

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION—1988

EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 13, 1988

The House of Representatives convened at 1:00 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor Jim Gronewold, Faith Lutheran Church, Staples, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R., was excused until 1:55 p.m. Uphus was excused until 2:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 1662, 2195, 1678, 1719, 2131, 2194, 821, 2106 and 1937 have been placed in the members' files.

S. F. No. 1719 and H. F. No. 2221, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, A., moved that S. F. No. 1719 be substituted for H. F. No. 2221 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2131 and H. F. No. 2248, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 2131 be substituted for H. F. No. 2248 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1719 and 2131 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from 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. 1000, A bill for an act relating to agriculture; making changes in various agriculture programs; establishing agriculture programs; establishing a commodity contract task force; appropri-

ating money; providing penalties; amending Minnesota Statutes 1986, sections 41A.09, by adding a subdivision; 41B.02, by adding a subdivision; and 65A.33, subdivision 3; Minnesota Statutes 1987 Supplement, sections 17.102, subdivision 1; 41B.01, subdivision 2; 41B.03, subdivision 3; 41B.039, subdivisions 1, 2, 4, and by adding a subdivision; 41B.05; Laws 1987, chapter 396, article 9, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 17; 31; 124; and 325E; proposing coding for new law as Minnesota Statutes, chapter 32C; repealing Minnesota Statutes 1986, sections 32A.01; 32A.02; 32A.03; 32A.04; 32A.05; 32A.07; 32A.08; and 32A.09; and Laws 1987, chapter 358, section 31.

The Senate has appointed as such Committee:

Messrs. Davis, Stumpf, Morse, Berg and Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, 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. 1935, A bill for an act relating to insurance; accident and health; broadening the average for adopted children; requiring coverage for routine diagnostic procedures for cancer and services provided to ventilator-dependent persons; amending Minnesota Statutes 1987 Supplement, section 62A.27; and proposing coding for new law in Minnesota Statutes, chapter 62A.

The Senate has appointed as such Committee:

Messrs. Dahl, Dicklich and Lessard.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, 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. 1966, A bill for an act relating to zoning; providing for filing requirements of variances and certain official maps to real

property; amending Minnesota Statutes 1986, section 462.36, subdivision 1.

The Senate has appointed as such Committee:

Mr. Belanger, Mrs. Adkins and Mr. Frederickson, D. J.

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. 2038, A bill for an act relating to employment; regulating youth employment programs; requiring that new jobs do not replace existing jobs; providing for compensation at the state or federal minimum wage; regulating employment contracts; authorizing the department of jobs and training to buy real estate and locate offices in Minneapolis; amending Minnesota Statutes 1986, sections 268.31, 268.32, and 268.34; proposing coding for new law in Minnesota Statutes, chapter 268.

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. 2182, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; permitting state-run lotteries; providing for the distribution of their proceeds; establishing a Minnesota environment and natural resources trust fund; providing implementing legislation; creating a legislative commission, an advisory committee, and a review panel; providing for trust fund expenditures; amending Minnesota Statutes 1986, sections 86.72, subdivisions 2 and 3; and 290.431; Minnesota Statutes 1987 Supplement, sections 116C.69, subdivision 3; and 297.13, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 115C; repealing Minnesota Statutes 1986, sections 86.01; 86.02; 86.03; 86.06; 86.07; 86.08; 86.10; 86.11; 86.12; 86.31; 86.32; 86.33,

subdivision 1; 86.34; 86.35; 86.41; 86.42; 86.51; 86.53; 86.61; and 86.75.

The Senate has appointed as such Committee:

Messrs. Moe, R. D.; Merriam; Ms. Peterson, D. C.; Messrs. Knaak and Lessard.

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. 2396, A bill for an act relating to education; authorizing the sale of college savings bonds; requiring a market study and plan; authorizing the issuance of zero coupon bonds; exempting a specified amount of bonds from consideration in financial aid eligibility; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

The Senate has appointed as such Committee:

Messrs. Freeman, Pehler 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 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. 1681, A bill for an act relating to civil actions; modifying the statute of limitations for damages based on services or construction to improve real property; amending Minnesota Statutes 1986, section 541.051, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kludt moved that the House concur in the Senate amendments to

H. F. No. 1681 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1681, A bill for an act relating to civil actions; clarifying the statute of limitations for damages based on services or construction to improve real property; clarifying the statute of limitations for asbestos actions; amending Minnesota Statutes 1986, section 541.051, subdivision 1; and Minnesota Statutes 1987 Supplement, section 541.22, subdivision 2.

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

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. 1656, A bill for an act relating to traffic regulations; permitting county and city attorneys to provide certain services;

providing for allocation of civil fines for motor vehicle maximum weight violations; amending Minnesota Statutes 1986, section 169.871, subdivisions 3 and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Segal moved that the House concur in the Senate amendments to H. F. No. 1656 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1656, A bill for an act relating to traffic regulations; providing for allocation of civil fines for motor vehicle maximum weight violations in Hennepin county; amending Minnesota Statutes 1986, section 169.871, subdivisions 3 and 5.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey

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. 1399, A bill for an act relating to economic development; authorizing certain entities involved in economic development to participate in secondary markets; authorizing the use of appropriated money for secondary market purposes; amending Minnesota Statutes 1986, sections 116M.04, by adding a subdivision; 116M.08, by adding a subdivision; 362A.03, by adding a subdivision; 458.192, by adding a subdivision; 458C.14, by adding a subdivision; and 462.445, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Otis moved that the House concur in the Senate amendments to H. F. No. 1399 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1399, A bill for an act relating to economic development; authorizing certain entities involved in economic development to participate in secondary markets; authorizing the use of appropriated money for secondary market purposes; amending Minnesota Statutes 1987 Supplement, sections 41A.023; 116J.982, by adding a subdivision; 469.012, subdivision 1; 469.059, by adding a subdivision; 469.101, by adding a subdivision; and 469.146, by adding a subdivision.

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.	Blatz	Cooper	Forsythe	Heap
Battaglia	Boo	Dauner	Frederick	Himle
Bauerly	Brown	Dawkins	Frerichs	Hugoson
Beard	Burger	DeBlieck	Greenfield	Jacobs
Begich	Carlson, D.	Dempsey	Gruenes	Jaros
Bennett	Carlson, L.	DeRaad	Gutknecht	Jefferson
Bertram	Carruthers	Dille	Hartle	Jennings
Bishop	Clark	Dorn	Haukoos	Jensen

Johnson, A.	McDonald	Olson, K.	Rice	Sviggun
Johnson, R.	McEachern	Omann	Richter	Swenson
Johnson, V.	McKasy	Onnen	Riveness	Thiede
Kahn	McLaughlin	Orenstein	Rodosovich	Tompkins
Kalis	McPherson	Osthoff	Rukavina	Trimble
Kelly	Milbert	Otis	Sarna	Tunheim
Kelso	Miller	Ozment	Schafer	Valento
Kinkel	Minne	Pappas	Scheid	Vellenga
Kludt	Morrison	Pauly	Schreiber	Voss
Knickerbocker	Munger	Pelowski	Seaberg	Wagenius
Knuth	Murphy	Peterson	Segal	Waitman
Kostohryz	Nelson, C.	Poppenhagen	Shaver	Welle
Krueger	Nelson, D.	Price	Simoneau	Wenzel
Larsen	Nelson, K.	Quinn	Skoglund	Winter
Lasley	O'Connor	Quist	Solberg	Wynia
Lieder	Ogren	Redalen	Sparby	Spk. Vanasek
Long	Olsen, S.	Reding	Stanius	
Marsh	Olson, E.	Rest	Steensma	

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. 2127, A bill for an act relating to health maintenance organizations; requiring insolvency insurance policies to be filed; requiring a deposit; creating a net worth requirement; allowing for a reduction of net worth in certain circumstances; defining admitted assets; imposing investment restrictions; requiring quarterly reports; providing for the inclusion of certain items in provider contracts; regulating rehabilitation and liquidations; including health maintenance organizations in the Life and Health Guaranty Association; requiring health maintenance organizations to maintain liabilities for unpaid claims; amending Minnesota Statutes 1986, sections 62D.02, by adding subdivisions; 62D.03, subdivision 4; 62D.041, subdivisions 1, 2, 3, 4, 7, and by adding subdivisions; 62D.05, subdivision 3; 62D.08, by adding a subdivision; 62D.12, subdivision 5, and by adding a subdivision; 62D.14, subdivision 1; 62D.18; 62D.19; 62E.02, subdivision 13; and 62E.14, subdivision 1; Minnesota Statutes 1987 Supplement, sections 62D.04, subdivision 1; and 62E.10, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1986, section 62D.041, subdivisions 5, 6, and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Greenfield moved that the House refuse to concur in the Senate amendments to H. F. No. 2127, 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. 2291, A bill for an act relating to state agencies; amending, enacting and repealing certain laws administered by the department of administration; increasing the powers of the state board for community colleges; changing the criteria for board membership; amending Minnesota Statutes 1986, sections 15.0591, subdivision 2; 15.50, by adding a subdivision; 16A.41, subdivision 1; 16B.07, subdivisions 2 and 3; 16B.08, subdivision 4; 16B.09, subdivision 3; 16B.24, by adding subdivisions; 16B.28; 16B.42, subdivision 1; 16B.48, subdivision 2; 16B.54, subdivision 8; 16B.55, subdivisions 3 and 6; 16B.65, subdivision 3; 16B.85; 94.12; 136.61, subdivision 1; 136.622; 136.67, subdivision 2; 214.07, subdivision 1; 268.0122, by adding a subdivision; and 382.153; Minnesota Statutes 1987 Supplement, sections 16B.09, subdivision 1; 16B.67; 115A.15, subdivision 6; and 168.012, subdivision 1; Laws 1987, chapter 365, section 24; proposing coding for new law in Minnesota Statutes, chapters 16B and 136; repealing Minnesota Statutes 1986, sections 15.38; 16B.29; and 214.07, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lasley moved that the House refuse to concur in the Senate amendments to H. F. No. 2291, 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. 1268:

S. F. No. 1268, A bill for an act relating to energy and economic development; providing for the powers and duties of the commissioner of energy and economic development; clarifying definitions; authorizing certain Indian tribes to create community energy councils; providing the purpose for which an appropriation may be spent; amending Minnesota Statutes 1986, sections 116J.09; 116J.10; 116J.19, subdivision 6; 116J.36, subdivision 2; 116J.381, subdivision 2; and Laws 1981, chapter 334, section 11, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Marty, Frank and Johnson, D. E.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVERN, Secretary of the Senate

Nelson, C., 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. 1268. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 1885:

S. F. No. 1885, A bill for an act relating to commerce; motor fuel franchises; regulating certain building alterations; providing remedies; amending Minnesota Statutes 1986, section 80C.146, subdivisions 2 and 3; repealing Laws 1984, chapter 444, section 4, as amended by Laws 1986, chapter 343, section 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Ms. Peterson, D. C.; Messrs. Frederick and Solon.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVERN, Secretary of the Senate

Solberg 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. 1885. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 1963:

S. F. No. 1963, A bill for an act relating to public finance; providing requirements for the issuance and use of public debt; amending Minnesota Statutes 1986, sections 123.35, by adding a subdivision; 375.83; 410.32; 475.54, by adding a subdivision; 475.67, subdivision 13; Minnesota Statutes 1987 Supplement, sections 469.012, subdivision 1; 469.015, subdivision 4; 469.071, by adding a subdivision; 469.155, subdivision 12; 475.60, subdivision 2; and 475.66, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Laws 1987, chapter 358, section 31.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Mr. Pogemiller, Ms. Reichgott and Mr. Gustafson.

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

Rest 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. 1963. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 392:

S. F. No. 392, A bill for an act relating to public safety; providing for the mandatory surrender of registration plates and certificates of motor vehicles operated by repeat DWI offenders; providing for administrative review; requiring a report; appropriating money; amending Minnesota Statutes 1986, sections 168.041; 169.123, subdivision 5b; 169.1261; and 171.29, by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 169.121, subdivision 5a.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Spear, Marty and Laidig.

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

Rest 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. 392. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 63:

S. F. No. 63, A bill for an act relating to motor vehicles; providing that passenger automobile license plates be issued for a six-year period; providing for license plate replacement fees; amending Minnesota Statutes 1986, section 168.12, subdivisions 1, 2a, and 5; repealing Minnesota Statutes 1986, section 168.12, subdivisions 3 and 4.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Mrs. Lantry, Messrs. Purfeerst and Frederick.

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

Simoneau 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. 63. 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. 321.

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. 321

A bill for an act relating to public safety; expanding the crimes of driving a motor vehicle or a motorboat while under the influence of alcohol or certain substances; amending Minnesota Statutes 1986, sections 169.121, subdivisions 1 and 2; and 361.12, subdivisions 1 and 4.

April 11, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 321, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments and that S. F. No. 321, the unofficial engrossment, be further amended as follows:

Page 2, line 1, delete "Minnesota"

Page 2, line 2, delete everything before "and" and insert "rules adopted under section 182.655"

Page 2, line 3, after "to" insert "substantially"

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

Senate Conferees: GENE MERRIAM, JIM RAMSTAD AND RANDOLPH W. PETERSON.

House Conferees: JOEL JACOBS, TERRY M. DEMPSEY AND PHIL CARRUTHERS.

Jacobs moved that the report of the Conference Committee on S. F. No. 321 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 321, A bill for an act relating to public safety; expanding the crimes of driving a motor vehicle or a motorboat while under the influence of alcohol or certain substances; amending Minnesota Statutes 1986, sections 169.121, subdivisions 1 and 2; and 361.12, subdivisions 1 and 4.

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

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. 2165.

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. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2165

A bill for an act relating to environment; requiring persons to notify the pollution control agency of and take steps to avoid air

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

April 12, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2165, 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. 2165 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116.061] [AIR POLLUTION EMISSIONS AND ABATEMENT.]

Subdivision 1. [EMISSION NOTIFICATION REQUIRED.] (a) A person who controls the source of an emission must notify the agency immediately of excessive or abnormal unpermitted emissions that:

- (1) may cause air pollution endangering human health;
- (2) may cause air pollution damaging property; or
- (3) cause obnoxious odors constituting a public nuisance.

(b) If a person who controls the source of an emission has knowledge of an event that has occurred and that will subsequently cause an emission described in paragraph (a), the person must notify the agency when the event occurs.

Subd. 2. [ABATEMENT REQUIRED.] A person who is required to notify the agency under subdivision 1 must take immediate and reasonable steps to minimize the emissions or abate the air pollution and obnoxious odors caused by the emissions.

Subd. 3. [EXEMPTION.] The following are exempt from the requirements of subdivisions 1 and 2:

(1) emissions resulting from the activities of public fire services or law enforcement services;

(2) emissions from motor vehicles, as defined in section 169.01, subdivision 3;

(3) emissions from an agricultural operation deemed not a nuisance under section 561.19, subdivision 2; or

(4) emissions from agency regulated sources that are routine or authorized by the agency.

Subd. 4. [PENALTY EXCEPTION.] A person who notifies the agency of emissions under subdivision 1 and who complies with subdivision 2 shall not be subject to criminal prosecution under section 115.071, subdivision 2.

Subd. 5. [USE OF NOTIFICATION.] Any notice submitted under subdivision 1 is not admissible in any proceeding as an admission of causation."

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

Senate Conferees: GREGORY L. DAHL, GEN OLSON AND BOB LESSARD.

House Conferees: DENNIS D. OZMENT, ARTHUR W. SEABERG AND BOB MILBERT.

Ozment moved that the report of the Conference Committee on S. F. No. 2165 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2165, A bill for an act relating to environment; requiring persons to notify the pollution control agency of and take steps to avoid air pollution; proposing coding for new law in Minnesota Statutes, chapter 116.

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.	Begich	Boo	Clark	DeBlicck
Anderson, R.	Bennett	Brown	Clausnitzer	Dempsey
Battaglia	Bertram	Carlson, D.	Cooper	DeRaad
Bauerly	Bishop	Carlson, L.	Dauner	Dille
Beard	Blatz	Carruthers	Dawkins	Dorn

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

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. 2071.

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. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2071

A bill for an act relating to crimes; requiring a neighborhood impact statement to be submitted as part of the presentence investigation report for controlled substance offenses; amending Minnesota Statutes 1987 Supplement, section 609.115, subdivision 1.

April 11, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2071, 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. 2071 be further amended as follows:

Page 2, after line 24, insert:

"Sec. 2. Minnesota Statutes 1986, section 629.53, is amended to read:

629.53 [PROVIDING RELEASE ON BAIL; COMMITMENT.]

A person charged with a criminal offense may be released with or without bail in accordance with Rule 6.02 of the rules of criminal procedure. Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction of the accused, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. If the fine exceeds the money bail deposit, the deposit must be applied to the fine and the defendant committed until the balance is paid. The commitment may not exceed one day's time for each dollar of the unpaid balance of the fine. Money bail in the hands of deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing courts to apply bail deposits to restitution orders;"

Page 1, line 5, after "Statutes" insert "1986, section 629.53; and Minnesota Statutes"

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

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

House Conferees: RICHARD JEFFERSON, RANDY C. KELLY AND BERT MCKASY.

Jefferson moved that the report of the Conference Committee on S. F. No. 2071 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2071, A bill for an act relating to crimes; requiring a neighborhood impact statement to be submitted as part of the presentence investigation report for controlled substance offenses; amending Minnesota Statutes 1987 Supplement, section 609.115, subdivision 1.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 1727.

The Senate has repassed said bill in accordance with the recom-

mendation 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. 1727

A bill for an act relating to government data practices; defining employment and training data as private data on individuals; providing for the dissemination of certain data; amending Minnesota Statutes 1986, section 13.46, subdivision 2; Minnesota Statutes 1987 Supplement, section 13.43, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13.

April 12, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1727, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: PAT PIPER, JOHN J. MARTY AND TRACY L. BECKMAN.

House Conferees: KAREN CLARK, BRAD G. STANIUS AND LEE GREENFIELD.

Clark moved that the report of the Conference Committee on S. F. No. 1727 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1727, A bill for an act relating to government data practices; defining employment and training data as private data on individuals; providing for the dissemination of certain data; amending Minnesota Statutes 1986, section 13.46, subdivision 2; Minnesota Statutes 1987 Supplement, section 13.43, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 1608.

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. 1608

A bill for an act relating to the city of Minneapolis; updating

references in its development laws; amending Laws 1980, chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4.

April 11, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1608, 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. 1608 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1980, chapter 595, section 3, subdivision 1, as amended by Laws 1985, chapter 194, section 29, is amended to read:

Subdivision 1. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may exercise the powers presently, or hereafter granted to a governmental agency or subdivision by Minnesota Statutes, Chapters 458 and 462 sections 469.001 to 469.068 except the power to operate and maintain public housing as provided in Minnesota Statutes, Chapter 462. The city council shall not exercise the powers contained in Minnesota Statutes, Chapter 462 sections 469.001 to 469.047 prior to the initial adoption of an ordinance provided for in section 2, subdivision 1, or this subdivision. Notwithstanding any contrary law or provision of the Minneapolis city charter, the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may after approval by the city council by ordinance exercise any of the powers presently or hereafter granted to a governmental subdivision by Minnesota Statutes, Chapters 458, 462, 472, 472A, and 474 sections 469.001 to 469.068, 469.109 to 469.134, and 469.152 to 469.165. The city council or the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may exercise the powers granted by this subdivision and any other development or redevelopment powers authorized by other laws, independently or in conjunction with each other as though all of the powers had been granted to a single entity, provided, however, that any project undertaken pursuant to authority granted by Minnesota Statutes, Chapter 458, 462, 472, 472A, sections 3 to 7, or 474 sections 469.001 to 469.068, 469.109 to 469.134, 469.136 to 469.140, and 469.152 to 469.165 is subject to all of the limitations contained within that chapter those sections.

Sec. 2. Laws 1980, chapter 595, section 3, subdivision 3, is amended to read:

Subd. 3. The city council may, upon the request of the department, levy a general ad valorem tax for any purpose for which a housing and redevelopment authority pursuant to Minnesota Statutes, Chapter 462 sections 469.001 to 469.047 may levy an ad valorem tax. The agency may levy a general ad valorem tax upon all taxable property in the city of Minneapolis for any economic development, housing, or redevelopment purpose for which the city council may levy a tax, or for which a housing and redevelopment authority pursuant to Minnesota Statutes, Chapter 462 sections 469.001 to 469.047 may levy a tax. The levy of this tax shall be in the same manner as for a tax levied by the city council. The tax levied by the agency pursuant to this subdivision shall not exceed three mills levied upon all taxable property in the city of Minneapolis, provided that this limitation shall not apply to any levy for the repayment of bonds or obligations of the agency.

Sec. 3. Laws 1980, chapter 595, section 3, subdivision 6, is amended to read:

Subd. 6. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may, by resolution, transfer the control, authority, and operation of any project as defined in Minnesota Statutes, section ~~273.73~~ 469.174, Subdivision 8, or any other program or project authorized by Minnesota Statutes, Chapter 462 sections 469.001 to 469.047, for the purpose of rehabilitation of housing units or for the purpose of providing public housing as provided in Minnesota Statutes, Chapter 462 sections 469.001 to 469.047, located within the city of Minneapolis, from the governmental agency or subdivision which established the project to any other governmental agency or subdivision established in whole or in part for the purpose of economic development housing or redevelopment within the city of Minneapolis, including the city council. The city council may also require acceptance of control, authority, and operation of the project by the governmental entity to which the transfer is intended. The governmental agency or subdivision to which the control, authority, and operation of the project is transferred, may exercise all of the powers and only the powers which the governmental unit which established the project could exercise with respect to the project.

Upon the transfer of a project or program, the receiving agency or body shall covenant and pledge to perform the terms, conditions, and covenants of bond indenture or other agreement executed for the security of any bonds issued by the governmental subdivision which initiated the project or program. The receiving governmental subdivision is granted by this act all powers necessary to perform the terms, conditions, and covenants of any indenture or other agree-

ment executed for the security of bonds on which it shall become obligated by operation of this subdivision.

The powers authorized by this subdivision may be exercised only after either (a) the city council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1, or (b) the city council adopts the first ordinance granting to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission powers authorized pursuant to section 3, subdivision 1.

Sec. 4. Laws 1980, chapter 595, section 3, subdivision 7, is amended to read:

Subd. 7. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may, by resolution, require any governmental subdivision which is conducting a project as defined in Minnesota Statutes, section 273.73 469.174, Subdivision 8, or any other program or project authorized by Minnesota Statutes, Chapter 462 sections 469.001 to 469.047, for the purpose of rehabilitation of housing units or for the purpose of providing public housing as provided in Minnesota Statutes, Chapter 462 sections 469.001 to 469.047, within the city of Minneapolis, to contract for services for administration of the project or any portion of the project with any other governmental subdivision established in whole or in part for the purpose of economic development or redevelopment or housing within the city of Minneapolis, including the city council. The city council may also require the acceptance of the contract for services by the governmental subdivision intended to provide the service for administration.

The powers authorized by this subdivision may be exercised only after either (a) the city council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1, or (b) the city council adopts the first ordinance granting to the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission powers authorized pursuant to section 3, subdivision 1.

Sec. 5. Laws 1980, chapter 595, section 4, is amended to read:

Sec. 4. [LIMITATIONS.] The city council may, by ordinance, impose the following limitations upon the actions of the agency:

(a) That the sale of any or all bonds or obligations issued by the agency be approved before issuance by the city council by resolution.

(b) That the agency must follow the budget process for city departments as provided in the Minneapolis city charter and as implemented by the city council and mayor.

(c) That all official actions of the agency be consistent with the adopted comprehensive plan of the city of Minneapolis, and any official controls implementing the comprehensive plan.

(d) That the agency submit to the city council for approval by resolution any proposed project as defined in Minnesota Statutes, Section 273.73 469.174, Subdivision 8.

(e) That the agency submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval by resolution.

(f) That the agency submit its administrative structure and management practices to the city council for approval by resolution.

(g) That the levy of any tax by the agency be approved by the city council by ordinance prior to the levy of the tax.

(h) Any other limitation or control established by the city council by ordinance.

Limitations imposed pursuant to this section shall not be applied in a manner which impairs the security of any bonds issued prior to the imposition of the limitation. The city council shall not amend any limitations in effect at the time any bonds or obligations are issued pursuant to this act to the detriment of the holder of the bonds or obligations. A determination by the city council that the limitations imposed pursuant to this section have been complied with by the agency shall be conclusive.

Sec. 6. [SMALL BUSINESS LOANS.]

The city council or the agency may make or guarantee working capital loans in an aggregate principal amount not exceeding \$450,000 outstanding at any time, subject to such terms and conditions as established by ordinance by the city, to expanding small businesses which are located in the city for the purpose of increasing the tax base and providing employment opportunities within the city. As used in this subdivision, the term "small business" has the meaning given it in Minnesota Statutes, section 645.445, subdivision 2. This section expires June 30, 1991.

Sec. 7. [LOCAL APPROVAL.]

Upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Minneapolis, this act takes effect August 1, 1987.

Delete the title and insert:

"A bill for an act relating to the city of Minneapolis; updating references in its development laws; authorizing small business loans; amending Laws 1980, chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4."

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

Senate Conferees: LAWRENCE J. POGEMILLER, JIM GUSTAFSON AND DON FRANK.

House Conferees: TODD H. OTIS, GERALD KNICKERBOCKER AND DANIEL J. KNUTH.

Otis moved that the report of the Conference Committee on S. F. No. 1608 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1608, A bill for an act relating to the city of Minneapolis; updating references in its development laws; amending Laws 1980, chapter 595, section 3, subdivisions 1, as amended, 3, 6, and 7; and section 4.

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 90 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Olson, E.	Sarna
Anderson, R.	Hartle	Lasley	Olson, K.	Scheid
Battaglia	Heap	Lieder	Omann	Segal
Bauerly	Jacobs	Long	Orenstein	Simoneau
Beard	Jaros	Marsh	Osthoff	Skoglund
Begich	Jefferson	McDonald	Otis	Solberg
Bertram	Jensen	McEachern	Ozment	Sparby
Brown	Johnson, A.	McLaughlin	Pappas	Steensma
Carlson, L.	Johnson, R.	Milbert	Pelowski	Trimble
Carruthers	Kahn	Minne	Peterson	Tunheim
Clark	Kalis	Munger	Price	Vellenga
Cooper	Kelly	Murphy	Quinn	Voss
Dauner	Kelso	Nelson, C.	Reding	Wagenius
Dawkins	Kinkel	Nelson, D.	Rest	Welle
DeBlicck	Kludt	Nelson, K.	Rice	Wenzel
DeRaad	Knickerbocker	Neuenschwander	Riveness	Winter
Dorn	Knuth	O'Connor	Rodosovich	Wynia
Frerichs	Krueger	Olsen, S.	Rukavina	Spk. Vanasek

Those who voted in the negative were:

Bennett	Frederick	Miller	Schafer	Tjornhom
Blatz	Gutknecht	Morrison	Schreiber	Tompkins
Burger	Haukoos	Pauly	Seaberg	Valento
Carlson, D.	Himle	Poppenhagen	Shaver	Waltman
Clausnitzer	Hugoson	Quist	Stanius	
Dempsey	Johnson, V.	Redalen	Sviggum	
Dille	McKasy	Richter	Swenson	
Forsythe	McPherson	Rose	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. 2137.

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2137

A bill for an act relating to education; modifying certain requirements relating to school health services; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, sections 123.35, subdivision 16; and 126.201.

April 8, 1988

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2137, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

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

Senate Conferees: JAMES C. PEHLER, EMBER D. REICHGOTT AND DONNA C. PETERSON.

House Conferees: BECKY KELSO, TODD H. OTIS AND KATHLEEN O. VELLENGA.

Marsh and Wenzel moved that the House refuse to adopt the report of the Conference Committee on S. F. No. 2137 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Marsh and Wenzel motion and the roll was called. There were 46 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Bauerly	Frederick	Kalis	Onnen	Steensma
Bertram	Frerichs	Kinkel	Ozment	Sviggum
Blatz	Gruenes	Krueger	Poppenhagen	Swenson
Boo	Haukoos	Marsh	Quist	Thiede
Burger	Heap	McDonald	Redalen	Tjornhom
Clausnitzer	Himle	McPherson	Richter	Tompkins
Dempsey	Hugoson	Miller	Sarna	Valento
DeRaad	Johnson, R.	O'Connor	Schafer	Waltman
Forsythe	Johnson, V.	Omann	Schreiber	Wenzel
				Winter

Those who voted in the negative were:

Anderson, G.	Greenfield	McEachern	Otis	Shaver
Anderson, R.	Hartle	McLaughlin	Pappas	Simoneau
Battaglia	Jacobs	Milbert	Pelowski	Skoglund
Beard	Jaros	Minne	Peterson	Sparby
Begich	Jefferson	Munger	Price	Stanius
Bennett	Jennings	Murphy	Quinn	Trimble
Brown	Jensen	Nelson, C.	Reding	Tunheim
Carlson, D.	Kahn	Nelson, D.	Rest	Vellenga
Carruthers	Kelly	Nelson, K.	Rice	Voss
Clark	Kelso	Neuenschwander	Riveness	Wagenius
Cooper	Kludt	Ogren	Rodosovich	Welle
Daumer	Knuth	Olsen, S.	Rose	Wynia
Dawkins	Larsen	Olson, E.	Rukavina	Spk. Vanasek
DeBlicke	Lasley	Olson, K.	Scheid	
Dille	Lieder	Orenstein	Seaberg	
Dorn	Long	Osthoff	Segal	

The motion did not prevail.

Kelso moved that the report of the Conference Committee on S. F. No. 2137 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2137, A bill for an act relating to education; modifying certain requirements relating to school health services; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, sections 123.35, subdivision 16; and 126.201.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 2321, 2221 and 2465.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2321, A bill for an act proposing an amendment to the Minnesota Constitution, article I, sections 4 and 6; providing for six-member juries in civil and nonfelony cases.

The bill was read for the first time.

Kelly moved that S. F. No. 2321 and H. F. No. 2518, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2221, A bill for an act relating to motor vehicles; motorcycles; increasing percentage of money appropriated from motorcycle safety fund to commissioner of public safety that may be spent for training and coordinating activities of instructors and making reimbursements to schools and others; increasing the fee for duplicate driver's license obtained to add a two-wheeled vehicle endorsement; increasing portion of two-wheeled endorsement license fee that is dedicated to the motorcycle safety fund; amending Minnesota Statutes 1986, sections 126.115, subdivision 3; and 171.06, subdivision 2a.

The bill was read for the first time.

Olsen, S., moved that S. F. No. 2221 and H. F. No. 1933, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2465, A bill for an act relating to state agencies; amending the authority of the Minnesota amateur sports commission; correcting references; authorizing the commission and certain other state entities to establish nonprofit corporations and charitable foundations; providing for an advisory task force on martial arts instruction; amending Minnesota Statutes 1987 Supplement, sections 16A.661, subdivision 3; 240A.02, subdivision 2; 240A.03, subdivision 10, and by adding subdivisions; and 297A.44, subdivision 1; and Laws 1987, chapter 400, section 13.

The bill was read for the first time.

Voss moved that S. F. No. 2465 and H. F. No. 2691, now on General Orders, be referred to the Chief Clerk for comparison. 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. 2127:

Greenfield, Orenstein and Anderson, R.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2291:

Lasley, Pappas and Dille.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 392:

Rest, Kelly and Blatz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1268:

Nelson, C.; Dawkins and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1885:

Solberg, Sarna and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1963:

Rest, Voss and Sviggum.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

March 29, 1988

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 236, 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. 236 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1987 Supplement, section 200.01, is amended to read:

200.01 [CITATION, MINNESOTA ELECTION LAW.]

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, and ~~210A~~ articles 2 and 3 shall be known as the Minnesota election law.

Sec. 2. Minnesota Statutes 1986, section 201.275, is amended to read:

201.275 [INVESTIGATIONS; PROSECUTIONS.]

A county attorney receiving a report of a possible violation of this chapter shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that the county attorney can procure, to the grand jury of the county. A county attorney who fails or refuses to faithfully perform any duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit the county attorney's office. A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant with-

draws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

Sec. 3. Minnesota Statutes 1986, section 204C.04, is amended to read:

204C.04 [EMPLOYEES; TIME OFF TO VOTE.]

Every employee who is eligible to vote at a state general election or at an election to fill a vacancy in the office of United States senator or United States representative has the right to be absent from work for the purpose of voting during the morning of election day, without penalty or deduction from salary or wages because of the absence. An employer who refuses, abridges or interferes or other person may not directly or indirectly refuse, abridge, or interfere with this right shall be subject to the penalty provisions of section 210A.141 or any other election right of an employee. A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.

Sec. 4. Minnesota Statutes 1986, section 383A.297, is amended to read:

383A.297 [POLITICAL ACTIVITY.]

No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body, or committee, and no employee in the classified service may be discharged, suspended, demoted, or otherwise disciplined or prejudiced for refusal to do so. All employees in the classified and unclassified service shall be subject to the prohibition on political activities set forth in article 3, section 210A.081 9.

Sec. 5. Minnesota Statutes 1987 Supplement, section 383B.041, is amended to read:

383B.041 [CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.]

Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin county and for city elections in home rule charter cities and statutory cities located wholly within Hennepin county, having a population of 75,000 or more, and for school board elections in the special school district No. 1, Minneapolis, and to disclosure of economic interests by candidates and elected public officials of those jurisdictions. The provisions of article 2, sections 210A.22 to 210A.33 2 to 7 do not apply to the financing of campaigns for elections subject to the provisions of sections 383B.041 to 383B.058.

ARTICLE 2

Section 1. [211A.01] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. [BALLOT QUESTION.] "Ballot question" means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office. For purposes of sections 1 to 5 and 7, "candidate" also includes a candidate for the United States Senate or House of Representatives.

Subd. 4. [COMMITTEE.] "Committee" means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. [CONTRIBUTION.] "Contribution" means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual.

Subd. 6. [DISBURSEMENT.] "Disbursement" means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent.

Subd. 7. [FILING OFFICER.] "Filing officer" means the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

Subd. 8. [POLITICAL PURPOSES.] An act is done for "political purposes" if it is of a nature, done with the intent, or done in a way to influence or tend to influence, directly or indirectly, voting at a primary or an election or if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.

Sec. 2. [211A.02] [FINANCIAL REPORT.]

Subdivision 1. [WHEN AND WHERE FILED BY COMMIT-

TEES.] A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make reports until a final report is filed. The committee or candidate must also file a report by January 31 of each year following the year when the initial report was filed. In addition, in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

- (1) ten days before the primary;
- (2) ten days before the general election;
- (3) seven days before a special primary;
- (4) seven days before a special election; and
- (5) 30 days after a special election.

Subd. 2. [INFORMATION REQUIRED.] The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the name and address of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;
- (4) the purpose for each expenditure; and
- (5) the name of any individual or committee that during the year has made one or more contributions that in the aggregate are equal to or greater than \$500.

Subd. 3. [MUNICIPAL CHARTER PROVISIONS AND SPECIAL LAWS SAVED.] The provisions of this section requiring the filing of reports are in addition to the provisions of any municipal charter requiring the filing of reports in connection with a municipal primary, general election, special primary, or special election, but they do not replace special laws providing filing requirements for a municipality.

Subd. 4. [CONGRESSIONAL CANDIDATES.] Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies

of their financial disclosures required by federal law in lieu of the financial statement required by this section.

Sec. 3. [211A.03] [FINAL REPORT.]

A candidate or committee may file a final report when all debts have been settled and all assets in excess of \$100 in the aggregate are disposed of. The final report may be filed at any time and must include the kinds of information contained in the financial statements required by section 2 for the period from the last previous report to the date of the final report.

Sec. 4. [211A.04] [SECRETARY OF STATE'S DUTIES.]

Subdivision 1. [REPORT FORMS.] The secretary of state shall prepare blanks for reports required by section 2. Copies must be furnished through the county auditor or otherwise, as the secretary of state finds expedient, to a committee upon request or to a candidate upon filing for office.

Subd. 2. [DIGEST OF LAWS.] The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable annotated digest of this chapter. The secretary of state shall distribute the digest in the same manner as the report forms required by subdivision 1.

Sec. 5. [211A.05] [FAILURE TO FILE STATEMENT.]

Subdivision 1. [PENALTY.] A candidate who intentionally fails to file a report required by section 2 is guilty of a misdemeanor. A member of a committee that fails to file a report required by section 2 is guilty of a misdemeanor. An officer who issues a certificate of election to a candidate with knowledge that the candidate's financial statement has not been filed is guilty of a misdemeanor.

Subd. 2. [NOTICE OF FAILURE TO FILE.] If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the county attorney of the county where the candidate resides or where the committee headquarters is located. The county attorney shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the county attorney shall proceed under section 8.

Sec. 6. [211A.06] [FAILURE TO KEEP ACCOUNT; PENALTY.]

A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:

(1) fails to keep a correct account as required by law;

(2) mutilates, defaces, or destroys an account record; or

(3) in the case of a committee, refuses upon request to provide financial information to a candidate; and

(4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.

Sec. 7. [211A.07] [BILLS WHEN RENDERED AND PAID.]

A person who has a bill, charge, or claim against a candidate's committee shall render it in writing to the committee within 60 days after the material or service is provided. A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.

Sec. 8. [211A.08] [COUNTY ATTORNEY INQUIRY.]

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause to institute a prosecution, the county attorney shall proceed by complaint or present the charge with whatever evidence has been found to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under penalty of forfeiture of office, shall prosecute all violations of this chapter except for a violation of this section; if, however, a complainant desires to withdraw a complaint under this chapter, the county attorney is not required to proceed with prosecution.

Subd. 2. [ASSOCIATE COUNSEL.] Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding may not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.

Sec. 9. [211A.09] [FORFEITURE OF NOMINATION OR OFFICE.]

Subdivision 1. [FORFEITURE REQUIRED.] Except as provided in subdivision 2, if a candidate is convicted of violating a provision of this chapter or if an offense was committed by another individual

with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. [CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED.] In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith, and that it would be unjust for the candidate to forfeit the nomination or election.

Neither of these findings is a defense to a conviction under this chapter.

Sec. 10. [211A.10] [DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS.]

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

Sec. 11. [211A.11] [PENALTIES FOR VIOLATIONS.]

A violation of this chapter for which no other penalty is provided is a misdemeanor.

Sec. 12. [REPEALER.]

Minnesota Statutes 1986, sections 210A.01, as amended by Laws 1987, chapter 266, article 1, section 66; 210A.02; 210A.03; 210A.04; 210A.05; 210A.06; 210A.07; 210A.08; 210A.081; 210A.09; 210A.091; 210A.10; 210A.11; 210A.12; 210A.13; 210A.14; 210A.141; 210A.15; 210A.16; 210A.17; 210A.18; 210A.19; 210A.20; 210A.21; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27; 210A.28; 210A.29; 210A.30; 210A.31; 210A.32; 210A.33; 210A.34; 210A.35; 210A.36; 210A.37; 210A.38; 210A.39; 210A.40; 210A.41; 210A.42; 210A.43; 210A.44; and Minnesota Statutes 1987 Supplement, section 210A.265, are repealed.

Sec. 13. [EFFECTIVE DATE.]

This article applies to school district elections held after January 1, 1989.

ARTICLE 3

Section 1. [211B.01] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. [CAMPAIGN MATERIAL.] "Campaign material" means any literature, publication, or material tending to influence voting at a primary or other election, except for news items or editorial comments by the news media.

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, except candidates for president and vice-president of the United States.

Subd. 4. [COMMITTEE.] "Committee" means two or more persons acting together or a corporation or association acting to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. [DISBURSEMENT.] "Disbursement" means an act through which money, property, office, or position or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent, and any money, property, office, or position or other thing of value so promised or transferred.

Subd. 6. [POLITICAL PURPOSES.] An act is done for "political purposes" when the act is intended or done to influence, directly or

indirectly, voting at a primary or other election. This does not include news items or editorial comments published or broadcast by the news media.

Sec. 2. [211B.02] [FALSE CLAIM OF SUPPORT.]

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Sec. 3. [211B.021] [USE OF THE TERM REELECT.]

A person or candidate may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

Sec. 4. [211B.03] [CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.]

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 5, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is:

"Prepared and paid for by the committee,
..... (address)."

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the committee."

(d) Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer either that it is "in opposition to . . . (insert name of candidate or ballot question . . .)"; or that "this publication is not circulated on behalf of any candidate or ballot question".

(e) This section does not apply to objects stating only the candidate's name and the office sought, fundraising tickets, or personal letters that are clearly being sent by the candidate.

(f) This section does not modify or repeal section 6.

Sec. 5. [211B.04] [PAID ADVERTISEMENTS IN NEWS.]

Subdivision 1. [ACCEPTANCE OF PAID ADVERTISEMENTS.] A newspaper, periodical, or magazine may not intentionally accept for insertion in the newspaper, magazine, or periodical a political advertisement unless the words "PAID ADVERTISEMENT," and the disclaimer required under section 4 are included at the beginning or end of the advertisement. A radio station, television station, or cable system may not accept for broadcast a political advertisement unless the words "PAID ADVERTISEMENT" are included at the beginning or end of the advertisement.

Subd. 2. [ADVERTISING RATES.] Rates charged for advertising to support or oppose a candidate or ballot question must be the same as the charges made for any other political candidate and may be no greater than charges made for any other comparable purpose or use according to the seller's rate schedule.

Subd. 3. [COMPENSATION PROHIBITED, EXCEPT FOR PAID ADVERTISEMENT.] An owner, publisher, editor, reporter, agent, broadcaster, or employee of a newspaper, periodical, magazine, radio or television broadcast station, or cable system may not directly or indirectly solicit, receive, or accept a payment, promise, or compensation, nor may a person pay or promise to pay or in any manner compensate an owner, publisher, editor, reporter, agent, broadcaster, or employee directly or indirectly for influencing or attempting to influence voting at an election or primary through printed material in the newspaper or periodical, or radio, television, or cable broadcast, except as a "PAID ADVERTISEMENT" as provided in this section.

Subd. 4. [UNPAID MATERIAL IDENTIFICATION.] Unpaid material published in a newspaper, magazine, or other publication that is: (1) in unique typeset or otherwise differentiated from other unpaid material, (2) designed to influence or attempt to influence the voting at any election or the passage or defeat of legislation, and (3) not placed on the editorial page must be clearly identified as an editorial opinion.

Sec. 6. [211B.05] [FALSE POLITICAL AND CAMPAIGN MATERIAL; PENALTY; EXCEPTIONS.]

Subdivision 1. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, whether or not defamatory, or with respect to the effect of a ballot question, that the person knows or has reason to believe is false and that is designed or tends to elect, injure, or

defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question.

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, if defamatory, or with respect to the effect of a ballot question, that the person knows is false and which is designed or tends to elect, injure, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question.

Subd. 2. [EXCEPTION.] Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.

Sec. 7. [211B.06] [UNDUE INFLUENCE ON VOTERS PROHIBITED.]

A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.

Sec. 8. [211B.07] [SOLICITATION OF CONTRIBUTIONS PROHIBITED.]

A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:

(1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;

(2) ordinary business advertisements;

(3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or

(4) ordinary contributions at church services.

Sec. 9. [211B.08] [PROHIBITED PUBLIC EMPLOYEE ACTIVITIES.]

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.

Sec. 10. [211B.09] [INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS.]

Subdivision 1. [INDUCING OR REFRAINING FROM CANDIDACY.] A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.

Subd. 2. [TIME OFF FOR PUBLIC OFFICE MEETINGS.] A person elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.

Sec. 11. [211B.10] [ELECTION DAY PROHIBITIONS.]

Subdivision 1. [SOLICITING NEAR POLLING PLACES.] A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day.

Subd. 2. [ELECTION DAY CAMPAIGNING.] A person may not broadcast, circulate, or distribute campaign material, or cause campaign material to be broadcast, circulated, or distributed on the day of a primary or election. This subdivision does not modify or repeal section 7.

Subd. 3. [TRANSPORTATION OF VOTERS TO POLLING PLACE; PENALTY.] A person transporting a voter to or from the polling place may not ask, solicit, or in any manner try to induce or persuade a voter on primary or election day to vote or refrain from voting for a candidate or ballot question.

Subd. 4. [PENALTY.] Violation of this section is a petty misdemeanor.

Sec. 12. [211B.11] [LEGAL EXPENDITURES.]

Use of funds collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;
- (6) charitable contributions of not more than \$100 to any charity annually; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses.

Sec. 13. [211B.12] [BRIBERY, TREATING, AND SOLICITATION.]

Subdivision 1. [BRIBERY, ADVANCING MONEY, AND TREATING PROHIBITED.] A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages of nominal

value consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. [CERTAIN SOLICITATIONS PROHIBITED.] A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section 15.

Sec. 14. [211B.13] [DIGEST OF LAWS.]

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient.

Sec. 15. [211B.14] [CORPORATE POLITICAL CONTRIBUTIONS.]

Subdivision 1. [DEFINITION.] "Corporation" for purposes of this section means a corporation organized for profit that does business in Minnesota.

Subd. 2. [PROHIBITED CONTRIBUTIONS.] A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers or employees, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 3. [INDEPENDENT EXPENDITURES.] A corporation may not make an independent expenditure or offer or agree to make an independent expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "independent expenditure" means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 4. [BALLOT QUESTION.] A corporation may make contributions or expenditures to promote or defeat a ballot question, to

qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation may not take a deduction as provided in section 290.09 for an expenditure made under this subdivision. A corporation may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

Subd. 5. [NEWS MEDIA.] This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.

Subd. 6. [PENALTY FOR INDIVIDUALS.] An officer, stockholder, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who violates this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.

Subd. 7. [PENALTY FOR CORPORATIONS.] A corporation convicted of violating this section is subject to a fine not greater than \$40,000. A convicted domestic corporation may be dissolved as well as fined. If a foreign or nonresident corporation is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.

Subd. 8. [PERMITTED ACTIVITY; POLITICAL PARTY.] It is not a violation of this section for a political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.

Subd. 9. [MEDIA PROJECTS.] It is not a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 10. [MEETING FACILITIES.] It is not a violation of this section for a corporation to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.

Subd. 11. [MESSAGES ON CORPORATE PREMISES.] It is not a violation of this section for a corporation selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 12. [REPORTS REQUIRED.] The total amount of an

expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the secretary of state. The reports must be filed on forms provided by the secretary of state on the dates required for committees under article 2, section 2. Failure to file is a misdemeanor.

Subd. 13. [AIDING VIOLATION; PENALTY.] An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.

Subd. 14. [PROSECUTIONS; VENUE.] Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Sec. 16. [211B.15] [COUNTY ATTORNEY INQUIRY; ASSOCIATE COUNSEL.]

Subdivision 1. [COUNTY ATTORNEY INQUIRY.] A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.

Subd. 2. [ASSOCIATE COUNSEL.] Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding must not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.

Sec. 17. [211B.16] [FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED.]

Subdivision 1. [FORFEITURE OF NOMINATION OR OFFICE.] Except as provided in subdivision 2, if a candidate is found guilty of violating this chapter or an offense was committed by another

individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. [CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED.] In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith; and the court also finds that it would be unjust for a candidate to forfeit the nomination or election.

None of these findings is a defense to a conviction under this chapter.

Sec. 18. [211B.17] [DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS.]

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy in that office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy that may occur in the office. An appointment to an office made contrary to the provisions of this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

Sec. 19. [211B.18] [PENALTIES FOR VIOLATION.]

A violation of this chapter for which no other penalty is provided is a misdemeanor.

Sec. 20. [211B.19] [DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.]

Subdivision 1. [PROHIBITION.] It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has filed for election to public office or to campaign workers accompanied by the candidate, if the candidate and workers seeking admittance to the facility do so solely for the purpose of campaigning. A violation of this section is a petty misdemeanor.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or workers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

Sec. 21. [APPLICABILITY.]

Nothing in section 17 or 18 may be construed to limit the ability of each house of the legislature to act as judge of the election returns and eligibility of its own members.

Sec. 22. [EFFECTIVE DATE.]

This act is effective July 1, 1988."

Delete the title and insert:

"A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 201.275; 204C.04; and 383A.297; Minnesota Statutes 1987 Supplement, sections 200.01; and 383B.041; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A, as amended."

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

House Conferees: LINDA J. SCHEID, GERALD KNICKERBOCKER AND BOB NEUENSCHWANDER.

Senate Conferees: DONNA C. PETERSON, DEAN E. JOHNSON AND WILLIAM P. LUTHER.

Scheid moved that the report of the Conference Committee on H. F. No. 236 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2536

A bill for an act relating to elections; providing that statewide computerized voter registration system satisfy requirements for duplicate registration file; establishing voter registration account and appropriating money; changing certain procedures related to registration cards, files, and records; changing certain procedures for voting, arranging names on ballots, and completing summary statements; permitting cities or counties to use their present voting systems for general elections; amending Minnesota Statutes 1986, sections 201.091, subdivisions 2 and 5; 204D.08, subdivision 5; Minnesota Statutes 1987 Supplement, sections 201.022, subdivision 1; 201.071, subdivision 4; 204C.24, subdivision 1; 204D.08, subdivision 4; and 206.80; proposing coding for new law in Minnesota Statutes, chapter 201.

April 11, 1988

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2536, 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, GERALD KNICKERBOCKER
AND TOM OSTHOFF.

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

Orenstein moved that the report of the Conference Committee on H. F. No. 2536 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2536, A bill for an act relating to elections; providing that statewide computerized voter registration system satisfy requirements for duplicate registration file; establishing voter registration account and appropriating money; changing certain procedures related to registration cards, files, and records; changing certain procedures for voting, arranging names on ballots, and

completing summary statements; permitting cities or counties to use their present voting systems for general elections; amending Minnesota Statutes 1986, sections 201.091, subdivisions 2 and 5; 204D.08, subdivision 5; Minnesota Statutes 1987 Supplement, sections 201.022, subdivision 1; 201.071, subdivision 4; 204C.24, subdivision 1; 204D.08, subdivision 4; and 206.80; proposing coding for new law in Minnesota Statutes, chapter 201.

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

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

SPECIAL ORDERS

The Speaker called Carlson, L., to the Chair.

H. F. No. 2360 was reported to the House.

Simoneau moved that H. F. No. 2360 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2407 was reported to the House.

There being no objection, H. F. No. 2407 was temporarily laid over on Special Orders.

S. F. No. 2017 was reported to the House.

Simoneau moved to amend S. F. No. 2017, as follows:

Page 1, delete line 27

Page 2, delete lines 1 to 24, and insert:

“Subd. 2. [EMPLOYEES.] (a) Employees of the nonprofit corporation are not state employees. A person who is an employee of the board and a member of the Minnesota state retirement association at the time of an incorporation under subdivision 1 remains a member of the association. An employee hired after an incorporation under subdivision 1 is not a member of the association, but is a member of a retirement system established and maintained by the nonprofit corporation.

(b) For an employee who remains a member of the Minnesota state retirement system, the nonprofit corporation shall pay the employer contributions required by Minnesota Statutes, section 352.04, subdivision 3, and shall deduct from the employee’s salary and transmit to the association the employee contribution required by section 352.04, subdivision 2.”

The motion prevailed and the amendment was adopted.

Segal moved to amend S. F. No. 2017, as amended, as follows:

Page 3, after line 28, insert:

“Sec. 4. [REPAYMENT OF REFUND.]

Notwithstanding any contrary provision of Minnesota Statutes, section 353.35, a person employed by the St. Paul school district from January, 1983 to October, 1987 may repay a refund received from the public employees retirement association for service between October 1, 1954 and March 31, 1955. The amount of the repayment must be determined under Minnesota Statutes, section 353.35. The repayment must be made within 90 days of the effective date of this section.”

Page 3, line 35, delete “4” and insert “5”

Renumber the subsequent sections

Amend the title as follows:

Page 1, line 6, after the semicolon insert "permitting repayment of a refund;"

The motion prevailed and the amendment was adopted.

S. F. No. 2017, A bill for an act relating to Gillette children's hospital; authorizing the hospital board to incorporate as a nonprofit corporation; terminating its status as a public corporation; transferring its ownership of hospital property to the city of St. Paul; repealing Minnesota Statutes 1986, section 250.05, subdivisions 1, 2a, 3, 4, 5, and 6; and Minnesota Statutes 1987 Supplement, section 250.05, subdivisions 2 and 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Larsen	Onnen	Seaberg
Anderson, R.	Greenfield	Lasley	Orenstein	Segal
Battaglia	Gruenes	Lieder	Osthoff	Shaver
Bauerly	Gutknecht	Long	Otis	Simoneau
Beard	Hartle	Marsh	Ozment	Skoglund
Begich	Haukoos-	McDonald	Pappas	Solberg
Bennett	Heap	McEachern	Pauly	Stanius
Bertram	Himle	McKasy	Pelowski	Steensma
Blatz	Hugoson	McLaughlin	Peterson	Sviggum
Boo	Jacobs	McPherson	Poppenhagen	Swenson
Brown	Jefferson	Milbert	Price	Thiede
Burger	Jennings	Miller	Quinn	Tjornhom
Carlson, D.	Jensen	Minne	Quist	Tompkins
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
Dawkins	Kelso	Neuenschwander	Rodosovich	Wagenius
DeBlicke	Kinkel	O'Connor	Rose	Waltman
Dempsey	Kludt	Ogren	Rukavina	Welle
DeRaad	Knickerbocker	Olsen, S.	Sarna	Wenzel
Dille	Knuth	Olson, E.	Schafer	Winter
Dorn	Kostohryz	Olson, K.	Scheid	Wynia
Forsythe	Krueger	Omann	Schreiber	Spk. Vanasek

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

H. F. No. 1839 was reported to the House.

Rest moved that H. F. No. 1839 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1937, as amended, was reported to the House.

MOTION FOR RECONSIDERATION

Jefferson moved that the action whereby S. F. No. 1937, as amended, was given its third reading on Tuesday, April 12, 1988, be now reconsidered. The motion prevailed.

Jefferson, Carruthers, Kelly, Dempsey, Orenstein and Seaberg moved to amend S. F. No. 1937, the unofficial engrossment, as follows:

Page 4, line 26, strike "609.521;"

Page 5, line 25, strike "an" and insert "a lawful"

Page 7, lines 20 to 21, delete "All hearings must be to the court without a jury."

Page 7, line 22, delete "presumptions" and insert "presumption"

Page 7, line 23, delete "paragraph (b) and"

Page 7, delete lines 28 to 33

Page 7, line 34, delete "(c)" and insert "(b)"

Page 8, line 25, delete "\$250" and insert "\$500"

Page 8, line 28, delete "\$2,500" and insert "\$5,000"

Page 9, line 3, delete "or through the owner's gross negligence"

Page 9, after line 10, insert:

"(f) Notwithstanding paragraphs (d) and (e), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if the owner or secured party took reasonable steps to terminate use of the property by the offender."

Page 9, line 22, delete "; in any manner or part,"

Page 9, line 36, delete "; or through the"

Page 10, line 1, delete "owner's gross negligence"

Page 10, lines 5 to 6, delete "or the act or omission occurred through the secured party's gross negligence"

Page 10, after line 8, insert:

"(d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the act or omission upon which the forfeiture is based if the owner or secured party took reasonable steps to terminate use of the property by the offender."

Page 10, line 34, delete "\$250" and insert "\$500"

The motion prevailed and the amendment was adopted.

Jefferson moved to amend S. F. No. 1937, the unofficial engrossment, as amended, as follows:

Page 4, lines 12 to 13, delete "the department of natural resources, enforcement division,"

Page 8, lines 31 to 32, delete "or other person in charge"

Page 9, line 31, delete "or other person in charge"

The motion prevailed and the amendment was adopted.

S. F. No. 1937, A bill for an act relating to crimes; providing for seizure and forfeiture of property used in commission of crime, proceeds of crime, and contraband; creating a presumption that money, precious metals, and jewels found near controlled substances, and vehicles containing controlled substances, are subject to forfeiture; providing for administrative forfeiture of such property with opportunity for judicial determination; providing for summary forfeiture of contraband, certain controlled substances, weapons following a conviction, and certain plants; providing for forfeiture by judicial action of property and proceeds associated with controlled substance violations and designated offenses; eliminating the requirement that forfeiture actions be dismissed if no associated conviction results; providing that a conviction creates the presumption that after-acquired property constitutes forfeitable proceeds of the offense; eliminating the defense of an owner who negligently allowed the unlawful use of the owner's property; providing that the right to forfeitable property passes to law enforcement agencies upon commission of unlawful act; allowing seizure without process incident to a lawful search without a warrant and in other circum-

stances; allocating the proceeds of forfeitures to law enforcement agencies and county attorneys; amending Minnesota Statutes 1986, sections 152.205; 152.21, subdivision 6; and 609.531, subdivisions 4, 5, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, sections 152.19; and 609.531, subdivisions 2, 3, and 6.

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 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

O'Connor Solberg

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

S. F. No. 2292 was reported to the House.

Carlson, D., moved that S. F. No. 2292 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 2451, A bill for an act relating to claims against the state;

clarifying that a public defender appointed by the state board of public defense or a court-appointed guardian ad litem is an employee of the state; amending Minnesota Statutes 1987 Supplement, section 3.732, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Anderson, R., was excused while in conference.

H. F. No. 2407 which was temporarily laid over earlier today was again reported to the House.

Quist moved to amend H. F. No. 2407, the first engrossment, as follows:

Page 4, line 34, delete "21" and insert "18"

The motion prevailed and the amendment was adopted.

Pappas, Quinn and Dempsey moved to amend H. F. No. 2407, the first engrossment, as amended, as follows:

Page 4, after line 24, insert:

"Sec. 6. Minnesota Statutes 1986, section 317.22, subdivision 4, is amended to read:

Subd. 4. [NOTICE.] Subject to waiver under section 317.24, notice of meetings and elections, as provided in section 317.02, subdivision 6, shall be given to all members entitled to vote at the meeting or election. If proxies are permitted at the meeting, the notice shall so inform members and state the procedure for appointing proxies.

Sec. 7. Minnesota Statutes 1986, section 317.28, is amended to read:

317.28 [BOOKS AND RECORDS; FINANCIAL STATEMENT.]

(1) A domestic corporation shall keep at its registered office correct and complete books of account and minutes of proceedings of meetings of (a) members, (b) board of directors, and (c) committees having any of the authority of the board of directors.

(2) A member, or the member's agent or attorney, may inspect all books and records for any proper purpose at any reasonable time.

(3) Upon request by a member, the domestic corporation shall furnish the member with a statement showing the financial result of all operations and transactions affecting income and surplus during its last annual accounting period and a balance sheet containing a summary of its assets and liabilities as of the closing date of such accounting period.

(4) If the articles or bylaws permit a specified percentage of members to call a meeting of the board of directors or the membership, the corporation shall provide any voting member, within ten days after receiving a request, a statement showing the number of members required to call the meeting. The statement is binding on the corporation."

Renumber the remaining sections

Correct internal cross references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

There being no objection, H. F. No. 2407, as amended, was temporarily laid over on Special Orders.

S. F. No. 412 was reported to the House.

There being no objection, S. F. No. 412 was temporarily laid over on Special Orders.

S. F. No. 1900 was reported to the House.

Simoneau; Wagenius; Orenstein; Vellenga; Skoglund; Jensen; Nelson, K.; Pappas; Knuth; Trimble; Morrison; Carruthers; Riveness; McLaughlin; Seaberg and Tjornhom moved to amend S. F. No. 1900, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1986, section 473.602, is amended to read:

473.602 [DECLARATION OF PURPOSES.]

It is the purpose of sections 473.601 to 473.679 to:

(1) promote the public welfare and national security; serve public interest, convenience, and necessity; promote air navigation and transportation, international, national, state, and local, in and through this state; promote the efficient, safe, and economical handling of air commerce; assure the inclusion of this state in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan area in this state as an aviation center, and to correlate that area with all aviation facilities in the entire state so as to provide for the most economical and effective use of aeronautic facilities and services in that area;

(2) assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, and to that end provide for noise abatement, control of airport area land use, and other protective measures; and

(3) promote the overall goals of the state's environmental policies and minimize the public's exposure to noise and safety hazards around airports.

To ~~this end~~ achieve these purposes, the corporation shall cooperate with and assist the metropolitan council, the Federal government, the commissioner of transportation of this state, the pollution

control agency, and others engaged in aeronautics or the promotion and regulation of aeronautics and shall seek to coordinate its activities with the aeronautical activities of these bodies.

Sec. 2. [473.614] [ENVIRONMENTAL REVIEW.]

Subdivision 1. [CAPITAL PLAN; ENVIRONMENTAL ASSESSMENTS.] The commission shall prepare an assessment of the environmental effects of projects in the commission's seven-year capital improvement program and plan at each airport owned and operated by the commission. The assessment must examine the cumulative environmental effects at each airport of the projects at that airport, considered collectively. The commission need not prepare an assessment for an airport when the capital improvement program and plan for that airport has not changed from the one adopted the previous year or when the changes in the program and plan will have only trivial environmental effects.

Subd. 2. [CAPITAL PROGRAM; ENVIRONMENTAL ASSESSMENT WORKSHEETS.] (a) The commission shall prepare environmental assessment worksheets under Minnesota Statutes, chapter 116D, and rules issued pursuant thereto, on the environmental effects of projects in the commission's capital improvement program at each airport owned and operated by the commission. The scope of the environmental assessment worksheets required by this section is limited to only those projects in the program for an airport that meet all of the following conditions:

(1) The project is scheduled in the program for the succeeding calendar period.

(2) The project is scheduled in the program for the expenditure of \$5,000,000 or more at Minneapolis-St. Paul International Airport or \$2,000,000 or more at any other airport.

(3) The project involves: (i) the construction of a new or expanded structure for handling passengers, cargo, vehicles, or aircraft; or (ii) the construction of a new or the extension of an existing runway or taxiway.

After adopting its capital program, the commission may amend the program by adding or changing a project without amending or redoing the worksheets required by this subdivision, if the project to be added or the change to be made is one that the commission could not reasonably have foreseen at the time that it completed the worksheets.

(b) For the purpose of determining the need for an environmental impact statement, the commission shall consider the projects included in the scope of a worksheet as a single project and shall assess

their environmental effects collectively and cumulatively. The commission's decision on whether an environmental impact statement is needed must be based on the worksheet and comments. The commission may not base a decision that an environmental impact statement is not needed on exemptions of projects in state or federal rules. The commission is not required to prepare an environmental impact statement on an individual project, or to include a project in the scope of an environmental impact statement that the commission determines is needed, if the project is shown in the worksheet to have trivial environmental effects or if an environmental impact statement on the project has been determined to be adequate under state law.

(c) The commission may incorporate into worksheets information from the commission's long-range plans, environmental assessments prepared under subdivision 1, or other environmental documents prepared on projects under state or federal law.

Subd. 3. [PROCEDURE.] (a) The environmental assessments required under subdivision 1 and the environmental assessment worksheets required under subdivision 2 must be prepared each year before the commission adopts its capital improvement plan and program.

(b) The commission shall hold a public hearing on each environmental assessment and worksheet before adopting the capital improvement plan and program. The commission may consolidate hearings.

(c) The initial environmental assessments and worksheets must be completed before the commission adopts its capital improvement plan and program for calendar years 1989 to 1995, but the initial assessments and worksheets must extend to and incorporate projects under construction in calendar year 1988. A project that is under construction in 1988 may proceed, but the project must be included in the environmental review required by this section as if the project were scheduled for the succeeding calendar year. The commission is not required to prepare an environmental impact statement on an individual project, or to include a project in the scope of an environmental impact statement that the commission determines is needed, if: (1) the project is under construction in 1988, or (2) on the effective date of this act the project is included in the commission's capital program for 1988 and 1989 and an environmental review is under way on the project individually under state or federal law.

Subd. 4. [OTHER ENVIRONMENTAL REVIEW.] Nothing in this section limits the responsibility of the commission or any other governmental unit or agency, under any other law or regulation, to conduct environmental review of any project, decision, or recommendation, except that the environmental assessment worksheets

prepared under subdivision 2 satisfy the requirements under state law or rule for environmental assessment worksheets on individual projects covered by the worksheets prepared under subdivision 2."

Page 1, after line 22, insert:

"Sec. 4. [REPORT.]

The commission shall report to the legislature by January 1, 1989, on the conditions that it has attached or proposes to attach to action on projects in its capital improvement plan, for the purpose of advancing the commission's noise control program at airports owned and operated by the commission."

Renumber sections in sequence

Amend the title as follows:

Page 1, after line 3, insert "providing for commission purposes, environmental review, and reports;"

Page 1, line 4, delete "section" and insert "sections 473.602; and"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 473"

The motion prevailed and the amendment was adopted.

Riveness, Tjornhom and Blatz moved to amend S. F. No. 1900, as amended, as follows:

Page 1, after line 22, insert:

"Sec. 2. [USE OF PROCEEDS.]

The proceeds of bonds authorized by section 1 may not be used to extend a runway at Minneapolis-St. Paul International Airport."

The motion did not prevail and the amendment was not adopted.

Orenstein and Vellenga moved to amend S. F. No. 1900, as amended, as follows:

Page 2, before line 23, insert:

"Sec. 5. [EXPIRATION OF BONDING AUTHORITY.]

The bonding authority provided in section 3 is null and void if the commission implements, by itself or in conjunction with any other state, federal or local agency, a runway use plan different from the preferential runway system in effect on April 12, 1988."

Renumber sections in sequence

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

S. F. No. 1900, A bill for an act relating to the metropolitan airports commission; setting the borrowing authority of the commission; amending Minnesota Statutes 1986, section 473.667, 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 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Long Tjornhom Wagenius

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

H. F. No. 2407, as amended, which was temporarily laid over earlier today was again reported to the House.

H. F. No. 2407, A bill for an act relating to the state and local governments; providing immunity from civil liability for volunteers serving the state and local governments; providing that employees and officers of the world trade center board and greater Minnesota corporation are state employees for purposes of immunity; providing that officers and directors of public corporations are immune from liability under standards for nonprofit corporations; clarifying immunity from civil liability for certain athletic officials; amending Minnesota Statutes 1986, section 466.01, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.736, subdivision 3; 44A.02, subdivision 3; 116O.03, by adding a subdivision; 116O.04, subdivision 2; 317.201, subdivision 1; 340A.801, subdivisions 1 and 4; 340A.802; and 604.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 466.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Onnen	Seaberg
Battaglia	Gruenes	Lasley	Orenstein	Segal
Bauerly	Gutknecht	Lieder	Osthoff	Shaver
Beard	Hartle	Long	Otis	Simoneau
Begich	Haukoos	Marsh	Ozment	Skoglund
Bennett	Heap	McDonald	Pappas	Sparby
Bertram	Himle	McEachern	Pauly	Stanis
Blatz	Hugoson	McKasy	Pelowski	Steensma
Boo	Jacobs	McLaughlin	Peterson	Sviggum
Brown	Jaros	McPherson	Poppenhagen	Swenson
Burger	Jefferson	Milbert	Price	Thiede
Carlson, D.	Jennings	Miller	Quinn	Tjornhom
Carruthers	Jensen	Minne	Quist	Tompkins
Clark	Johnson, A.	Morrison	Redalen	Trimble
Clausnitzer	Johnson, R.	Munger	Reding	Tunheim
Cooper	Johnson, V.	Murphy	Rest	Uphus
Dauner	Kahn	Nelson, C.	Rice	Valento
Dawkins	Kalis	Nelson, D.	Richter	Vellenga
DeBlicek	Kelly	Nelson, K.	Riveness	Voss
Dempsey	Kelso	Neuenschwander	Rodosovich	Wagenius
DeRaad	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	Schreiber	Spk. Vanasek

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

MOTIONS FOR RECONSIDERATION

Cooper moved that the vote whereby H. F. No. 2407, as amended, was passed be now reconsidered. The motion prevailed.

Cooper moved that the action whereby H. F. No. 2407, as amended, was given its third reading be now reconsidered. The motion prevailed.

H. F. No. 2407, as amended, was reported to the House.

Cooper moved to amend H. F. No. 2407, the first engrossment, as amended, as follows:

Pages 1 to 3, delete section 1

Page 7, delete section 10

Renumber the sections in sequence

Correct internal cross references

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "that municipal volunteers are employees for purposes of tort claims"

Page 1, line 7, delete "immunity" and insert "state tort claims"

Page 1, lines 13 and 14, delete "3.736, subdivision 3;"

Page 1, line 17, delete everything after "subdivision 1" and insert a period

Page 1, delete line 18

The motion prevailed and the amendment was adopted.

H. F. No. 2407, A bill for an act relating to the state and local governments; providing that municipal volunteers are employees for purposes of tort claims; providing that employees and officers of the world trade center board and greater Minnesota corporation are state employees for purposes of state tort claims; providing that officers and directors of public corporations are immune from liability under standards for nonprofit corporations; clarifying im-

munity from civil liability for certain athletic officials; amending Minnesota Statutes 1986, sections 317.22, subdivision 4; 317.28; 466.01, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 44A.02, subdivision 3; 116O.03, by adding a subdivision; 116O.04, subdivision 2; 317.201, subdivision 1; 340A.801, subdivisions 1 and 4; 340A.802; and 604.08, subdivision 1.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 412 which was temporarily laid over earlier today was again reported to the House.

Long moved to amend S. F. No. 412, as follows:

Page 1, line 22, delete "for which a person is liable"

Page 1, line 23, delete everything before the period

Page 3, line 13, after the semicolon insert "or"

Page 3, delete lines 14 to 16

Page 3, line 17, delete "(5)" and insert "(4)"

Page 5, line 21, delete "for which"

Page 5, line 22, delete "a person is liable"

The motion prevailed and the amendment was adopted.

S. F. No. 412, A bill for an act relating to real property; creating a lien against real property where the state has incurred cleanup expenses and the owner is liable for the expenses under Minnesota Statutes, chapter 115B or 115C; providing procedures for implementation and enforcement of the lien; proposing coding for new law in Minnesota Statutes, chapter 514.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 203 was reported to the House.

Skoglund moved to amend S. F. No. 203, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 48.92, subdivision 7, is amended to read:

Subd. 7. [RECIPROCATING STATE.] “Reciprocating state” is: (1) a state that authorizes the acquisition, directly or indirectly, or control of, banks in that state by a bank or bank holding company located in this state under conditions substantially similar to those imposed by the laws of Minnesota as determined by the commissioner; and (2) limited to the states of Iowa, North Dakota, South Dakota, ~~and Wisconsin,~~ Idaho, Montana, Nebraska, Washington, and Wyoming.

Sec. 2. Minnesota Statutes 1986, section 48.93, subdivision 4, is amended to read:

Subd. 4. [DISAPPROVAL.] The commissioner shall disapprove any proposed acquisition if:

(1) the financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) the competence, experience, integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) the acquisition will result in undue concentration of resources or substantial lessening of competition in this state;

(4) the application fails to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota; ~~or~~

(5) the application is incomplete or any acquiring party neglects, fails, or refuses to furnish all the information required by the commissioner;

(6) the bank has failed to meet the requirements set forth in the federal Community Reinvestment Act, and sections 48.97, 48.991, and 48.993; or

(7) the acquisition will result in over 30 percent of Minnesota's total banking deposits being held by banks located in this state owned by a reciprocating state bank holding company. This limitation shall not apply to consideration for approval pursuant to section 48.99, special acquisitions.

Sec. 3. Minnesota Statutes 1986, section 48.95, subdivision 1, is amended to read:

Subdivision 1. [DIVESTITURE; CEASE AND DESIST.] In the event a reciprocating state bank holding company makes an acquisition other than in full compliance with the requirements and procedures of Laws 1986, chapter 339, the commissioner may:

(1) by order immediately require the reciprocating state bank holding company to divest itself of its direct or indirect ownership or control of any bank located in this state; or

(2) by order require the reciprocating state bank holding company to cease and desist the violations by a date certain. The order would be subject to the procedures applicable to cease and desist proceedings pursuant to sections 46.23 to 46.33 and any applicable rules; or

(3) in the event control of a bank located in this state is acquired by a bank holding company that is not a reciprocating state bank holding company as a result of change of control of a reciprocating state bank holding company, the acquiring bank holding company shall divest itself of control of the bank located in this state within two years of the date of its acquisition of control of the bank.

Sec. 4. Minnesota Statutes 1986, section 48.991, is amended to read:

48.991 [DEVELOPMENTAL LOANS.]

A financial institution located in this state ~~owned by an interstate bank holding company~~ shall provide a level of developmental loans as defined by the commissioner by rule. In establishing the developmental loan levels for financial institutions, the commissioner may consider the developmental loan performance of financially stable financial institutions of comparable or smaller size that have above average levels of activity in developmental loans in reciprocating states as defined in section 48.92, subdivision 7. A "developmental loan" includes, but is not limited to, (1) loans for low and moderate income housing, loans to community development corporations, loans to woman and minority owned businesses, student education loans, and alternative energy or energy conservation loans, and (2) loans within distressed areas and on any Indian reservation for any commercial nonreal estate purpose, home loans, home improvement loans, and operating loans to family farmers. The commissioner of commerce shall annually designate distressed areas. A distressed area may be made for a geographic region smaller than a county within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The determination of a distressed area should be made on the area's unemployment rate, economic conditions, and credit needs.

Sec. 5. [48.993] [ANNUAL REPORTING OF COMMUNITY RE-INVESTMENT ACTIVITIES BY BANKS.]

Subdivision 1. [INVESTMENT; REPORTING REQUIREMENTS.] Every bank organized under the laws of this state or the United States and doing business in this state as defined by section 48.92, subdivision 6, clause (1), shall fully and accurately disclose in an annual report to the commissioner of commerce the same information required of financial institutions located in this state owned by an interstate bank holding company pursuant to section 48.97, subdivisions 2 to 4, and the rules adopted in connection with sections 48.97 and 48.991.

Subd. 2. [COMPLIANCE BY BANK HOLDING COMPANIES.] Any corporation qualifying as a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, with banking subsidiaries described in subdivision 1, must meet the requirements of this section in the event of noncompliance with this section for any reason by their banking subsidiaries.

Subd. 3. [FAILURE TO COMPLY.] Failure to comply with this section by any bank or bank holding company is to be considered a violation for purposes of chapter 45. Violators are subject to the penalties in section 45.027."

Delete the title and insert:

"A bill for an act relating to financial institutions; regulating reciprocal interstate banking; permitting interstate banking with additional states; requiring banks to report on community reinvestment activities; amending Minnesota Statutes 1986, sections 48.92, subdivision 7; 48.93, subdivision 4; 48.95, subdivision 1; and 48.991; proposing coding for new law in Minnesota Statutes, chapter 48."

The motion prevailed and the amendment was adopted.

Skoglund moved to amend S. F. No. 203, as amended, as follows:

Page 2, line 15, delete "the bank" and insert "a subsidiary of the acquiring bank holding company"

Page 2, line 16, delete everything after "Act" and insert "; or"

Page 2, delete line 17

Page 2, line 20, delete "a"

Page 2, line 21, delete "company" and insert "companies"

Page 3, line 11, delete "financial institution" and insert "bank"

Page 3, lines 14 and 15, delete "financial institutions" and insert "banks"

Page 3, line 16, delete "financial institutions" and insert "banks"

Page 4, line 4, delete "financial institutions" and insert "banks"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Frerichs was excused for the remainder of today's session.

Winter offered an amendment to S. F. No. 203, as amended.

McLaughlin requested a division of the Winter amendment.

The first portion of the Winter amendment to S. F. No. 203, as amended, reads as follows:

Page 3, lines 11 and 12, reinstate the stricken language

The motion prevailed and the first portion of the Winter amendment was adopted.

The second portion of the Winter amendment to S. F. No. 203, as amended, reads as follows:

Pages 3 and 4, delete section 5 and insert:

"Sec. 5. [REPORTING REQUIREMENT.]

The commissioner of commerce shall recommend to the financial institutions and insurance committee of the house of representatives and the commerce committee of the state senate by January 1, 1989 the reporting requirements for financial institutions as defined in Minnesota Statutes section 49.01, subdivision 2 that address a financial institution's commitment to investing in their community. The recommendations must address the following:

(a) the amount of development loans that banks have made within their service areas. Development loans include, but are not limited to, loans for low and moderate income housing, operating loans to family farmers, loans made in distressed areas of the state, commer-

cial loans to minority-owned and woman-owned businesses, loans for alternative energy and energy conservation, student loans, loans made for businesses and housing related loans within Indian reservations, and loans to community based economic development organizations; and

(b) the degree of "redlining" by banks within their service areas."

Amend the title accordingly

The motion prevailed and the second portion of the Winter amendment was adopted.

S. F. No. 203, A bill for an act relating to financial institutions; permitting interstate banking with additional reciprocating states; amending Minnesota Statutes 1986, section 48.92, 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 89 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Bauerly	Frederick	Knuth	Olson, K.	Schafer
Beard	Greenfield	Larsen	Osthoff	Scheid
Bennett	Gruenes	Lieder	Otis	Schreiber
Bertram	Gutknecht	Long	Ozment	Segal
Bishop	Hartle	Marsh	Pauly	Shaver
Blatz	Heap	McEachern	Pelowski	Skoglund
Boo	Himle	McKasy	Peterson	Stanius
Burger	Hugoson	McLaughlin	Poppenhagen	Sviggum
Carlson, L.	Jefferson	McPherson	Price	Swenson
Carruthers	Jennings	Milbert	Quinn	Thiede
Clausnitzer	Jensen	Miller	Quist	Tjornhom
Cooper	Johnson, A.	Morrison	Redalen	Uphus
Dawkins	Johnson, R.	Murphy	Reding	Valento
Dempsey	Johnson, V.	Nelson, C.	Rest	Voss
DeRaad	Kahn	Nelson, K.	Riveness	Waltman
Dille	Kelso	Neuenschwander	Rodosovich	Welle
Dorn	Kinkel	O'Connor	Rose	Spk. Vanasek
Forsythe	Knickerbocker	Olsen, S.	Sarna	

Those who voted in the negative were:

Anderson, R.	Jaros	Minne	Rice	Trimble
Battaglia	Kalis	Nelson, D.	Richter	Tunheim
Begich	Kludt	Ogren	Rukavina	Wenzel
Brown	Kostohryz	Olson, E.	Solberg	Winter
Clark	Krueger	Omann	Sparby	
Dauner	Lasley	Onnen	Steensma	
DeBlicke	McDonald	Pappas	Tompkins	

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

S. F. No. 1932 was reported to the House.

Hartle and Brown moved to amend S. F. No. 1932, as follows:

Page 2, after line 3, insert:

“Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day after final enactment.”

The motion prevailed and the amendment was adopted.

S. F. No. 1932, A bill for an act relating to transportation; exempting certain private carriers of fuel for use in agriculture-related businesses from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 1, and by adding a subdivision.

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 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carruthers	Johnson, R.	Lasley	Quinn	Voss
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The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Wynia from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1826, A bill for an act relating to transportation; authorizing issuance of trunk highway bonds to establish a special account in the trunk highway fund for loans to purchase highway rights-of-way outside the metropolitan area; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway right-of-way; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 161.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CAPITAL IMPROVEMENTS; APPROPRIATIONS.]

The sums in the column marked “APPROPRIATIONS” other than amounts of loan approvals are appropriated from the state building fund, or other named fund, to the state agencies indicated, to be spent to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act.

SUMMARY

ADMINISTRATION	\$9,111,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	675,000
NATURAL RESOURCES	5,420,000
POLLUTION CONTROL AGENCY	50,000
TRADE AND ECONOMIC DEVELOPMENT	19,635,000
MILITARY AFFAIRS	1,270,000
TRANSPORTATION	12,000,000
MINNESOTA HISTORICAL SOCIETY	865,000
COOPERATIVE SECONDARY FACILITIES	
GRANTS	8,000,000
TECHNICAL INSTITUTES	28,883,100
COMMUNITY COLLEGES	31,206,200
STATE UNIVERSITIES	34,581,400

UNIVERSITY OF MINNESOTA	30,367,000
VETERANS HOMES	1,404,100
CORRECTIONS	3,574,800
HEALTH	1,360,100
BOND SALE EXPENSES	200,000
TOTAL	188,602,600
General Fund	1,711,000
Transportation Fund	12,000,000
Building Fund	175,841,600
Maximum Effort School Loan Fund	11,000,000
Water Pollution Control Fund	50,000

APPROPRIATIONS

Sec. 2. ADMINISTRATION	9,111,000
(a) Rent Differential	1,711,000

This appropriation is from the general fund to the commissioner for the increased rent differential and lost rental income associated with the department of human services office relocation/consolidation.

(b) Handicapped accessibility	6,000,000
(c) Depot concourse	1,400,000

This appropriation is from the state building fund to the commissioner of administration for a grant to the housing and redevelopment authority of the city of St. Paul to restore the concourse of the St. Paul Union Depot as a facility for the exhibition of works of art. The restoration must conform to the United States Secretary of Interior's standards for rehabilitation. This grant must not be paid until the commissioner has determined that \$500,000 in operational funding has been committed by nonstate sources.

Sec. 3. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	675,000
Landscaping and parking improvements	

Sec. 4. DEPARTMENT OF NATURAL RESOURCES

5,420,000

(a) International Wolf Center 150,000

This appropriation is to be used as a grant to the International Wolf Center Committee for a review of the site selection process and planning/site preparation of an International Wolf Center. The review of the site selection process will be conducted by a select committee appointed by the chairs of the house appropriations and senate finance committees. The committee shall evaluate the process used in determining the proposed site for the Wolf Center and report its findings to the chairs of the house appropriations and senate finance committees no later than January 1, 1989. Any expenses associated with the select committee's activities shall be paid from this grant.

(b) Environmental Learning Centers 3,500,000

This appropriation is to be used as grants to environmental learning centers located throughout the state.

(c) Park and Trail Development 1,050,000

(d) Notwithstanding Minnesota Statutes, section 94.165, subdivision 1, and chapter 86A, the commissioner of natural resources may use up to \$600,000 from the land acquisition account for acquisition and improvement of lands associated with office consolidation until June 30, 1989. Projects may be outside the outdoor recreation system.

(e) Trail Acquisition 600,000

This appropriation is for the acquisition and development of the abandoned Burlington Northern Railroad Line between Baxter and Bemidji, Minnesota known as the "Paul Bunyan Trail."

(f) Wildlife Development 120,000

This appropriation is for the planning and engineering work on the visitor center/office building at Lac Qui Parle Wildlife Management Area. Notwithstanding Minnesota Statutes, chapter 16B, if there are no small businesses owned or operated by socially or economically disadvantaged persons located within 25 miles of this project site, the commissioner may award the amount required under Minnesota Statutes, chapter 16B for set-aside procurement for the construction associated with this project to other small businesses within 25 miles of the project site.

Sec. 5. POLLUTION CONTROL AGENCY

50,000

Subdivision 1. Wastewater Treatment Grants

\$6,000,000 of the funds appropriated in Laws 1987, chapter 400, section 7 for construction of wastewater treatment facilities grants are for supplemental grants to those communities that have received wastewater treatment grants during the period between October 1, 1984, and September 30, 1987. The supplemental grants must be distributed according to the conditions established by section 28 of this act.

Subd. 2. Thompson Township

50,000

This appropriation is from the water pollution control fund to Thompson Township in cooperation with the Minnesota pollution control agency for planning, development, and construction of a water treatment facility in Thompson Township in Carlton county. Any unencumbered balance of this appropriation is available for the construction of the water treatment facility.

The pollution control agency shall develop criteria and a selection process for the distribution of wastewater treat-

ment facilities grants for lakewater treatment in nonmunicipalities. The commissioner shall study the lake water pollution problems associated with wastewater in those areas and report to the chairs of the house appropriations and senate finance committees with recommendations concerning how to address these areas before January 2, 1989.

Sec. 6. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development for the purposes specified in this section.

19,635,000

Subd. 2. Amateur Sports

(a) For planning for a national ski jump	200,000
(b) For planning for a national speedskating and bandy center in Roseville	350,000
(c) For a national shooting center in Biwabik	3,500,000
(d) For a national kayaking center at Carlton	260,000
(e) For planning a national rowing center not to be located at Lake Phalen	25,000
(f) For the national ice hockey center in St. Cloud	450,000
(g) For grants to refurbish existing ski jumps, including one operated through a joint powers agreement by four or more municipalities	250,000
(h) For planning the expansion of the national sports center stadium at Blaine	400,000
(i) For the national wrestling training center at the national sports center in Blaine	400,000

(j) For construction of amateur sports facilities that receive construction funding in this section or those facilities previously approved for construction. This appropriation is to be distributed by the Minnesota amateur sports commission only after consultation by the amateur sports commission with the chair of the house appropriations committee and the chair of the senate finance committee.

1,000,000

Subd. 3. Related Provisions

(a) The appropriation in subdivision 2(c) is only available upon the demonstration to the commissioner of finance of a \$1,000,000 match from nonstate sources.

(b) The appropriation in subdivision 2(b) is only available upon the demonstration to the commissioner of finance of a matching contribution of \$1,500,000 from nonstate sources for the construction of the facility.

(c) Any contributions that are a part of a matching requirement under subdivision 3 must be certified by the commissioner of finance as to their value. Operating expenses must not be considered a contribution towards the matching requirement.

(d) Each of the appropriations for construction in subdivision 2 for a national training center is contingent upon designation of the respective facility as an official training site by the governing body member of the United States Olympic Committee, a written commitment from the local unit of government to the Minnesota amateur sports commission that the local unit will provide or has contracted to provide adequate operating funding and personnel, and issuance of the necessary general obligation special tax bonds.

(e) If a local unit is unable to provide the matching contribution as required by subdivision 3, the Minnesota amateur sports commission may solicit and review applications from others who are able to meet the matching requirements and select a new site for a facility.

(f) The metropolitan airports commission in consultation with the Minnesota amateur sports commission shall study the potential effects that Laws 1979, extra session chapter 1, section 5 and Minnesota Statutes, sections 360.061 to 360.074 will have on the operation, long-term success, and economic viability of the national sports center in Blaine. The report must also include an estimation of the potential impacts that Laws 1979, extra session chapter 1, section 5 and Minnesota Statutes, sections 360.061 to 360.074 will have on the ability of the Minnesota amateur sports commission to attract national events to the national sports center in Blaine. The metropolitan airports commission and the Minnesota amateur sports commission shall jointly present a report to the chair of the senate finance and the chair of house appropriations committee by February 15, 1989.

(g) The Minnesota amateur sports commission shall make a concentrated effort to recruit women athletes and athletic events for women to its facilities.

Subd. 4. Great River Road 5,000,000

This appropriation is for a grant to the Minneapolis park and recreation board for land acquisition for the great river road project in the central Mississippi regional park along the central waterfront area in downtown Minneapolis.

Subd. 5. Como Conservatory 6,000,000

This appropriation is for a grant to the city of St. Paul for the remodeling and refurbishing of Como Park Conservatory.

Subd. 6. Metropolitan Open Space 1,800,000

This appropriation is for payment by the commissioner of trade and economic development to the metropolitan council established under Minnesota Statutes, section 473.123. The commissioner shall transfer the amount to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation must be used to pay the cost of acquisition and betterment by the metropolitan council and local units of government of regional recreational open space lands in accordance with the council's policy plan as provided in Minnesota Statutes, sections 473.315 and 473.341, including relocation costs and tax equivalents required to be paid by Minnesota Statutes, sections 473.315 and 473.341.

Sec. 7. MILITARY AFFAIRS 1,270,000

(a) Rossberg Hall at Camp Ripley 70,000

Asbestos abatement

(b) State Armories 1,200,000

Asbestos abatement

Sec. 8. TRANSPORTATION 12,000,000

Subdivision 1. Bridges

This appropriation is to the commissioner of transportation from the state transportation fund for local road bridge replacement and rehabilitation of bridges not on the trunk highway system.

Subd. 2. Bonds

To provide the money appropriated in subdivision 1 from the state transpor-

tation fund, the commissioner of finance on request of the governor shall sell and issue bonds of the state up to the amount provided in subdivision 1 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Subd. 3. Appropriation Transfer

Up to \$1,000,000 of the appropriation made in Laws 1987, chapter 358, section 2, subdivision 2, is for transfer from the trunk highway fund to the special account created in section 38, subdivision 4.

Sec. 9. MINNESOTA HISTORICAL SOCIETY

Subdivision 1. To the Minnesota Historical Society for the purposes specified in this section

865,000

Subd. 2. Labor History Center

390,000

This appropriation is to the Minnesota Historical Society to plan and design the Labor History Center. The society shall develop a program document that defines the space and programming needs of the center including operating expenses. The society shall determine, through a design framework and site location assessment study, the location of the center on a site adjacent to the History Center and prepare working drawings for the project. The society may acquire surplus highway property to assist in locating the center. Notwithstanding any other law to the contrary, the center's design must be performed by the State History Center design competition winner and cost estimates for all elements necessary to

complete the project must be submitted to the chairs of the Agriculture, Transportation, and Semi-States divisions of the Senate Finance and House Appropriations Committees for their recommendations. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The total cost of the project must not exceed \$12,500,000. The project cost may include exhibits and audio visual devices and systems. The \$360,000 authorized by Laws 1987, chapter 400, section 15, subdivision 2, is immediately available for this project.

Subd. 3. Red Lake Tribal Archives,
Library, and Interpretive Center 375,000

This appropriation is from the state building fund to the historical society for a grant to the Red Lake Band of Chippewa Indians to construct a building to house the tribal archives, library, and interpretive center.

Subd. 4. Continued Restoration of
the General William G. LeDuc Home 100,000

Sec. 10. COOPERATIVE SECOND-
ARY FACILITIES GRANTS 8,000,000

This appropriation is to the commissioner of education from the state building fund for grants to qualified joint powers districts under the cooperative secondary facilities grant program contained in Minnesota Statutes, section 124.494.

This appropriation is added to the appropriation contained in Laws 1987, chapter 400, section 16, subdivision 4.

Sec. 11. CAPITAL LOAN APPROV-
ALS 11,716,000

Subdivision 1. TO MILACA
SCHOOL DISTRICT

To independent school district No. 912,
Milaca, a capital loan is approved in an
amount not to exceed 4,791,000

Subd. 2. TO HOLDINGFORD
SCHOOL DISTRICT

To independent school district No. 738,
Holdingford, a capital loan is approved
in an amount not to exceed 1,087,000

Subd. 3. TO REDWOOD FALLS
SCHOOL DISTRICT

To independent school district No. 637,
Redwood Falls, a capital loan is ap-
proved in an amount not to exceed 5,838,000

Sec. 12. TECHNICAL INSTITUTES

Subdivision 1. To the state board of
vocational technical education for the
purposes specified in this section 28,883,100

Notwithstanding Minnesota Statutes,
section 475.61, subdivision 4, the state
board of vocational technical education
may approve a request by a local school
board to use any unobligated balance
in the debt redemption fund to pay the
district's share of construction projects
authorized in this section.

Subd. 2. Post-secondary technical in-
stitute construction in the school dis-
tricts listed in this subdivision 25,683,100

(a) Independent school district No. 206,
Alexandria 2,019,800

This appropriation is to construct space
for classrooms and relocate the truck
driving and avionics programs to the
main campus.

The total cost of the project must not be
more than \$2,376,000 whether paid
from state, local, or federal money.

(b) Independent school district No. 11,
Anoka 1,785,800

This appropriation is for major remodel-
ing of the facility including the heat-

ing and sprinkler systems, restrooms, the existing warehouse space and classrooms.

The total cost of the project must not be more than \$2,101,000 whether paid from state, local, or federal money.

(c) Independent school district No. 31,
Bemidji 1,126,200

This appropriation is to construct space for classrooms, labs, child care, a conference center, and a media/resource center.

The total cost of the project must not be more than \$1,324,900 whether paid from state, local, or federal money.

(d) Independent school district No. 181,
Brainerd 207,700

This appropriation is for the planning of a conference center and an instructional services addition.

The total cost of planning must not exceed \$244,400 whether paid for by state, local, or federal money.

(e) Special intermediate school district
No. 917, Dakota county 1,977,600

This appropriation is for the purchase of the former Rosemount City Hall for child care, and construction of classrooms and labs.

The total cost of the project must not be more than \$2,149,600 whether paid from state, local, or federal money.

(f) Independent school district No. 22,
Detroit Lakes 208,800

This appropriation is for the planning of an instructional services addition.

The total cost of planning must not exceed \$245,600 whether paid for by

state, local, or federal money.

(g) Independent school district No. 709,
Duluth 2,591,600

This appropriation is for construction of a new addition to house instructional areas, a library/resource center, and a telecommunications facility.

The total cost of the project must not be more than \$3,048,900 whether paid from state, local, or federal money.

(h) Independent school district No. 595,
East Grand Forks 1,956,700

This appropriation is for construction of an addition for classroom/lab facilities, student services, and child care.

The total cost of the project must not be more than \$2,301,900 whether paid from state, local, or federal money.

(i) Independent school district No. 697,
Eveleth 2,167,300

This appropriation is for construction of an addition for classrooms, labs, shops, office space, and a conference center.

The total cost of the project must not be more than \$2,549,800 whether paid from state, local, or federal money.

(j) Special intermediate school district
No. 287, Hennepin Technical Centers 1,124,300

This appropriation is to supplement the local funds used for construction authorized by law in 1987.

The total cost of the project must not be more than \$1,443,000 whether paid from state, local, or federal money.

(k) Independent school district No. 701,
Hibbing 1,177,600

This appropriation is for land acquisition and planning for a new campus.

The total cost of the project must not be more than \$1,385,400 whether paid from state, local, or federal money.

(l) Independent school district No. 152,
Moorhead 903,600

This appropriation is for construction of an addition for classrooms, labs, shops, office space, and a conference center.

The total cost of the project must not be more than \$1,063,100 whether paid from state, local, or federal money.

(m) Independent school district No.
578, Pine City 338,400

This appropriation is for the completion of the project approved in 1987.

The total cost of the project must not be more than \$398,100 whether paid from state, local, or federal money.

(n) Independent school district No. 256,
Red Wing 337,100

This appropriation is for land acquisition, site development, and preliminary building design and layout.

The total cost of the project must not be more than \$396,600 whether paid from state, local, or federal money.

(o) Joint vocational technical district
No. 900 2,531,800

This appropriation is for construction or remodeling of the following facilities on these respective campuses:

Granite Falls-resource center, student services, child care, classrooms, labs, and a conference center.

Jackson-resource center, student services, child care, classrooms, student commons, and labs.

Canby-resource center, student services, classrooms, and labs.

Pipestone-resource center, student services, classrooms, labs, and parking space.

(p) Independent school district No. 793,
Staples 1,454,800

This appropriation is for construction and remodeling to provide additional classrooms, child care, computer labs, a media center, and consolidation of student services.

The total cost of the project must not be more than \$1,711,500 whether paid from state, local, or federal money.

(q) Independent school district No. 564,
Thief River Falls 2,961,600

This appropriation is for construction of a new hangar facility at the Thief River Falls airport and to provide an addition on the main campus to include a conference center, classrooms, labs, and commons space.

The total cost of the project must not be more than \$3,484,200 whether paid from state, local, or federal money.

(r) Independent school district No. 347,
Willmar 627,800

This appropriation is for construction of facilities for a new student commons and media/library/resource center.

The total cost of the project must not be more than \$738,600 whether paid from state, local, or federal money.

(s) Independent school district No. 861,
Winona 184,600

This appropriation is for remodeling and site improvements for the truck driving program.

The total cost of the project must not be more than \$217,100 whether paid from state, local, or federal money.

Subd. 3. Statewide 3,200,000

Upgrade parking facilities at the following institutes: Alexandria, Anoka, Austin, Eveleth, Hennepin Technical Centers, Hibbing, Hutchinson, Minneapolis, Moorhead, Northeast Metro, Pine City, Rochester, St. Cloud, Thief River Falls, Willmar, and Winona.

Sec. 13. COMMUNITY COLLEGES

Subdivision 1. To the commissioner of administration for the purposes specified in the following subdivisions 31,206,200

Subd. 2. Anoka - Ramsey Community College 3,351,600

This appropriation is for construction of classroom, child care, and continuing education space and a conference center.

Subd. 3. Austin Community College 865,200

This appropriation is for expansion and remodeling of child care and nursing program areas.

Subd. 4. Brainerd Community College 226,800

This appropriation is for the planning of remodeling and expansion.

Subd. 5. Cambridge Center 1,363,300

This appropriation is for remodeling of the administrative and campus center area and construction of an addition to include library, child care, fine arts, faculty, and storage space.

Subd. 6. Fergus Falls Community College 3,330,500

This appropriation is for construction of an addition to include a campus center, and physical education, computer lab, and child care space.

Subd. 7. Lakewood Community College 3,533,900

This appropriation is for expansion and remodeling of student services, classrooms, child care, and continuing education space.

Subd. 8. Minneapolis Community College 1,191,200

This appropriation is for completion of the Fine Arts addition.

Subd. 9. Normandale Community College 5,558,600

This appropriation is for construction of a classroom and computer lab addition and remodeling of student services.

Subd. 10. Rainy River Community College 1,707,100

This appropriation is for construction of a classroom and child care addition, a physics addition, and remodeling of student services.

Subd. 11. Rochester Community College 2,128,800

This appropriation is for construction of a physical education and science addition and general remodeling.

Subd. 12. Vermilion Community College 959,600

This appropriation is for construction of a classroom and child care addition.

Subd. 13. Willmar Community College 540,000

This appropriation is for construction of a physical fitness addition.

Subd. 14. Worthington Community College 1,467,800

This appropriation is for construction of new library space and remodeling of computer labs and child care space.

Subd. 15. Systemwide 4,981,800

(a) Systemwide capital improvements including asbestos abatement, code compliance, roof replacement and repair, parking and drives, mechanical and electrical systems, and site improvements. 4,801,500

The agency spending this appropriation must prepare a survey and report to the legislature by January 1, 1989, on the asbestos and PCBs that were found and removed, and what asbestos and PCBs remain.

(b) Systemwide planning 180,300

Sec. 14. STATE UNIVERSITIES

Subdivision 1. To the state university board for the purposes specified in the following subdivisions 34,581,400

Notwithstanding Minnesota Statutes, sections 16B.30 and 16B.31, during the biennium, the state university board shall supervise and control the preparation of plans and specifications for the construction, alteration, or enlargement of the state university buildings, structures, and improvements provided for in this section. During the biennium, the state university board shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improve-

ments when completed according to the plans and specifications.

Plans must be paid for out of this appropriation. The remainder of the appropriation must not be spent until the board has secured suitable plans and specifications, prepared by a competent architect or engineer. The plans and specifications must be accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided in this act. The board must not direct or permit an expenditure beyond the appropriation, and an agent of the board violating this provision is guilty of a gross misdemeanor.

The board shall review and report to the governor and the legislature by January 15 of each year on the status of the capital improvement projects in this section.

During the biennium, the state university board must not prepare final plans and specifications for any construction or major remodeling authorized by this act until it has presented the program and schematic plans and cost estimates for all elements necessary to complete the project to the chairs of the house appropriations committee and the senate finance committee and the chairs have made their recommendations. The recommendations are advisory only. "Construction or major remodeling" means construction of a new building, or modifications of a building whose exterior dimension or interior configuration is altered in a material way. Reports on construction or major remodeling must summarize the current status of the individual project, the

budget plan, and describe any conditions that are not consistent with the initial request, legislative testimony, or the appropriation. If applicable, schematic design documents must accompany the reports. Reports on projects that are not included in the above definition must be made before awarding bids. The reports must summarize the status of the individual projects, the budget plan, and any departure that may need to be made from the system's initial request. Architectural and design work may continue in accordance with the project schedule unless objections are raised by the chairs. If a unique situation arises during the planning process that may require a significant departure from the initial request or the appropriation, the agency or university must notify the chairs and await their responses before authorizing further work on the plans.

Subd. 2. Mankato Campus

9,615,100

Construction of an addition to Trafton Hall.

Subd. 3. Metropolitan

2,200,000

\$1,800,000 is for the acquisition of the entire St. John's site bounded by Mounds Boulevard, East 7th St., 6th St., and Maria Ave. This site includes the entire parking lot across Maria Ave. \$400,000 is for planning of the administrative and student service center. The zoning of the area surrounding the site must be consistent with the proposal submitted to the board by the city of St. Paul. The zoning provisions must be reviewed by the chairs of the appropriations and finance committees prior to the state executing the purchase.

The agreement for the acquisition must include a provision that the St. Paul Port Authority ensure that all buildings on the site are free from hazardous asbestos materials.

At the time the boilers are converted to low pressure steam, the state board may enter into an agreement with District Energy St. Paul Inc. for provision of steam heat, if the total cost of that heat does not exceed the estimated cost of receiving comparable services from another source.

Prior to arranging for the demolition of building B, the state board of vocational technical education and the state university board shall jointly study whether the cafeteria addition built in 1968 can be used by the technical institutes for its restaurant and hotel cookery courses and related programs. If the facilities can be used, the state university board shall consider whether the preservation of the cafeteria facilities is appropriate and possible within the available funding. The state university board and the state board of vocational technical education shall report their recommendations to the education divisions of the appropriations and finance committees prior to any demolition.

Subd. 4. Southwest Campus	6,880,500
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Construction of recreation/athletic building.

Subd. 5. Winona Campus	8,985,800
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Construction of the Health and Applied Science Building.

Subd. 6. Systemwide	6,900,000
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(a) Abate asbestos materials and PCBs in transformers.	2,000,000
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The agency spending this appropriation must prepare a survey and report to the legislature by January 1, 1989, on the asbestos and PCBs that were found and removed, and what asbestos and PCBs remain.

(b) Roof repair for the following campuses: Bemidji, Mankato, and Southwest. 1,500,000

(c) Acquisition of land adjacent to or in the vicinity of the St. Cloud, Winona, Bemidji, and Moorhead campuses when it becomes available for sale as necessary for campus development. 3,400,000

During the biennium, the board shall make a written request to the department of administration, real estate management division, indicating the need to acquire property, specify the property to be acquired and specific purpose for which the property is to be acquired, and the amount of money required for acquisition. The board shall proceed with the acquisition consistent with policies and rules established by the department of administration. Before taking action to acquire any parcel of land, the state university board must receive formal recommendation of the education divisions of the senate finance and the house appropriations committees concerning the proposed action. Should either division object to the proposed purchase, further action must be suspended pending presentation of the proposal to the legislature for consideration. Before purchase of any property, the board must show that it has considered and rejected any alternative financing options available to buyers. This appropriation will be available to the board until June 30, 1992. At that time, any unused proceeds from the sale of bonds for this purpose shall cancel to the state bond fund.

If money has been appropriated in this biennium to the state university board to acquire land or sites for public buildings, the acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings must be under Minnesota Statutes, chapter 117.

Sec. 15. UNIVERSITY OF MINNESOTA

Subdivision 1. To the regents of the University of Minnesota for the purposes specified in the following subdivisions 30,367,000

In identifying building needs, the regents are requested to be cognizant of the need for child care, particularly on the Twin Cities campuses.

Subd. 2. Crookston Campus

Land purchase 250,000

Subd. 3. Duluth Campus

Construct campus center 9,360,000

Subd. 4. Morris Campus

Renovate student union 3,790,000

Subd. 5. Twin Cities Campuses

16,878,000

(a) Plan biological sciences projects. This appropriation provides for schematics and working drawings for the biological sciences addition, St. Paul campus, and schematics for the basic health sciences building, Minneapolis campus. 2,300,000

(b) Construct St. Paul animal science phase II. This appropriation provides for completion of beef and dairy teaching facilities and a metabolism unit. 1,000,000

(c) Remodel Wilson Library 2,655,000

(d) Construct Veterinary Diagnostic Laboratory addition 6,923,000

(e) Construct performance laboratory, Ferguson Hall 4,000,000

Subd. 6. Waseca Campus

Hardsurface parking lot 89,000

Subd. 7. Systemwide

The regents are requested to report to the education divisions of the appropriations and finance committees by February 1, 1989 on their actions regarding capital project funding from central reserves.

Sec. 16. VETERANS HOMES

Subdivision 1. To the commissioner of administration or others for veterans home projects as specified in this section.

1,404,100

Subd. 2. Minneapolis veterans home: 1,313,300

(a) Replace main electrical generator 175,000

(b) Retro-fit steam system and upgrade primary electrical system 752,000

(c) Demolition of surplus buildings and structures: Phase 1 271,300

(d) Design and planning fees for tunnel and walkway 115,000

Subd. 3. Other veterans homes: for feasibility studies and cost analyses for the following projects: 90,800

(a) Establishment of a 140-bed facility in Fergus Falls for the housing and care of veterans.

(b) Establishment of a veterans home in southwestern Minnesota.

(c) Establishment of a veterans home in Silver Bay, Minnesota.

Sec. 17. CORRECTIONS

Subdivision 1. To the commissioner of administration for the purposes specified in the following subdivisions.

3,574,800

Subd. 2. Minnesota Correctional Facility - Red Wing

Boiler No. 3 replacement 360,600

Subd. 3. Minnesota Correctional Facility - Stillwater

Auditorium conversion to educational unit	1,859,600
Subd. 4. Systemwide Window replacement	1,289,600
Subd. 5. Shelter for Battered American Indian Women	65,000

This appropriation is from the building fund to the commissioner of corrections for the purposes of making a grant to a local unit of government to acquire a publicly-owned shelter for battered American Indian women. The local unit of government may acquire, construct, operate, administer and maintain the shelter itself or it may contract with a nonprofit corporation to perform these functions on its behalf on such terms and conditions as it shall approve. The local unit of government may lease the shelter to a nonprofit corporation with whom it has contracted to perform the described functions upon such terms and conditions as the local unit of government shall determine.

Sec. 18. HEALTH

Subdivision 1. To the commissioner of administration or others for the purposes specified in the following subdivisions.

1,360,100

 Subd. 2. Laboratory Remodeling

1,273,100

 Subd. 3. Planning for space expansion at the existing department of health location

87,000

Sec. 19. RECOGNITION

Any project that is funded by state appropriation where there is recognition of significant contributions shall include the state of Minnesota as a significant contributor to the project.

Sec. 20. BOND SALE EXPENSES

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8

200,000

Sec. 21. Laws 1987, chapter 400, section 24, is amended to read:

Sec. 24. DEBT SERVICE

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 1989, no more than ~~\$274,000,000~~ \$278,265,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. Before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 22. [BOND SALE.]

Subdivision 1. [BUILDING FUND.] To provide the money appropriated in this act from the state building fund the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to \$175,841,600 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [TRANSPORTATION FUND.] To provide the money appropriated in this act from the state transportation fund the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to \$12,000,000 in the

manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Subd. 3. [GENERAL OBLIGATION SPECIAL TAX BONDS.] Any of the bonds authorized by this section may be general obligation special tax bonds issued and sold in the manner, upon the terms, and with the effect provided in Minnesota Statutes, section 16A.661. For each bond sale, the commissioner of finance shall determine which of the bonds will be general obligation special tax bonds.

Sec. 23. [CONSULTATION REQUIRED.]

Land must not be purchased and a building must not be purchased, constructed, or erected on land of the University of Minnesota until the regents have first consulted with the chair of the senate finance committee and the chair of the house appropriations committee and obtained their advisory recommendations.

Sec. 24. [REVIEW OF PLANS.]

An agency to whom an appropriation is made in this act must not prepare final plans and specifications for any construction or major remodeling authorized by this act until the agency that will use the project has presented the program and schematic plans and cost estimates for all elements necessary to complete the project to the chair of the senate finance committee and the chair of the house appropriations committee and the chairs have made their recommendations. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is considered a negative recommendation.

Sec. 25. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.]

Upon the awarding of final contracts for the completion of a project for construction or other permanent improvement authorized by this act, or upon the abandonment of the project, the agency to whom the appropriation is made in this act may transfer the unencumbered balance in the project account to another project enumerated in the same section. The transfer must be made only to cover bids for the other project that were higher than was estimated when the appropriation for the other project was made and not to cover an expansion of the other project. The money transferred under this section is appropriated for the purposes for which transferred. For transfers by the state board of vocational technical education, the total cost of both projects and the required local share for both projects are adjusted accordingly. The commissioners and

boards shall report to the chair of the senate finance committee and the chair of the house appropriations committee before a transfer is made under this section.

Sec. 26. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.]

An agency that receives an appropriation in this act shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization may be made only after the agency has consulted with the chair of the senate finance committee and the chair of the house appropriations committee and the chairs have made their recommendations. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is considered a negative recommendation.

Sec. 27. [METHODS OF ACQUISITION.]

If money has been appropriated in this biennium to the commissioner of administration to acquire lands or sites for public buildings or real estate, the acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings must be under Minnesota Statutes, chapter 117.

Sec. 28. Minnesota Statutes 1986, section 116.16, is amended by adding a subdivision to read:

Subd. 3d. [ADJUSTMENTS TO MATCHING GRANTS AND STATE INDEPENDENT GRANTS.] A municipality with a population of 25,000 or less that was tendered a state matching grant under subdivision 2a, or a state independent grant under subdivision 3a, or a federal grant under the federal Water Pollution Control Act, United States Code, title 33, sections 1281 to 1299, from October 1, 1984 through September 30, 1987, shall, after the municipality has awarded bids for construction of the treatment works, and upon request, receive a grant increase of five percent of the total eligible costs of construction, up to the maximum entitlement for grants awarded on or after October 1, 1987, under subdivisions 2a and 3a. The municipality must inform other entities that are providing funding for construction of the treatment works of the grant increase, and repay any funds to which it is not entitled. A municipality must not receive funding for more than 100 percent of the total costs of the treatment works. Documentation of funds received from other sources must be submitted with the request for the grant increase. Funds remaining after all grants have been awarded under this subdivision may be used for the award of grants under subdivisions 2a and 3a.

Sec. 29. Minnesota Statutes 1986, section 124.43, subdivision 1, is amended to read:

Subdivision 1. [REVIEW BY COMMISSIONER.] (a) ~~To the extent moneys are from time to time available hereunder,~~ The commissioner may, after review and a favorable recommendation by the state board of education, recommend to the legislature capital loans to school districts. Proceeds of the loans shall be used only for sites for school buildings and for acquiring, bettering, furnishing, or equipping school buildings under contracts to be entered into within 12 months from and after the date on which each loan is granted. ~~Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and the following June 1.~~

(b) Any school board which intends to submit an application for a capital loan shall submit a proposal to the commissioner for review and comment pursuant to section 121.15 by September 1 of any year, and the commissioner shall prepare a review and comment on the proposed facility, regardless of the amount of the capital expenditure required to construct the facility. The state board shall not make a favorable recommendation on an application for a capital loan for any facility unless:

(1) the facility receives a favorable review and comment pursuant to section 121.15; and

(2) the state board determines that

(A) the facilities are needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist;

(B) the facilities could not be made available through dissolution and attachment of the district to another district or through pairing, interdistrict cooperation, or consolidation with another district, or through the purchase or lease of facilities from existing institutions within the area. The preference of the school district regarding reorganization shall not be a criterion used by the state board in determining whether the facilities could be made available through reorganization;

(C) the facilities are comparable in size and quality to facilities recently constructed in other districts of similar enrollment; and

(D) the district's need for the facilities is comparable to needs which comparable districts are meeting through local bond issues.

The state board may recommend that the loan be approved in a reduced amount in order to meet the foregoing criteria. If the state

board recommends that a loan not be approved, the commissioner shall not recommend approval of the loan. If the state board recommends that the loan be approved in a reduced amount, the commissioner shall not recommend approval of a loan larger than that recommended by the state board.

(c) As part of reviewing an application for a capital loan, the commissioner of education shall prepare estimated yearly repayments by the school district and the estimated amount of principal and interest that may be forgiven after the term of the loan. These estimates shall assume no growth in assessed valuation over the term of the loan, shall assume a 16 mill levy, and shall be prepared using a methodology approved by the commissioner of finance. The commissioner of education shall use a discount factor provided by the commissioner of finance in determining the present value of the estimated amount of interest and principal which may be forgiven after the term of the loan.

(d) No loan shall be recommended for approval for any district exceeding an amount computed as follows:

(1) The amount ~~voted~~ requested by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval June 30 of the year following the year the application was received, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4, or 24 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval on December 1 of the year the application is received, under the limitation in section 475.53, subdivision 4, or 24 percent of the most recent adjusted assessed value available at the time of application, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause.

Sec. 30. Minnesota Statutes 1986, section 124.43, subdivision 2, is amended to read:

Subd. 2. [DISTRICT PROCEDURES.] The school board of any district desiring a capital loan shall adopt a resolution stating the amount proposed to be borrowed, the purpose for which the debt is to be incurred, and an estimate of the dates when the facilities for

which the loan is requested will be contracted for and completed. The question of authorizing the borrowing of funds for the facilities shall be submitted to the voters of the district at a regular or special election. The question submitted shall state the total amount to be borrowed from all sources. A majority of those voting on the question shall be sufficient to authorize the district to effect the state loan application and also to issue the bonds on public sale in accordance with chapter 475. Applications for loans shall be accompanied by (a) a copy of the resolution, and (b) a certificate by the clerk showing the vote at the election, (c) a certificate by the clerk and treasurer showing the then outstanding indebtedness of the district; and (d) a certificate by the county auditor of each county in which a portion of the district lies showing the information in the auditor's official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate shall show, as to each outstanding bond issue, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications shall be in the form and accompanied by the additional data which the commissioner and state board of education prescribe. Applications must be received by the commissioner by December 1 of any year. When an application is received, the commissioner shall obtain from the commissioner of revenue, and from the public utilities commission when required, the information in their official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4.

Sec. 31. Minnesota Statutes 1986, section 124.43, subdivision 3, is amended to read:

Subd. 3. [AWARD OF LOANS RECOMMENDATIONS OF THE COMMISSIONER.] The commissioner shall examine and consider all applications for capital loans which have been recommended by the state board of education, and if any applicant district is promptly notify any district found not qualified it shall be promptly notified thereof by the state board of the state board's decision. The commissioner shall make recommendations concerning each capital loan to the education committees of both houses of the legislature by February 1 of each year. The commissioner shall also report on the funds remaining in the capital loan account, and if necessary, request that another bond issue be enacted. On January 1 and July 1 of each year, the commissioner shall make a determination on all pending applications which have been on file with the commissioner more than one month. If an applicant is qualified in the opinion of the commissioner and the aggregate of the amounts applied for does not exceed the amount available or which can be made available in the capital loan account, all loans so applied for shall be granted, subject to acceptance by the respective districts as specified below. If the aggregate exceeds the amount which is or can be made avail-

able, the commissioner shall allot the available amount among the qualified applicant districts, or any of them, according to the commissioner's judgment and discretion based upon their respective needs. The commissioner shall promptly certify to each qualified applicant district the amount, if any, of the capital loan granted to it, subject to adjustment under subdivision 1, clause (4).

Sec. 32. Minnesota Statutes 1986, section 124.43, is amended by adding a subdivision to read:

Subd. 3a. [LEGISLATIVE ACTION.] Each capital loan must be approved in law.

If the aggregate amount of the capital loans exceeds the amount which is or can be made available, the commissioner shall allot the available amount among any number of qualified applicant districts, according to the commissioner's judgment and discretion, based upon the districts' respective needs.

Sec. 33. Minnesota Statutes 1986, section 124.43, is amended by adding a subdivision to read:

Subd. 3b. [DISTRICT REFERENDUM.] Upon passage of legislation approving a capital loan, the question authorizing the borrowing of funds for the facilities must be submitted by the school board to the voters of the district at a regular or special election. The question submitted shall state the total amount to be borrowed from all sources. Approval of a majority of those voting on the question shall be sufficient to authorize the issuance of the obligations on public sale in accordance with chapter 475. The district must mail to the commissioner of education a certificate by the clerk showing the vote at the election.

Sec. 34. [124.477] [BOND ISSUE; MAXIMUM EFFORT SCHOOL LOANS; 1988.]

To provide money to be loaned to school districts as agencies and political subdivisions of the state to acquire and to better public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance shall issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$11,000,000, in addition to the bonds already authorized for this purpose. The same amount is appropriated to the maximum effort school loan fund and must be spent under the direction of the commissioner of education to make debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. The bonds must be issued and sold and provision for their payment must be made according to section 124.46. Enough money to pay interest on the bonds to and including July 1 in the second year after the date of issue must be credited from the bond proceeds to the school loan bond account in

the state bond fund. Expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for those purposes, must be paid from the maximum effort school loan fund, and the money necessary for the expenses is appropriated from that fund.

Sec. 35. Minnesota Statutes 1987 Supplement, section 124.494, subdivision 4, is amended to read: -

Subd. 4. [AWARD OF GRANTS.] The commissioner shall examine and consider all applications for grants, and if any joint powers district is found not qualified, the commissioner shall promptly notify that joint powers board. On January 1 and July 1 of each year 1988, the commissioner shall make a determination on all pending applications that awards to no more than two qualified applicants whose applications have been on file with the commissioner more than one month. If the applicants are determined to be qualified by the commissioner and the total amount of the grants applied for does not exceed the amount available or that can be made available in the incentive grant account, all grants so applied for shall be approved. Any grant award is subject to verification by the joint powers districts as specified in subdivision 6. If the total amount of the approved applications exceeds the amount that is or can be made available, the commissioner shall allot the available amount among equally between the qualified approved applicant districts, according to the commissioner's judgment and discretion based upon their respective needs. The commissioner shall promptly certify to each qualified joint powers district the amount, if any, of the grant awarded to it.

Sec. 36. Minnesota Statutes 1987 Supplement, section 124.494, subdivision 5, is amended to read:

Subd. 5. [REFERENDUM; BOND ISSUE.] Within 90 days after being awarded a grant under subdivision 4, the joint powers board shall submit the question of authorizing the borrowing of funds for the secondary facility to the voters of the joint powers district at a special election, which may be held in conjunction with the annual election of the school board members of the member districts. The question submitted shall state the total amount of funding needed from all sources. A majority of those voting in the affirmative on the question is sufficient to authorize the joint powers board to issue the bonds on public sale in accordance with chapter 475. The clerk of the joint powers board must certify the vote of the bond election to the commissioner of education. If the bonds are authorized by the voters, the commissioner shall notify the county auditor of each county in which the joint powers district is located that the grant amount certified under subdivision 4 is available and appropriated for payment of principal and interest on the bonds issued under this subdivision, and the auditor shall reduce the joint powers district's

debt service levies accordingly under this subdivision. If a majority of those voting on the question do not vote in the affirmative, the grant must be canceled.

Sec. 37. Minnesota Statutes 1987 Supplement, section 124.494, subdivision 6, is amended to read:

Subd. 6. [CONTRACT.] Each grant must be evidenced by a contract between the joint powers board and the state acting through the commissioner. ~~It~~ The contract obligates the state to pay to the joint powers board an amount computed according to subdivision 4, ~~upon receipt by the commissioner of a certified resolution of the joint powers board verifying that contracts have been entered into for construction or remodeling of the facilities for which the grant is awarded and that bonds of the joint powers district have been issued and sold in the amount necessary to pay all project costs in excess of the amount of the grant, and estimating the costs and according to a schedule, and terms and conditions acceptable to the commissioner of finance.~~

Sec. 38. [161.179] [LOANS FOR RIGHT-OF-WAY ACQUISITION; APPROPRIATION, ACCOUNT.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Acquiring authority" means a town, statutory or home rule charter city, or county, located outside the metropolitan area.

(c) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land.

(d) "Metropolitan area" has the meaning given it in section 473.121, subdivision 2.

(e) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.

Subd. 2. [LOANS TO ACQUIRING AUTHORITIES.] The commissioner may make loans to acquiring authorities located outside the metropolitan area for purchasing property within the proposed state trunk highway right-of-way, corridor, or project shown on an official map adopted under section 394.361 or 462.359 or for purchasing property within a proposed principal or intermediate arterial highway right-of-way, corridor, or project designated by the commis-

sioner as a part of the state trunk highway system and approved by the commissioner. The loans must be made by the commissioner from the fund established under subdivision 4, for purchases approved by the commissioner. The loans must bear no interest. The commissioner shall make loans only to (1) avert the imminent conversion or the granting of approvals that would allow the conversion of property to uses that would jeopardize its availability for highway construction, or (2) purchase the property before imminent development or other use of the property would result in a substantial increase in its acquisition cost. The commissioner shall not make a loan for the purchase of property at a price that exceeds the fair market value of the property or that includes the costs of relocating or moving persons or property, except as provided in subdivision 3. A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the acquiring authority shall make the loan in installments corresponding to those in the purchase agreement. The acquiring authority receiving an acquisition loan shall convey the property to the department for the construction of the highway at the same price that the acquiring authority paid for the property. On notification by the commissioner that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the acquiring authority shall sell the property at market value in accordance with the procedures required for the disposition of the property. Rents and other money received because of the acquiring authority's ownership of the property and the proceeds from the conveyance or sale of the property must be paid to the commissioner and deposited in the special account in the state treasury established in subdivision 4. Money paid to the commissioner by acquiring authorities receiving loans under this section, and interest on the proceeds and payments, must be deposited in the fund established in subdivision 4. For administration of the loan program the commissioner may expend from the fund each year an amount no greater than three percent of the amount disbursed as loans to acquiring authorities in that year.

Subd. 3. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The commissioner may make hardship loans to acquiring authorities outside the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans must be made as provided in subdivision 2. Loans must be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The commissioner may make hardship loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way, corridor, or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359;

(4) the appraisal of the fair market value of the homestead property has been approved by the commissioner, who must not unreasonably withhold approval; and

(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.

Subd. 4. [APPROPRIATION; SPECIAL ACCOUNT.] Money collected by the commissioner under this section must be deposited in the state treasury and credited to a special account in the trunk highway fund. Money in the account and money transferred under subdivision 5 does not cancel and is annually appropriated to the commissioner to administer and carry out the purposes of this section.

Subd. 5. [FUND TRANSFERS.] On taking title to lands acquired under this section, the commissioner of transportation, with the approval of the commissioner of finance, shall transfer money from the trunk highway fund appropriated for trunk highway development to the special account established under subdivision 4. The amount of money transferred must equal the loan amount made available to acquire the lands under this section.

Sec. 39. Minnesota Statutes 1986, section 190.07, is amended to read:

190.07 [APPOINTMENT; QUALIFICATIONS; RANK.]

There shall be an adjutant general of the state who shall be appointed by the governor, who with the advice and consent of the senate. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the national guard of this state, with not less than ten years military service in the

armed forces of this state or of the United States, at least three of which shall have been commissioned and who shall have reached the grade of a field officer.

The adjutant general shall hold rank equal to that of the highest rank authorized for the army and air national guard in the table of organization for units allotted to the state by the department of the army, or the department of the air force, or by both such departments, through the national guard bureau. However, the adjutant general shall not be appointed to the rank of major general without having 20 years service in the national guard, of which two years has been in the rank of brigadier general.

The term of the adjutant general shall hold office as provided by United States Code, title 32, section 314, as amended through the date of appointment, and shall be for seven years from the date of appointment. Section 15.06, subdivisions 3, 4, and 5, govern filing of vacancies in the office of adjutant general. The adjutant general shall not be removed from office during a term except upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Sec. 40. Minnesota Statutes 1986, section 193.143, is amended to read:

193.143 [STATE ARMORY BUILDING COMMISSION, POWERS.]

Such corporation, subject to the conditions and limitations prescribed in sections 193.141 to 193.149, shall possess all the powers of a body corporate necessary and convenient to accomplish the objectives and perform the duties prescribed by sections 193.141 to 193.149, including the following, which shall not be construed as a limitation upon the general powers hereby conferred:

(1) To acquire by lease, purchase, gift or condemnation proceedings all necessary right, title and interest in and to the lands required for a site for a new armory and all other real or personal property required for the purposes contemplated by the military code and to hold and dispose of the same, subject to the conditions and limitations herein prescribed; provided that any such real or personal property or interest therein may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by such corporation not inconsistent with the proper use of such property by the state for armory or military purposes as herein provided.

(2) To exercise the right of eminent domain in the manner provided by chapter 117, for the purpose of acquiring any property which such corporation is herein authorized to acquire by condemnation; provided, that the corporation may take possession of any

such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings; provided further, that this shall not preclude the corporation from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

(3) To construct and equip new armories as authorized herein; to pay therefor out of the funds obtained as hereinafter provided and to hold, manage, and dispose of such armory, equipment, and site as hereinafter provided. The total amount of bonds issued on account of such armories shall not exceed the amount of the cost thereof; provided also, that the total bonded indebtedness of the commission shall not at any time exceed the aggregate sum of \$4,500,000 \$7,000,000.

(4) To sue and be sued.

(5) To contract and be contracted with in any matter connected with any purpose or activity within the powers of such corporations as herein specified; provided, that no officer or member of such corporation shall be personally interested, directly or indirectly, in any contract in which such corporation is interested.

(6) To employ any and all professional and nonprofessional services and all agents, employees, workers and servants necessary and proper for the purposes and activities of such corporation as authorized or contemplated herein and to pay for the same out of any portion of the income of the corporation available for such purposes or activities. The officers and members of such corporation shall not receive any compensation therefrom, but may receive their reasonable and necessary expenses incurred in connection with the performance of their duties; provided however, that whenever the duties of any member of the commission require full time and attention the commission may compensate the member therefor at such rates as it may determine.

(7) To borrow money and issue bonds for the purposes and in the manner and within the limitations herein specified, and to pledge any and all property and income of such corporation acquired or received as herein provided to secure the payment of such bonds, subject to the provisions and limitations herein prescribed, and to redeem any such bonds if so provided therein or in the mortgage or trust deed accompanying the same.

(8) To use for the following purposes any available moneys received by such corporation from any source as herein provided in excess of those required for the payment of the cost of such armory and for the payment of any bonds issued by the corporation and interest thereon according to the terms of such bonds or of any mortgage or trust deed accompanying the same:

(a) To pay the necessary incidental expenses of carrying on the business and activities of the corporation as herein authorized;

(b) To pay the cost of operating, maintaining, repairing, and improving such new armories;

(c) If any further excess moneys remain, to purchase upon the open market at or above or below the face or par value thereof any bonds issued by the corporation as herein authorized; provided, that any bonds so purchased shall thereupon be canceled.

(9) To adopt and use a corporate seal.

(10) To adopt all needful bylaws and rules for the conduct of business and affairs of such corporation and for the management and use of all armories while under the ownership and control of such corporation as herein provided, not inconsistent with the use of such armory for armory or military purposes.

(11) Such corporation shall issue no stock.

(12) No officer or member of such corporation shall have any personal share or interest in any funds or property of the corporation or be subject to any personal liability by reason of any liability of the corporation.

(13) The Minnesota state armory building commission created under section 193.142 shall keep all moneys and credits received by it as a single fund, to be designated as the "Minnesota state armory building commission fund," with separate accounts for each armory; and the commission may make transfers of moneys from funds appertaining to any armory under its control for use for any other such armory; provided such transfers shall be made only from moneys on hand, from time to time, in excess of the amounts required to meet payments of interest or principal on bonds or other obligations appertaining to the armory to which such funds pertain and only when necessary to pay expenses of operation, maintenance and debt service of such other armory; provided further, no such transfer of any moneys paid for the support of any armory by the municipality in which such armory is situated shall be made by the commission.

(14) The corporation created under section 193.142 may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency or other acts or omissions of such depository.

(15) The governor is empowered to apply for grants of money,

equipment and materials which may be made available to the states by the federal government for leasing, building and equipping armories for the use of the military forces of the state which are reserve components of the armed forces of the United States, whenever the governor is satisfied that the conditions under which such grants are offered by the federal government, are for the best interests of the state and are not inconsistent with the laws of the state relating to armories, and to accept such grants in the name of the state. The Minnesota state armory building commission is designated as the agency of the state to receive such grants and to use them for armory purposes as prescribed in this chapter, and by federal laws, and regulations not inconsistent therewith.

Sec. 41. Minnesota Statutes 1986, section 222.63, subdivision 2, is amended to read:

Subd. 2. [PURPOSE.] A state rail bank shall be established for the acquisition and preservation of abandoned rail lines and right-of-way for future public use including trail use, or for disposition for commercial use in serving the public, by providing transportation of persons or freight or transmission of energy, fuel, or other commodities.

Sec. 42. Minnesota Statutes 1986, section 222.63, subdivision 4, is amended to read:

Subd. 4. [DISPOSITION PERMITTED.] The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65. The commissioner may after consultation convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

Sec. 43. [CAPITAL BUDGET IN FIRST YEAR FOR SECOND.]

Notwithstanding Minnesota Statutes, section 16A.11, subdivision 1, in submitting a proposed biennial budget to the legislature, beginning with the 1989 legislative session, the governor is requested to submit capital bonding proposals in the first year of the biennium for legislative action in the second year of the biennium.

Sec. 44. [REPEALER.]

Minnesota Statutes 1986, section 124.435, is repealed.

Laws 1987, chapter 400, section 59, is repealed.

Sec. 45. [EFFECTIVE DATE.]

Sections 11, 29 to 37, 39, 40, and 44 are effective the day following final enactment. The capital loans approved in section 11 are effective upon approval of the referendum required in section 33."

Delete the title and insert:

"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 bonds; authorizing levies; imposing taxes; approving loans; establishing a fund for loans to purchase highway rights-of-way outside the metropolitan area; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway right-of-way; providing for transfer of appropriated money; changing the maximum effort school loan law; changing the appointment procedure and term of the adjutant general; increasing the debt limit of the state armory building commission; clarifying the rail bank law; requesting a change in the capital budget schedule; appropriating money; amending Minnesota Statutes 1986, sections 116.16, by adding a subdivision; 124.43, subdivisions 1, 2, 3, and by adding subdivisions; 190.07; 193.143; 222.63, subdivisions 2 and 4; Minnesota Statutes 1987 Supplement, section 124.494, subdivisions 4, 5, and 6; Laws 1987, chapter 400, section 24; proposing coding for new law in Minnesota Statutes, chapters 124 and 161; repealing Minnesota Statutes 1986, section 124.435 and Laws 1987, chapter 400, section 59."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1826 was read for the second time.

GENERAL ORDERS

Otis moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Dorn moved that the name of Tompkins be added as an author on H. F. No. 2620. The motion prevailed.

ADJOURNMENT

Otis moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, April 14, 1988. The motion prevailed.

Otis moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Thursday, April 14, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

