scientific, erosion control, educational, and recreational values.

Sec. 17. [84.96] [NATIVE PRAIRIE BANK.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a native prairie bank, determine where native prairie land is located in the state, and prescribe eligibility requirements for inclusion of land in the native prairie bank.

Subd. 2. [DEFINITION.] For the purposes of this section, "native prairie" means land that has never been plowed, with less than ten percent tree cover and with predominantly native prairie vegetation.

Subd. 3. [EASEMENT ACQUISITION.] (a) The commissioner may acquire native prairie for conservation purposes by entering into easements with landowners. The easements must be conservation easements as defined in section 84C.01, clause (1), except the easements may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner.

(b) The easements may be permanent or of limited duration. Highest priority must be given to permanent easements consistent with the purposes of this section. Easements of limited duration must be for at least 20 years, with provision for renewal for at least another 20-year period. For easements of limited duration, the commissioner may reexamine and adjust the payment rates at the beginning of any renewal period after considering current land and crop values.

Subd. 4. [EASEMENT AGREEMENT.] (a) In the easement between the commissioner and an owner, the owner must agree:

(1) to place in the program for the period of the easement eligible native prairie areas designated by the owner, including prairie covered by a federal or state easement that allows agricultural use and desirable land adjacent to the prairie as determined by the commissioner;

(2) not to alter the native prairie by plowing, heavy grazing, seeding to nonnative grasses or legumes, spraying with large amounts of herbicides, or otherwise destroying the native prairie character of the easement area, except mowing the native prairie tract for wild hay may qualify for easement as determined by the commissioner;

(3) to implement the native prairie conservation and development plan as provided in the easement agreement, unless a requirement in the easement agreement is waived or modified by the commissioner;

(4) to forfeit all rights to further payments under the terms of the easement and to refund to the state all payments received under the easement if the easement is violated at any time when the owner has control of the land subject to the easement, if the commissioner determines that the violation warrants termination of the easement, or if the commissioner determines that the violation does not warrant termination of the easement, the commissioner may determine refunds or payment adjustments to be paid by the commissioner;

(5) not to adopt a practice specified by the commissioner in the easement as a practice that would tend to defeat the purposes of the easement; and

(6) to additional provisions included in the easement that the commissioner determines are desirable.

(b) In return for the easement of the owner, the commissioner shall make payments as provided in subdivision 5 and may provide advice on conservation and development practices on the native prairie in the easement and adjacent areas.

Subd. 5. [PAYMENTS.] (a) The commissioner must make payments to the landowner under this subdivision for the easement.

(b) For a permanent easement, the commissioner must pay 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made.

(c) For an easement of limited duration, the landowner shall receive a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Subd. 6. [RENEWAL.] A limited-term easement may be converted to a permanent easement or renewed at the end of the easement period by mutual agreement of the commissioner and the owner, subject to any rate redetermination by the commissioner.

Subd. 7. [EASEMENT RUNS WITH LAND.] If during the easement period the owner sells or otherwise disposes of the ownership or right of occupancy of the land, the new owner must continue the easement under the same terms or conditions.

Subd. 8. [MODIFICATION AND TERMINATION BY AGREEMENT.] The commissioner may terminate an easement by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest. The commissioner may agree to modifications of agreements if the commissioner determines the modification is desirable to implement the native prairie program.

Subd. 9. [RULES.] The commissioner of natural resources may adopt rules that include the procedures and payment rates to implement this section.

Sec. 18. Minnesota Statutes 1986, section 105.391, subdivision 3, is amended to read:

Subd. 3. Except as provided below, no public waters or wetlands shall be drained, and no permit authorizing drainage of public waters or wetlands shall be issued, unless the public waters or wetlands being drained are replaced by public waters or wetlands which that will have equal or greater public value. ~~However, after a state waterbank program has been established, Wetlands which are eligible for inclusion in that program, the drainage of which is lawful, feasible, and practical and would provide high quality cropland and that is the projected land use, as determined by the commissioner,~~ may be drained without a permit and without replacement of wetlands of equal or greater public value if the commissioner does not elect, within 60 days of the receipt of an application for a permit to drain the wetlands, to either (1) place the wetlands in the state waterbank program under section 105.392, or (2) acquire it in fee pursuant to section 97A.145, ~~or (3) indemnify the landowner through any other appropriate means, including but not limited to conservation restrictions, easements, leases, or any applicable federal program.~~ The applicant, if not offered a choice of the above alternatives, is entitled to drain the wetlands involved.

In addition, the owner or owners of lands underlying wetlands situated on privately owned lands may apply to the commissioner for a permit to drain the wetlands at any time after the expiration of ten years following the original designation thereof. Upon receipt of an application, the commissioner shall review the current status and conditions of the wetlands. If the commissioner finds that the current status or conditions are such that it appears likely that the economic or other benefits from agricultural use to the owner or owners which would result from drainage would exceed the public benefits of maintaining the wetlands, the commissioner shall grant the application and issue a drainage permit. If the application is denied, no additional application shall be made until the expiration of an additional ten years.

Sec. 19. Minnesota Statutes 1986, section 105.392, subdivision 1, is amended to read:

Subdivision 1. The legislature finds that it is in the public interest to preserve the wetlands of the state and thereby to conserve surface waters, to maintain and improve water quality, preserve wildlife habitat, to reduce runoff, to provide for floodwater retention, to reduce stream sedimentation, to contribute to improved subsurface moisture, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning.

Therefore, the commissioner of natural resources is authorized to promulgate rules, which shall include the procedures and payment rates designed to effectuate the terms of this section. This program is intended to supplement and complement the federal water bank program and the payment rates established shall be at least equal to the federal rates existing at the time any agreements are entered into.

Sec. 20. Minnesota Statutes 1986, section 105.392, subdivision 2, is amended to read:

Subd. 2. For the conservation of wetlands, whether or not included in the definition contained in section 105.37, subdivision 15, the commissioner shall have authority to may acquire wetlands in fee pursuant to section 97A.145, or may enter into easement agreements with landowners for the conservation of wetlands and other waters. These easement agreements shall be conservation easements, as defined in section 84C.01, paragraph (1), but, in addition, may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner. These agreements easements shall be entered into for a period of ten not less than 20 years, with provision for renewal for additional ten year not less than 20-year periods, or the agreements may provide that the easement will be permanent in duration. Highest priority must be given to the selection of permanent easements. The commissioner may reexamine the payment rates at the beginning of any ten year 20-year renewal period in the light of the then giving consideration to current land and crop values and make needed adjustments in rates for any renewal period.

Wetlands eligible for inclusion in the waterbank program shall have all the following characteristics as determined by the commissioner: (a) type 3, 4, or 5 as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition); (b) its drainage is lawful, feasible, and practical; and (c) its drainage would provide high quality cropland and that is the projected land use. Waters which have the foregoing characteristics but are less than ten acres in size in unincorporated areas or less than 2½ acres in size in incorporated areas shall also be eligible for inclusion in the waterbank program, at the discretion of the commissioner.

Sec. 21. Minnesota Statutes 1986, section 105.392, subdivision 3, is amended to read:

Subd. 3. In the agreement easement between the commissioner and an owner, the owner shall agree:

(1) to place in the program for the period of the agreement eligible wetland areas the owner designates, which areas may include wetlands covered by a federal or state government easement which

that permits agricultural use, together with such adjacent areas as determined desirable by the commissioner;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the commissioner;

(3) to effectuate the wetland conservation and development plan for the land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the commissioner;

(4) to forfeit all rights to further payments or grants under the agreement and to refund to the state all payments or grants received thereunder upon violating the agreement at any stage during the time the owner has control of the land subject to the agreement if the commissioner determines that the violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the commissioner may deem appropriate if the commissioner determines that the violation by the owner does not warrant termination of the agreement;

(5) upon transfer of right and interest in the land subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the state all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the commissioner to assume all obligations of the agreement;

(6) not to adopt any practice specified by the commissioner in the agreement easement as a practice which would tend to defeat the purposes of the agreement easement; and

(7) (6) to additional provisions which the commissioner determines are desirable and includes in the agreement easement to effectuate the purposes of the program or to facilitate its administration.

Sec. 22. Minnesota Statutes 1986, section 105.392, subdivision 4, is amended to read:

Subd. 4. In return for the agreement easement of the owner, the commissioner shall (1) make an annual payment to the owner for the period of the agreement at the rate as the commissioner determines to be fair and reasonable in consideration of the obligations undertaken by the owner; and (2) must provide advice on conservation and development practices on the wetlands and adjacent areas for the purposes of this section as the commissioner determines to be appropriate. In making the determination, the commissioner shall consider, among other things, the rate of compensation necessary to encourage owners of wetlands to participate in the waterbank program. The commissioner must make the following payments to

the landowner for the easement: (1) for a permanent easement, 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made; (2) for an easement of limited duration, a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

Sec. 23. Minnesota Statutes 1986, section 105.392, subdivision 5, is amended to read:

Subd. 5. Any agreement A limited-term easement may be converted to a permanent easement or renewed or extended at the end of the agreement easement period for an additional period of ten 20 years by mutual agreement of the commissioner and the owner, subject to any rate redetermination by the commissioner. If during the agreement easement period the owner sells or otherwise disposes of the ownership or right of occupancy of the land, the new owner may must continue such agreement the easement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this section, including the provisions for renewal and adjustment of payment rates, or may choose not to participate in the program, except any water designated as wetlands shall not be drained.

Sec. 24. Minnesota Statutes 1986, section 105.392, subdivision 6, is amended to read:

Subd. 6. The commissioner may terminate any ~~agreement easement~~ by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest, and may agree to any modification of agreements the commissioner may determine to be desirable to carry out the purposes of the program or facilitate its administration."

Delete the title and insert:

"A bill for an act relating to natural resources; conservation reserve program; definitions, eligibility for inclusion, applications, agreements, payments, and other terms and conditions; native prairie bank program; appropriating funds; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 3, 5; 6, and 7; 40.44, subdivisions 2 and 3; 40.45; 84.943, subdivision 1; 84.944, subdivision 1; 84.95, by adding a subdivision; 105.391, subdivision 3; and 105.392, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 84."

The motion prevailed and the amendment was adopted.

Ogren and Redalen moved to amend S. F. No. 841, as amended, as follows:

Pages 1 and 2, delete section 2

Renumber the sections in order

Amend the title as follows:

Page 1, line 7, delete "subdivision 5, and"

A roll call was requested and properly seconded.

The question was taken on the Ogren and Redalen amendment and the roll was called. There were 37 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Beard	Hugoson	Miller	Ozment	Solberg
Bishop	Jacobs	Neuenschwander	Quinn	Sparby
Brown	Jennings	O'Connor	Redalen	Swiggum
Burger	Kinkel	Ogren	Richter	Waltman
Carlson, D.	Krueger	Olson, E.	Riveness	Wenzel
Cooper	Marsh	Onnen	Sarna	
Dauner	McEachern	Orenstein	Schafer	
DeBlick	McPherson	Otis	Scheid	

Those who voted in the negative were:

Battaglia	Gutknecht	Kostohryz	Pelowski	Skoglund
Begich	Hartle	Larsen	Peterson	Stanis
Bennett	Haukoos	Lasley	Price	Steensma
Bertram	Himle	Lieder	Quist	Swenson
Blatz	Jaros	McLaughlin	Reding	Thiede
Boo	Jefferson	Minne	Rest	Tjornhom
Carlson, L.	Jensen	Munger	Rice	Trimble
Carruthers	Johnson, A.	Murphy	Rodosovich	Tunheim
Clark	Johnson, R.	Nelson, C.	Rose	Uphus
Clausnitzer	Johnson, V.	Nelson, D.	Rukavina	Valento
Dorn	Kalis	Nelson, K.	Schoenfeld	Vellenga
Forsythe	Kelly	Olsen, S.	Schreiber	Voss
Frederick	Kelso	Olson, K.	Seaberg	Wagenius
Frerichs	Kludt	Omann	Segal	Welle
Greenfield	Knickerbocker	Pappas	Shaver	Winter
Gruenes	Knuth	Pauly	Simoneau	Wynia
				Spk. Norton

The motion did not prevail and the amendment was not adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Munger moved that the rule therein be suspended and an urgency be declared so that S. F. No. 841, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Munger moved that the Rules of the House be so far suspended that S. F. No. 841, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 841, A bill for an act relating to natural resources; amending requirements for eligibility, applications, agreements, payments, and other terms and conditions of the conservation reserve program; changing requirements to drain privately owned inventoried wetlands and public waters; amending and changing requirements for the waterbank program; changing requirements for persons selling land under a waterbank agreement; establishing a native prairie bank program; providing for prairie management applications, agreements, payments, and other terms and conditions; appropriating funds; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 5, 6, and 7; 40.44, subdivision 2; 84.943, subdivisions 1, 3, and 5; 84.944, subdivision 1; 84.95, subdivision 2, and by adding a subdivision; 105.391, subdivision 3; 105.392, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gutknecht	Lieder	Ozment	Shaver
Bauerly	Hartle	Long	Pappas	Simoneau
Beard	Haukoos	Marsh	Pauly	Skoglund
Begich	Heap	McEachern	Pelowski	Solberg
Bennett	Hugoson	McLaughlin	Peterson	Sparby
Bertram	Jacobs	McPherson	Poppenhagen	Stanis
Bishop	Jaros	Milbert	Price	Steensma
Blatz	Jefferson	Miller	Quinn	Sviggum
Brown	Jennings	Minne	Quist	Swenson
Burger	Jensen	Morrison	Redalen	Thiede
Carlson, D.	Johnson, A.	Munger	Reding	Tjornhom
Carlson, L.	Johnson, R.	Murphy	Rest	Trimble
Carruthers	Johnson, V.	Nelson, C.	Rice	Tunheim
Clark	Kahn	Nelson, D.	Richter	Uphus
Clausnitzer	Kalis	Nelson, K.	Riveness	Valento
Cooper	Kelly	Neuenschwander	Rodosovich	Vanasek
Dauner	Kelso	O'Connor	Rose	Vellenga
DeBlick	Kinkel	Ogren	Rukavina	Voss
Dille	Kludt	Olson, S.	Sarna	Wagenius
Dorn	Knickerbocker	Olson, E.	Schafer	Waltman
Forsythe	Knuth	Olson, K.	Scheid	Welle
Frederick	Kostohryz	Omman	Schoenfeld	Wenzel
Frerichs	Krueger	Onnen	Schreiber	Winter
Greenfield	Larsen	Orenstein	Seaberg	Wynia
Gruenes	Lasley	Otis	Segal	Spk. Norton

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1112, A bill for an act relating to human services; defining directors, officers, and partners as vendors of medical care for the purpose of medical assistance; allowing the commissioner to charge interest on money recovered from certain medical assistance providers; allowing sanction authority; amending Minnesota Statutes 1986, sections 256B.02, subdivision 7; 256B.064, subdivision 1c; and 256B.27, subdivisions 3 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Greenfield moved that the House refuse to concur in the Senate amendments to H. F. No. 1112, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 601, A bill for an act relating to natural resources; providing that money recovered by the state for forest fire fighting expenses be restored to the fund of origination; increasing the amount that may be paid for tips related to forest fire crimes; clarifying provisions relating to the burden of proof and evidence of negligence; amending Minnesota Statutes 1986, sections 88.17, subdivision 2; 88.75, subdivision 1; and 88.76.

PATRICK E. FLAHAVEN, Secretary of the Senate

Solberg moved that the House refuse to concur in the Senate amendments to H. F. No. 601, that the Speaker appoint a Conference

Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1351, A bill for an act relating to natural resources; authorizing the taking of elk and amending related laws; authorizing compensation for certain crop damage caused by elk; appropriating money; amending Minnesota Statutes 1986, sections 97A.421, subdivision 6; 97A.431; 97A.465, subdivisions 1 and 3; 97A.471, subdivision 3; 97A.475, subdivision 2; 97A.525, subdivision 1; 97A.535; and 97B.201; proposing coding for new law in Minnesota Statutes, chapters 3 and 97B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tunheim moved that the House refuse to concur in the Senate amendments to H. F. No. 1351, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 1203:

S. F. No. 1203, A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; changing the membership of the world trade center board; establishing the world trade center institute; authorizing the board to contract for certain services and programs; appropriating money; amending Minnesota Statutes 1986, sections 17.03, by adding a subdivision; 17.101, subdivision 1; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.031; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes,

chapters 44A; 116J; 236A; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Luther; Moe, D. M., and Kroening.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Schoenfeld moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1203. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 169, A bill for an act relating to lawful gambling; including payment of taxes as a lawful purpose; increasing the percentage of profits that may be used for necessary expenses; changing requirements for distributors; authorizing the board to adopt rules restricting the amount of rent charged by organizations; prohibiting local units of government from requiring organizations to make certain expenditures; making various technical changes; regulating allowable expenses; amending Minnesota Statutes 1986, sections 349.12, subdivisions 11, 12, 13, and 15; 349.14; 349.15; 349.151, subdivision 3; 349.161, subdivisions 3, 5, and 7; 349.162, by adding subdivisions; 349.18, subdivisions 1 and 3; 349.19, subdivision 3; 349.21; and 349.213, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 169, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1043, A bill for an act relating to metropolitan government; providing for qualifications, terms, compensation, and duties of members of various metropolitan agencies; requiring various publications, plans, and reports; regulating routes and service bidding; amending Minnesota Statutes 1986, sections 473.141, subdivision 2, and by adding a subdivision; 473.161, subdivision 1c; 473.1623, subdivisions 2, 4, and 5; 473.303, by adding a subdivision; 473.373, by adding a subdivision; 473.377, subdivision 1, and by adding subdivisions; 473.38, subdivision 2; and 473.604, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carruthers moved that the House refuse to concur in the Senate amendments to H. F. No. 1043, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 534, A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, nonpublic, and protected nonpublic; clarifying issues relating to the administration of data; amending Minnesota Statutes 1986, sections 13.03, subdivision 3; 13.04, subdivision 2; 13.05, subdivision 4; 13.38; 13.39, subdivision 3; 13.41, subdivision 4; 13.43, by adding a subdivision; 13.46, subdivision 7, and by adding a subdivision; and 13.76; proposing coding for new law in Minnesota Statutes, chapter 13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, D., moved that the House refuse to concur in the Senate amendments to H. F. No. 534, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1114.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1114

A bill for an act relating to liquor; limitations on rules of the commissioner of public safety; items which may be sold in exclusive liquor stores; regulating sales of fermented malt beverages; amending Minnesota Statutes 1986, sections 299A.02, subdivision 3; and 340A.101, subdivision 10; repealing Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; and 34.14.

May 15, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1114, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1114 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 299A.02, subdivision 3, is amended to read:

Subd. 3. [REPORTS; RULES.] The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging

whiskey. No rule may require cordials or liqueurs to contain in excess of 2½ percent by weight of sugar or dextrose or both.

Sec. 2. Minnesota Statutes 1986, section 340A.101, subdivision 10, is amended to read:

Subd. 10. [EXCLUSIVE LIQUOR STORE.] "Exclusive liquor store" is an establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, nonintoxicating malt liquor, beverages for mixing with intoxicating liquor, and soft drinks ~~may also be sold, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment and make available coin-operated amusement devices.~~ "Exclusive liquor store" also includes an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on-premise consumption when authorized by the municipality issuing the license.

Sec 3. Minnesota Statutes 1986, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine, Carver, or Kanabec counties within three miles of a statutory or home rule city with a municipal liquor store.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b prior to January 1, 1985.

Sec. 4. Minnesota Statutes 1986, section 340A.410, is amended by adding a subdivision to read:

Subd. 9. [COIN-OPERATED DEVICES.] Coin-operated amusement devices may not be made available in establishments licensed solely for the off-sale of intoxicating liquor or municipal stores which sell only at off-sale. An establishment holding a combination on-sale and off-sale license or a municipal liquor store which sells at on-sale and off-sale which makes coin-operated devices available shall keep such devices to the greatest extent practicable in that area of the establishment where on-sales are made.

Sec. 5. [SUNDAY LICENSES; DOUGLAS COUNTY.]

Notwithstanding any law to the contrary, any license for the on-sale of intoxicating liquor on Sundays issued by Douglas county to an establishment located in a town in which an election under Minnesota Statutes, section 340A.504, subdivision 3, clauses (d) and (e), has not been held may continue in effect and be renewed until the date of the next town meeting, and may continue in effect and be renewed after that date if the issuance of Sunday intoxicating liquor on-sale licenses is approved by the voters of the town at that town meeting.

Sec. 6. [REPEALER.]

Minnesota Statutes 1986, sections 34.119, 34.12, 34.13, and 34.14 are repealed.

Sec. 7. [EFFECTIVE DATE.]

Section 5 is effective on approval by the Douglas county board and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to intoxicating liquor; limitation on rule-making authority of commissioner; items which may be sold in exclusive liquor stores; specifying counties where certain restrictions on license location apply; specifying establishments where coin-operated devices may not be kept; providing for the continuation of certain licenses in Douglas county; repealing restrictions on beer content; amending Minnesota Statutes 1986, section 299A.02, subdivision 3; 340A.101, subdivision 10; 340A.405, subdivision 2; 340A.410, by adding a subdivision; repealing Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; and 34.14."

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

Senate Conferees: SAM G. SOLON, DON ANDERSON AND ALLAN H. SPEAR

House Conferees: JOEL JACOBS, TONY BENNETT AND TOM OSTHOFF.

Jacobs moved that the report of the Conference Committee on S. F. No. 1114 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1114, A bill for an act relating to liquor; limitations on rules of the commissioner of public safety; items which may be sold in exclusive liquor stores; regulating sales of fermented malt beverages; amending Minnesota Statutes 1986, sections 299A.02, subdivision 3; and 340A.101, subdivision 10; repealing Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; and 34.14.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Carlson, L.	Greenfield	Jensen	Kostohryz
Bauerly	Carruthers	Gruenes	Johnson, A.	Krueger
Beard	Clark	Gutknecht	Johnson, R.	Larsen
Begich	Clausnitzer	Hartle	Johnson, V.	Lasley
Bennett	Cooper	Haukoos	Kahn	Lieder
Bertram	Dauner	Heap	Kalis	Long
Bishop	DeBlieck	Himle	Kelly	Marsh
Blatz	Dille	Hugoson	Kelso	McEachern
Boo	Dorn	Jacobs	Kinkel	McPherson
Brown	Forsythe	Jaros	Kludt	Milbert
Burger	Frederick	Jefferson	Knickerbocker	Miller
Carlson, D.	Frerichs	Jennings	Knuth	Morrison

Munger	Ozment	Rice	Shaver	Uphus
Murphy	Pappas	Riveness	Simoneau	Valento
Nelson, D.	Pauly	Rodosovich	Solberg	Vanasek
Nelson, K.	Pelowski	Rose	Sparby	Vellenga
O'Connor	Peterson	Rukavina	Stanius	Voss
Olsen, S.	Poppenhagen	Sarna	Steensma	Wagenius
Olson, E.	Price	Schafer	Sviggum	Waltman
Olson, K.	Quinn	Scheid	Swenson	Welle
Omann	Quist	Schoenfeld	Thiede	Wenzel
Onnen	Redalen	Schreiber	Tjornhom	Winter
Orenstein	Reding	Seaberg	Trimble	Spk. Norton
Otis	Rest	Segal	Tunheim	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 915.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 915

A bill for an act relating to crime; amending trespass law to prohibit harassment on private property; prohibiting following and stalking with intent to harass, abuse, or threaten; removing requirement that caller not disclose identity for purposes of misdemeanor harassing telephone calls; prohibiting intentional harassment by delivering a letter or object; providing penalties; amending Minnesota Statutes 1986, sections 609.605, subdivision 1; 609.746; 609.79, subdivision 1; and 609.795.

May 14, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 915, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 915 be further amended as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1986, section 609.02, is amended by adding a subdivision to read:

Subd. 12. [HARASS.] As used in sections 609.605, subdivision 1, clause (13), 609.746, 609.79, and 609.795, "harass" means to interfere with another person so as to persecute or oppress that person.

Sec. 2. Minnesota Statutes 1986, section 609.02, is amended by adding a subdivision to read:

Subd. 13. [THREATEN.] As used in sections 609.605, subdivision 1, clause (13), 609.746, 609.79, and 609.795, "threaten" means to express a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act."

Renumber the remaining sections in sequence

Page 3, line 10, delete "stalks" and insert "pursues"

Page 3, line 11, delete "stalked" and insert "pursued"

Page 4, line 9, delete "4" and insert "6"

Amend the title as follows:

Page 1, line 4, delete "stalking" and insert "pursuing"

Page 1, line 9, after "sections" insert "609.02, by adding subdivisions;"

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

Senate Conferees: EMBER D. REICHGOTT, JIM RAMSTAD AND ALLAN H. SPEAR

House Conferees: SANDRA L. PAPPAS, PHIL CARRUTHERS AND RANDY C. KELLY.

Pappas moved that the report of the Conference Committee on S. F. No. 915 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 915, A bill for an act relating to crime; amending trespass law to prohibit harassment on private property; prohibiting following and stalking with intent to harass, abuse, or threaten; removing requirement that caller not disclose identity for purposes of misdemeanor harassing telephone calls; prohibiting intentional harassment by delivering a letter or object; providing penalties; amending Minnesota Statutes 1986, sections 609.605, subdivision 1; 609.746; 609.79, subdivision 1; and 609.795.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gruenes	Larsen	Ozment	Shaver
Bauerly	Gutknecht	Lasley	Pappas	Simoneau
Beard	Hartle	Lieder	Pauly	Solberg
Begich	Haukoos	Long	Pelowski	Sparby
Bennett	Heap	Marsh	Peterson	Stanius
Bertram	Himle	McEachern	Poppenhagen	Steensma
Bishop	Hugoson	McPherson	Price	Sviggum
Blatz	Jacobs	Milbert	Quinn	Swenson
Boo	Jaros	Miller	Quist	Thiede
Brown	Jefferson	Morrison	Redalen	Tjornhom
Burger	Jennings	Munger	Reding	Trimble
Carlson, D.	Jensen	Murphy	Rest	Tunheim
Carlson, L.	Johnson, A.	Nelson, C.	Rice	Uphus
Carruthers	Johnson, R.	Nelson, D.	Richter	Valento
Clark	Johnson, V.	Nelson, K.	Riveness	Vanasek
Clausnitzer	Kahn	Neuenschwander	Rodosovich	Vellenga
Cooper	Kalis	O'Connor	Rose	Voss
Dauner	Kelly	Ogren	Rukavina	Wagenius
DeBlieck	Kelso	Olsen, S.	Sarna	Waltman
Dille	Kinkel	Olson, E.	Schafer	Welle
Dorn	Kludt	Olson, K.	Scheid	Wenzel
Forsythe	Knickerbocker	Omam	Schoenfeld	Winter
Frederick	Knuth	Onnen	Schreiber	Wynia
Frerichs	Kostohryz	Orenstein	Seaberg	Spk. Norton
Greenfield	Krueger	Otis	Segal	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 865.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 865

A bill for an act relating to environment; authorizing an assessment against public utilities to finance the state costs of controlling acid deposition; amending Minnesota Statutes 1986, section 116C.69, subdivision 3.

May 15, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 865, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S. F. No. 865 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 116C.69, subdivision 3, is amended to read:

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site and route designation, from an assessment made quarterly, at least 30 days before the start of each quarter, by the board against all utilities with annual retail kilowatt-hour sales greater than 4,000,000 kilowatt-hours in the previous calendar year.

Until June 30, 1992, the assessment shall also include an amount sufficient to cover 60 percent of the costs to the pollution control agency of developing achieving, maintaining, and monitoring compliance with the acid deposition control plan required by standard adopted under sections 116.42 to 116.45; reprinting informational booklets on acid rain, and costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. This amount shall be certified to the board by

the executive director of the pollution control agency The director of the pollution control agency must prepare a work plan and budget and submit them annually by June 30 to the pollution control agency board. The agency board must take public testimony on the budget and work plan. After the agency board approves the work plan and budget they must be submitted annually to the legislative commission on Minnesota resources for review and recommendation before an assessment is levied. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all such these utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all such these utilities, multiplied by 0.333, as determined by the board. The assessment shall be credited to the special revenue fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the sum of the annual budget of the board for carrying out the purposes of this subdivision plus 60 percent of the annual budget of the pollution control agency for developing the plan required by achieving, maintaining, and monitoring compliance with the acid deposition control standard adopted under sections 116.42 to 116.45, for reprinting informational booklets on acid rain, and for costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the board and the pollution control agency for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

Senate Conferees: GREGORY L. DAHL, JOHN J. MARTY AND GERALD L. WILLET.

House Conferees: STEVE TRIMBLE, JOHN T. ROSE AND WILLARD MUNGER.

Trimble moved that the report of the Conference Committee on S. F. No. 865 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 865, A bill for an act relating to environment; authorizing an assessment against public utilities to finance the state costs of controlling acid deposition; amending Minnesota Statutes 1986, section 116C.69, subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gruenes	Larsen	Otis	Segal
Bauerly	Gutknecht	Lasley	Ozment	Shaver
Beard	Hartle	Lieder	Pappas	Simoneau
Begich	Haukoos	Long	Pauly	Skoglund
Bennett	Heap	Marsh	Pelowski	Solberg
Bertram	Himle	McEachern	Peterson	Sparby
Bishop	Hugoson	McLaughlin	Poppenhagen	Stanisus
Blatz	Jacobs	McPherson	Price	Steensma
Boo	Jaros	Milbert	Quinn	Sviggrum
Brown	Jefferson	Miller	Quist	Swenson
Burger	Jennings	Morrison	Redalen	Thiede
Carlson, D.	Jensen	Munger	Reding	Tjornhom
Carlson, L.	Johnson, A.	Murphy	Rest	Trimble
Carruthers	Johnson, R.	Nelson, C.	Rice	Tunheim
Clark	Johnson, V.	Nelson, D.	Richter	Uphs
Clausnitzer	Kahn	Nelson, K.	Riveness	Valento
Cooper	Kalis	Neuenschwander	Rodosovich	Vanasek
Dauner	Kelly	O'Connor	Rose	Vellenga
DeBlick	Kelso	Ogren	Rukavina	Voss
Dille	Kinkel	Olsen, S.	Sarna	Wagenius
Dorn	Kludt	Olson, E.	Schafer	Waltman
Forsythe	Knickerbocker	Olson, K.	Scheid	Welle
Frederick	Knuth	Omann	Schoenfeld	Wenzel
Frerichs	Kostohryz	Onnen	Schreiber	Winter
Greenfield	Krueger	Orenstein	Seaberg	Wynia
				Spk. Norton

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on S. F. No. 1516, and that the present Conference Committee has been discharged. A new Conference Committee has been appointed on the part of the Senate.

S. F. No. 1516, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 28A.08; 32.075; 32.59; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision

7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 138.65; 138.91, by adding a subdivision; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; amending Laws 1975, chapter 235, section 2, as amended.

The Senate has appointed as such committee:

Messrs. Langseth, Ramstad, Mehrkens, Purfeerst and Lessard.

PATRICK E. FLAHAVEN, Secretary of the Senate

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1622

A bill for an act relating to courts; providing court of appeals and crime victim representation on the sentencing guidelines commission; providing that terms of commission members appointed by the governor are coterminous with the governor; changing the date on which the commission's report to the legislature is due; clarifying the membership on judicial appeal panels; permitting retired judges to solemnize marriages; clarifying judicial representation on the judicial standards board; authorizing the supreme court to adopt court rules; restricting mileage reimbursement for law clerks; amending Minnesota Statutes 1986, sections 244.09, subdivisions 2, 3, and 11; 253B.19, subdivision 1; 480.051; 481.02, subdivision 3; 484.545, subdivision 3; 484.62; 490.15, subdivision 1; 517.04; and 525.06.

May 16, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1622, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: HOWARD R. ORENSTEIN, ARTHUR W. SEABERG AND RANDY C. KELLY.

Senate Conferees: RICHARD J. COHEN, FRITZ KNAAK AND ALLAN H. SPEAR.

Orenstein moved that the report of the Conference Committee on H. F. No. 1622 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1622, A bill for an act relating to courts; providing court of appeals and crime victim representation on the sentencing guidelines commission; providing that terms of commission members appointed by the governor are coterminous with the governor; changing the date on which the commission's report to the legislature is due; clarifying the membership on judicial appeal panels; permitting retired judges to solemnize marriages; clarifying judicial representation on the judicial standards board; authorizing the supreme court to adopt court rules; restricting mileage reimbursement for law clerks; amending Minnesota Statutes 1986, sections 244.09, subdivisions 2, 3, and 11; 253B.19, subdivision 1; 480.051; 481.02, subdivision 3; 484.545, subdivision 3; 484.62; 490.15, subdivision 1; 517.04; and 525.06.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gruenes	Krueger	Onnen	Schreiber
Bauerly	Gutknecht	Larsen	Orenstein	Segal
Beard	Hartle	Lasley	Otis	Shaver
Begich	Haukoos	Lieder	Ozment	Simoneau
Bennett	Heap	Long	Pappas	Skoglund
Bertram	Himle	Marsh	Pauly	Solberg
Bishop	Hugoson	McEachern	Pelowski	Sparby
Blatz	Jacobs	McLaughlin	Peterson	Stanius
Boo	Jaros	McPherson	Popenhagen	Steensma
Brown	Jefferson	Milbert	Price	Sviggum
Burger	Jennings	Miller	Quinn	Swenson
Carlson, D.	Jensen	Morrison	Quist	Thiede
Carlson, L.	Johnson, A.	Munger	Redalen	Tjornhom
Carruthers	Johnson, R.	Murphy	Reding	Trimble
Clausnitzer	Johnson, V.	Nelson, C.	Rest	Tunheim
Cooper	Kahn	Nelson, D.	Rice	Uphus
Dauner	Kalis	Nelson, K.	Richter	Valento
DeBlicke	Kelly	Neuenschwander	Riveness	Vanasek
Dille	Kelso	O'Connor	Rodosovich	Vellenga
Dorn	Kinkel	Ogren	Rose	Voss
Forsythe	Kludt	Olsen, S.	Rukavina	Wagenius
Frederick	Knickerbocker	Olson, E.	Sarna	Waltman
Frerichs	Knuth	Olson, K.	Schafer	Welle
Greenfield	Kostohryz	Omann	Schoenfeld	Wenzel
				Winter
				Wynia
				Spk. Norton

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1073

A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; imposing penalties; amending Minnesota Statutes 1986, section 326F.75.

May 15, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1073, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1073 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 325F.75, is amended to read:

325F.75 [ADVERTISING RESTRICTIONS; SCOPE; PENALTIES.]

Subdivision 1. [RESTRICTIONS.] Except as provided in this section, where a plumbing license is required under section 326.40, no person offering plumbing services may do any of the following unless the person employs a licensed master plumber or the person is a licensed master or journeyman plumber:

(1) advertise as a plumbing contractor, master plumber, journeyman plumber, or plumber;

(2) append the person's name to, or in connection with, the title "plumbing contractor," "master plumber," "journeyman plumber," or "plumber";

(3) append the person's name to any other words that tend to represent the person as a plumbing contractor, master plumber, journeyman plumber, or plumber.

A person who advertises as a master plumber shall include in the advertisement the number of the person's license as a master plumber. A person who advertises as a journeyman plumber must include in the advertisement the person's master or journeyman plumber license number. A person who advertises as a plumbing contractor shall include in the advertisement the license number of the master plumber employed by the plumbing contractor.

A vehicle used to conduct plumbing business must prominently display on its exterior the license number of the master plumber or journeyman plumber performing plumbing services.

Subd. 2. [SCOPE.] (a) This section does not apply applies to a person advertising plumbing services if that person does not engage in or work at the business of a master plumber engages in or works at the business of plumbing or offers plumbing services in a city of 5,000 or more population; or.

(b) This section also applies to a person advertising plumbing services who engages in or works at the business of plumbing or offers plumbing services in a city of less than 5,000 in population that by ordinance require requires licensing to do business as a master or journeyman plumber.

Subd. 3. [PENALTIES.] (a) A person who is found guilty of violating subdivision 1 is subject to a fine not to exceed \$100 for the first offense.

(b) A person who is found guilty of violating subdivision 1 is subject to a fine not to exceed \$1,000 for the second offense.

(c) A person who is found guilty of violating subdivision 1 is subject to a fine not to exceed \$1,000 or imprisonment not to exceed 30 days, or both, for the third and subsequent offenses.

Sec. 2. Minnesota Statutes 1986, section 326.2421, subdivision 6, is amended to read:

Subd. 6. [EXISTING CONTRACTORS.] Persons who on July 1, 1985, are in the business of laying out, installing, maintaining, or repairing alarm and communication systems and who have filed a license application with the electrical board by July 1, 1986 September 1, 1987, shall be allowed to continue in that business as if licensed under subdivision 3 until final action is taken by the board upon their applications. Contractors who are in the business on July 1, 1985, and who file a license application with the board by July 1, 1986 September 1, 1987, are exempt from the requirements of subdivision 4.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1988. Section 2 is effective the day following final enactment.

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for licensing of certain persons by the electrical board;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, delete line 5 and insert "325F.75; and 326.2421, subdivision 6"

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

House Conferees: RICHARD "RICH" O'CONNOR, CHRIS M. TJORNHOM AND JOSEPH R. BEGICH.

Senate Conferees: CARL W. KROENING, GERALD L. WILLET AND DON FRANK.

O'Connor moved that the report of the Conference Committee on H. F. No. 1073 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1073, A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; imposing penalties; amending Minnesota Statutes 1986, section 326F.75.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Carlson, L.	Greenfield	Jensen	Kostohryz
Bauerly	Carruthers	Gruenes	Johnson, A.	Krueger
Beard	Clark	Gutknecht	Johnson, R.	Larsen
Begich	Clausnitzer	Hartle	Johnson, V.	Lasley
Bennett	Cooper	Haukoos	Kahn	Lieder
Bertram	Dauner	Heap	Kalis	Long
Bishop	DeBlieck	Himle	Kelly	Marsh
Blatz	Dille	Hugoson	Kelso	McEachern
Boo	Dorn	Jacobs	Kinkel	McLaughlin
Brown	Forsythe	Jaros	Kludt	McPherson
Burger	Frederick	Jefferson	Knickerbocker	Milbert
Carlson, D.	Frerichs	Jennings	Knuth	Miller

Munger	Orenstein	Rest	Shaver	Uphus
Murphy	Otis	Rice	Simoneau	Valento
Nelson, C.	Ozment	Riveness	Skoglund	Vanasek
Nelson, D.	Pappas	Rodosovich	Solberg	Vellenga
Nelson, K.	Pauly	Rose	Sparby	Voss
Neuenschwander	Pelowski	Rukavina	Stanis	Wagenius
O'Connor	Peterson	Sarna	Steensma	Waltman
Ogren	Poppenhagen	Schafer	Sviggum	Welle
Olsen, S.	Price	Scheid	Swenson	Wenzel
Olson, E.	Quinn	Schoenfeld	Thiede	Winter
Olson, K.	Quist	Schreiber	Tjornhom	Wynia
Omann	Redalen	Seaberg	Trimble	Spk. Norton
Onnen	Reding	Segal	Tunheim	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 601:

Solberg, Ogren and Miller.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 534:

Nelson, D.; Kelly and McKasy

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1043:

Carruthers, McLaughlin and Blatz.

SPECIAL ORDERS, Continued

H. F. No. 1279, A bill for an act relating to agriculture; transferring authority of the commissioner of energy and economic development relating to governor's council on rural development to the commissioner of agriculture; authorizing loan and grant programs; providing for new members; appropriating money; amending Minnesota Statutes 1986, sections 116J.951; 116J.955; and 116J.961, subdivisions 1, 2, 3, 5, 8, and 9; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1986, section 116J.961, subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Battaglia	Gruenes	Larsen	Otis	Segal
Bauerly	Gutknecht	Lasley	Ozment	Shaver
Beard	Hartle	Lieder	Pappas	Simoneau
Begich	Haukoos	Long	Pauly	Skoglund
Bennett	Heap	Marsh	Pelowski	Solberg
Bertram	Himle	McEachern	Peterson	Sparby
Bishop	Hugoson	McLaughlin	Poppenhagen	Stanisus
Blatz	Jacobs	McPherson	Price	Steensma
Boo	Jaros	Milbert	Quinn	Swiggum
Brown	Jefferson	Miller	Quist	Swenson
Burger	Jennings	Morrison	Redalen	Thiede
Carlson, D.	Jensen	Munger	Reding	Tjornhom
Carlson, L.	Johnson, A.	Murphy	Rest	Trimble
Carruthers	Johnson, R.	Nelson, C.	Rice	Tunheim
Clark	Johnson, V.	Nelson, D.	Richter	Uphus
Clausnitzer	Kahn	Nelson, K.	Riveness	Valento
Cooper	Kalis	Neuenschwander	Rodosovich	Vanasek
Dauner	Kelly	O'Connor	Rose	Vellenga
DeBlieck	Kelso	Ogren	Rukavina	Voss
Dille	Kinkel	Olsen, S.	Sarna	Wagenius
Dorn	Kludt	Olson, E.	Schafer	Waltman
Forsythe	Knickerbocker	Olson, K.	Scheid	Welle
Frederick	Knuth	Omann	Schoenfeld	Wenzel
Frerichs	Kostohryz	Onnen	Schreiber	Winter
Greenfield	Krueger	Orenstein	Seaberg	Wynia
				Spk. Norton

The bill was passed and its title agreed to.

H. F. No. 539, A bill for an act relating to human services; extending subsidized adoption program; amending Minnesota Statutes 1986, section 259.40, subdivisions 1, 2, and 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Carruthers	Hartle	Kalis	McEachern
Battaglia	Clark	Haukoos	Kelly	McPherson
Bauerly	Clausnitzer	Heap	Kelso	Milbert
Beard	Cooper	Himle	Kinkel	Miller
Begich	Dauner	Hugoson	Kludt	Morrison
Bennett	DeBlieck	Jacobs	Knickerbocker	Munger
Bertram	Dille	Jaros	Knuth	Murphy
Bishop	Dorn	Jefferson	Kostohryz	Nelson, C.
Blatz	Forsythe	Jennings	Krueger	Nelson, D.
Boo	Frederick	Jensen	Larsen	Nelson, K.
Brown	Frerichs	Johnson, A.	Lasley	Neuenschwander
Burger	Greenfield	Johnson, R.	Lieder	O'Connor
Carlson, D.	Gruenes	Johnson, V.	Long	Ogren
Carlson, L.	Gutknecht	Kahn	Marsh	Olsen, S.

Olson, E.	Peterson	Rukavina	Solberg	Valento
Olson, K.	Poppenhagen	Sarna	Sparby	Vanasek
Omann	Price	Schafer	Stanisus	Vellenga
Onnen	Quinn	Scheid	Steensma	Voss
Orenstein	Redalen	Schoenfeld	Sviggum	Waltman
Otis	Reding	Schreiber	Swenson	Welle
Ozment	Rice	Seaberg	Tjornhom	Wenzel
Pappas	Richter	Segal	Trimble	Winter
Pauly	Rodosovich	Shaver	Tunheim	Wynia
Pelowski	Rose	Simoneau	Uphus	Spk. Norton

The bill was passed and its title agreed to.

S. F. No. 593 was reported to the House.

Greenfield moved to amend S. F. No. 593, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1986, section 246.51, is amended to read:

246.51 [PAYMENT FOR CARE AND TREATMENT; DETERMINATION.]

Subdivision 1. [PROCEDURES.] The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. The patient or relatives or both shall provide the commissioner documents and proofs necessary to determine their ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the patient or relatives, both, liable for the full cost of care until the time when sufficient information is provided. No parent shall be liable for the cost of care given a patient at a regional treatment center after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received, except for chemical dependency receipts, shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Except for services provided under chapter 254B, responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

Subd. 2. [RULES.] The commissioner shall adopt, pursuant to the administrative procedure act, rules establishing uniform standards for determination of patient liability and relative, guardian or conservator responsibility for care provided at state hospitals. The standards may differ for mental illness, chemical dependency, or

mental retardation. The standards established in rules adopted under chapter 254B shall determine the amount of patient and relative responsibility when a portion of the patient's cost of care has been paid under chapter 254B. These rules shall have the force and effect of law.

Sec. 2. Minnesota Statutes 1986, section 246.511, is amended to read:

246.511 [RELATIVE RESPONSIBILITY.]

In no case, shall Except for chemical dependency services paid for with funds provided under chapter 254B, a patient's or resident's relatives shall not, pursuant to the commissioner's authority under section 246.51, be ordered to pay more than ten percent of the cost of care, unless they reside outside the state. Parents of children in state hospitals shall have their responsibility to pay determined according to section 252.27, subdivision 2, or in rules adopted under chapter 254B if the cost of care is paid under chapter 254B. The commissioner may accept voluntary payments in excess of ten percent. The commissioner may require full payment of the full per capita cost of care in state hospitals for patients or residents whose parent, parents, spouse, guardian or conservator do not reside in Minnesota.

Sec. 3. Minnesota Statutes 1986, section 254B.01, subdivision 5, is amended to read:

Subd. 5. [LOCAL AGENCY.] "Local agency" means the agency designated by a board of county commissioners, a county welfare board, or a human services board to make placements and submit state invoices according to Laws 1986, chapter 394, sections 8 to 20.

Sec. 4. Minnesota Statutes 1986, section 254B.02, subdivision 1, is amended to read:

Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT ALLOCATION.] The chemical dependency funds appropriated for allocation shall be placed in a special revenue account. For the fiscal year beginning July 1, 1987, funds shall be transferred to operate the vendor payment, invoice processing, and collections system for one year. The commissioner shall annually transfer funds from the chemical dependency fund to pay for operation of the drug and alcohol abuse normative evaluation system and to pay for all costs incurred by adding two positions for licensing of chemical dependency treatment and rehabilitation programs located in hospitals for which funds are not otherwise appropriated. The commissioner shall annually divide the money available in the chemical dependency fund that is not held in reserve by counties from a previous allocation. Twelve percent of the remaining money must be reserved for treatment of American Indians by eligible vendors under section 254B.05. The remainder of the money must be allocated among the

counties according to the following formula, using state demographer data and other data sources determined by the commissioner:

(a) The county non-Indian and over age 14 per capita-months of eligibility for aid to families with dependent children, general assistance, and medical assistance is divided by the total state non-Indian and over age 14 per capita-months of eligibility to determine the caseload factor for each county.

(b) The average median family income for the previous three years for the state is divided by the average median family income for the previous three years for each county to determine the income factor.

(c) The non-Indian and over age 14 population of the county is multiplied by the sum of the income factor and the caseload factor to determine the adjusted population.

(d) \$15,000 shall be allocated to each county.

(e) The remaining funds shall be allocated proportional to the county adjusted population.

Sec. 5. Minnesota Statutes 1986, section 254B.02, subdivision 2, is amended to read:

Subd. 2. [COUNTY ADJUSTMENT; MAXIMUM ALLOCATION.] The commissioner shall determine the state money used by each county in fiscal year 1986, using all state data sources. If available records do not provide specific chemical dependency expenditures for every county, the commissioner shall determine the amount of state money using estimates based on available data. In state fiscal year 1988, a county must not be allocated more than 150 percent of the state money spent by or on behalf of the county in fiscal year 1986 for chemical dependency treatment services eligible for payment under section 254B.05, but not including expenditures made for persons eligible for placement under section 254B.09, subdivision 6. The allocation maximums must be increased by 25 percent each year. After fiscal year 1992, there must be no allocation maximum. The commissioner shall reallocate the excess over the maximum to counties allocated less than the fiscal year 1986 state money, using the following process:

(a) The allocation is divided by ~~1985~~ 1986 state expenditures to determine percentage of prior expenditure, and counties are ranked by percentage of prior expenditure less expenditures for persons eligible for placement under section 254B.09, subdivision 6.

(b) The allocation of the lowest ranked county is raised to the same percentage of prior expenditure as the second lowest ranked county.

The allocation of these two counties is then raised to the percentage of prior expenditures of the third lowest ranked county.

(c) The operations under paragraph (b) are repeated with each county by ranking until the money in excess of the allocation maximum has been allocated.

Sec. 6. Minnesota Statutes 1986, section 254B.02, subdivision 3, is amended to read:

Subd. 3. [RESERVE ACCOUNT.] The commissioner shall allocate money from the reserve account to counties that, during the current fiscal year, have met or exceeded the base level of expenditures for eligible chemical dependency services from local money. The commissioner shall establish the base level for fiscal year 1988 as the amount of local money used for eligible services in calendar year 1986. In later years, the base level must be increased in the same proportion as state appropriations to implement Laws 1986, chapter 394, sections 8 to 20, are increased. The base level must not be decreased if appropriations are the fund balance from which allocations are made under section 254B.02, subdivision 1, is decreased in later years. The local match rate for the reserve account is the same rate as applied to the initial allocation. Reserve account payments must not be included when calculating the county adjustments made according to subdivision 2.

Sec. 7. Minnesota Statutes 1986, section 254B.02, subdivision 5, is amended to read:

Subd. 5. [ADMINISTRATIVE ADJUSTMENT.] The commissioner may make payments to local agencies from money allocated under this section to support administrative activities under sections 254B.03 and 254B.04. The administrative payment must not exceed five percent of the first \$50,000, four percent of the next \$50,000, and three percent of the remaining county allocation and must not be paid if the level of expenditures indicates that the allocation for the year will be exhausted by payments for services from the allocation. Twenty-five percent of the administrative allowance shall be advanced at the beginning of each year and remaining payments must be made under this section at the end of each quarter from any unspent allocation for that year quarter, based on the payments for services made in the most recent quarter for which data is available. Adjustment of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the administrative allowance for any succeeding quarter.

Sec. 8. Minnesota Statutes 1986, section 254B.03, subdivision 1, is amended to read:

Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local agency shall provide chemical dependency services to persons residing

within its jurisdiction who meet criteria established by the commissioner for placement in a chemical dependency residential or non-residential treatment service. Chemical dependency money must be administered by the local agencies according to law and rules adopted by the commissioner under sections 14.01 to 14.69.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of human services, select eligible vendors of chemical dependency services who can provide economical and appropriate treatment. Unless the local agency is a social services department directly administered by a county or human services board, the local agency shall not be an eligible vendor under section 254B.05. The commissioner may approve proposals from county boards to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. If a county implements a demonstration or experimental medical services funding plan, the commissioner shall transfer the money as appropriate. If a county selects a vendor located in another state, the county shall ensure that the vendor is in compliance with the rules governing licensure of programs located in the state.

Sec. 9. Minnesota Statutes 1986, section 254B.03, subdivision 2, is amended to read:

Subd. 2. [CHEMICAL DEPENDENCY SERVICES.] (a) Payment from the chemical dependency fund is limited to payments for services other than detoxification that, if located outside of federally recognized tribal lands, would be required to be licensed by the commissioner as a ~~residential or nonresidential~~ chemical dependency treatment or rehabilitation program under sections 245.781 to 245.812, and services other than detoxification provided in another state that would be required to be licensed as a chemical dependency program if the program were in the state. Out of state vendors must also provide the commissioner with assurances that the program complies substantially with state licensing requirements and possesses all licenses and certifications required by the host state to provide chemical dependency treatment. Hospitals may apply for and receive licenses to be eligible vendors, notwithstanding the provisions of section 245.791. Except for chemical dependency transitional rehabilitation programs, vendors receiving payments from the chemical dependency fund must not require copayment from a recipient of benefits for services provided under this subdivision.

(b) A county may, from its own resources, provide chemical dependency services for which state payments are not made. A county may elect to use the same invoice procedures and obtain the same state payment services as are used for chemical dependency services for which state payments are made under this section if county payments are made to the state in advance of state payments

to vendors. When a county uses the state system for payment, the commissioner shall make monthly billings to the county using the most recent available information to determine the anticipated services for which payments will be made in the coming month. Adjustment of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any succeeding month.

(c) The commissioner shall coordinate chemical dependency services and determine whether there is a need for any proposed expansion of chemical dependency treatment services. The commissioner shall deny vendor certification to any provider that has not received prior approval from the commissioner for the creation of new programs or the expansion of existing program capacity. The commissioner shall consider the provider's capacity to obtain clients from outside the state based on plans, agreements, and previous utilization history, when determining the need for new treatment services.

Sec. 10. Minnesota Statutes 1986, section 254B.03, subdivision 3, is amended to read:

Subd. 3. [LOCAL AGENCIES TO PAY STATE FOR COUNTY SHARE.] Local agencies shall submit invoices to the state on forms supplied by the commissioner and according to procedures established by the commissioner. Local agencies shall pay the state for the county share of the invoiced services. Payments shall be made at the beginning of each month for services provided in the previous month. The commissioner shall bill the county monthly for services, based on the most recent month for which expenditure information is available. Adjustment of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any succeeding month.

Sec. 11. Minnesota Statutes 1986, section 254B.03, subdivision 4, is amended to read:

Subd. 4. [DIVISION OF COSTS.] The county shall, out of local money, reimburse pay the state for 15 percent of the cost of chemical dependency services costs paid by the state under this section. Counties may use the indigent hospitalization levy for treatment and hospital payments made under this section. Fifteen percent of any state collections from private or third-party pay, less 15 percent of the cost of payment and collections, must be distributed to the county that paid for a portion of the treatment under this section. If all funds allocated according to section 254B.02 are exhausted by a county and the county has met or exceeded the base level of expenditures under section 254B.02, subdivision 3, the county shall reimburse pay the state for 15 percent of the costs paid by the state under this section. The commissioner may refuse to pay state funds for services to persons not eligible under section 254B.04, subdivi-

sion 1, if the commissioner determines that funds will otherwise not be available for persons who are entitled to chemical dependency fund services the county financially responsible for the persons has exhausted its allocation.

Sec. 12. Minnesota Statutes 1986, section 254B.03, subdivision 5, is amended to read:

Subd. 5. [RULES; APPEAL.] The commissioner shall adopt rules as necessary to implement Laws 1986, chapter 394, sections 8 to 20. The commissioner shall ensure that the rules are effective on July 1, 1987. The commissioner shall establish an appeals process for use by vendors or recipients when services certified by the county are disputed. The commissioner shall adopt rules and standards for the appeal process to assure adequate redress for persons referred to inappropriate services.

Sec. 13. Minnesota Statutes 1986, section 254B.04, is amended to read:

254B.04 [ELIGIBILITY FOR CHEMICAL DEPENDENCY FUND SERVICES.]

Subdivision 1. [ELIGIBILITY.] Persons eligible for benefits under sections 256D.01 to 256D.21, or for federal benefits under Code of Federal Regulations, title 25, part 20, and persons eligible for federal health care benefits under section 256B.06 are entitled to chemical dependency fund services.

Subd. 2. [AMOUNT OF CONTRIBUTION.] The commissioner shall adopt a sliding fee scale to determine the amount of contribution to be required from persons whose income and nonexempt property are is greater than the standard of assistance under sections 256B.06 and 256D.01 to 256D.21. The commissioner may adopt an existing fee scale from another assistance program or from the state facilities by publication in the State Register. The commissioner shall establish a separate fee scale for recipients of chemical dependency transitional rehabilitation services that provides for the collection of fees for board and lodging expenses. The fee schedule shall ensure that employed persons are allowed the income disregards and savings accounts that are allowed residents of community mental illness facilities under section 256D.06, subdivisions 1 and 1b. The fee scale must not provide assistance to persons whose income is more than 115 percent of the state median income. Payments of liabilities under this section are medical expenses for purposes of determining spend-down under sections 256B.06 and 256D.01 to 256D.21.

Sec. 14. Minnesota Statutes 1986, section 254B.05, is amended to read:

254B.05 [VENDOR ELIGIBILITY.]

Subdivision 1. [LICENSURE REQUIRED.] Programs licensed by the commissioner are eligible vendors. Hospitals may apply for and receive licenses to be eligible vendors, notwithstanding the provisions of section 245.791. American Indian programs that, if located outside of federally recognized tribal lands, would be required to be licensed to provide chemical dependency primary treatment, extended care, transitional residence, or outpatient treatment services, are eligible vendors. Detoxification programs are not eligible vendors. Programs that, if located outside of federally recognized tribal lands, would not be licensed as a chemical dependency residential or nonresidential treatment program under sections 245.781 to 245.812 are not eligible vendors. To be eligible for payment under the Consolidated Chemical Dependency Treatment Fund, a vendor must participate in the Drug and Alcohol Abuse Normative Evaluation System or a comparable system approved by the commissioner.

Subd. 2. [REGULATORY METHODS.] (a) Where appropriate and feasible, the commissioner shall identify and implement alternative methods of regulation and enforcement to the extent authorized in this subdivision. These methods shall include:

(1) expansion of the types and categories of licenses that may be granted;

(2) when the standards of an independent accreditation body have been shown to predict compliance with the rules, the commissioner shall consider compliance with the accreditation standards to be equivalent to partial compliance with the rules; and

(3) use of an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules.

If the commissioner determines that the methods in clause (2) or (3) can be used in licensing a program, the commissioner may reduce any fee set under section 10 by up to 50 percent.

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

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

Subd. 3. [FEE REDUCTIONS.] If the commissioner determines that the methods in subdivision 2, clause (2) or (3), can be used in licensing a program, the commissioner shall reduce licensure fees by up to 50 percent. The commissioner may adopt rules to provide for the reduction of fees when a license holder substantially exceeds the basic standards for licensure.

Sec. 15. Minnesota Statutes 1986, section 254B.06, subdivision 1, is amended to read:

Subdivision 1. [STATE COLLECTIONS.] The commissioner is responsible for all collections from persons determined to be partially responsible for the cost of care of an eligible person receiving services under Laws 1986, chapter 394, sections 8 to 20. The commissioner may collect all third-party payments for chemical dependency services provided under Laws 1986, chapter 394, sections 8 to 20, including private insurance and federal medicaid and medicare financial participation. The commissioner shall deposit in the general fund a dedicated account a percentage of collections to pay for the cost of operating the chemical dependency consolidated treatment fund invoice processing and vendor payment system, billing, and collections. The remaining receipts must be deposited in the chemical dependency fund.

Sec. 16. Minnesota Statutes 1986, section 254B.08, is amended to read:

254B.08 [FEDERAL WAIVERS.]

The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation for the provision of services to persons who need chemical dependency services. The commissioner may seek amendments to the waivers or apply for additional waivers to contain costs. The commissioner shall ensure that payment for the cost of providing chemical dependency services under the federal waiver plan does not exceed the cost of chemical dependency services that would have been provided without the waived services.

Notwithstanding sections 254B.04 and 256B.02, subdivision 8, clause (18), and rules adopted under section 254B.03, subdivision 5, persons eligible under section 256B.06 for medical assistance benefits shall not be eligible for services reimbursed through the consolidated chemical dependency fund, except for transitional rehabilitation, extended care programs, and culturally specific pro-

grams as defined by Minnesota Rules, part 9530.6605, subpart 13, until the federal Social Security Act, section 2108 (1915B), program waivers are secured. Until the necessary federal program waivers are secured, persons eligible for medical assistance benefits under section 256B.06 shall be eligible for chemical dependency treatment services under section 256B.02, subdivision 8.

Sec. 17. Minnesota Statutes 1986, section 254B.09, subdivision 3, is amended to read:

Subd. 3. [TRIBAL NONPARTICIPATION.] If a federally recognized tribal governing body has not entered into an agreement under subdivision 2 or cancels the agreement, money must be reallocated to the account established by subdivision 5 4.

Sec. 18. Minnesota Statutes 1986, section 254B.09, subdivision 5, is amended to read:

Subd. 5. [TRIBAL RESERVE ACCOUNT.] The commissioner shall reserve 7.5 percent of the American Indian chemical dependency account. The reserve must be allocated to those tribal units that have used all money allocated under subdivision 4 according to agreements made under subdivision 2. An American Indian tribal governing body may receive not more than 30 percent of the reserve account in a year. Reserve payments shall be made only for persons entitled to services under section 254B.04, subdivision 1. Money must be allocated as invoices are received.

Sec. 19. Minnesota Statutes 1986, section 254B.09, subdivision 7, is amended to read:

Subd. 7. [NONRESERVATION INDIAN ACCOUNT.] Fifty percent of the American Indian chemical dependency allocation must be held in reserve by the commissioner in an account for treatment of Indians not residing on lands of a reservation receiving money under subdivision 4. This money must be used to pay for services certified by county invoice to have been provided to an American Indian eligible recipient. Money allocated under this subdivision may be used for payments on behalf of American Indian county residents only if, in addition to other placement standards, the county certifies that the placement was appropriate to the cultural orientation of the client. Any funds for treatment of nonreservation Indians remaining at the end of a fiscal year shall be reallocated under section 254B.02."

Page 8, line 5, after "of service" insert "exclusive of county administrative costs"

Page 8, line 11, after "providers," insert "The county shall provide a written statement of the reasons for not selecting providers."

Page 9, after line 8, insert:

"Sec. 25. [REPEALER.]

Minnesota Statutes 1986, section 256.968, is repealed."

Renumber the sections in sequence

Page 9, delete line 10 and insert "Section 14 is effective the day following enactment. Sections 20 to 24 are effective July 1, 1987."

Delete the title and insert:

"A bill for an act relating to human services; clarifying statutes relating to the preadmission screening program; clarifying chemical dependency consolidated fund administration procedures; amending Minnesota Statutes 1986, sections 246.51; 246.511; 254B.01, subdivision 5; 254B.02, subdivisions 1, 2, 3, and 5; 254B.03, subdivisions 1, 2, 3, 4, and 5; 254B.04; 254B.05; 254B.06, subdivision 1; 254B.08; 254B.09, subdivisions 3, 5, and 7; and 256B.091, subdivisions 2, 3, 4, 6, and 8; repealing Minnesota Statutes 1986, section 256.968."

The motion prevailed and the amendment was adopted.

S. F. No. 593, A bill for an act relating to human services; clarifying statutes relating to the preadmission screening program; amending Minnesota Statutes 1986, section 256B.091, subdivisions 2, 3, 4, 6, and 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Clausnitzer	Hugoson	Kostohryz	Nelson, C.
Battaglia	Cooper	Jacobs	Krueger	Nelson, D.
Bauerly	Dauner	Jaros	Larsen	Nelson, K.
Beard	DeBlick	Jefferson	Lasley	Neuenschwander
Begich	Dille	Jennings	Lieder	O'Connor
Bennett	Dorn	Johnson, A.	Long	Ogren
Bertram	Forsythe	Johnson, R.	Marsh	Olsen, S.
Bishop	Frederick	Johnson, V.	McEachern	Olson, E.
Blatz	Frerichs	Kahn	McLaughlin	Olson, K.
Boo	Greenfield	Kalis	McPherson	Omann
Brown	Gruenes	Kelly	Milbert	Onnen
Burger	Gutknecht	Kelso	Miller	Orenstein
Carlson, D.	Hartle	Kinkel	Minne	Otis
Carlson, L.	Haukoos	Kludt	Morrison	Ozment
Carruthers	Heap	Knickerbocker	Munger	Pappas
Clark	Himle	Knuth	Murphy	Pauly

Pelowski	Riveness	Segal	Thiede	Waltman
Poppenhagen	Rodosovich	Shaver	Tjornhom	Welle
Price	Rose	Simoneau	Trimble	Wenzel
Quinn	Rukavina	Skoglund	Tunheim	Winter
Quist	Sarna	Solberg	Uphus	Wynia
Redalen	Schafer	Sparby	Valento	Spk. Norton
Reding	Scheid	Stanius	Vanasek	
Rest	Schoenfeld	Steensma	Vellenga	
Rice	Schreiber	Sviggum	Voss	
Richter	Seaberg	Swenson	Wagenius	

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

S. F. No. 368, A bill for an act relating to eminent domain; increasing appraisal fees awarded by commissioners; amending Minnesota Statutes 1986, section 117.085.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gruenes	Lasley	Pappas	Skoglund
Battaglia	Gutknecht	Lieder	Pauly	Solberg
Bauerly	Hartle	Long	Pelowski	Sparby
Beard	Haukoos	Marsh	Peterson	Stanius
Begich	Heap	McEachern	Poppenhagen	Steensma
Bennett	Himle	McLaughlin	Price	Sviggum
Bertram	Hugoson	McPherson	Quinn	Swenson
Bishop	Jacobs	Milbert	Quist	Thiede
Blatz	Jaros	Miller	Redalen	Tjornhom
Boo	Jefferson	Morrison	Reding	Trimble
Brown	Jennings	Munger	Rest	Tunheim
Burger	Jensen	Murphy	Rice	Uphus
Carlson, D.	Johnson, A.	Nelson, C.	Richter	Valento
Carlson, L.	Johnson, R.	Nelson, D.	Riveness	Vanasek
Carruthers	Johnson, V.	Nelson, K.	Rodosovich	Vellenga
Clark	Kahn	Neuenschwander	Rose	Voss
Clausnitzer	Kalis	O'Connor	Rukavina	Wagenius
Cooper	Kelly	Ogren	Sarna	Waltman
Dauner	Kelso	Olsen, S.	Schafer	Welle
DeBlieck	Kinkel	Olson, E.	Scheid	Wenzel
Dille	Kludt	Olson, K.	Schoenfeld	Winter
Dorn	Knickerbocker	Omann	Schreiber	Wynia
Forsythe	Knuth	Onnen	Seaberg	Spk. Norton
Frederick	Kostohryz	Orenstein	Segal	
Frerichs	Krueger	Otis	Shaver	
Greenfield	Larsen	Ozment	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 377 was reported to the House.

Johnson, A., moved to amend S. F. No. 377, the unofficial engrossment, as follows:

Page 5, after line 33, insert:

"Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

Pappas moved to amend S. F. No. 377, the unofficial engrossment, as amended, as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1986, section 15.0575, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. Members who are full-time state employees or full-time employees of the political subdivisions of the state shall not receive the \$35 per day, but they shall suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 2. Minnesota Statutes 1986, section 15.059, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the advisory councils and committees shall be compensated at the rate of \$35 per day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Members who, as a result of time spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization. If members who are state employees or employees of political subdivisions receive the \$35 per day, and if the major part of their

activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the \$35 from the employee's compensation for the day. In no other case shall a member who is an employee of the state or a political subdivision suffer a loss in compensation or benefits from the state or political subdivision as a result of service on the council or committee. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 3. Minnesota Statutes 1986, section 15.059, subdivision 6, is amended to read:

Subd. 6. [ADVISORY TASK FORCES.] If the existence of an advisory task force is mandated by statute, the task force shall expire on the date specified in the enabling legislation. If no expiration date is specified, the task force shall expire two years after the effective date of the act creating the advisory task force. If the existence of a task force is authorized but not mandated by statute, the task force shall expire at the pleasure of the person or group which creates the task force, or two years after the first members of the task force are appointed, whichever is sooner. A person or group with discretionary authority to create a task force may create another task force to continue the work of a task force which expires, unless prohibited by other law.

Members of advisory task forces shall not receive the \$35 per diem specified in this section but shall receive expenses in the same manner and amount as provided in the commissioner's plan under section 43A.18, subdivision 2. Members who, as a result of time spent attending task force meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon task force authorization. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours. Members appointed to these advisory task forces shall serve until the expiration date of the advisory task force and may be removed pursuant to subdivision 4."

Page 2, after line 2, insert:

"Sec. 5. Minnesota Statutes 1986, section 214.09, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of \$35 per day spent on board activities,

when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted according to section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. If members who are full-time state employees or employees of the political subdivisions of the state receive the \$35 per day, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the \$35 from the employee's compensation for that day. In no other case shall a board member who is an employee of the state or political subdivision suffer a loss in compensation or benefits as a result of service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon insert "providing reimbursement for certain child care expenses incurred in connection with service on state boards, councils, committees, and task forces;"

Page 1, line 11, after "sections" insert "15.0575, subdivision 3; 15.059, subdivisions 3 and 6;" and after "16B.67;" insert "214.09, subdivision 3;"

POINT OF ORDER

Onnen raised a point of order pursuant to rule 3.9 that the Pappas amendment was not in order. Speaker pro tempore Simoneau ruled the point of order not well taken and the amendment in order.

POINT OF ORDER

Swiggum raised a point of order pursuant to rule 3.10 that the Pappas amendment was not in order. Speaker pro tempore Simoneau ruled the point of order not well taken and the amendment in order.

The question recurred on the adoption of the Pappas amendment to S. F. No. 377, the unofficial engrossment, as amended. The motion prevailed and the amendment was adopted.

Bennett moved to amend S. F. No. 377, the unofficial engrossment, as amended, as follows:

Page 3, line 5, after "members." insert "In its selection of an executive director, the council must, if possible, select a qualified person with a disability."

The motion did not prevail and the amendment was not adopted.

S. F. No. 377, A bill for an act relating to state government; regulating the state council for the handicapped; extending the time for appeals by the council from state building code decisions affecting the interests of handicapped persons; changing the name of the council; amending the duties and responsibilities of the council; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; appropriating money; amending Minnesota Statutes 1986, sections 16B.67; and 256.482.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gruenes	Lasley	Ozment	Simoneau
Battaglia	Gutknecht	Lieder	Pappas	Skoglund
Bauerly	Hartle	Long	Pauly	Solberg
Beard	Haukoos	Marsh	Pelowski	Sparby
Begich	Heap	McEachern	Peterson	Stanisus
Bennett	Himle	McLaughlin	Poppenhagen	Steensma
Bertram	Hugoson	McPherson	Price	Sviggum
Bishop	Jacobs	Milbert	Quinn	Swenson
Blatz	Jaros	Miller	Quist	Thiede
Boo	Jefferson	Morrison	Redalen	Tjornhom
Brown	Jennings	Munger	Reding	Trimble
Burger	Jensen	Murphy	Rest	Tunheim
Carlson, L.	Johnson, A.	Nelson, C.	Rice	Uphus
Carruthers	Johnson, R.	Nelson, D.	Richter	Valento
Clark	Johnson, V.	Nelson, K.	Riveness	Vanasek
Clausnitzer	Kahn	Neuenschwander	Rodosovich	Vellenga
Cooper	Kalis	O'Connor	Rukavina	Voss
Dauner	Kelly	Ogren	Sarna	Wagenius
DeBlick	Kelso	Olson, S.	Schafer	Waltman
Dille	Kinkel	Olson, E.	Scheid	Welle
Dorn	Kludt	Olson, K.	Schoenfeld	Wenzel
Forsythe	Knickerbocker	Omman	Schreiber	Winter
Frederick	Knuth	Onnen	Seaberg	Wynia
Frerichs	Kostohryz	Orenstein	Segal	Spk. Norton
Greenfield	Larsen	Otis	Shaver	

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

S. F. No. 587 was reported to the House.

Sarna moved to amend S. F. No. 587, as follows:

Page 2, after line 12, insert:

"Sec. 2. Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended by Laws 1953, chapter 127, section 4; Laws 1965, chapter 534, section 1; Laws 1967, chapter 825, section 1; Laws 1969, chapter 258, section 1; Laws 1973, chapter 272, section 1; Laws 1975, chapter 428, section 1; and Laws 1983, chapter 88, section 7, is amended to read:

Sec. 7. [MINNEAPOLIS, CITY OF; POLICEMEN'S POLICE PENSIONS.]

The ~~police~~men's police pension fund shall be used only for the payment of:

(a) Service, disability or dependency pensions;

(b) Salaries of the secretary of the association in an amount not to exceed 30 percent of the base salary of a top-grade patrolman and of the president of the association in an amount not to exceed ten percent of the base salary of a top-grade patrolman;

(c) Expenses of officers and employees of the association in connection with the protection of the fund;

(d) All expenses of operating and maintaining the association;

(e) Hospital and medical insurance for pensioners who have completed 20 years or more of service or permanent disabilitants and widows surviving spouses of deceased active members, disabilitants, or service pensioners who have completed 20 years or more of service of one unit per month, such one unit to be added to the pension otherwise provided for herein; provided that a pensioner or ~~widow~~ surviving spouse may in writing authorize a deduction from their pension for an insurance plan adopted by the association;

(f) Health and welfare benefits of one unit per month in addition to other benefits for members who retire after July 1, 1980 and have completed 20 years or more of service or members who are permanent disabilitants; and

(g) Other expenses authorized by law.

Sec. 3. Laws 1949, chapter 406, section 5, subdivision 1, as amended by Laws 1953, chapter 127, section 5, subdivision 1, Laws 1969, chapter 560, section 1, and Laws 1983, chapter 88, section 8, is amended to read:

Subdivision 1. [PERSON'S MINNEAPOLIS POLICE; PERSONS ENTITLED TO RECEIVE.] The association shall grant pensions payable from the policemen's police pension fund in monthly installments, in the manner and for the following purposes:

(1) Any active member of the age of 50 years or more, and any deferred pensioner who performs has performed duty as a member of the police department of the city for 20 five years or more, upon his written application after retiring from such duty, shall and reaching at least age 50 is entitled to be paid monthly during his lifetime a for life a service pension equal to 32 units and an additional unit for each year of such service in excess of 20 years, but after completion of the 25th year of service the member shall receive 40 units thereafter.

(2) Any active member who performs duty as a member of the police department of the city for 20 years or more who retires from such duty before he attains the age of 50 years, upon his written application after reaching the age of 50 years shall be paid monthly during his lifetime a pension equal to 32 units and an additional unit for each year of such service in excess of 20 years, but after completion of the 25th year of service the member shall receive 40 units thereafter eight units. For full years of service beyond five years, the service pension increases to a maximum of 40 units, as follows:

Sixth through 20th years.....1.6 units per year

21st through 24th years1.0 units per year

25th year 4.0 units.

Fractional years of service may not be used in computing pensions.

(3) ~~To~~ (2) Any active member who shall, after ten five years' service but with less than 20 years' service with the police department of the city, ~~become~~ becomes superannuated so as to be permanently unable to perform his assigned duties, there shall be paid monthly during his lifetime for life a pension equal to 12 two units for ten five years of service and an additional two units for each completed full year of such service over ten five years and less than 20 years.

(4) ~~To~~ (3) Any active member not eligible for a service pension who, while a member of the police department of the city, becomes diseased or sustains an injury while in the service which permanently unfits him the member for the performance of police duties, there shall be paid monthly during his lifetime for life a pension equal to 32 units while so disabled.

Sec. 4. Laws 1949, chapter 406, section 5, subdivision 3, as amended by Laws 1953, chapter 127, section 5, subdivision 2, and Laws 1983, chapter 88, section 9, is amended to read:

Subd. 2. [PAYMENTS, MEMBER SEPARATED FROM THE SERVICE MINNEAPOLIS POLICE; REFUNDS PROHIBITED.] If an active member of the police department of the city is separated from the service after having completed not less than five years of service, under such circumstances that no pension benefits are payable to him or to his widow or to his children, the association shall return to him the sum of \$500, with an additional \$100 for each completed year of service in excess of five. In the event the member is reinstated to police duty all moneys paid him shall be returned to the pension fund within six months from the date of the reinstatement. Failure to do so relieves the association from any liability as to prior years of service credit as to reinstatement date. In case of the death of the member any such sums shall be paid to his heirs, executors, or administrators. No refund of contributions may be made upon separation from service; provided, however, that if an active member dies leaving no surviving spouse or children, the member's heirs, executors, or administrators are entitled to a refund of \$100 for each completed year of service.

Sec. 5. Laws 1949, chapter 406, section 6, subdivision 1, as amended by Laws 1953, chapter 127, section 6, and Laws 1967, chapter 820, section 1, is amended to read:

Subdivision 1. [MINNEAPOLIS POLICE SURVIVOR BENEFITS; PERSONS TO WHOM GRANTED.] The association shall grant pensions or benefits payable from the policemen's police pension fund to any member or to any widow surviving spouse or to any child under 18 years of age or any member from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) a widow surviving spouse, who was his a legally married wife spouse, residing with him the decedent, and who was married while or prior to the time he the decedent was on the payroll of the police department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before his retirement from the police department; or

(2) a child or children, who were living while the deceased was on the payroll of the police department or born within nine months after the decedent was withdrawn from such the payroll, the widow surviving spouse and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the widow surviving spouse of a deceased active member or disabilitant, a pension of 18 units per month for life. If the surviving spouse remarries, the pension ceases as of the date of the remarriage.

(b) To the surviving spouse of a deceased deferred or retired member, a pension of 18 4.5 units per month for her natural life; but, plus an additional nine-tenths of one unit per month for every year of service of the decedent beyond five years to a maximum of 18 units. If she remarry the surviving spouse remarries, the pension shall cease ceases as of the date of the remarriage.

(b) (c) To each child of a deceased active member or disabilitant, a pension of six units per month until the child reaches the age of 18 years; or in the case of a child in full-time attendance during the normal school year, in a school approved by the board of directors, until the child receives a bachelor's degree or attains the age of 22 years, whichever occurs first.

(d) To each child of a deceased deferred or retired member, a pension of 1.5 units per month plus three-tenths of one unit per month for every year of service of the decedent beyond five years to a maximum of six units until the child reaches the age of 18 years; or, in the case of a child in full-time attendance during the normal school year in a school approved by the board of directors, until the child receives a bachelor's degree or attains the age of 22 years, whichever is first.

The total pensions hereunder for the widow surviving spouse and children of a deceased member shall not exceed 32 units per month.

Sec. 6. Laws 1980, chapter 607, article 15, section 9, is amended to read:

Sec. 9. [MINNEAPOLIS POLICE AND FIRE; HEALTH AND WELFARE BENEFIT.] Notwithstanding any law to the contrary, any person who, after July 1, 1980, retires on a service pension with at least 20 years of service or a permanent disability benefit from the Minneapolis police relief association or the Minneapolis firefighters relief association shall be entitled on January 1, 1981, or upon the date of retirement, whichever occurs later, to receive a monthly health and welfare benefit unless the city of Minneapolis elects to retain the local relief association by the adoption of a municipal resolution pursuant to section 4, subdivision 1. The monthly health and welfare benefit shall be an amount equal to one unit as defined pursuant to Laws 1963, Chapter 315, Section 1, Subdivision 3, for the Minneapolis police relief association, or Minnesota Statutes, section 69.45, for the Minneapolis firefighters relief association, whichever is applicable. The monthly health and welfare benefit shall be paid to the retired member unless the retired member designates in writing that the amount be paid to an

insurance carrier to defray the cost of any health or welfare related insurance coverage.

Sec. 7. [SAVINGS CLAUSE.]

Nothing in sections 2 to 6 impairs or diminishes the benefits paid to members, spouses, or children of a member of the Minneapolis police relief association or the entitlement that members, spouses, or children had to benefits before the effective date of sections 2 to 6.

Sec. 8. [EFFECTIVE DATES.]

Sections 2 to 7 are effective upon approval by the Minneapolis council and compliance with Minnesota Statutes, section 645.021."

Amend the title as follows:

Page 1, line 2, after "state" insert "and local"

Page 1, line 4, after the semicolon insert "Minneapolis police relief association service pensions and survivor benefits;"

Page 1, line 6, before the period insert "and Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended, section 5, subdivisions 1 and 3, as amended, and section 6, subdivision 1; and Laws 1980, chapter 607, article 15, section 9."

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Beard moved that the rule therein be suspended and an urgency be declared so that S. F. No. 587, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Beard moved that the Rules of the House be so far suspended that S. F. No. 587, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 587, A bill for an act relating to state government; adding certain emergency personnel to the list of people eligible for benefits from the peace officers benefit fund; amending Minnesota Statutes 1986, section 176B.01, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Gruenes	Lasley	Ozment	Simoneau
Battaglia	Gutknecht	Lieder	Pappas	Skoglund
Bauerly	Hartle	Long	Pauly	Solberg
Beard	Haukoos	Marsh	Pelowski	Sparby
Begich	Heap	McEachern	Peterson	Stanis
Bennett	Himle	McLaughlin	Poppenhagen	Steensma
Bertram	Hugoson	McPherson	Price	Sviggum
Bishop	Jacobs	Milbert	Quinn	Swenson
Blatz	Jaros	Miller	Quist	Thiede
Boo	Jefferson	Minne	Redalen	Tjornhom
Brown	Jennings	Morrison	Reding	Trimble
Burger	Jensen	Munger	Rest	Tunheim
Carlson, D.	Johnson, A.	Murphy	Rice	Uphus
Carlson, L.	Johnson, R.	Nelson, C.	Richter	Valento
Carruthers	Johnson, V.	Nelson, D.	Riveness	Vanasek
Clark	Kahn	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Kalis	Neuenschwander	Rose	Voss
Cooper	Kelly	O'Connor	Rukavina	Wagenius
Dauner	Kelso	Ogren	Sarna	Waltman
DeBlicke	Kinkel	Olsen, S.	Schafer	Welle
Dille	Kludt	Olson, E.	Scheid	Wenzel
Dorn	Knickerbocker	Olson, K.	Schoenfeld	Winter
Forsythe	Knuth	Omann	Schreiber	Wynia
Frederick	Kostohryz	Onnen	Seaberg	Spk. Norton
Frerichs	Krueger	Orenstein	Segal	
Greenfield	Larsen	Otis	Shaver	

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

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 234

A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181.

May 16, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 234, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 234 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [181.93] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 5, the following terms have the meanings given to them in this section.

Subd. 2. [EMPLOYEE.] "Employee" means a person who performs services for hire for an employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by an employer. Employee does not include an independent contractor.

Subd. 3. [EMPLOYER.] "Employer" means a person or entity that employs 21 or more employees at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Sec. 2. [181.94] [PARENTING LEAVE.]

Subdivision 1. [SIX-WEEK LEAVE; BIRTH OR ADOPTION.] An employer must grant an unpaid leave of absence to an employee who has been employed by the employer for at least 12 months and who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of the leave shall be determined by the employee, but may not exceed six weeks, unless agreed to by the employer.

Subd. 2. [START OF LEAVE.] The leave shall begin at a time requested by the employee. The employer may adopt reasonable policies governing the timing of requests for unpaid leave. The leave may begin not more than six weeks after the birth or adoption.

Subd. 3. [NO EMPLOYER RETRIBUTION.] An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. [CONTINUED INSURANCE.] The employer shall continue to make coverage available to the employee, while on leave of absence, under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents. Nothing in this section requires the employer to pay the costs of the insurance or health care while the employee is on leave of absence.

Sec. 3. [181.95] [REINSTATEMENT AFTER LEAVE.]

Subdivision 1. [COMPARABLE POSITION.] An employee returning from a leave of absence shall be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave.

If, during the leave, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Subd. 2. [PAY; BENEFITS; ON RETURN.] An employee returning from a leave of absence shall return to work at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during leave period. The employee returning from a leave shall retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 1 to 4 prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

Subd. 3. [PART-TIME RETURN.] An employee, by agreement with the employer, may return to work part time during the leave period without forfeiting the right to return to employment at the end of the leave period, as provided in sections 1 to 4.

Sec. 4. [181.97] [RELATIONSHIP TO OTHER LEAVE.]

The length of leave provided by this act may be reduced by any period of paid parental or disability leave provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

Nothing in sections 1 to 4 prevents any employer from providing parental leave benefits in addition to those provided in sections 1 to 4 or otherwise affects an employee's rights with respect to any other employment benefit.

Sec. 5. [181.98] [INDIVIDUAL REMEDIES.]

In addition to any remedies otherwise provided by law, any person injured by a violation of sections 1 to 4 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may

receive injunctive and other equitable relief as determined by a court."

Delete the title and insert:

"A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; proposing coding for new law in Minnesota Statutes, chapter 181."

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

House Conferees: PETER McLAUGHLIN, KATHLEEN A. BLATZ AND ANN H. REST.

Senate Conferees: DONNA C. PETERSON, PAT PIPER AND DON FRANK.

McLaughlin moved that the report of the Conference Committee on H. F. No. 234 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 234, A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Carlson, L.	Himle	Kelso	McLaughlin
Battaglia	Carruthers	Jacobs	Kinkel	McPherson
Bauerly	Clark	Jaros	Kludt	Milbert
Beard	Cooper	Jefferson	Knickerbocker	Minne
Begich	DeBleck	Jennings	Knuth	Morrison
Bennett	Dille	Jensen	Kostohryz	Munger
Bertram	Dorn	Johnson, A.	Krueger	Murphy
Bishop	Forsythe	Johnson, R.	Larsen	Nelson, C.
Blatz	Greenfield	Johnson, V.	Lasley	Nelson, D.
Boo	Gruenes	Kahn	Long	Nelson, K.
Brown	Gutknecht	Kalis	Marsh	Neuenschwander
Burger	Hartle	Kelly	McEachern	O'Connor

Ogren	Pelowski	Rukavina	Stanisus	Voss
Olson, S.	Peterson	Sarna	Steensma	Wagenius
Olson, E.	Price	Scheid	Sviggum	Waltman
Olson, K.	Quinn	Schoenfeld	Swenson	Welle
Omann	Redalen	Schreiber	Tjornhom	Wenzel
Omnen	Reding	Seaberg	Trimble	Winter
Orenstein	Rest	Segal	Tunheim	Wynia
Otis	Rice	Simoneau	Uphus	Spk. Norton
Ozment	Riveness	Skoglund	Valento	
Pappas	Rodosovich	Solberg	Vanasek	
Pauly	Rose	Sparby	Vellenga	

Those who voted in the negative were:

Clausnitzer	Frerichs	Hugoson	Quist	Shaver
Dauner	Haukoos	Miller	Richter	Thiede
Frederick	Heap	Poppenhagen	Schafer	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS, Continued

The Speaker resumed the Chair.

Rodosovich and Anderson, R., were excused while in conference.

H. F. No. 777 was reported to the House.

Frerichs moved to amend H. F. No. 777, the third engrossment, as follows:

Page 2, line 32, delete "No"

Page 2, line 33, delete "absence" and insert "use"

Page 2, line 34, delete "may" and insert "must"

Page 3, line 2, delete "not"

A roll call was requested and properly seconded.

The question was taken on the Frerichs amendment and the roll was called. There were 26 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Bennett	Blatz	Burger	Forsythe	Gruenes
Bishop	Boo	Clausnitzer	Frerichs	Gutknecht

Haukoos	Olsen, S.	Schafer	Swenson
Heap	Pauly	Schreiber	Thiede
Knickerbocker	Price	Shaver	Tjornhom
Marsh	Rose	Stanisus	Valento

Those who voted in the negative were:

Bauerly	Jaros	Lieder	Omann	Segal
Beard	Jefferson	Long	Onnen	Simoneau
Bertram	Jensen	McEachern	Orenstein	Solberg
Brown	Johnson, A.	McPherson	Otis	Sparby
Carlson, L.	Johnson, R.	Milbert	Ozment	Steensma
Carruthers	Johnson, V.	Minne	Pelowski	Sviggum
Clark	Kahn	Morrison	Peterson	Trimble
Cooper	Kalis	Munger	Poppenhagen	Tunheim
Dauner	Kelly	Murphy	Quinn	Uphus
DeBleck	Kelso	Nelson, C.	Reding	Vanasek
Dorn	Kinkel	Nelson, K.	Rice	Vellenga
Frederick	Kludt	Neuenschwander	Richter	Voss
Greenfield	Kostohryz	O'Connor	Rukavina	Waltman
Hartle	Krueger	Ogren	Scheid	Wenzel
Himle	Larsen	Olson, E.	Schoenfeld	Winter
Hugoson	Lasley	Olson, K.	Seaberg	Spk. Norton

The motion did not prevail and the amendment was not adopted.

H. F. No. 777, A bill for an act relating to motor fuels; trade practices; extending the expiration of the ethanol development fund to the year 2000; prohibiting "no ethanol" signs; appropriating money for promoting ethanol; amending Minnesota Statutes 1986, sections 41A.09, subdivisions 3 and 5; and 325E.09, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Battaglia	Himle	Lasley	Onnen	Schoenfeld
Begich	Hugoson	Lieder	Otis	Seaberg
Bertram	Jaros	McEachern	Ozment	Solberg
Bishop	Jefferson	McPherson	Pauly	Sparby
Boo	Jennings	Miller	Pelowski	Steensma
Brown	Jensen	Minne	Peterson	Sviggum
Burger	Johnson, A.	Morrison	Poppenhagen	Swenson
Carruthers	Johnson, V.	Munger	Price	Tunheim
Clark	Kahn	Murphy	Quinn	Uphus
Cooper	Kalis	Nelson, C.	Quist	Valento
Dauner	Kelly	Nelson, K.	Redalen	Vanasek
DeBleck	Kelso	Neuenschwander	Reding	Voss
Dille	Kinkel	O'Connor	Rice	Waltman
Dorn	Kludt	Ogren	Richter	Welle
Frederick	Knuth	Olson, E.	Rukavina	Wenzel
Greenfield	Kostohryz	Olson, K.	Sarna	Winter
Hartle	Krueger	Omann	Schafer	Spk. Norton

Those who voted in the negative were:

Beard	Gutknecht	Marsh	Rose	Trimble
Bennett	Haukoos	Milbert	Scheid	Wagenius
Carlson, L.	Heap	Olsen, S.	Shaver	
Clausnitzer	Jacobs	Orenstein	Stanisus	
Forsythe	Knickerbocker	Rest	Thiede	
Gruenes	Larsen	Riveness	Tjornhom	

The bill was passed and its title agreed to.

Jennings was excused for the remainder of today's session.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1516.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1516

A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 28A.08; 32.075; 32.59; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 138.65; 138.91, by adding a subdivision; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; amending Laws 1975, chapter 235, section 2, as amended.

May 17, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1516, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1516 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1987," "1988," and "1989," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1987, June 30, 1988, or June 30, 1989, respectively.

SUMMARY BY FUND

	1987	1988	1989	TOTAL
General				
	\$1,089,200	\$ 89,791,000	\$ 89,138,200	\$ 180,018,400
Special Revenue				
		4,310,400	4,660,400	8,970,800
Airports				
		10,910,800	11,707,000	22,617,800
M.S.A.S.				
		58,750,000	59,250,000	118,000,000
C.S.A.H.				
		183,550,000	184,915,000	368,465,000

Tr. Hwy.

	648,724,900	646,769,000	1,295,493,900
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Hwy. User

	9,690,500	9,770,700	19,461,200
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Transit Assistance

	7,100,000	7,425,000	14,525,000
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Motor Vehicle Transfer

	868,800	868,800	1,737,600
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Transfers to Other Direct

	(1,600,400)	(1,638,800)	(3,239,200)
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TOTAL

\$1,089,200	\$1,012,096,000	\$1,012,865,300	\$2,026,050,500
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APPROPRIATIONS
Available for the Year
Ending June 30

1988	1989
------	------

\$	\$
----	----

Sec. 2. TRANSPORTATION

Subdivision 1. Total Appropriation	855,432,300	856,083,400
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1988	1989
------	------

Approved Complement -

4,651	4,648
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General-

15	14
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State Airports-

40	40
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Trunk Highway-

4,580	4,580
-------	-------

Federal-

16	16
----	----

1988

1989

\$

\$

The appropriations in this section are from the trunk highway fund, except where another fund is named.

Summary by Fund

General

\$ 5,107,200 \$ 4,912,200

Airports

\$ 10,910,800 \$ 11,707,000

M.S.A.S.

\$ 58,750,000 \$ 59,250,000

C.S.A.H.

\$183,550,000 \$184,915,000

Trunk Highway

\$594,825,500 \$592,930,400

Transit Assistance Fund

\$ 1,420,000 \$ 1,500,000

Motor Vehicle Transfer

\$ 868,800 \$ 868,800

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Highway Development 596,998,500 597,409,700

Summary by Fund

M.S.A.S.

\$ 58,750,000 \$ 59,250,000

C.S.A.H.

\$183,550,000 \$184,915,000

Trunk Highway

\$353,829,700 \$352,375,900

Motor Vehicle Transfer

\$ 868,800 \$ 868,800

	1988	1989
(a) Trunk Highway Development	\$	\$
	1988	1989
	\$343,609,100	\$343,569,100

Summary by Fund

Trunk Highway		
	\$342,740,300	\$342,700,300
Motor Vehicle Transfer		
	\$ 868,800	\$ 868,800

It is estimated that the appropriation from the trunk highway fund will be funded as follows:

Federal Highway Aid		
	\$222,000,000	\$207,000,000
Highway User Taxes		
	\$120,740,300	\$135,700,300

The commissioner of transportation shall notify the chair of the senate finance committee and chair of the house appropriations committee promptly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to land owners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses.

(b) County State Aids		
	\$183,550,000	\$184,915,000

This appropriation is from the county state-aid highway fund and is available until spent.

(c) Municipal State Aids		
	\$ 58,750,000	\$ 59,250,000

1988

1989

\$

\$

This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(d) Highway Debt Service

\$ 11,089,400 \$ 9,675,600

For transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

Subd. 3. Highway Operations

169,520,600 169,138,700

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Maintenance

\$119,367,300 \$119,119,100

	1988	1989
	\$	\$
The commissioner of transportation shall assume the responsibility of operating the Anchor Lake travel information center effective July 1, 1987.		

(b) Construction Support

\$ 50,153,300	\$ 50,019,600
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Subd. 4. Technical Services

38,444,200

38,343,400

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Program Delivery

\$ 35,057,200	\$ 34,965,800
---------------	---------------

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. Expenditures from this account are subject to the approval of the commissioner of finance. Reimbursements must be deposited in the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(b) State Aid Technical Assistance

\$ 911,900	\$ 909,900
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(c) Electronic Communications

\$ 2,475,100	\$ 2,467,700
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Subd. 5. Non-Metropolitan Transit Assistance

5,800,000

5,720,000

Summary by Fund

General

\$ 4,380,000	\$ 4,220,000
--------------	--------------

Transit Assistance

\$ 1,420,000	\$ 1,500,000
--------------	--------------

	1988	1989
	\$	\$
Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.		

Subd. 6. Program Management	7,330,300	7,297,000
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Summary by Fund

General		
\$ 683,600	\$	645,900

Trunk Highway		
\$ 6,646,700	\$	6,651,100

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Highway Programs		
\$ 1,789,100	\$	1,784,600

Summary by Fund

General		
\$ 70,900	\$	70,900

Trunk Highway		
\$ 1,718,200	\$	1,713,700

\$225,000 the first year and \$225,000 the second year are available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.

(b) Motor Carrier Safety and Compliance		
\$ 1,062,200	\$	1,059,600

(c) Railroads and Waterways		
\$ 908,200	\$	905,900

			\$	1988	\$	1989
Summary by Fund						
General	\$	233,600	\$	233,300		
Trunk Highway	\$	674,600	\$	672,600		
(d) Transit Administration	\$	594,000	\$	556,500		

Summary by Fund						
General	\$	379,100	\$	341,700		
Trunk Highway	\$	214,900	\$	214,800		
(e) Transportation Data, Research, and Analysis	\$	2,976,800	\$	2,990,400		

Subd. 7. General Support Services				26,572,400		26,607,600
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Summary by Fund						
General	\$	43,600	\$	46,300		
Airports	\$	144,500	\$	140,000		
Trunk Highway	\$	26,384,300	\$	26,421,300		

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Finance and Administration	\$	8,556,600	\$	8,530,500		
(b) General Services	\$	7,355,100	\$	7,425,100		

Summary by Fund						
General	\$	38,900	\$	41,600		

			1988	1989
			\$	\$
Airports				
	\$ 78,800	\$	83,100	
Trunk Highway				
	\$ 7,237,400	\$	7,300,400	
(c) Equipment				
	\$ 9,672,500	\$	9,663,800	

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

General				
	\$ 4,700	\$	4,700	
Airports				
	\$ 65,700	\$	56,900	
Trunk Highway				
	\$ 9,602,100	\$	9,602,200	
(d) Legal Services				
	\$ 988,200	\$	988,200	

This appropriation is for the purchase of legal services from or through the attorney general.

Subd. 8. Aeronautics	10,766,300	11,567,000
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This appropriation is from the state airports fund.

(a) Aeronautics Operations	\$ 1,089,500	\$ 1,156,800
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(b) Airport Development and Assistance	\$ 9,572,700	\$ 10,306,100
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\$1,563,700 the first year and \$1,546,600 the second year are for navigational aids.

\$4,828,800 the first year and \$5,689,100 the second year are for airport construction grants.

	1988	1989
\$	\$	
\$1,713,000 the first year and \$1,713,000 the second year are for airport maintenance grants.		

If the appropriation for either year for navigational aids, airport construction grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. The appropriations for construction grants and maintenance grants must be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations must be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4.

The commissioner of transportation may transfer unencumbered balances among the appropriations for airport development and assistance with the approval of the governor after consultation with the legislative advisory commission.

\$8,000 the first year and \$8,000 the second year are for maintenance of the Pine Creek Airport.

(c) Air Transportation Services		
\$	39,100	\$ 39,100

(d) Civil Air Patrol		
\$	65,000	\$ 65,000

Subd. 9. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for trunk highway development. No transfer may be made from

	1988	1989
the appropriations for debt service to any other appropriation. Transfers may not be made between funds. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.	\$	\$

Subd. 10. Contingent Appropriations

(a) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the state airports fund to an appropriation for state airports purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the state airports fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

(b) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation for trunk highway purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the trunk highway fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. REGIONAL TRANSIT BOARD

20,450,000	20,450,000
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Summary by Fund

General

\$ 14,770,000	\$ 14,525,000
---------------	---------------

Transit Assistance

\$ 5,680,000	\$ 5,925,000
--------------	--------------

	1988	1989
	\$	\$
The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.		
Notwithstanding Minnesota Statutes, section 473.398, the regional transit board may expend the funds appropriated by this section for the purposes stated herein.		
Subdivision 1. Regular Route Service	11,721,500	11,721,500
Subd. 2. Metro Mobility	6,250,000	6,250,000
Subd. 3. Small Urban, Rural, and Replacement Services	730,000	730,000
Subd. 4. Test Marketing of New Services	448,500	448,500
Subd. 5. Light Rail Transit Studies	200,000	200,000
Subd. 6. Planning and Programs	750,000	750,000
Subd. 7. Administration	350,000	350,000

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

No more than \$1,300,000 the first year and \$1,300,000 the second year may be used for regional transit board administration, planning, programs, and light rail transit studies.

The board may supplement any of the appropriations made in this section from its fund balance reserve.

The board shall not spend any funds on light rail transit planning or preliminary engineering or test marketing of new services if the expenditure of the funds reduces the level of regular route transit service provided by the metropolitan transit commission or other operators.

	\$ 1988	\$ 1989
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The board may not allow the metropolitan transit commission to alter fare schedules existing on January 1, 1987, until the board has adopted a plan and policies on fares as required by Laws 1985, First Special Session chapter 10, section 30, and has submitted its plan to the senate transportation and finance committees and the house of representatives metropolitan affairs and appropriations committees for their review and comment.

The regional transit board may not be a recipient of federal capital or operating assistance for transit. The board shall study and report to the legislature by January 1, 1988, on the effects, advantages, and disadvantages of transferring the authority to receive these funds from the commission to the board and on how and for what purpose the board would use the funds differently than the commission would use the funds.

Sec. 4. TRANSPORTATION REGULATION BOARD

531,500	531,500
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Approved Complement - 8

This appropriation is from the trunk highway fund.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total Appropriation	81,888,100	81,990,800
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Approved Complement - 1,676.4

General - 393.7

Special Revenue - 3

Trunk Highway - 1,060.8

Highway User - 173.6

Federal - 48.3

	1988	1989
The above approved complement includes 511 for state-funded, unclassified patrol officers and supervisors of the state patrol. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section, provided that the above complement must be reduced accordingly.	\$	\$

Summary by Fund

General

\$ 20,905,800	\$ 20,977,500
---------------	---------------

For 1987 - \$900,000

Trunk Highway

\$ 52,517,200	\$ 52,456,400
---------------	---------------

Highway User

\$ 9,565,500	\$ 9,645,700
--------------	--------------

Special Revenue

\$ 500,000	\$ 550,000
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Transfers to Other

Direct

(\$ 1,600,400)	(\$ 1,638,800)
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The amounts shown in the program totals are reduced by \$87,500 the first year and \$87,500 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

Subd. 2. Administration and Related Services

\$ 4,048,200	\$ 4,046,900
--------------	--------------

		1988	1989
		\$	\$
Summary by Fund			
General			
	\$ 52,500	\$ 52,500	
Trunk Highway			
	\$ 3,905,700	\$ 3,904,400	
Highway User			
	\$ 90,000	\$ 90,000	
Subd. 3. Emergency Services			
	\$ 886,300	\$ 887,000	

\$341,700 the first year and \$342,000 the second year are for nuclear plant preparedness. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 4. Criminal Apprehension
\$ 11,145,900 \$ 11,239,400

Summary by Fund

General			
	\$ 10,221,300	\$ 10,313,200	
Trunk Highway			
	\$ 924,600	\$ 926,200	

\$223,300 the first year and \$223,300 the second year are for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$171,000 the first year and \$171,000 the second year are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

1988

1989

\$

\$

The commissioner of public safety may charge tuition to cover the cost of continuing education courses provided by the bureau of criminal apprehension when money available to the commissioner for this purpose is not adequate to pay these costs. The tuition fees collected by the commissioner are annually appropriated to the commissioner.

Subd. 5. Fire Safety

\$ 1,801,800	\$ 1,798,800
--------------	--------------

Subd. 6. State Patrol

\$ 34,456,000	\$ 34,375,600
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This appropriation is from the trunk highway fund.

No more than five positions in the state patrol support activity may be filled by state troopers.

The commissioner may not require the use of gasohol in the operation of state patrol vehicles.

During the biennium ending June 30, 1989, and notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to eight hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 to the employee's union representative for the purpose of carrying out the duties of office.

Subd. 7. Capitol Security

\$ 1,285,500	\$ 1,271,000
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Subd. 8. Driver and Vehicle Licensing

\$ 26,163,100	\$ 26,231,600
---------------	---------------

		\$	1988	\$	1989
Summary by Fund					
General		\$	4,303,600	\$	4,309,300
Trunk Highway		\$	13,230,900	\$	13,250,200
Highway User		\$	8,628,600	\$	8,672,100
\$471,400 the first year and \$471,400 the second year are for alcohol assessment reimbursements to counties.					
Subd. 9. Liquor Control		\$	694,800	\$	684,400
Subd. 10. Ancillary Services		\$	1,494,000	\$	1,543,600
For 1987 - \$900,000					

Summary by Fund

General		\$	994,000	\$	993,600
For 1987 - \$900,000					
Special Revenue		\$	500,000	\$	550,000

\$900,000 for fiscal year 1987 is for the crime victims reparation board and is added to the appropriation in Laws 1985, First Special Session chapter 10, section 4, subdivision 10.

\$1,797,200 the first year and \$1,846,900 the second year are for the crime victims reparations board, of which \$1,297,200 the first year and \$1,296,900 the second year are from the general fund and \$500,000 the first year and \$550,000 the second year are from the crime victim and witness account in the special revenue fund. Any unencumbered balance remaining the

	1988	1989
first year does not cancel but is available for the second year of the bien-nium.	\$	\$

Notwithstanding any other law to the contrary, the crime victims reparations board shall, to the extent possible, distribute the appropriation in equal monthly increments for fiscal year 1988 and fiscal year 1989. In no case shall the total awards exceed the appropriation made in this subdivision.

\$115,000 the first year and \$115,000 the second year is for hazardous substance notification and response. One of the two positions in this activity is in the unclassified service.

\$51,800 the first year and \$51,700 the second year are for the expenses of the private detective and protective agency licensing board.

Subd. 11. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs within a fund. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 12. Reimbursements

(a) \$753,500 for the first year and \$755,200 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1988, and January 1, 1989, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the

	1988	1989
	\$	\$
administration and related services program.		

(b) \$326,000 for the first year and \$327,300 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1988, and January 1, 1989, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

(c) \$520,900 for the first year and \$556,300 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1988, and January 1, 1989, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

Sec. 6. BOARD OF PEACE OFFICER STANDARDS AND TRAINING

General Operations and Management	3,300,000	3,600,000
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Approved Complement - 9

These appropriations are from the peace officers training account in the special revenue fund.

Notwithstanding any other law to the contrary, any presently duly elected sheriff must be licensed by the board as a peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,

1988 1989

\$ \$

paragraph (c), provided that the sheriff must complete all current board requirements by June 30, 1989. Failure to complete board requirements by June 30, 1989, shall result in revocation of any license granted, with the office of sheriff being declared vacant. An election must be held to fill the vacancy in the office of sheriff as provided by law.

Sec. 7. AGRICULTURE

Subdivision 1. Total Appropriation 9,735,900 9,768,500

1988 1989

Approved Complement -
451.8 455.8

General-
177.8 177.8

Special/Revolving-
255.7 259.7

Federal-
18.3 18.3

Summary by Fund

General
\$ 9,548,100 \$ 9,580,700

Special Revenue
\$ 187,800 \$ 187,800

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The amounts shown in the program totals are reduced by \$190,000 the first year and \$190,000 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

Subd. 2. Protection Service
\$ 3,580,000 \$ 3,563,600

1988

1989

\$

\$

Of this amount \$40,000 the first year and \$40,000 the second year are to increase the detection and management of oak wilt in the state's shade trees. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 3. Family Farm Security

\$ 2,384,000 \$ 2,383,400

\$1,800,000 the first year and \$1,800,000 the second year are for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. No new loans may be approved in fiscal year 1988 or 1989. The participant's interest in a family farm loan guarantee executed before the effective date of this act may be assigned to a new participant.

\$288,900 the first year and \$288,900 the second year are for farm crisis assistance.

Subd. 4. Administrative Support and Grants

\$ 3,961,900 \$ 4,011,500

Summary by Fund

General

\$ 3,774,100 \$ 3,823,700

Special Revenue

\$ 187,800 \$ 187,800

\$30,900 the first year and \$30,900 the second year are for payment of claims relating to livestock damaged by endangered animal species. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

	1988	1989
\$187,800 the first year and \$187,800 the second year are from the commodities research and promotion account in the special revenue fund.	\$	\$

\$102,500 the first year and \$102,500 the second year are for the seaway port authority of Duluth.

Subd. 5. Transfers

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 8. BOARD OF WATER AND SOIL RESOURCES

3,789,500	3,787,300
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Approved Complement - 19

\$10,000 the first year and \$10,000 the second year is for the International Water Coalition.

\$814,200 the first year and \$814,200 the second year are for general purpose grants-in-aid to soil and water conservation districts.

\$152,300 the first year and \$152,300 the second year are for grants to districts for technical assistance, education, and demonstrations of conservation tillage.

\$198,500 the first year and \$198,500 the second year are for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

	1988	1989
\$1,501,000 the first year and \$1,501,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management.	\$	\$

The appropriations in this section for the southern Minnesota river basin study area 2 and for grants to soil and water districts for cost-sharing contracts for erosion control and water quality management are available until expended.

\$158,700 the first year and \$158,700 the second year are for grants-in-aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants must not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority must be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$12,400 the first year and \$12,400 the second year are for grants to soil and water conservation districts for review and comment on water permits.

Sec. 9. BOARD OF ANIMAL HEALTH

1,595,100	1,585,300
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Approved Complement - 36

This appropriation includes \$24,900 the first year and \$24,900 the second year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 must not be paid.

Sec. 10. COMMERCE

	1988	1989
Subdivision 1. Total Appropriation	\$ 9,833,600	\$ 9,571,000
Approved Complement - 239		
General - 236		
Special Revenue - 3		

Summary by Fund

General
\$ 9,572,400 \$ 9,309,700

For 1987 - \$189,200

Special Revenue
\$ 261,200 \$ 261,300

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Financial Examinations
\$ 3,990,100 \$ 3,969,300

For 1987 - \$189,200

This appropriation is for bank examinations and is added to the appropriation in Laws 1985, First Special Session chapter 10, section 7, subdivision 2.

Subd. 3. Registration and Analysis
\$ 1,716,500 \$ 1,696,700

Subd. 4. Administrative Services
\$ 1,627,100 \$ 1,627,800

Subd. 5. Enforcement and Licensing
\$ 2,434,100 \$ 2,277,200

Summary by Fund

General
\$ 2,172,900 \$ 2,015,900

Special Revenue
\$ 261,200 \$ 261,300

	1988	1989
	\$	\$
\$261,200 the first year and \$261,300 the second year are from the real estate education, research and recovery account in the special revenue fund for the purpose of Minnesota Statutes, section 82.34, subdivision 6. If the appropriation from the special revenue fund for either year is insufficient, the appropriation for the other year is available for it.		

Subd. 6. Farm Loan Interest Buy-Down		
	\$	62,000

Subd. 7. Legislative Coordinating Commission		
	\$	3,800

This appropriation is transferred to the legislative coordinating commission for the legislative study commission on government and business competition.

Subd. 8. Transfers

The commissioner with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 11. NON-HEALTH-RELATED BOARDS

Subdivision 1. Total for this section	890,900	891,200
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Subd. 2. Board of Abstractors	3,900	3,900
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Subd. 3. Board of Accountancy	344,600	340,800
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Approved Complement - 5

Subd. 4. Board of Architecture, Engineering, Land Surveying, and Landscape Architecture	351,500	357,700
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	1988	1989
	\$	\$
Approved Complement - 6		
Subd. 5. Board of Barber Examiners	137,000	134,900
Approved Complement - 3		
Subd. 6. Board of Boxing	53,900	53,900
Approved Complement - 1.5		
Subd. 7. Board of Electricity		
Approved Complement - 18		
Sec. 12. PUBLIC UTILITIES COM- MISSION	1,878,100	1,760,400

Approved Complement - 35

\$139,000 the first year and \$33,000 the second year are for office automation. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Notwithstanding Minnesota Statutes, section 216B.243, subdivision 6, for any certificate of need application for expansion of the storage capacity for spent nuclear fuel rods, the commission and department shall assess actual amounts billed by the office of administrative hearings and up to \$300,000 of reasonable costs of the commission and department pursuant to Minnesota Statutes, section 216B.62, subdivision 6, during the biennium, subject to the limitations of Minnesota Statutes, section 216B.62, subdivision 2.

Sec. 13. PUBLIC SERVICE

Subdivision 1. Total Appropriation	6,272,700	6,260,100
	1988	1989
Approved Complement -		
	149.1	132.3
General-		
	125.3	125.3

		1988	1989
		\$	\$
Special Revenue-			
	6.8	5.5	
Federal-			
	17.0	1.5	

Summary by Fund

General		
	\$ 6,211,300	\$ 6,198,800
Special Revenue		
	\$ 61,400	\$ 61,300

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Utility Regulation
\$ 1,777,200 \$ 1,773,000

Subd. 3. Weights and Measures
\$ 1,881,100 \$ 1,876,400

Subd. 4. Administrative Services
\$ 608,300 \$ 608,600

Subd. 5. Energy
\$ 2,026,100 \$ 2,022,100

Summary by Fund

General		
	\$ 1,944,700	\$ 1,940,800
Special Revenue		
	\$ 61,400	\$ 61,300

Subd. 6. Transfers

The department of public service, with the approval of the commissioner of finance, may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations in the house of representatives.

	1988	1989
Sec. 14. RACING COMMISSION	\$ 883,900	\$ 888,800
Approved Complement - 10		
General - 8		
Special Revenue - 2		
Sec. 15. CHARITABLE GAMBLING CONTROL BOARD	661,500	641,600
Approved Complement - 15		
One auditor position included in the complement must be reviewed for its continuation beyond the biennium ending June 30, 1989.		
Sec. 16. ETHICAL PRACTICES BOARD	219,700	219,900
Approved Complement - 5		
Sec. 17. MINNESOTA MUNICIPAL BOARD	235,700	235,400
Approved Complement - 4		
Sec. 18. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION	99,500	99,200
\$17,000 the first year and \$17,000 the second year is available only if matched by funds from the state of Wisconsin. The additional position is available only for the biennium ending June 30, 1989.		
Sec. 19. UNIFORM LAWS COMMISSION	13,600	13,600
Sec. 20. VOYAGEURS NATIONAL PARK CITIZENS COMMITTEE	70,000	70,000
Notwithstanding any law to the contrary, the citizens council on Voyageurs National Park is extended until June 30, 1989.		
Sec. 21. MINNESOTA HISTORICAL SOCIETY		

	1988	1989
	\$	\$
Subdivision 1. Total Appropriation	9,682,300	9,751,100

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Minnesota Historical Society Operations	8,682,200	8,694,200
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Any unencumbered balance remaining at the end of the first year must be returned to the state treasury and credited to the general fund.

The appropriation in this subdivision includes no money for compensation increases. The Minnesota historical society is eligible for a salary supplement in the same manner as state agencies. The commissioner of finance will determine the amount of the salary supplement based on available funds. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

Subd. 3. Repair and Replacement	349,000	299,000
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\$100,000 the first year is for the restoration and preservation of murals, stencils, sculptures, statues, paintings, built-in exhibit areas, and objects of art or historical artifacts in the public areas of the state capitol, including the governor's anteroom, reception room, and private office.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 4. Historic Grant-In-Aid	286,100	286,100
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(a) Historic Preservation		
\$ 259,600	\$	259,600

For historic site grants to encourage local historic preservation projects.

	1988	1989
	\$	\$
To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.		
Any unencumbered balance remaining in the first year does not cancel but is available for the second year.		
(b) Archaeology		
\$ 26,500	\$ 26,500	
Subd. 5. Fiscal Agent	262,100	212,100
(a) Sibley House Association		
\$ 58,000	\$ 58,000	

This appropriation is available for operation and maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House association.

The historical society should seek an agreement with the Sibley House association whereby the historical society will make payments to the association for this purpose and will provide the association with technical assistance in applying for federal grants.

Notwithstanding any other law, the Sibley House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

(b) Minnesota Humanities Commission		
\$ 47,100	\$ 47,100	
(c) Minnesota International Center		
\$ 38,000	\$ 38,000	
(d) Minnesota Military Museum		
\$ 30,000		
(e) Minnesota Air National Guard Museum		
\$ 20,000		

	1988	1989
	\$	\$
(f) Government Learning Center		
\$ 69,000 \$ 69,000		

This appropriation is for Project 120.

(g) Balances Forward

Any unencumbered balance remaining in this subdivision the first year does not cancel but is available for the second year of the biennium.

Subd. 6. State History Center	102,900	259,700
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This appropriation is available only if legislation is enacted providing funding for construction of a new state history center.

Sec. 22. BOARD OF THE ARTS

Subdivision 1. Total Appropriation	3,016,200	3,044,000
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	1988	1989
Approved Complement —		
14	14	15
General-		
11	11	12
Federal-		
3	3	3

\$953,100 the first year and \$955,800 the second year are for the support of regional arts councils throughout the state.

Subd. 5. Balances Forward

Any unencumbered balance remaining in this section the first year does not cancel but is available for the second year of the biennium.

Sec. 23. MINNESOTA HORTICULTURAL SOCIETY	67,200	67,200
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Sec. 24. MINNESOTA ACADEMY OF SCIENCE	28,100	28,100
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	1988	1989
Sec. 25. SCIENCE MUSEUM OF MINNESOTA	\$ 514,900	\$ 521,200

Sec. 26. MINNESOTA SAFETY COUNCIL	50,700	50,700
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This appropriation is from the trunk highway fund.

Sec. 27. VETERANS OF FOREIGN WARS	30,000	30,000
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For carrying out the provisions of Laws 1945, chapter 455.

Sec. 28. GENERAL CONTINGENT ACCOUNTS	325,000	325,000
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The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

Trunk Highway Fund	\$ 200,000	\$ 200,000
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Highway User Tax Distribution Fund	\$ 125,000	\$ 125,000
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Sec. 29. TORT CLAIMS	600,000	600,000
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To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 30. [MASTER LEASE.]

During the biennium ending June 30, 1989, for agencies to whom appropriations are made in this act, the master lease, as authorized in Minnesota Statutes, section 16A.85, may only be used to finance large equipment with a capital value of more than \$100,000 and a useful life of more than ten years, and for equipment already purchased under an existing lease-purchase agreement. The commissioner of finance must consult with the chairs of the senate finance committee and house appropriations committee before entering into a lease-purchase of equipment by a state agency in this act. This requirement does not apply to purchases by the commissioner of administration made with money from an internal services fund.

Sec. 31. [EXPORT FINANCE AUTHORITY WORKING CAPITAL ACCOUNT.]

The balance in the export finance authority working capital account shall be maintained at \$1,000,000.

Sec. 32. [EMERGENCY RESPONSE COMMISSION.]

The governor may designate the hazardous substance notification advisory committee to serve as and perform the functions of the state emergency response commission provided for under title III of the Superfund Amendments and Reauthorization Act of 1986. The governor may also appoint representatives of state agencies to serve on the state emergency response commission.

Sec. 33. [MEMBERSHIP; COMPLEMENT OF BOARD OF WATER AND SOIL RESOURCES.]

Subdivision 1. [TRANSITION MEMBERSHIP.] In addition to the members specified in section 103, the initial board of water and soil resources shall have, through December 31, 1989, four temporary members who are soil and water conservation district supervisors appointed by the governor.

Subd. 2. [TRANSFER OF EMPLOYEES.] All classified and unclassified state positions and employees of the state soil and water conservation board and the water resources board are transferred to the board of water and soil resources in accordance with section 15.039, subdivision 7. The commissioner of employee relations shall place the unclassified position of the executive director of the water resources board and the classified position of the executive director of the soil and water conservation board in the proper job classification in the classified service without examination.

Sec. 34. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "state soil and water conservation board," "water resources board," "water policy board" or other language intended to refer to those boards, wherever they appear in Minnesota Statutes to "board of water and soil resources" or other appropriate language to refer to the board of water and soil resources created in section 105.

Sec. 35. [TRANSPORTATION FINANCE STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A transportation finance study commission is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate subcommittee on committees. The commission shall select from its membership a chair or co-chairs and other officers it deems necessary.

Subd. 2. [STUDIES.] The commission shall study:

(1) present and future highway and transit needs, including state highways, county highways, city streets, town roads, and metropolitan and nonmetropolitan transit service;

(2) the adequacy of existing revenue sources to meet these needs;

(3) methods of raising additional revenue to meet these needs;

(4) alternatives to raising revenue as a method of dealing with highway and transit needs; and

(5) alternative methods of distributing present and future revenues among various levels of government.

Subd. 3. [REPORT.] The commission shall report to the legislature on its findings and recommendations not later than February 15, 1988, and shall cease to function after that date.

Subd. 4. [COMPENSATION.] Members of the commission must be compensated in the same manner as for other legislative meetings.

Sec. 36. [SURCHARGE AMOUNT ALLOCATED.]

Twenty-five cents of the amount collected on the surcharge for a certified copy of a birth certificate under Minnesota Statutes, section 144.226, subdivision 3, is appropriated from the children's trust fund established under Minnesota Statutes, section 299A.22 to the commissioner of public safety to be administered by the children's trust fund for the biennium ending June 30, 1989, for the purpose of implementing and administering the professional consultation tele-

phone line and service, notwithstanding Minnesota Statutes, section 299A.25, subdivision 1, to the contrary.

Sec. 37. [MONEY CREDITED TO HIGHWAY FUND, TRANSIT FUND, AND GENERAL FUND.]

All money received under the provisions of Minnesota Statutes, chapter 171 after June 30, 1987, and before July 1, 1989, shall be paid into the state treasury with 60 $\frac{2}{3}$ percent credited to the trunk highway fund, 33 $\frac{1}{3}$ percent credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board, and six percent credited to the general fund, except as provided in Minnesota Statutes, section 171.29, subdivision 2.

Sec. 38. Minnesota Statutes 1986, section 12.14, is amended to read:

12.14 [ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.]

Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment to cover the cost of nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. An assessment of \$75,000 \$137,500 per plant shall be paid to the commissioner of public safety on July 1 of each year.

Sec. 39. Minnesota Statutes 1986, section 17A.04, subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner the following applicable fees and penalties for late renewal:

(a) ~~\$150~~ \$300 for each livestock market agency and public stockyard license, penalty ~~\$38~~ \$75;

(b) ~~\$50~~ \$100 for each livestock dealer license, penalty ~~\$13~~ \$25;

(c) ~~\$30~~ \$50 for each agent of a livestock dealer license, penalty \$10 \$15;

(d) ~~\$50~~ \$100 for each meat packing company license, penalty \$13 \$25;

(e) ~~\$30~~ \$50 for each agent of a meat packing company license, penalty \$10 \$15.

Sec. 40. Minnesota Statutes 1986, section 18.51, subdivision 2, is amended to read:

Subd. 2. [FEES; PENALTY.] A nursery operator shall pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of the operator's nurseries as follows:

Nurseries:

(1) 1/2 acre or less	\$30 <u>\$40</u> per nursery operator
(2) Over 1/2 acre to and including 2 acres	\$50 <u>\$60</u> per nursery operator
(3) Over 2 acres to and including 10 acres	\$100 <u>\$125</u> per nursery operator
(4) Over 10 acres to and including 50 acres	\$300 <u>\$360</u> per nursery operator
(5) Over 50 acres	\$600 <u>\$725</u> per nursery operator

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 41. Minnesota Statutes 1986, section 18.52, subdivision 5, is amended to read:

Subd. 5. [FEES; PENALTY.] A dealer shall pay an annual fee based on the dealer's gross sales during the preceding certificate year. A dealer operating for the first year will pay the minimum fee.

Dealers:

(1) Gross sales up to \$1,000	at a location \$30 <u>\$40</u> per location
(2) Gross sales over \$1,000 and up to \$5,000	at a location \$40 <u>\$50</u> per location
(3) Gross sales over \$5,000 up to \$10,000	at a location \$70 <u>\$85</u> per location
(4) Gross sales over \$10,000 up to \$25,000	at a location \$100 <u>\$125</u> per location
(5) Gross sales over \$25,000 up to \$75,000	at a location \$150 <u>\$175</u> per location
(6) Gross sales over \$75,000 up to \$100,000	at a location \$220 <u>\$260</u> per location
(7) Gross sales over \$100,000	at a location \$330 <u>\$400</u> per location

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any

application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 42. Minnesota Statutes 1986, section 18.53, is amended to read:

18.53 [GREENHOUSE CERTIFICATION.]

The commissioner may inspect and certify greenhouses and greenhouse plants as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is \$30 \$50 for each greenhouse operator. The certificate expires on November 15 next following the date of issue.

Sec. 43. [18B.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this chapter.

Subd. 2. [APPROVED AGENCY.] "Approved agency" means a state agency, other than the department of agriculture, or an agency of a county, municipality, or other political subdivision that has signed a joint powers agreement under section 471.59 with the commissioner.

Subd. 3. [BENEFICIAL INSECTS.] "Beneficial insects" means insects that are: (1) effective pollinators of plants; (2) parasites or predators of pests; or (3) otherwise beneficial.

Subd. 4. [BULK PESTICIDE.] "Bulk pesticide" means a pesticide that is held in an individual container, with a pesticide content of 56 United States gallons or more, or 100 pounds or greater net dry weight.

Subd. 5. [COMMERCIAL APPLICATOR.] "Commercial applicator" means a person who has a commercial applicator license.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subd. 7. [DEVICE.] "Device" means an instrument or contrivance, other than a firearm, that is intended or used to destroy, repel, or mitigate a pest, a form of plant or animal life other than humans, or a bacterium, virus, or other microorganism on or in living animals, including humans. A device does not include equipment used for the application of pesticides if the equipment is sold separately from the instrument or contrivance.

Subd. 8. [DISTRIBUTE.] "Distribute" means offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, and offer to deliver pesticides in this state.

Subd. 9. [ENVIRONMENT.] "Environment" means surface water, ground water, air, land, plants, humans, and animals and their interrelationships.

Subd. 10. [FIFRA.] "FIFRA" means the Federal Insecticide, Fungicide, Rodenticide Act, United States Code, title 7, sections 136 to 136y, and regulations under Code of Federal Regulations, title 40, subchapter E, parts 150 to 180.

Subd. 11. [HAZARDOUS WASTE.] "Hazardous waste" means any substance identified or listed as hazardous waste in the rules adopted under section 116.07, subdivision 4.

Subd. 12. [INCIDENT.] "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, portable container rupture, leak, spill, or other event that releases or threatens to release a pesticide accidentally or otherwise, and may cause unreasonable adverse effects on the environment. "Incident" does not include the lawful use or intentional release of a pesticide in accordance with its approved labeling.

Subd. 13. [LABEL.] "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or their containers or wrappers.

Subd. 14. [LABELING.] "Labeling" means all labels and other written, printed, or graphic matter:

- (1) accompanying the pesticide or device;
- (2) referred to by the label or literature accompanying the pesticide or device; or
- (3) that relates or refers to the pesticide or to induce the sale of the pesticide or device.

"Labeling" does not include current official publications of the United States Environmental Protection Agency, United States Department of Agriculture, United States Department of Interior, United States Department of Health, Education and Welfare, state agricultural experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

Subd. 15. [NONCOMMERCIAL APPLICATOR.] "Noncommercial applicator" means a person with a noncommercial applicator license.

Subd. 16. [PERSON.] "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, unincorporated organization, the state, a state agency, or political subdivision.

Subd. 17. [PEST.] "Pest" means an insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism designated by rule as a pest, except a virus, bacteria, or other microorganism on or in living humans or other living animals.

Subd. 18. [PESTICIDE.] "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 19. [PESTICIDE DEALER.] "Pesticide dealer" means a person with a pesticide dealer license.

Subd. 20. [PLANT REGULATOR.] "Plant regulator" means a substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant, or to otherwise alter the behavior of ornamental or crop plants or the produce of the plants. Plant regulator does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

Subd. 21. [PRIVATE APPLICATOR.] "Private applicator" means a person certified to use or supervise use of restricted use pesticides.

Subd. 22. [REGISTRANT.] "Registrant" means a person that has registered a pesticide under this chapter.

Subd. 23. [RESPONSIBLE PARTY.] "Responsible party" means a person who at the time of an incident has custody of, control of, or responsibility for a pesticide, pesticide container, or pesticide rinsate.

Subd. 24. [RESTRICTED USE PESTICIDE.] "Restricted use pesticide" means a pesticide formulation designated as a restricted use pesticide under FIFRA or by the commissioner under this chapter.

Subd. 25. [RINSATE.] "Rinsate" means a dilute mixture of a pesticide or pesticides with water, solvents, oils, commercial rinsing

agents, or other substances, that is produced by or results from the cleaning of pesticide application equipment or pesticide containers.

Subd. 26. [SAFEGUARD.] "Safeguard" means a facility, device, or system, or a combination of these, designed to prevent the escape or movement of a pesticide from the place it is stored or kept under conditions that might otherwise result in contamination of the environment.

Subd. 27. [SITE.] "Site" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances, and machinery whether fixed or mobile, including anything used for transportation.

Subd. 28. [STRUCTURAL PEST.] "Structural pest" means a pest, other than a plant, in, on, under, or near a structure.

Subd. 29. [STRUCTURAL PEST CONTROL.] "Structural pest control" means the control of any structural pest through the use of a device, a procedure, or application of pesticides in or around a building or other structures, including trucks, boxcars, ships, aircraft, docks, and fumigation vaults, and the business activity related to use of a device, a procedure, or application of a pesticide.

Subd. 30. [STRUCTURAL PEST CONTROL APPLICATOR.] "Structural pest control applicator" means a person with a structural pest control license.

Subd. 31. [UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.] "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

Subd. 32. [WILDLIFE.] "Wildlife" means all living things that are not human, domesticated, or pests.

Sec. 44. [18B.02] [PREEMPTION OF OTHER LAW.]

Except as specifically provided in this chapter, the provisions of this chapter preempt ordinances by local governments that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal.

Sec. 45. [18B.03] [POWERS AND DUTIES OF COMMISSIONER.]

Subdivision 1. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer, implement, and enforce this chapter and the department of agriculture is the lead state agency for the regulation of pesticides.

Subd. 2. [DELEGATION OF DUTIES.] The functions vested in the commissioner by this chapter may be delegated to designated employees or agents of the department of agriculture.

Subd. 3. [DELEGATION TO APPROVED AGENCIES.] The commissioner may, by written agreements, delegate specific inspection, enforcement, and other regulatory duties of this chapter to officials of approved agencies.

Sec. 46. [18B.04] [PESTICIDE IMPACT ON WATER QUALITY.]

The commissioner shall:

(1) determine the impact of pesticides on surface and ground water in this state;

(2) develop best management practices involving pesticide distribution, storage, handling, use, and disposal; and

(3) cooperate with and assist other state agencies and local governments to protect public health and the environment from harmful exposure to pesticides.

Sec. 47. [18B.05] [PESTICIDE REGULATORY ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] A pesticide regulatory account is established in the state treasury. Fees and penalties except penalties collected under section 65, subdivision 4, collected under this chapter must be deposited in the state treasury and credited to the pesticide regulatory account.

Subd. 2. [ANNUAL APPROPRIATION.] Money in the account, including amount of interest attributable to money in the account and any money appropriated for the purposes of this chapter, is annually appropriated to the commissioner for the administration and enforcement of this chapter.

Sec. 48. [18B.06] [RULES.]

Subdivision 1. [AUTHORITY.] The commissioner shall adopt rules to implement and enforce this chapter including procedures addressing local control of pesticide regulation. Rules adopted under this chapter are part of this chapter and a violation of the rules is a violation of a provision of this chapter.

Subd. 2. [CONFORMITY WITH FIFRA.] Rules adopted under this chapter:

(1) may not allow pesticide use that is prohibited by FIFRA; or

(2) relating to private applicators of restricted use pesticides and special local needs registrations, may not be inconsistent with the requirements of FIFRA.

Subd. 3. [PESTICIDE USE, HANDLING, AND DISPOSAL.] The commissioner shall adopt rules, including emergency rules, to govern the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers.

Sec. 49. [18B.07] [PESTICIDE USE, APPLICATION, AND EQUIPMENT CLEANING.]

Subdivision 1. [PESTICIDE USE.] Pesticides must be applied in accordance with the product label or labeling and in a manner that will not cause unreasonable adverse effects on the environment within limits prescribed by this chapter and FIFRA.

Subd. 2. [PROHIBITED PESTICIDE USE.] (a) A person may not use, store, handle, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

(1) inconsistent with labeling;

(2) that endangers humans, damages agricultural products, food, livestock, fish, wildlife, or beneficial insects; or

(3) that will cause unreasonable adverse effects on the environment.

(b) A person may not direct a pesticide on property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray.

(d) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

Subd. 3. [POSTING.] (a) If the pesticide labels prescribe specific hourly or daily intervals for human reentry following application, the person applying the pesticide must post fields, buildings, or areas where the pesticide has been applied. The posting must be done with placards in accordance with label requirements and rules adopted under this section.

(b) Fields being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment.

Subd. 4. [PESTICIDE SAFEGUARDS AT APPLICATION SITES.] A person may not allow a pesticide, rinsate, or unrinsed pesticide container to be stored, kept, or to remain in or on any site without safeguards adequate to prevent the escape or movement of the pesticides from the site.

Subd. 5. [USE OF PUBLIC WATER SUPPLIES FOR FILLING EQUIPMENT.] A person may not fill pesticide application equipment directly from a public water supply, as defined in section 144.382, unless the outlet from the public water supply is equipped with a backflow prevention device that complies with the Minnesota Plumbing Code under Minnesota Rules, parts 4715.2000 to 4715.2280.

Subd. 6. [USE OF PUBLIC WATERS FOR FILLING EQUIPMENT.] (a) A person may not fill pesticide application equipment directly from public waters of the state, as defined in section 105.37, subdivision 14, unless the equipment contains proper and functioning anti-backsiphoning mechanisms. The person may not introduce pesticides into the application equipment until after filling the equipment from the public waters.

(b) This subdivision does not apply to permitted applications of aquatic pesticides to public waters.

Subd. 7. [CLEANING EQUIPMENT IN OR NEAR SURFACE WATER.] (a) A person may not:

(1) clean pesticide application equipment in surface waters of the state; or

(2) fill or clean pesticide application equipment adjacent to surface waters, ditches, or wells where, because of the slope or other conditions, pesticides or materials contaminated with pesticides could enter or contaminate the surface waters, ground water, or wells, as a result of overflow, leakage, or other causes.

(b) This subdivision does not apply to permitted application of aquatic pesticides to public waters.

Subd. 8. [PESTICIDE, RINSATE, AND CONTAINER DISPOSAL.] A person may only dispose of pesticide, rinsate, and pesticide containers in accordance with this chapter and FIFRA. The manner of disposal must not cause unreasonable adverse effects on the environment.

Sec. 50. [18B.08] [CHEMIGATION.]

Subdivision 1. [PERMIT REQUIRED.] (a) A person may not apply pesticides through an irrigation system without a chemigation permit from the commissioner. Only one chemigation permit is required for two or more wells that are protected from contamination by the same devices. The commissioner may allow irrigation to be used to apply pesticides on crops and land, including agricultural, nursery, turf, golf course, and greenhouse sites.

(b) A person must apply for a chemigation permit on forms prescribed by the commissioner.

Subd. 2. [PESTICIDE.] A pesticide used under a chemigation permit must be suitable and labeled for application through an irrigation system.

Subd. 3. [EQUIPMENT.] A chemigation system must be fitted with effective antisiphon devices or check valves that prevent the backflow of pesticides or pesticide-water mixtures into water supplies or other materials during times of irrigation system failure or equipment shutdown. The devices or valves must be installed between:

(1) the irrigation system pump discharge and the point of pesticide injection; and

(2) the point of pesticide injection and the pesticide supply.

Subd. 4. [APPLICATION FEE.] A person initially applying for a chemigation permit must pay a nonrefundable application fee of \$50 for each well that is to be used in applying the pesticides by irrigation.

Subd. 5. [RULES.] The commissioner shall, by rule, develop specific requirements for implementation of a program to regulate application of pesticides by irrigation.

Sec. 51. [18B.09] [PESTICIDE APPLICATION IN CITIES.]

Subdivision 1. [APPLICABILITY.] This section applies only to statutory and home rule charter cities that enact ordinances as provided in this section.

Subd. 2. [AUTHORITY.] Statutory and home rule charter cities may enact an ordinance containing the pesticide application warning information contained in subdivision 3, including their own licensing, penalty, and enforcement provisions. Statutory and home rule charter cities may not enact an ordinance that contains more restrictive pesticide application warning information than is contained in subdivision 3.

Subd. 3. [WARNING SIGNS FOR PESTICIDE APPLICATION.]

(a) All commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied.

(b) Warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place up to 48 hours from the time of initial application.

(c) The following information must be printed on the warning sign in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the commissioner. The sign must provide the following information:

(1) the name of the business organization, entity, or person applying the pesticide; and

(2) the following language: "This area chemically treated. Keep children and pets off until ...(date of safe entry)..." or a universally accepted symbol and text approved by the commissioner that is recognized as having the same meaning or intent as specified in this paragraph. The warning sign may include the name of the pesticide used.

(d) The warning sign must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrances to the property.

Sec. 52. [18B.10] [ACTION TO PREVENT GROUND WATER CONTAMINATION.]

The commissioner may, by rule, special order, or delegation through written regulatory agreement with officials of other approved agencies, take action necessary to prevent the contamination of ground water resulting from leaching of pesticides through the soil, from the backsiphoning or back-flowing of pesticides through water wells, or from the direct flowage of pesticides to ground water.

Sec. 53. [18B.11] [SALE AND USE OF TCDD.]

A person may not sell, offer for sale, or use a pesticide containing in excess of 0.1 parts per million of 2,3,7, 8-tetrachlorodibenzo-paradioxin (TCDD).

Sec. 54. [18B.12] [SALE AND DISTRIBUTION OF ADULTERATED PESTICIDES.]

A person may not offer for sale or distribute a pesticide that is determined by the commissioner to be adulterated, including a pesticide that has:

(1) a strength or purity that does not meet the standard of quality expressed on its label;

(2) a constituent entirely or partially substituted; or

(3) an important or necessary constituent entirely or partially removed.

Sec. 55. [18B.13] [SALE AND DISTRIBUTION OF MISBRANDED PESTICIDES AND DEVICES.]

A person may not offer for sale or distribute a pesticide or device determined by the commissioner to be misbranded, including a pesticide or device that:

(1) is an imitation of or is offered for sale under the name of another pesticide or device; or

(2) does not comply with the labeling requirements under this chapter or FIFRA.

Sec. 56. [18B.14] [PESTICIDE STORAGE.]

Subdivision 1. [DISPLAY AND STORAGE.] (a) A person may store or display pesticides and their containers only in the original container and separated from food, feed, seed, livestock remedies, drugs, plants, and other products or materials stored, displayed, or offered for sale in a manner that prevents contamination which would cause injury or damage to the other products or materials.

(b) A person may not allow open pesticide containers to be displayed for sale under any circumstances.

Subd. 2. [BULK PESTICIDE STORAGE.] (a) A person storing pesticides in containers of a rated capacity of 500 gallons or more must obtain a pesticide storage permit from the commissioner.

(b) Applications must be on forms provided by the commissioner containing information established by rule. The initial application for a permit must be accompanied by a nonrefundable application fee of \$100 for each location where the pesticides are stored.

(c) The commissioner shall by rule develop and implement a program to regulate bulk pesticides. The rules must include installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit

approval, a schedule for compliance, and other appropriate requirements necessary to minimize potential adverse effects on the environment. The rules must conform with existing rules of the pollution control agency.

Sec. 57. [18B.15] [PESTICIDE RELEASE INCIDENTS.]

Subdivision 1. [DUTIES OF RESPONSIBLE PARTY.] (a) A responsible party involved in an incident must immediately report the incident to the department of agriculture and provide information as requested by the commissioner. The responsible party must pay for the costs and immediately take all action necessary to minimize or abate the release and to recover pesticides involved in the incident.

(b) The responsible party must submit a written report of the incident to the commissioner containing the information requested by the commissioner within the time specified by the commissioner.

Subd. 2. [COMMISSIONER'S ACTION.] (a) If in the judgment of the commissioner the responsible party does not take immediate and sufficient action to abate the release of and to recover the pesticide, the commissioner may take action necessary to mitigate or correct the conditions resulting from an incident. The responsible party must reimburse the commissioner for the costs incurred by the commissioner in the enforcement of this subdivision.

(b) The department of agriculture is the lead state agency for responding to and taking action with regard to pesticide incidents.

Sec. 58. [18B.16] [EMPLOYER LIABILITY FOR EMPLOYEES.]

Structural pest control applicators, commercial applicators, non-commercial applicants and pesticides dealers are criminally liable for violations of this chapter by their employees and agents.

Sec. 59. [18B.17] [COOPERATIVE INSPECTION AND ENFORCEMENT AGREEMENTS.]

Subdivision 1. [COOPERATIVE AGREEMENTS.] The commissioner may enter into cooperative agreements with federal and state agencies for training, certification, inspection, and enforcement programs and may make reports to the United States Environmental Protection Agency and other federal agencies as required or requested. The commissioner may adopt and enforce federal standards, regulations, or orders relating to pesticide regulation when determined to be in the best interest of citizens of the state.

Subd. 2. [TRAINING AGREEMENTS.] For purposes of training only, the commissioner may enter into agreements with qualified public or private organizations that wish to offer training programs.

Sec. 60. [18B.18] [INSPECTION.]

Subdivision 1. [ACCESS AND ENTRY.] (a) The commissioner, and the commissioner's agents, upon issuance of a notice of inspection, must be granted access at reasonable times to (1) sites where a restricted use pesticide is used; (2) where a person manufactures, formulates, distributes, uses, disposes of, stores, or transports a pesticide in violation of provisions of this chapter; and (3) to all sites affected, or possibly affected, by the use of a pesticide, rinsate, pesticide container, or device in violation of a provision of this chapter.

(b) The commissioner and commissioner's agents may enter sites for:

(1) inspection of equipment for the manufacture, formulation, distribution, disposal, or application of pesticides and the premises on which the equipment is stored;

(2) sampling of sites actually or reportedly exposed to pesticides;

(3) inspection of storage, handling, distribution, use, or disposal areas of pesticides or pesticide containers;

(4) inspection or investigation of complaints of injury to humans, wildlife, domesticated animals, crops, or the environment;

(5) sampling of pesticides;

(6) observation of the use and application of a pesticide;

(7) inspection of records related to the manufacture, distribution, use, or disposal of pesticides; and

(8) other purposes necessary to implement this chapter.

Subd. 2. [NOTICE OF INSPECTION SAMPLES AND ANALYSIS.] Before leaving the premises inspected, the commissioner shall provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.

Sec. 61. [18B.19] [PRIVATE REQUEST FOR INSPECTION OF VIOLATION.]

Subdivision 1. [STATEMENT OF VIOLATION.] A person that suspects a provision of this chapter has been violated may file a written inspection request with the commissioner. The written request must contain:

- (1) the person's name and address;
- (2) the name of the person for whom the application was done;
- (3) the name of the applicator;
- (4) the date of the application;
- (5) a description of the suspected violation; and
- (6) other information the commissioner may require.

Subd. 2. [INSPECTION FOR SUSPECTED VIOLATION.] If the request for inspection is filed within 60 days after the pesticide was applied or damage has occurred, the commissioner shall investigate to determine if provisions of this chapter have been violated. The commissioner may discontinue the investigation after determining provisions of this chapter have not been violated.

Subd. 3. [INSPECTION FILE DISCLOSURE.] Copies of completed inspection files are available to the person making the inspection request, the applicator, or their agents, upon written request.

Sec. 62. [18B.20] [ENFORCEMENT.]

Subdivision 1. [ENFORCEMENT REQUIRED.] (a) The commissioner shall enforce this chapter.

(b) Upon the request of the commissioner or an agent authorized by the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter, or special orders, standards, stipulations, and agreements of the commissioner.

Subd. 2. [CRIMINAL ACTIONS.] For a criminal action, the county attorney where a violation occurred is responsible for prosecuting a violation of a provision of this chapter. If the county attorney refuses to prosecute, the attorney general may prosecute.

Subd. 3. [CIVIL ACTIONS.] Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and the attorney general.

Subd. 4. [INJUNCTION.] The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of provisions of this chapter.

Subd. 5. [AGENT FOR SERVICE OF PROCESS.] All nonresident commercial and structural pest control applicator licensees licensed as individuals must appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner is deemed to be service on the licensee.

Subd. 6. [SUBPOENAS.] The commissioner may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority or privilege granted by a license, registration, certification, or permit issued under this chapter.

Sec. 63. [18B.21] [ADMINISTRATIVE ACTION.]

Subdivision 1. [ADMINISTRATIVE REMEDIES.] The commissioner may seek to remedy violations by a written warning, administrative meeting, cease and desist, stop-use, stop-sale, or other special order, seizure, stipulation, or agreement, if the commissioner determines that the remedy is in the public interest.

Subd. 2. [REVOCATION AND SUSPENSION.] The commissioner may, after written notice and hearing, revoke, suspend, or refuse to renew a registration, permit, license, or certification if a person violates a provision of this chapter.

Subd. 3. [REMEDIAL ACTION ORDERS.] (a) If the commissioner has probable cause that a pesticide, pesticide container, rinsate, pesticide equipment, or device is being used, manufactured, distributed, stored, or disposed of in violation of a provision of this chapter, the commissioner may investigate and issue a written cease and desist, stop-sale, stop-use, or removal order or other remedial action to the owner, custodian, or other responsible party. If the owner, custodian, or other responsible party is not available for service of the order, the commissioner may attach the order to the pesticide, pesticide container, rinsate, pesticide equipment, or device or facility and notify the owner, custodian, other responsible party, or the registrant. The pesticide, pesticide container, rinsate, pesticide equipment, or device may not be sold, used, or removed until the violation has been corrected and the pesticide, pesticide container, rinsate, pesticide equipment, or device has been released in writing under conditions specified by the commissioner, or until the violation has been otherwise disposed of by a court.

(b) If a violation of a provision of this chapter results in conditions that may have an unreasonable adverse effect on humans, domestic animals, wildlife, or the environment, the commissioner may, by order, require remedial action, including removal and proper disposal.

Sec. 64. [18B.22] [DAMAGES AGAINST STATE FOR ADMINISTRATIVE ACTION WITHOUT CAUSE.]

If the commissioner did not have probable cause for an administrative action, including the issuance of a stop-sale, use, or removal order, a court may allow recovery for damages caused by the administrative action.

Sec. 65. [18B.23] [CIVIL PENALTIES.]

Subdivision 1. [GENERAL PENALTY.] Except as provided in subdivisions 2 and 5, a person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner is subject to a civil penalty of up to \$10,000 per day of violation as determined by the court.

Subd. 2. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner that relates to disposal of pesticides so that they become hazardous waste, is subject to a civil penalty of up to \$25,000 per day of violation as determined by the court.

Subd. 3. [CLEANUP COSTS.] A person who violates a provision of this chapter is liable for and must pay to the state a sum that will compensate the state for the reasonable value of cleanup and other expenses directly resulting from the illegal use, storage, handling, or disposal of pesticides, whether accidental or otherwise.

Subd. 4. [WILDLIFE AND OTHER DAMAGES.] (a) A person who violates a provision of this chapter is liable for and must pay to the state a sum to constitute just compensation for the loss or destruction of wildlife, fish, or other aquatic life, and for actual damages to the state caused by the illegal use, storage, handling, or disposal of pesticides.

(b) The amounts paid as compensation for loss of or destruction to wildlife, fish, or other aquatic life must be deposited into the state treasury and credited to the game and fish fund.

Subd. 5. [DIRECTLY SPRAYING HUMANS.] A person who directly applies pesticides on a human by target site spraying in an open field is subject to a civil penalty up to \$5,000 as determined by the court.

Subd. 6. [DEFENSE TO CIVIL REMEDIES AND DAMAGES.] As a defense to a civil penalty or claim for damages under subdivisions 1 to 4, the defendant may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

Subd. 7. [ACTIONS TO COMPEL PERFORMANCE.] In an action to compel performance of an order of the commissioner to enforce a provision of this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 8. [RECOVERY OF PENALTIES BY CIVIL ACTION.] The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.

Subd. 9. [RECOVERY OF LITIGATION COSTS AND EXPENSES.] In an action brought by the attorney general or a county attorney in the name of the state under this chapter for civil penalties, injunctive relief, or in an action to compel compliance, if the state finally prevails, the state, in addition to other penalties provided in this chapter, must be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses including attorney fees incurred by the state or county attorney. In determining the amount of these litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 66. [18B.24] [UNSATISFIED JUDGMENTS.]

(a) An applicant for a commercial, noncommercial, or structural pest control license and a commercial, noncommercial, or structural pest control applicator may not allow a final judgment against the applicant or applicator for damages arising from a violation of a provision of this chapter to remain unsatisfied for a period of more than 30 days.

(b) Failure to satisfy within 30 days a final judgment resulting from these pest control activities will result in automatic suspension of the applicator license.

Sec. 67. [18B.25] [CRIMINAL PENALTIES.]

Subdivision 1. [GENERAL VIOLATION.] Except as provided in subdivisions 2 and 3, a person is guilty of a misdemeanor if the person violates a provision of this chapter, or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner.

Subd. 2. [VIOLATION ENDANGERING HUMANS.] A person is guilty of a gross misdemeanor if the person violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner, and the violation endangers humans.

Subd. 3. [VIOLATION WITH KNOWLEDGE.] A person is guilty of a gross misdemeanor if the person knowingly violates a provision of this chapter or standard, a special order, stipulation, agreement, or schedule of compliance of the commissioner.

Subd. 4. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who knowingly, or with reason to know, disposes of a pesticide so that the product becomes hazardous waste is subject to the penalties in section 115.071.

Sec. 68. [18B.26] [PESTICIDE REGISTRATION.]

Subdivision 1. [REQUIREMENT.] A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

Subd. 2. [APPLICATION.] (a) A person must file an application for registration with the commissioner. The application must include:

(1) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;

(2) the brand name of the pesticide;

(3) other necessary information required by the registration application form;

(4) a true and complete copy of the labeling accompanying the pesticide as provided for in FIFRA; and

(5) current material safety data sheets for each pesticide.

(b) As part of the application, the commissioner may require the submission of any relevant information including the complete formula of a pesticide, including the active and inert ingredients.

Subd. 3. [APPLICATION FEE.] (a) An application for initial registration and renewal must be accompanied by a nonrefundable application fee of \$125 for each pesticide to be registered.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before initial state registration.

Subd. 4. [EFFECT OF REGISTRATION AFTER RENEWAL APPLICATION.] If a registration is in effect on December 31 and a renewal application has been made and the application fee paid, the registration continues in full force and effect until the commissioner notifies the applicant that the registration is denied or canceled, or the renewed registration expires.

Subd. 5. [APPLICATION REVIEW AND REGISTRATION.] (a) The commissioner may not deny the registration of a pesticide because the commissioner determines the pesticide is not essential.

(b) The commissioner shall review each application and may approve, deny, or cancel the registration of any pesticide. The commissioner may impose state use restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

(c) The commissioner must notify the applicant of the approval, denial, cancellation, or state use restrictions within 30 days after the application and fee are received.

(d) The applicant may request a hearing on any adverse action of the commissioner within 30 days after being notified by the commissioner.

Sec. 69. [18B.27] [PESTICIDE REGISTRATION FOR SPECIAL LOCAL NEEDS.]

Subdivision 1. [APPLICATION.] (a) A person must file an application for a special local need application with the commissioner. The application must meet the requirements of section 68, subdivision 2, and the commissioner may require other relevant information.

(b) The commissioner may require a full description of tests and test results upon which claims are based for:

(1) a pesticide use that is not registered under section 68 or FIFRA; or

(2) a pesticide on which restrictions are being considered.

(c) The applicant may request in writing privacy of information submitted as provided in section 80.

Subd. 2. [APPLICATION REVIEW.] (a) After reviewing the application accompanied by the application fee, the commissioner shall, subject to the terms and conditions of the authorization by the administrator of the United States Environmental Protection Agency to register pesticides to meet special local needs, register pesticides if the commissioner determines that:

(1) the pesticide's composition warrants the proposed claims for the pesticide;

(2) the pesticide's label and other material required to be submitted comply with this chapter;

(3) the pesticide will perform its intended function without unreasonable adverse effect on the environment;

(4) the pesticide will not generally cause unreasonable adverse effects on the environment when used in accordance with label directions; and

(5) a special local need for the pesticide exists.

(b) The commissioner may revoke or modify a special local need registration if the commissioner determines that the terms or conditions of the registration do not comply with paragraph (a).

Subd. 3. [APPLICATION FEE.] An application fee for a special local need registration must be accompanied by a nonrefundable fee of \$125.

Sec. 70. [18B.28] [EXPERIMENTAL USE PESTICIDE PRODUCT REGISTRATION.]

Subdivision 1. [REQUIREMENT.] A person may not use or distribute an experimental use pesticide product in the state until it is registered with the commissioner. Experimental use pesticide product registrations expire on December 31 of each year and may be renewed on or before that date.

Subd. 2. [APPLICATION REVIEW AND REGISTRATION.] (a) After reviewing the application accompanied by the application fee, the commissioner may issue an experimental use pesticide product registration if the commissioner determines that the applicant needs the registration to accumulate information necessary to register a pesticide under section 68. The commissioner may prescribe terms, conditions, and a limited period of time for the experimental use product registration. After an experimental use pesticide product registration is issued, the commissioner may revoke or modify the registration at any time if the commissioner

finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(b) The commissioner may deny issuance of an experimental use pesticide product registration permit if the commissioner determines that issuance of a registration is not warranted or that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 3. [APPLICATION.] A person must file an application for experimental use pesticide product registration with the commissioner. An application to register an experimental use pesticide product must include:

- (1) the name and address of the applicant;
- (2) a federal environmental protection agency approval document;
- (3) the purpose or objectives of the experimental use product;
- (4) an accepted experimental use pesticide product label;
- (5) the name, address, and telephone number of cooperators or participants in this state;
- (6) the amount of material to be shipped or used in this state; and
- (7) other information requested by the commissioner.

Subd. 4. [APPLICATION FEE.] (a) An application for registration of an experimental use pesticide product must be accompanied by a nonrefundable application fee of \$125.

(b) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before an initial experimental use pesticide product registration was issued for the pesticide.

Sec. 71. [18B.29] [RECIPROCAL LICENSING AND CERTIFICATION AGREEMENTS.]

The commissioner may waive all or part of the examination requirements provided for in sections 71 to 77 on a reciprocal basis with any other jurisdiction which has substantially the same requirements. Licenses or certificates issued under sections 71 to 77 may be suspended or revoked upon suspension or revocation of the license or certificate of another jurisdiction supporting the issuance of a Minnesota license or certificate and in the same manner as other licenses and certificates.

Sec. 72. [18B.30] [PESTICIDE USE LICENSE REQUIREMENT.]

A person may not use or supervise the use of a restricted use pesticide without a license or certification required under sections 71 to 77 and the use may only be done under conditions prescribed by the commissioner.

Sec. 73. [18B.31] [PESTICIDE DEALER LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) Except as provided in paragraph (b), a person may not distribute or possess restricted use pesticides or bulk pesticides with an intent to distribute them to an ultimate user without a pesticide dealer license.

(b) The pesticide dealer license requirement does not apply to:

(1) a licensed commercial applicator, noncommercial applicator, or structural pest control applicator who uses restricted use pesticides only as an integral part of a pesticide application service;

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs;

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice; or

(4) a distributor or wholesaler shipping restricted use pesticides to commercial applicators who are the ultimate users.

(c) A licensed pesticide dealer may sell restricted use pesticides only to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

Subd. 2. [RESPONSIBILITY.] A pesticide dealer is responsible for the acts of a person who assists the dealer in the solicitation and sale of restricted use pesticides.

Subd. 3. [LICENSE.] A pesticide dealer license:

(1) expires on December 31 of each year unless it is suspended or revoked before that date; and

(2) is not transferable to another person.

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a pesticide dealer license on the forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent

measure to determine if the applicant is eligible to sell bulk pesticides or restricted use pesticides.

(b) The commissioner may require an additional demonstration of dealer qualification if the dealer has had a license suspended or revoked, or has otherwise had a history of violations of this chapter.

Subd. 5. [APPLICATION FEE.] (a) An application for a pesticide dealer license must be accompanied by a nonrefundable application fee of \$50.

(b) If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee of \$20 must be paid by the applicant before the license is issued.

Sec. 74. [18B.32] [STRUCTURAL PEST CONTROL LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) A person may not engage in structural pest control applications:

(1) for hire without a structural pest control license; and

(2) as a sole proprietorship, company, partnership, or corporation unless the person is or employs a licensed master in structural pest control operations.

(b) A structural pest control licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Subd. 2. [LICENSES.] (a) A structural pest control license:

(1) expires on December 31 of the year for which the license is issued; and

(2) is not transferable.

(b) The commissioner shall establish categories of master, journeyman, and fumigator for a person to be licensed under a structural pest control license.

Subd. 3. [APPLICATION.] (a) A person must apply to the commissioner for a structural pest control license to be licensed as a master, journeyman, or fumigator on forms and in the manner required by the commissioner. The commissioner shall require the applicant to pass a written, closed-book, monitored examination or oral examination, or both, and may also require a practical demonstration

regarding structural pest control. The commissioner shall establish the examination procedure, including the phases and contents of the examination.

(b) The commissioner may license a person as a master under a structural pest control license if the person has the necessary qualifications through knowledge and experience to properly plan, determine, and supervise the selection and application of pesticides in structural pest control. To demonstrate the qualifications and become licensed as a master, a person must:

(1) pass closed-book testing administered by the commissioner; and

(2) by direct experience as a licensed journeyman under a structural pest control license for at least two years by this state or a state with equivalent certification requirements or as a full-time licensed master in another state with equivalent certification requirements, show practical knowledge and field experience in the actual selection and application of pesticides under varying conditions.

(c) The commissioner may license a person as a journeyman under a structural pest control license if the person:

(1) has the necessary qualifications in the practical selection and application of pesticides;

(2) has passed a closed-book examination given by the commissioner; and

(3) is engaged as an employee of or is working under the direction of a person licensed as a master under a structural pest control license.

(d) The commissioner may license a person as a fumigator under a structural pest control license if the person:

(1) has knowledge of the practical selection and application of fumigants;

(2) has passed a closed-book examination given by the commissioner; and

(3) is licensed by the commissioner as a master or journeyman under a structural pest control license.

Subd. 4. [RENEWAL.] (a) A structural pest control applicator license may be renewed on or before the expiration of an existing license subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commis-

sioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competency and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) If a person fails to renew a structural pest control license within three months of its expiration, the person must obtain a structural pest control license subject to the requirements, procedures, and fees required for an initial license.

Subd. 5. [FINANCIAL RESPONSIBILITY.] (a) A structural pest control license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by:

(1) proof of net assets equal to or greater than \$50,000; or

(2) a performance bond or insurance of a kind and in an amount determined by the commissioner.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately suspend the license of a person who fails to maintain the required bond or insurance. The performance bond or insurance policy must contain a provision requiring the insurance or bonding company to notify the commissioner by ten days before the effective date of cancellation, termination, or any other change of the bond or insurance. If there is recovery against the bond or insurance, additional coverage must be secured to maintain financial responsibility equal to the original amount required.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under the provisions of this section must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 6. [FEES.] (a) An applicant for a structural pest control license for a business must pay a nonrefundable application fee of \$100. An employee of a licensed business must pay a nonrefundable application fee of \$50 for an individual structural pest control license.

(b) An application received after expiration of the structural pest control license is subject to a penalty fee of 50 percent of the application fee.

(c) An applicant that meets renewal requirements by re-examination instead of attending workshops must pay the equivalent workshop fee for the re-examination as determined by the commissioner.

Sec. 75. [18B.33] [COMMERCIAL APPLICATOR LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) A person may not apply a pesticide for hire without a commercial applicator license for the appropriate use categories except a structural pest control applicator.

(b) A person with a commercial applicator license may not apply pesticides on or into surface waters without an aquatic category endorsement on a commercial applicator license.

(c) A commercial applicator licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

Subd. 2. [RESPONSIBILITY.] A person required to be licensed under this section who performs pesticide applications for hire or who employs a licensed applicator to perform pesticide application for pro rata compensation is responsible for proper application of the pesticide or device.

Subd. 3. [LICENSE.] A commercial applicator license:

(1) expires on December 31 of the year for which it is issued, unless suspended or revoked before that date; and

(2) is not transferable to another person.

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a commercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible for the commercial applicator license.

(b) Aerial applicators must also fulfill applicable requirements in chapter 360.

(c) An applicant that desires an aquatic category endorsement must pass an examination prepared by the commissioner of natural resources and administered by the department of agriculture.

Subd. 5. [RENEWAL APPLICATION.] (a) A person must apply to the commissioner to renew a commercial applicator license. The

commissioner may renew a commercial applicator license accompanied by the application fee, subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The applicant may renew a commercial applicator license within 12 months after expiration of the license without having to meet initial testing requirements. The commissioner may require additional demonstration of applicator qualification if a person has had a license suspended or revoked or has had a history of violations of this chapter.

(b) An applicant that meets renewal requirements by reexamination instead of attending workshops must pay the equivalent workshop fee for the reexamination as determined by the commissioner.

Subd. 6. [FINANCIAL RESPONSIBILITY.] (a) A commercial applicator license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by: (1) proof of net assets equal to or greater than \$50,000; or (2) by a performance bond or insurance of the kind and in an amount determined by the commissioner.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately suspend the license of a person who fails to maintain the required bond or insurance. The performance bond or insurance policy must contain a provision requiring the insurance or bonding company to notify the commissioner by ten days before the effective date of cancellation, termination, or any other change of the bond or insurance. If there is recovery against the bond or insurance, additional coverage must be secured to maintain financial responsibility equal to the original amount required.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under the provisions of this section must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 7. [APPLICATION FEES.] (a) A person initially applying for or renewing a commercial applicator license as a business entity must pay a nonrefundable application fee of \$50, except a person who is an employee of a business entity that has a commercial applicator license and is applying for or renewing a commercial applicator license as an individual the nonrefundable application fee is \$25.

(b) If a renewal application is not filed before March 1 of the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the commercial applicator license may be issued.

Sec. 76. [18B.34] [NONCOMMERCIAL APPLICATOR LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) Except for a commercial applicator, private applicator, or structural pest control applicator, a person, including a government employee, may not use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) A person with a noncommercial applicator license may not apply pesticides into or on surface waters without an aquatic category endorsement on the license.

(c) A licensee must have a valid license identification card when applying pesticides and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Subd. 2. [LICENSE.] A noncommercial applicator license:

(1) expires on December 31 of the year for which it is issued unless suspended or revoked before that date; and

(2) is not transferable.

Subd. 3. [APPLICATION.] A person must apply to the commissioner for a noncommercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to acquire a noncommercial applicator license. An applicant desiring to apply pesticides into or on surface waters must pass an examination prepared by the department of natural resources and administered by the commissioner.

Subd. 4. [RENEWAL.] (a) A person must apply to the commissioner to renew a noncommercial applicator license. The commissioner may renew a license subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) An applicant that meets renewal requirements by re-examination instead of attending workshops must pay the equivalent workshop fee for the re-examination as determined by the commissioner.

(c) An applicant has 12 months to renew the license after expiration without having to meet initial testing requirements.

Subd. 5. [FEES.] (a) A person initially applying for or renewing a noncommercial applicator license as a business entity must pay a nonrefundable application fee of \$50. A person who is an employee of a business entity that has a noncommercial applicator license and is applying for or renewing a noncommercial applicator license as an individual must pay a nonrefundable application fee of \$25, except an applicant who is a government employee who uses pesticides in the course of performing official duties must pay a nonrefundable application fee of \$10.

(b) If an application for renewal of a noncommercial license is not filed before March 1 in the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the renewal license may be issued.

Sec. 77. [18B.35] [APPLICATION CATEGORIES WITHIN APPLICATOR LICENSES.]

Subdivision 1. [ESTABLISHMENT.] (a) The commissioner may establish categories of structural pest control, commercial applicator, and noncommercial applicator licenses for administering and enforcing this chapter. The categories may include pest control operators and ornamental, agricultural, aquatic, forest, and right-of-way pesticide applicators. Separate subclassifications of categories may be specified as to ground, aerial, or manual methods to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or weeds.

(b) Each category is subject to separate testing procedures and requirements.

Subd. 2. [NO ADDITIONAL FEE.] A person may not be required to pay an additional fee for a category or subclassification of a category of a license.

Sec. 78. [18B.36] [PRIVATE APPLICATOR CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] (a) Except for a commercial or noncommercial applicator, only a person certified as a private applicator may use or supervise the use of a restricted use pesticide to produce an agricultural commodity.

(1) as a traditional exchange of services without financial compensation; or

(2) on a site owned, rented, or managed by the person or the person's employees.

(b) A private applicator may not purchase a restricted use pesticide without presenting a private applicator card or the card number.

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training to certify persons as private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of five years from the applicant's nearest birthday.

(c) The commissioner shall issue a private applicator card to a private applicator.

Subd. 3. [FEES.] (a) A person applying to be certified as a private applicator must pay a nonrefundable \$10 application fee for the certification period.

(b) A \$5 fee must be paid for the issuance of a duplicate private applicator card.

Sec. 79. [18B.37] [RECORDS, REPORTS, PLANS, AND INSPECTIONS.]

Subdivision 1. [PESTICIDE DEALER.] (a) A pesticide dealer must maintain records of all sales of restricted use pesticides as required by the commissioner. Records must be kept on forms supplied by the commissioner or on the pesticide dealer's forms if they are approved by the commissioner.

(b) Records must be submitted annually with the renewal application for a pesticide dealer license or upon request of the commissioner.

(c) Copies of records required under this subdivision must be maintained by the pesticide dealer for a period of five years after the date of the pesticide sale.

Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.] (a) A commercial or noncommercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. The record must include the:

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) pesticide and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name, license number, address, and signature of applicator;
and
- (9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained in a single document for each pesticide application. Invoices containing the required information may constitute the required record.

(d) A commercial applicator must give a copy of the record to the customer when the application is completed.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

Subd. 3. [STRUCTURAL PEST CONTROL APPLICATORS.] (a) A structural pest control applicator must maintain a record of each structural pest control application conducted by that person or by the person's employees. The record must include the:

- (1) date of structural pest control application;
- (2) target pest;
- (3) name of the pesticide used;
- (4) for fumigation, the temperature and exposure time;

(5) name and address of the customer;

(6) structural pest control applicator's company name and address, applicator's signature, and license number; and

(7) any other information required by the commissioner.

(b) Invoices containing the required information may constitute the record.

(c) Records must be retained for five years after the date of treatment.

(d) A copy of the record must be given to a person who ordered the application that is present at the site where the structural pest control application is conducted, placed in a conspicuous location at the site where the structural pest control application is conducted immediately after the application of the pesticides, or delivered to the person who ordered an application or the owner of the site.

Subd. 4. [STORAGE, HANDLING, AND DISPOSAL PLAN.] A commercial, noncommercial, or structural pest control applicator or the licensed business that the applicator is employed by must develop and maintain a plan that describes its pesticide storage, handling, and disposal practices. The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request on forms provided by the commissioner. The plan must be available for inspection by the commissioner.

Subd. 5. [INSPECTION OF RECORDS.] The commissioner may enter a commercial, noncommercial, or structural pest control applicator's business and inspect the records required in this section at any reasonable time and may make copies of the records. Unless required for enforcement of this chapter, the information in the records in this section is private or nonpublic.

Sec. 80. [18B.38] [PROTECTION OF TRADE SECRETS.]

Subdivision 1. [REQUIREMENTS.] In submitting data required by this chapter, the applicant may:

(1) clearly mark any portions that in the applicant's opinion are trade secrets, commercial, or financial information; and

(2) submit the marked material separately from other material.

Subd. 2. [INFORMATION REVEALED.] After consideration of the applicant's request submitted under subdivision 1, the commissioner shall not make any information public that in the

commissioner's judgment contains or relates to trade secrets or to commercial or financial information obtained from an applicant. When necessary, information relating to formulas of products may be revealed to any state or federal agency consulted with similar protection of trade secret authority and may be revealed at a public hearing or in findings of facts issued by the commissioner.

Subd. 3. [NOTIFICATION.] If the commissioner proposes to release information that the applicant or registrant believes to be protected from disclosure under subdivision 2, the commissioner shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether the information is subject to protection under this section.

Sec. 81. [EXISTING RULES.]

Rules of the commissioner of agriculture in effect on the effective date of this act relating to the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers remain in effect until they are superseded by new rules. The commissioner may adopt emergency rules to implement this act until December 31, 1987.

Sec. 82. [PESTICIDE CONTAINER DEPOSIT REPORT.]

The commissioner of agriculture in consultation with the director of the pollution control agency shall develop a program for pesticide container deposit and return of triple rinsed pesticide containers. The commissioner shall prepare a report on a proposed program and legislative recommendations and submit the report to the house of representatives and senate committees on agriculture by January 15, 1988.

Sec. 83. Minnesota Statutes 1986, section 27.041, subdivision 2, is amended to read:

Subd. 2. [LICENSES.] The license, or a certified copy of the license, must be kept posted in the office of the licensee at each place within the state where the licensee transacts business. Every license shall expire June 30 following its issuance and thereafter be renewed July 1 each year. Any license issued under this subdivision is automatically void upon the termination of the surety bond covering the licensed operation. The fee for each license shall be based on the following schedule:

License Fee	Penalty for Late Renewal	Dollar Volume of Business
\$ 30	\$10	\$10,000 or less per month
\$ 60	\$15	Over \$10,000 to \$50,000 per month
\$180 \$300	\$45 \$75	Over \$50,000 to \$100,000 per month
\$240 <u>\$400</u>	\$60 <u>\$100</u>	Over \$100,000 per month

A fee of ~~\$10~~ \$20 shall be charged for each certified copy of a license, ~~\$2~~ \$5 for each license identification card, and ~~\$2~~ \$5 for each license identification truck decal. The commissioner shall make appropriate license fee adjustments for up to one year from July 1, 1975 for persons required to be licensed hereunder, who hold validly issued licenses as of the effective date of Laws 1975, chapter 227 under the provisions of law amended or repealed herein. A licensee who sells, disposes of, or discontinues the licensee's business during the lifetime of a license shall at the time the action is taken, notify the commissioner in writing, and upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

Money collected from license fees shall be deposited in the state treasury.

Sec. 84. Minnesota Statutes 1986, section 27.07, is amended by adding a subdivision to read:

Subd. 6. [COOPERATIVE AGREEMENTS; FEES; ACCOUNT.] The commissioner may collect fees as provided for in cooperative agreements between the commissioner and the United States Department of Agriculture for the inspection of fresh fruits, vegetables, and other products. The fees must be deposited in the state treasury and credited to a fruit and vegetables inspection account. The money in the account, including interest earned, is appropriated to the commissioner to carry out the cooperative agreements.

Sec. 85. Minnesota Statutes 1986, section 28A.08, is amended to read:

28A.08 [LICENSE FEES; PENALTIES.]

The fees for licenses and the penalties for late renewal of licenses set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than \$50,000 for the immediately previous license or fiscal year	\$ 25 \$ 40	\$10
(b) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$ 50 \$ 75	\$13 \$ 25
(c) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$100 \$125	\$25 \$ 50
(d) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200 \$250	\$50 \$ 75
2. Wholesale food handler	\$100	\$25
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$100	\$ 25
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$150	\$ 38
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200	\$ 50
3. Food broker	\$ 50 \$ 75	\$13 \$ 25
4. Wholesale food processor or manufacturer		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$150 \$200	\$38 \$ 50
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200 \$275	\$50 \$ 75

(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$250	\$350	\$63	\$100
5. Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture				
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$ 75	\$100	\$19	\$ 25
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$ 90	\$150	\$23	\$ 50
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$105	\$175	\$27	\$ 50
6. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$ 30		\$ 10	

Sec. 86. Minnesota Statutes 1986, section 32.075, is amended to read:

32.075 [TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES.]

Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and shall not be transferable. The fee for each such initial license shall be \$25 \$50 and each renewal thereof shall be \$10 \$25 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of \$10 shall be imposed. A person who does not renew a license within one year following its December 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews a license to prove competency and qualification in the same manner.

All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 87. Minnesota Statutes 1986, section 32.59, is amended to read:

32.59 [NONRESIDENT MANUFACTURER LICENSE.]

Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in the form and with the information the commissioner requires. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, must be submitted to the department. Each application for registration must be accompanied by a fee of ~~\$150~~ \$200, which is the registration fee if a certificate of registration is granted. If the department of agriculture finds that the samples submitted are up to the accepted standards and otherwise comply with the laws of this state, it shall issue to the applicant a certificate of registration. The penalty for a late registration application is ~~\$38~~ \$50 if the registration is not renewed by January 1 of any year.

Sec. 88. Minnesota Statutes 1986, section 40.01, subdivision 4, is amended to read:

Subd. 4. ~~[STATE BOARD OR STATE SOIL AND WATER CONSERVATION BOARD OF WATER AND SOIL RESOURCES.]~~ "State board" or "~~state soil and water conservation board of water and soil resources~~" means the agency created in section ~~40.03~~ 103.

Sec. 89. Minnesota Statutes 1986, section 40.03, subdivision 4, is amended to read:

Subd. 4. **[POWERS AND DUTIES.]** In addition to the powers and duties hereinafter conferred upon the state soil and water conservation board by section 103, it shall have the following powers and duties:

(1) Prepare and present to the commissioner of agriculture a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts. The board shall Receive and disburse any grants made available to the state by the United States Department of Agriculture under the preferred program developed under United States Code, title 16, sections 2001 to 2009;

(2) Offer any appropriate assistance to the supervisors of the districts in implementing any of their powers and programs. Any funds made available to a district for expenditures necessary for the

operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) Keep the supervisors of each district informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among the districts;

(4) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;

(6) Secure the cooperation and assistance of the appropriate agencies in the work of the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs;

(7) Develop and implement a comprehensive public information program concerning the districts' activities and programs, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;

(8) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships;

(9) Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;

(10) Identify research needs and cooperate with other public agencies in research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state, and long-term soil productivity;

(11) Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;

(12) Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and

(13) Ensure compliance with statewide programs and policies established by the state board pursuant to this section and section 40.02 by advice, consultation, and approval of grant agreements with the districts.

Sec. 90. Minnesota Statutes 1986, section 40.035, subdivision 2, is amended to read:

Subd. 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.

Sec. 91. Minnesota Statutes 1986, section 40.21, subdivision 1, is amended to read:

Subdivision 1. [RULES AND MODEL ORDINANCE AS GUIDE.] The ~~commissioner~~ board of agriculture water and soil resources, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall adopt a model ordinance and rules that serve as a guide for local governments to carry out the provisions of Laws 1985, chapter 256, sections 12 to 22 and sections 40.20 to 40.26, and provide administrative procedures for the ~~state soil and water conservation board~~ for Laws 1985, chapter 256, sections 12 to 21 and sections 40.20 to 40.26.

Sec. 92. Minnesota Statutes 1986, section 40.21, subdivision 3, is amended to read:

Subd. 3. [PERIODIC REVIEW.] At least once every five years the ~~commissioner of agriculture~~ board shall review the rules and model ordinance in cooperation with counties, soil and water conservation districts, and appropriate agencies to ensure their continued applicability and relevance.

Sec. 93. Minnesota Statutes 1986, section 40.43, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF PROGRAM.] The commissioner of agriculture, in consultation with the commissioner of natural resources, shall establish and administer a conservation reserve program. The commissioner of agriculture shall contract with the board of water and soil resources to implement sections 40.40 to 40.44. Selection of land for the conservation reserve program must be based on its potential for fish and wildlife production, reducing erosion, and protecting water quality.

Sec. 94. Minnesota Statutes 1986, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

(1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

(2) for filing annual statements, \$15;

(3) for each annual certificate of authority, \$15;

(4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

(1) for filing certified copy of certificate of articles of incorporation, ~~\$50~~ \$100;

(2) for filing annual statement, ~~\$30~~ \$225;

(3) for filing certified copy of amendment to certificate or articles of incorporation, ~~\$50~~ \$100;

(4) for filing bylaws, ~~\$25~~ \$75 or amendments thereto, ~~\$10~~ \$75;

(5) for each company's certificate of authority, ~~\$40~~ \$575, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, ~~\$5~~ \$15;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, ~~\$40~~ \$575;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident

agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing an initial license to an individual agent, \$20 per license, for issuing an initial agent's license to a partnership or corporation, \$50, and for issuing an amendment (variable annuity) to a license, \$20, and for renewal of amendment, \$20;

(8) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

(9) for renewing an individual agent's license, \$20 per year per license, and for renewing a license issued to a corporation or partnership, \$50 per year;

(10) for issuing and renewing a surplus lines agent's license, \$150;

(11) for issuing duplicate licenses, \$5;

(12) for issuing licensing histories, \$10;

(13) for ~~processing checks returned due to insufficient funds~~, \$15;

(14) for filing forms and rates, ~~\$10~~ \$50 per filing;

(14) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 95. Minnesota Statutes 1986, section 60A.206, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR RECOGNITION.] An insurer not otherwise licensed to engage in the business of insurance in Min-

nesota may apply for recognition as an eligible surplus lines insurer by filing an application in the form and with the information as reasonably required by the commissioner regarding the insurer's financial stability, reputation, integrity and operating plans, accompanied by a license fee of \$500. The commissioner may delegate to an association the power to process and make recommendations on applications for recognition as an eligible surplus lines insurer. Notwithstanding delegation by the commissioner, an applicant may file an application directly with the commissioner.

Sec. 96. Minnesota Statutes 1986, section 60A.23, subdivision 7, is amended to read:

Subd. 7. [LICENSES REQUIRED FOR EMPLOYERS MAKING DEDUCTIONS FROM WAGES FOR CERTAIN PURPOSES.] (1) [REQUIREMENTS.] No employer shall make deductions from the wages of employees for the purpose of furnishing them with life insurance, funeral benefits, medical or hospital care, accident, sickness or old age insurance or benefits, unless the employer first receives from the commissioner of commerce a license for the benefit plan the employer operates or proposes to operate. The license shall be granted only when the commissioner is satisfied that the benefits given are commensurate with the charges made and that the charges will keep the fund solvent. All licenses shall be for the period of one year. The commissioner may require a statement of the operation of the fund, on a form to be prescribed by the commissioner, before granting a renewal. The fee for a license is ~~\$25~~ \$250 and for filing the annual statement ~~\$10~~ \$40. Any fees received by the commissioner pursuant to this subdivision shall be paid into the general fund. Before granting a license the commissioner of commerce shall submit the proposed plan to the chair of the workers' compensation court of appeals in order that the chair may determine whether the benefits are in conjunction with the benefits under the workers' compensation act.

(2) [EXCEPTIONS.] The requirements of clause (1) shall not apply to deductions made from the employees' wages for group insurance issued by insurers authorized to transact business in this state nor to railroad companies engaged in interstate commerce.

(3) [PENALTY.] Any person, firm, corporation, or association that makes deductions from the wages of an employee in violation of clause (1) shall be guilty of a misdemeanor.

Sec. 97. Minnesota Statutes 1986, section 70A.14, subdivision 4, is amended to read:

Subd. 4. [DURATION.] Licenses issued pursuant to this section shall remain in effect until the licensee withdraws from the state or until the license is suspended or revoked. The fee for each license shall be ~~\$100~~ \$1,000, payable every three years.

Sec. 98. Minnesota Statutes 1986, section 83.23, subdivision 2, is amended to read:

Subd. 2. [NOTIFICATION.] Unless the method of offer or sale is adopted for the purpose of evasion of sections 83.20 to 83.42, 83.43 and 83.44, subdivided lands may be registered by notification provided that all of the following requirements have been met:

(a) the subdivision consists of not more than 100 separate lots, units, parcels, or interests;

(b) at least 20 days prior to any offer pursuant to this subdivision, the subdivider must supply the commissioner, on forms which the commissioner may by rule prescribe, at least the following information:

(1) the name and address of the subdivider and the form and date of its organization if other than an individual;

(2) the location and legal description of the subdivision and the total number of lots, parcels, units, or interests;

(3) either a title opinion prepared and signed by an attorney licensed to practice law in the state wherein the subdivided land is situated; or a certificate of title insurance or its equivalent acceptable to the commissioner;

(4) a copy of each instrument which will be delivered to a purchaser to evidence the purchaser's interest in the subdivided lands and a copy of each contract or other agreement which a purchaser will be required to agree to or sign, together with the range of selling prices, rates, or rentals at which it is proposed to offer the lots, units, parcels, or interests in the subdivision, a list of fees the purchaser may be required to pay for amenities or membership in groups including, but not limited to, homeowners' associations, country clubs, golf courses, and other community organizations; and

(5) a copy of a signed and approved plat map or its equivalent;

(c) a filing fee of ~~\$100~~ \$150 has been paid;

(d) the subdivider is in compliance with the service of process provisions of section 83.39.

The commissioner may by rule or order withdraw or further condition registration by notification or increase or decrease the number of lots, units, parcels, or interests in subdivided lands permitted for registration by notification. If no stop order is in effect, no proceeding is pending, and no order has been issued under

subdivision 4, a registration statement under this section automatically becomes effective at 5:00 in the afternoon on the 20th full business day after the filing of the registration statement or the last amendment, or at such earlier time as the commissioner by order determines.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 99. Minnesota Statutes 1986, section 83.23, subdivision 3, is amended to read:

Subd. 3. [QUALIFICATION.] Subdivided lands may be registered by qualification provided all of the following requirements have been met:

(a) an application for registration has been filed with the commissioner in a format which the commissioner may by rule prescribe;

(b) the commissioner has been furnished a proposed public offering statement complying with section 83.24;

(c) a filing fee of ~~\$250~~ \$400 plus an additional registration fee of \$1 for each lot, unit, parcel, or interest included in the offering accompanies the application. The maximum combined filing and registration fees shall in no event be more than ~~\$2,500~~ \$3,500;

(d) the subdivider is in compliance with service of process provisions of section 83.39;

(e) the commissioner has been furnished a financial statement of the subdivider's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year of the subdivider is more than 90 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 90 days of the date of application.

Subdivisions in which all the improvements are complete and paid for by the developer, and for which clear title can be given the purchaser at the closing, are exempt from providing independently certified financial statements.

An application for registration under this section becomes effective when the commissioner so orders.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 100. Minnesota Statutes 1986, section 83.30, subdivision 2, is amended to read:

Subd. 2. [FEE.] Every annual report filed pursuant to section 83.23, subdivision 2, shall be accompanied by a fee of ~~\$50~~ \$75. Every annual report filed pursuant to section 83.23, subdivision 3, shall be accompanied by a fee of ~~\$100~~ \$150.

Sec. 101. Minnesota Statutes 1986, section 105.73, is amended to read:

105.73 [DEFINITIONS.]

Unless the context clearly indicates a different meaning is intended, the following terms for the purposes of this chapter shall be given the meanings ascribed to them in this section.

Board—~~Minnesota water resources~~ Board of water and soil resources.

Proceeding—Any procedure under any of the laws enumerated in section 105.74 however administrative discretion or duty thereunder may be invoked in any instance.

Agency—Any state officer, board, commission, bureau, division, or agency, other than a court, exercising duty or authority under any of the laws enumerated in section 105.74.

Court—The court means the district court or a judge thereof before whom the proceedings are pending.

Question of water policy—Where use, disposal, pollution, or conservation of water is a purpose, incident, or factor in a proceeding, the question or questions of state water law and policy involved, including either (a) determination of the governing policy of state law in the proceeding, resolving apparent inconsistencies between different statutes, (b) the proper application of that policy to facts in the proceeding when application is a matter of administrative discretion, or both (a) and (b).

Sec. 102. Minnesota Statutes 1986, section 110B.02, subdivision 2, is amended to read:

Subd. 2. [BOARD.] "Board" means the board of water and soil resources board.

Sec. 103. [110B.35] [BOARD OF WATER AND SOIL RESOURCES.]

Subdivision 1. [MEMBERSHIP.] The board of water and soil resources is composed of 12 voting members knowledgeable of water and soil problems and conditions within the state, and four ex officio nonvoting members.

Subd. 2. [VOTING MEMBERS.] (a) The voting members are:

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives; and
- (4) three citizens who are not employed by, or the appointed or elected official of, any governmental office, board, or agency.

(b) Voting members must be distributed across the state with at least three members but not more than five members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Voting members are appointed by the governor. In making the appointments, the governor may consider persons recommended by the association of Minnesota counties, the Minnesota association of soil and water conservation districts, and the Minnesota association of watershed districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for voting members are as provided in section 15.0575.

Subd. 3. [EX OFFICIO NONVOTING MEMBERS.] The following agencies shall each provide one nonvoting member to the board:

- (1) department of agriculture;
- (2) department of health;
- (3) department of natural resources; and
- (4) pollution control agency.

Subd. 4. [EMPLOYEES.] The board may employ an executive director in the unclassified service and other permanent and temporary employees in accordance with chapter 43A. The board may prescribe the powers and duties of its officers and employees and may authorize its employees and members of the board to act on behalf of the board.

Subd. 5. [OFFICERS; QUORUM; RECORDS; AUDIT.] The governor shall appoint a chair from among the voting members of the board with the advice and consent of the senate. The board shall

elect a vice-chair and any other officers that it considers necessary from its membership. A majority of the board is a quorum. The board may hold public hearings and adopt rules necessary to execute its duties.

Subd. 6. [ADMINISTRATIVE SERVICES.] The commissioner of administration shall provide and make available within the department of agriculture suitable and adequate office facilities and space for the board. The commissioner of agriculture shall provide and make available administrative services required by the board in the administration of its functions.

Subd. 7. [POWERS AND DUTIES.] In addition to the powers and duties prescribed elsewhere, the board has the following powers and duties:

(a) It shall coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate.

(b) It shall facilitate communication and coordination among state agencies in cooperation with the environmental quality board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible.

(c) It shall coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009.

(d) It shall develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them.

(e) It shall provide a forum for the discussion of local issues and opportunities relating to water and soil resources management.

(f) It shall adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law.

(g) It shall report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board member-

ship changes necessary to improve state and local efforts in water and soil resources management.

Subd. 8. [COMMITTEE FOR DISPUTE RESOLUTION.] A committee of the board is established to hear and resolve disputes, appeals, and interventions under sections 105.72 to 105.79, 110B.25, 112.801, and 473.878, subdivision 7. The committee consists of the three citizen members specified in subdivision 1, paragraph (a), clause (4), and two additional members appointed by the board chair.

Sec. 104. Minnesota Statutes 1986, section 112.35, subdivision 4, is amended to read:

Subd. 4. "Board" means the Minnesota water resources board of water and soil resources established by section 105.71 103.

Sec. 105. Minnesota Statutes 1986, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as members the director of the state planning agency, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members shall have knowledge of and be conversant in water management issues in the state.

Sec. 106. Minnesota Statutes 1986, section 138.65, is amended to read:

138.65 [ADMISSION FEES.]

The Minnesota historical society may establish and collect fees it deems reasonable for admission to the state owned historic sites under its control. These fees shall be deposited in the general fund state treasury and are appropriated to the Minnesota historical society for historic site operations.

Sec. 107. Minnesota Statutes 1986, section 138.91, is amended by adding a subdivision to read:

Subd. 3. [HUMANITIES RESOURCE CENTER.] The Minnesota humanities commission may establish a humanities resource center to ensure balance in public education and in the cultural life of the state. The humanities resource center may transport people and resources to small towns, rural communities, and urban settings to

provide high quality educational and cultural programs to schools and community organizations throughout Minnesota.

Sec. 108. Minnesota Statutes 1986, section 144.226, subdivision 3, is amended to read:

Subd. 3. [BIRTH CERTIFICATE COPY SURCHARGE.] In addition to any fee prescribed under subdivision 1, there shall be a surcharge of ~~\$2~~ \$3 for each certified copy of a birth certificate. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 299A.22. This surcharge shall not be charged under those circumstances in which no fee for a certified copy of a birth certificate is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued.

Sec. 109. Minnesota Statutes 1986, section 296.17, subdivision 9a, is amended to read:

Subd. 9a. [MINNESOTA BASED INTERSTATE CARRIERS.] Notwithstanding the exemption contained in subdivision 9, as the commissioner of public safety enters into interstate fuel tax compacts which require base state licensing and filing and which eliminate filing in the nonresident compact states, the Minnesota based motor vehicles registered pursuant to section 168.187 will be required to license under the fuel tax compact in Minnesota.

The commissioner of public safety will have all the powers granted to the commissioner of revenue under this section, including the authority to collect and issue licenses, to collect the tax due, and issue any refunds. All license fees paid to the commissioner of public safety pursuant to subdivision 10 will be deposited in the general fund. The commissioner shall charge an annual fee of \$13 for applications for quarterly reporting of fuel tax under this subdivision.

Sec. 110. Minnesota Statutes 1986, section 171.02, subdivision 3, is amended to read:

Subd. 3. [MOTORIZED BICYCLES.] No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid drivers license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has passed the written portion of the examination prescribed by the commissioner. The commissioner

may promulgate rules prescribing the content of the examination and the information to be contained on the permits.

The fees for motorized bicycle operator's permits are as follows:

(a) Examination and operator's permit, valid for one year	\$4	\$6
(b) Duplicate	\$2	\$3
(c) Renewal permit before age 19 and valid until age 19	\$6	\$9
(d) Renewal permit after age 19 and valid for four years	\$10	\$15
(e) Duplicate of any renewal permit	\$3	\$4.50
(f) Written examination and instruction permit, valid for 30 days	\$4	\$6

Sec. 111. Minnesota Statutes 1986, section 171.06, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver License	C-\$10 B-\$15 A-\$20 A-\$30	C-\$15 B-\$22.50
Classified Provisional D.L.	C-\$6 B-\$10	C-\$9 B-\$15
Instruction Permit		\$4 \$6
Duplicate Driver or Provisional License		\$3 \$4.50
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a		\$6 \$9

Sec. 112. Minnesota Statutes 1986, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. [GENERAL FUND SHARE.] (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited to the highway user tax distribution fund and the transit assistance fund as provided in subdivision 2 this subdivision, and transferred from the general fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit fund. Five percent of the money must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment as provided in this section. Of the money deposited under this section, 75 percent must

be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the money must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.

(b) The distributions under this subdivision to the highway user tax distribution fund must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 113. Minnesota Statutes 1986, section 299A.23, subdivision 3, is amended to read:

Subd. 3. [PLAN FOR DISBURSEMENT OF FUNDS.] By June 1, 1987, and ~~biennially thereafter~~, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. Biennially thereafter the commissioner shall send the plan to the legislature and the governor by ~~June~~ January 1 of each odd-numbered year.

Sec. 114. Minnesota Statutes 1986, section 299A.26, is amended to read:

299A.26 [ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.]

The commissioner may accept federal money and gifts, donations, and requests for the purposes of Laws 1986, chapter 423. Money so received and proceeds from the sale of promotional items, minus sales promotional costs, must be deposited in the trust fund and must be made available annually to the commissioner for disbursement.

Sec. 115. Minnesota Statutes 1986, section 309.531, subdivision 1, is amended to read:

Subdivision 1. No person shall act as a professional fund raiser unless licensed by registered with the department attorney general. Applications for a license shall The registration statement must be in writing, under oath, in the form prescribed by the department attorney general and shall must be accompanied by an application fee of \$25 \$200. Each license shall be registration is effective for a period of not more than 12 months from the date of issuance, and in any event shall expire expires on July 30 next following the date of issuance. The registration may be renewed for additional one-year periods on application and payment of the fee.

Sec. 116. Minnesota Statutes 1986, section 326.241, subdivision 3, is amended to read:

Subd. 3. [FEES AND FINANCES; DISPOSITION.] All license fees collected under the provisions of sections 326.241 to 326.248 are to be credited to the general fund. The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity a special account in the state treasury. Money in the account is appropriated to the board of electricity to administer and enforce sections 326.241 to 326.248, to pay indirect costs, to compensate contract electrical inspectors for inspections performed, and to make refunds.

Sec. 117. Minnesota Statutes 1986, section 326.244, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] (a) At or before commencement of any installation required to be inspected by the board, the electrical contractor, installer, special electrician, or owner making the installation shall submit to the board a request for inspection, in a form prescribed by the board, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the board in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the board in an amount sufficient to pay the actual costs of the inspection and the board's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 14.01 to 14.70.

(c) All handling fees shall be deposited in the general fund. All inspection fees collected pursuant to this section shall be deposited by the board in a special revenue bookkeeping account of the treasury and are appropriated to the board for the purpose of compensating contract inspectors for inspections performed, for transfer to the general fund of the portion of the fee representing inspection administration costs, and for making refunds.

(d) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326.243, the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to the installation disconnected, and shall send a copy of the order to the board. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(e) (d) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, and the electrical contractor, installer, or special electrician making the installation, and other persons as the board by rule may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the board a notice of appeal within ten days after (1) service upon the aggrieved party of the condemnation or disconnection order, if this service is required, or (2) filing of the order with the board, whichever is later. The appeal shall proceed and the order of the inspector shall have the effect the order, by its terms, and the rules of the board provides. The board shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

Sec. 118. Minnesota Statutes 1986, section 332.33, subdivision 3, is amended to read:

Subd. 3. Licenses granted by the commissioner of commerce under sections 332.31 to 332.45 shall expire on June 30. All renewals of licenses shall likewise expire on June 30. Each license shall plainly state the name and business address of the licensee, and shall be posted in a conspicuous place in the office where the business is transacted. The fee for each license is \$500 and renewal shall be ~~\$100~~ is \$400. A licensee who desires to carry on business in more than one place within the state shall procure a license for each place where the business is to be conducted.

Sec. 119. Minnesota Statutes 1986, section 332.33, subdivision 4, is amended to read:

Subd. 4. The commissioner may require such financial statements and references of all applicants for a license as the commissioner deems necessary; and may make or cause to be made an independent investigation concerning the applicant's reputation, integrity, competence, and net worth, at the expense of the applicant for such initial investigation, not to exceed \$100 \$500, and for that purpose may require such deposit against the cost thereof as the commissioner deems adequate. Such investigation may cover all managerial personnel employed by or associated with the applicant.

Sec. 120. Minnesota Statutes 1986, section 473.39, subdivision 1a, is amended to read:

Subd. 1a. ~~[AMOUNT; I-394 FACILITIES AMOUNTS.]~~ (a) The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$8,500,000 \$17,000,000 for ~~expenditure~~ financial assistance to the commission, as prescribed in the implementation plan of the board and the capital program of the commission. ~~Of this~~

~~(b) The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount, no more than not exceeding \$1,500,000 may be spent for land acquisition and capital improvements for park and ride lots and transit transfer stations planned for the interstate highway described in section 161.123, clause (2), commonly known as I-394. These facilities may be constructed and maintained by the metropolitan transit commission. The board shall require, as a condition of financial assistance to the commission, that the commission make facilities it constructs, acquires, or improves for I-394 with funds provided under this provision available to all transit providers on a nondiscriminatory basis, as the board defines these terms.~~

Sec. 121. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 1a. [BOARD.] "Board," unless the context indicates otherwise, means the board of water and soil resources created in section 103.

Sec. 122. Minnesota Statutes 1986, section 473.877, subdivision 2, is amended to read:

Subd. 2. [REVIEW OF WATERSHED BOUNDARIES.] Before commencing planning under section 473.878, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the ~~water resources board of water and soil resources~~

for review and comment on the conformance of the boundaries with the requirements of sections 473.875 to 473.883. The board shall have 60 days to comment.

Sec. 123. Minnesota Statutes 1986, section 473.8771, subdivision 1, is amended to read:

Subdivision 1. [BOUNDARY CHANGE.] The boundaries of a watershed district wholly within the metropolitan area may be changed pursuant to this subdivision or chapter 112. The governing board of a watershed management organization may petition the ~~water resources~~ board of water and soil resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, either by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization. The petition must:

(a) describe with particularity the change in boundary requested, the territory affected, and the reasons for the change;

(b) show that the change is consistent with the purposes and requirements of sections 473.875 to 473.883; and

(c) identify any property subject to subdivision 3.

The petition must be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred. Upon the filing of a sufficient petition, the ~~water resources~~ board shall give notice of the filing of the petition by publication once each week for two successive weeks in a legal newspaper in each county affected and by mail to the county auditor of each county affected and to the chief official of each statutory or home rule charter city and township affected. The notice must describe the action proposed by the petition and invite written comments on the petition for consideration by the board. The notice must announce that any person who objects to the action proposed in the petition may submit a written request for hearing to the board within 20 days of the last publication of the notice of the filing of the petition and that if no timely request for hearing is received the board will make a decision on the petition pursuant to this subdivision without conducting the public hearing required under chapter 112. If no timely request for hearing is received the board shall make a decision on the petition without a hearing within 30 days after the last publication of the notice. If one or more timely requests for hearing are received the board shall hold a hearing on the petition and shall follow the procedures in chapter 112 regarding notice and conduct of hearings. After completing the procedures required by this subdivision, the board shall, by its findings and

order, make the boundary change requested if the board determines that:

(a) (i) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition,

(b) (ii) the change is consistent with the purposes and requirements of sections 473.875 to 473.883, and

(c) (iii) the change can be accomplished in conformance with subdivision 3.

The board shall file a certified copy of the findings and order with the secretary of state. The order making the change must conform to subdivision 3. The order making the change may amend the order prescribing the distribution of managers of the district.

Sec. 124. Minnesota Statutes 1986, section 473.8771, subdivision 2, is amended to read:

Subd. 2. [TERMINATION.] A watershed district wholly within the metropolitan area may be terminated pursuant to this subdivision or chapter 112. Proceedings for termination under this subdivision must be initiated by a petition to the ~~water resources~~ board of water and soil resources filed jointly by the governing bodies of all statutory and home rule charter cities and towns having jurisdiction over territory within the watershed. Upon the filing of a sufficient petition, the board shall hold a hearing in accordance with the procedures prescribed in chapter 112, to take testimony on the determinations required to be made by the board. Following the hearing, the board shall, by its findings and order, terminate the district as requested if the board determines:

(a) that the local units of government having jurisdiction over territory within the watershed have formed a joint powers organization for the watershed pursuant to section 473.877,

(b) that upon termination of the district the members of the joint powers organization, jointly or severally, are willing and able to assume ownership of the district's assets and the responsibility for managing and maintaining the district's projects as necessary to accomplish the purposes of sections 473.875 to 473.883 and to implement the watershed plan of the joint powers organization to be developed pursuant to section 473.878, and

(c) that the termination can be accomplished in conformance with subdivision 3.

The board shall file a certified copy of the findings and order with the secretary of state. The order terminating the district must transfer the assets of the district to the joint powers organization or its members. The order must conform to subdivision 3.

Sec. 125. Minnesota Statutes 1986, section 473.878, subdivision 7, is amended to read:

Subd. 7. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 6, the plan shall be submitted to the commissioner of natural resources and the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board of water and soil resources for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board of water and soil resources shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the water resources board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Sec. 126. Minnesota Statutes 1986, section 473.878, subdivision 8, is amended to read:

Subd. 8. [ADOPTION; IMPLEMENTATION.] The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the water resources board of water and soil resources. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the water resources board of water and soil resources, and to limit the cost and purposes of projects.

Sec. 127. Minnesota Statutes 1986, section 611A.61, is amended by adding a subdivision to read:

Subd. 3. [DEPOSIT OF REVENUE TO FUND.] The first \$18,000 collected under this section in each year of the biennium must be deposited into the general fund. Amounts in excess of \$18,000 must be deposited into the crime victim and witness account in the state treasury for the purposes established in section 609.101.

Sec. 128. [626.562] [CHILD ABUSE PROFESSIONAL CONSULTATION TELEPHONE LINE.]

Subdivision 1. [ESTABLISHMENT OF TELEPHONE LINE.] The commissioner of public safety shall contract for at least one state-wide toll-free 24-hour telephone line for the purpose of providing consultative and training services for physicians, therapists, child protection workers, and other professionals involved in child protection. Services provided must include emergency and longer term consultation on individual child protection cases.

Subd. 2. [CONTRACT AUTHORITY.] The commissioner shall contract to establish the telephone service described in subdivision 1. The commissioner shall contract only with agencies that agree to match through cash or in-kind donations 30 percent of the contract amount. The commissioner shall require that these agencies submit periodic reports describing the manner in which they have performed services specified in this section.

Subd. 3. [CHILD ABUSE REPORTING.] A communication by telephone line established under this section by a person mandated to report abuse or neglect under section 626.556 does not satisfy the obligation to report under that section.

Sec. 129. Minnesota Statutes 1986, section 626.841, is amended to read:

626.841 [BOARD; MEMBERS.]

The board of peace officer standards and training shall be composed of the following ~~13~~ 15 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) Two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota state patrol association;

~~(e)~~ (d) The superintendent of the Minnesota bureau of criminal apprehension or a designee;

~~(4)~~ (e) Two members appointed by the governor experienced in law enforcement at a local, state or federal level who are not currently employed as peace officers;

(e) (f) Two members to be appointed by the governor from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2;

(f) (g) Two members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 130. Minnesota Statutes 1986, section 626.846, is amended by adding a subdivision to read:

Subd. 6. A person seeking election or appointment to the office of sheriff after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office.

Sec. 131. Minnesota Statutes 1986, section 626.852, is amended to read:

626.852 [TUITION; SALARY AND EXPENSES.]

No tuition shall be charged any peace officer or part-time peace officer for attending any training school herein provided for, and Each officer when assigned to the bureau of criminal apprehension continuing education courses pursuant to rules of the board shall receive the officer's regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for the cost of meals, travel, and lodgings while in attendance at the bureau of criminal apprehension courses, not to exceed similar allowance for state employees.

Sec. 132. [REPEALER.]

Subdivision 1. Minnesota Statutes 1986, sections 18A.21; 18A.22; 18A.23; 18A.24; 18A.25; 18A.26; 18A.27; 18A.28; 18A.29; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.36; 18A.37; 18A.38; 18A.39; 18A.40; 18A.41; 18A.42; 18A.43; 18A.44; 18A.45; 18A.48; 297B.09, subdivision 2; and 626.849, are repealed.

Subd. 2. Minnesota Statutes 1986, sections 40.03, subdivisions 1, 1a, 2, and 3; 105.71; 116C.40, subdivision 3; and 116C.41, subdivision 2, are repealed effective October 1, 1987.

Sec. 133. [EFFECTIVE DATES.]

Subdivision 1. Section 108 is effective the day following final enactment.

Subd. 2. Sections 33, 34, 88 to 93, 101 to 105, and 121 to 126 are effective October 1, 1987. Until the effective date of these sections, appropriations made to the board of water and soil resources must be allocated by the commissioner of finance to the separate agencies."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; requiring studies and reports; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 27.07, by adding a subdivision; 28A.08; 32.075; 32.59; 40.01, subdivision 4; 40.03, subdivision 4; 40.035, subdivision 2; 40.21, subdivisions 1 and 3; 40.43, subdivision 1; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 105.73; 110B.02, subdivision 2; 112.35, subdivision 4; 116C.03, subdivision 2; 138.65; 138.91, by adding a subdivision; 144.226, subdivision 3; 171.02, subdivision 3; 171.06, subdivision 2; 296.17, subdivision 9a; 297B.09, subdivision 1; 299A.23, subdivision 3; 299A.26; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; 473.39, subdivision 1a; 473.876, by adding a subdivision; 473.877, subdivision 2; 473.8771, subdivisions 1 and 2; 473.878, subdivisions 7 and 8; 611A.61, by adding a subdivision; 626.841; 626.846, by adding a subdivision; and 626.852; proposing coding for new law in Minnesota Statutes, chapters 110B and 626; proposing coding for new law as Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1986, sections 18A.21 to 18A.48; 40.03, subdivisions 1, 1a, 2, and 3; 105.71; 116C.40, subdivision 3; 116C.41, subdivision 2; 297B.09, subdivision 2; and 626.849."

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

Senate Conferees: KEITH LANGSETH, BOB LESSARD, LYLE G. MEHRKENS, CLARENCE M. PURFEERST AND JIM RAMSTAD.

House Conferees: JAMES I. RICE, JOHN SARNA, BERNARD L. LIEDER AND HENRY J. KALIS.

Rice moved that the report of the Conference Committee on S. F. No. 1516 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

CALL OF THE HOUSE

On the motion of Vanasek and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Battaglia	Hartle	Marsh	Pauly	Steensma
Bauerly	Haukoos	McEachern	Pelowski	Sviggum
Beard	Himle	McLaughlin	Poppenhagen	Swenson
Begich	Hugoson	McPherson	Price	Thiede
Bennett	Jacobs	Milbert	Quinn	Tjornhom
Bertram	Jaros	Miller	Redalen	Trimble
Boo	Jefferson	Minne	Reding	Tunheim
Brown	Jensen	Morrison	Rest	Uphus
Burger	Johnson, A.	Munger	Rice	Valento
Carlson, D.	Johnson, R.	Murphy	Richter	Vanasek
Carlson, L.	Johnson, V.	Nelson, D.	Riveness	Vellenga
Clark	Kahn	Neuenschwander	Rukavina	Wagenius
Cooper	Kalis	O'Connor	Sarna	Waltman
Dauner	Kelso	Ogren	Schafer	Wenzel
DeBlicke	Kinkel	Olsen, S.	Scheid	Winter
Dorn	Kludt	Olson, E.	Schoenfeld	Wynia
Forsythe	Kostohryz	Omann	Schreiber	Spk. Norton
Frederick	Larsen	Orenstein	Seaberg	
Frerichs	Lasley	Otis	Solberg	
Gruenes	Lieder	Ozment	Sparby	
Gutknecht	Long	Pappas	Stanius	

Vanasek moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 1516, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 28A.08; 32.075; 32.59; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 138.65; 138.91, by adding a subdivision; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; amending Laws 1975, chapter 235, section 2, as amended.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Vanasek moved that those not voting be excused from voting. The motion prevailed.

There were 82 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jefferson	McLaughlin	Pappas	Sparby
Bauerly	Jensen	Milbert	Pelowski	Steensma
Beard	Johnson, A.	Minne	Peterson	Trimble
Begich	Johnson, R.	Morrison	Price	Tunheim
Bertram	Kahn	Munger	Quinn	Uphus
Boo	Kalis	Murphy	Reding	Vanasek
Brown	Kelly	Nelson, C.	Rest	Vellenga
Carlson, L.	Kelso	Nelson, D.	Rice	Voss
Carruthers	Kinkel	Nelson, K.	Riveness	Wagenius
Clark	Kludt	Neuenschwander	Rodosovich	Weile
Cooper	Knuth	O'Connor	Rukavina	Wenzel
Dauner	Kostohryz	Ogren	Sarna	Winter
DeBlieck	Krueger	Olsen, S.	Scheid	Wynia
Dorn	Larsen	Olson, E.	Schoenfeld	Spk. Norton
Greenfield	Lieder	Olson, K.	Simoneau	
Jacobs	Long	Orenstein	Skoglund	
Jaros	McEachern	Otis	Solberg	

Those who voted in the negative were:

Bennett	Frerichs	Knickerbocker	Poppenhagen	Svigum
Bishop	Gruenes	Lasley	Redalen	Swenson
Blatz	Gutknecht	Marsh	Richter	Thiede
Burger	Hartle	McPherson	Rose	Tjornhom
Carlson, D.	Haukoos	Miller	Schafer	Valento
Clausnitzer	Heap	Omann	Schreiber	Waltman
Dille	Himle	Onnen	Seaberg	
Forsythe	Hugoson	Ozment	Shaver	
Frederick	Johnson, V.	Pauly	Stanius	

The bill was repassed, as amended by Conference, and its title agreed to.

GENERAL ORDERS

Vanasek moved that the bills on General Orders for today be continued one day. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Vanasek from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 11, A House concurrent resolution relating to adjournment of the Senate and House of Representatives until 1988.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

House Concurrent Resolution No. 11 was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 11

A House concurrent resolution relating to adjournment of the Senate and House of Representatives until 1988.

Be It Resolved by the House of Representatives, the Senate concurring:

(1) Upon their adjournments on May 18, 1987, the House of Representatives may set its next day of meeting for February 9, 1988, at 2:00 p.m., and the Senate may set its next day of meeting for February 9, 1988, at 2:00 p.m.

(2) By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

Vanasek moved that House Concurrent Resolution No. 11 be now adopted. The motion prevailed and House Concurrent Resolution No. 11 was adopted.

MOTIONS AND RESOLUTIONS

Knuth moved that the names of Rice; Anderson, G.; Sarna and Simoneau be added as authors on H. F. No. 566. The motion prevailed.

Otis moved that the name of Morrison be added as an author on H. F. No. 1109. The motion prevailed.

Wenzel moved that the names of Vanasek, Krueger, Steensma and Cooper be added as authors on H. F. No. 1667. The motion prevailed.

Johnson, A., moved that the name of Jefferson be added as an author on H. F. No. 1678. The motion prevailed.

Scheid moved that H. F. No. 1342, now on General Orders be laid on the table. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1112:

Greenfield, McLaughlin and Simoneau.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1351:

Tunheim, Sparby and Johnson, V.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 169:

Reding, Miller and Voss.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1203:

Anderson, G.; Rice and McKasy.

ADJOURNMENT

Vanasek moved that when the House adjourns today it adjourn until 8:00 a.m., Monday, May 18, 1987. The motion prevailed.

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 8:00 a.m., Monday, May 18, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives