

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1988

## NINETY-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 19, 1988

The House of Representatives convened at 12:00 noon and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor M. E. Sandness, Christ Lutheran Church on Capitol Hill, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Frederick	Kostohryz	Omann	Schreiber
Anderson, R.	Frerichs	Krueger	Onnen	Seaberg
Battaglia	Greenfield	Larsen	Orenstein	Segal
Bauerly	Gruenes	Lasley	Osthoff	Shaver
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	Sviggun
Boo	Jacobs	McLaughlin	Poppenhagen	Swenson
Brown	Jaros	McPherson	Price	Thiede
Burger	Jefferson	Milbert	Quinn	Tjornhom
Carlson, L.	Jennings	Miller	Quist	Tompkins
Carruthers	Jensen	Minne	Redalen	Trimble
Clark	Johnson, A.	Munger	Reding	Tunheim
Clausnitzer	Johnson, R.	Murphy	Rest	Uphus
Cooper	Johnson, V.	Nelson, C.	Rice	Valento
Dauner	Kahn	Nelson, D.	Richter	Vellenga
Dawkins	Kalis	Nelson, K.	Riveness	Voss
DeBlieck	Kelly	Neuenschwander	Rodosovich	Wagenius
Dempsey	Kelso	O'Connor	Rose	Waltman
DeRaad	Kinkel	Ogren	Rukavina	Welle
Dille	Kludt	Olsen, S.	Sarna	Wenzel
Dorn	Knickerbocker	Olson, E.	Schafer	Winter
Forsythe	Knuth	Olson, K.	Scheid	Wynia
				Spk. Vanasek

A quorum was present.

Simoneau was excused.

Morrison was excused until 2:00 p.m. Carlson, D., was excused until 8:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Larsen 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.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1000, A bill for an act relating to agriculture; providing alternatives for meaningful long-term benefits to Minnesota agriculture; providing initiatives for farmers to use sustainable agriculture; developing agricultural practices that minimize the use of energy in production agriculture; establishing a study of the use of Minnesota grown products under certain conditions; establishing a rural health and safety program; establishing a Minnesota dairy task force; authorizing different versions of the Minnesota grown label; establishing a program to certify soil testing laboratories; prescribing periodic review of grain testing equipment; authorizing a soil buffering demonstration project; authorizing designation of organic certification agencies; requiring crop hail insurance providers to file rates; authorizing the rural finance authority to implement a seller-sponsored loan program; amending requirements of rural finance authority loan programs; adjusting interest rate buy-down program eligibility; extending deadline for seed potato standards; providing for certain ethanol development payments; establishing a school milk program; establishing a laboratory services account; establishing a degradable plastics task force; restricting use of certain plastic products; regulating dry edible beans; establishing an agricultural contract task force; regulating the marketing of certain grains; appropriating money; amending Minnesota Statutes 1986, sections 17B.02; 41A.09, by adding a subdivision; 41B.02, by adding a subdivision; 223.16, subdivision 4; 232.21, subdivision 7; and 232.23, subdivision 4, and by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 17.102, subdivision 1; 17B.05; 41B.01, subdivision 2; 41B.03, subdivision 3; 41B.039, subdivisions 1, 2, and 4; and 41B.05; Laws 1987, chapters 124, section 2; and 396, article 9, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 16B; 17; 17B; 31; 32; 60A; 124; and 325E.

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

is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1943, A bill for an act relating to public administration; permitting the sale of certain tax-forfeited lands that border public waters; providing for exchange of certain tax-forfeited peat lands; permitting certain counties to levy a tax for the county historical society; imposing a reverse referendum requirement.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2041, A bill for an act relating to agriculture; limiting ownership of agricultural land by certain corporations and limited partnerships; providing for conveyance of certain interests; amending Minnesota Statutes 1986, sections 40.43, by adding a subdivision; 500.24, subdivisions 3, 3a, 3b, 4, and 5; Minnesota Statutes 1987 supplement, section 500.24, subdivisions 2, 6, and 7.

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

DeRaad was excused between the hours of 12:40 p.m. and 2:20 p.m.

Mr. Speaker:

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

S. F. No. 2491.

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. 2491

A bill for an act relating to metropolitan government; establishing various requirements on agency organization, work programs, budgets, and reports; amending Minnesota Statutes 1986, sections 473.13, subdivision 1, and by adding a subdivision; 473.146, subdivision 3; 473.173, subdivision 6; 473.38, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 473.1623, subdivisions 4 and 6.

April 16, 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. 2491, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2491 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] On or before October 1 of each year the council, after a public hearing, shall adopt a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget, an increase of over \$10,000 in the council's budget, a program or department budget, or a budget item, must be approved by the council before the increase is allowed or the funds obligated. After adoption of the budget and

no later than October 1, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the assessed valuation of the county bears to the assessed valuation of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by sections 473.167 and 473.249.

Sec. 2. Minnesota Statutes 1986, section 473.13, is amended by adding a subdivision to read:

Subd. 1a. [PROGRAM EVALUATION.] The budget procedure of the council must include a substantive assessment and evaluation of the effectiveness of each significant program of the council, with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program. The council shall transmit the evaluation to the legislature annually.

Sec. 3. Minnesota Statutes 1986, section 473.146, subdivision 3, is amended to read:

Subd. 3. [TRANSPORTATION CHAPTER OF THE DEVELOPMENT GUIDE.] The transportation chapter must include policies relating to all transportation forms and be designed to promote the legislative determinations, policies and goals set forth in section 473.371. In addition to the requirements of subdivision 1 regarding the contents of the policy plan, the nontransit element of the transportation chapter must include the following:

(1) a statement of the needs and problems of the metropolitan area with respect to the functions covered and, including the present and prospective demand for and constraints on access to regional business concentrations and other major activity centers and the constraints on and acceptable levels of development and vehicular trip generation at such centers;

(2) the objectives of and the policies to be forwarded by the policy plan;

(2) (3) a general description of the physical facilities and services to be developed;

(3) (4) a statement as to the general location of physical facilities and service areas;

(4) (5) a general statement of timing and priorities in the development of those physical facilities and service areas; and

(5) (6) a detailed statement, updated every two years, of timing

and priorities for improvements and expenditures needed on the metropolitan highway system; and

(7) a general statement on the level of public expenditure appropriate to the facilities.

The council shall develop the nontransit element in consultation with the transportation advisory board and shall transmit the results to the state department of transportation.

Sec. 4. Minnesota Statutes 1987 Supplement, section 473.1623, subdivision 4, is amended to read:

Subd. 4. [FINANCIAL REPORTING; BUDGETING.] (a) The advisory committee, with the assistance of the state auditor and the legislative auditor, shall develop uniform or consistent standards, formats, and procedures for the budgets and financial reports of the council and all metropolitan agencies. The council shall report to the legislature from time to time on progress made by the committee in improving the uniformity and quality of budgets and financial reports and on legislation that may be needed for this purpose.

(b) The council and each metropolitan agency shall prepare a summary budget for agency fiscal year 1988 and each year thereafter. The advisory committee, with the assistance of the state auditor and the legislative auditor, shall develop guidelines and models for the summary budgets. The purpose of the summary budget is to increase public knowledge and agency accountability by providing citizens outside of the agency with a condensed, accessible, and graphic description of the financial affairs of the agency. The document should contain a coherent, effectively communicated, understandable statement of: financial trends and forecasts; budget policies and policy changes; agency financial assumptions, objectives and plans; revenue sources and expenditures by program category; personnel policies, decisions, and allocation; budgetary performance measures; and similar matters serving the purpose of the document.

(c) The council and each metropolitan agency shall include in the annual budget:

(1) a statement of the reserve or fund balance carried forward at the end of the budget year, for at least the two preceding fiscal years;

(2) a comparison of budgeted and actual expenditures, reported by department and, if the agency has a program budget, by program, for at least the two preceding fiscal years;

(3) a listing of proposed or anticipated consulting contracts or projects and the amount of each contract or project.

Sec. 5. Minnesota Statutes 1987 Supplement, section 473.1623, subdivision 6, is amended to read:

Subd. 6. [PERSONNEL AND ETHICAL PRACTICES; COMMUNICATION.] By January 1, of each year, the council and each agency represented on the advisory committee established under this section shall report to the legislature on the following:

(1) agency personnel practices, including an analysis of trends, compliance with legal requirements, health care and other benefits, and salary levels in comparison with relevant job markets; and

(2) ethical practices requirements for board members and employees of each agency, including the sources of the requirements, agency comparisons, and comparison with requirements for state and local government officers and employees; and

(3) the activities undertaken by each agency board member and council member to regularly meet with and communicate with local officials and legislators in the member's district about issues before the agency or council.

The report on employee salaries under clause (1) must include details of: all lump sum payments or bonuses; and a description of all payments, expense accounts, allowances, including travel allowances, and other current benefits granted to individuals that are not made generally available to employees of the council or agency.

Sec. 6. Minnesota Statutes 1986, section 473.167, subdivision 2, is amended to read:

Subd. 2. [LOANS FOR ACQUISITION.] The council may make loans to counties, towns, and statutory and home rule charter cities within the metropolitan area for the purchase of property within the right-of-way of a state trunk highway shown on an official map adopted pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed right-of-way of a principal or intermediate arterial highway designated by the council as a part of the metropolitan highway system plan and approved by the council pursuant to subdivision 1. The loans shall be made by the council, from the fund established pursuant to this subdivision, for purchases approved by the council. The loans shall bear no interest. The council shall make loans only: (1) to accelerate the acquisition of primarily undeveloped property when there is a reasonable probability that the property will increase in value before highway construction, and to update an expired environmental impact statement on a project for which the right-of-way is being purchased; or (2) to avert the imminent conversion or the granting of approvals which would allow the conversion of property to uses which would jeopardize its availability for highway construction. The council shall not make loans for the purchase of property at a price which

exceeds the fair market value of the property or which includes the costs of relocating or moving persons or property. 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 council shall make the loan in installments corresponding to those in the purchase agreement. The recipient of an acquisition loan shall convey the property for the construction of the highway at the same price which the recipient paid for the property. Upon notification by the council that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the recipient shall sell the property at market value in accordance with the procedures required for the disposition of the property. All rents and other money received because of the recipient's ownership of the property and all proceeds from the conveyance or sale of the property shall be paid to the council. The proceeds of the tax authorized by subdivision 3, all money paid to the council by recipients of loans, and all interest on the proceeds and payments shall be maintained as a separate fund. For administration of the loan program the council may expend from the fund each year an amount no greater than three percent of the amount that a metropolitan area tax levy of 5/100 of a mill would raise in of the authorized levy for that year.

Sec. 7. Minnesota Statutes 1986, section 473.167, subdivision 3, is amended to read:

Subd. 3. [TAX.] The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions 2 and 2a. This tax for the right-of-way acquisition loan fund shall be certified by the council, levied, and collected in the manner provided by section 473.13. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than 5/100 of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of 5/100 of a mill would raise in that year.

The property tax levied by the metropolitan council for the right-of-way acquisition loan fund shall not exceed the following amount for the years specified:

(a) for taxes payable in 1988, the product of 5/100 of one mill multiplied by the total assessed valuation of all taxable property



located within the metropolitan area as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, except as provided in section 13, the product of (1) the metropolitan council's property tax levy limitation for the right-of-way acquisition loan fund for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan area divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan area; and

(c) for taxes payable in 1990 and subsequent years, the product of (1) the metropolitan council's property tax levy limitation for the right-of-way acquisition loan fund for the previous year determined pursuant to this subdivision multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan area for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan area for the previous assessment year.

For the purpose of determining the metropolitan council's property tax levy limitation for the right-of-way acquisition loan fund for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan area without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The property tax levied under this subdivision for taxes payable in 1988 and subsequent years shall not be levied at a rate higher than that determined by the metropolitan council to be sufficient, considering the other anticipated revenues of and disbursements from the right-of-way acquisition loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount of the property tax levy limitation for taxes payable in the next calendar year determined under this section.

Sec. 8. Minnesota Statutes 1986, section 473.167, is amended by adding a subdivision to read:

Subd. 4. [STATE REVIEW.] The commissioner of revenue shall annually determine whether the property tax for the right-of-way acquisition loan fund certified by the metropolitan council for levy following the adoption of its budget is within the levy limitation imposed by this section. To the extent practicable, the determination must be completed prior to November 1 of each year. If current

information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

Sec. 9. Minnesota Statutes 1986, section 473.167, is amended by adding a subdivision to read:

Subd. 5. [LEVY INCREASE.] For the purpose of determining the levy limitation for taxes payable in 1989 under subdivision 3, the levy limitation for taxes payable in 1988 shall be multiplied by two. The levy limitation so determined for taxes payable in 1989 shall be the basis for determining levy limitations for taxes payable in 1990 and subsequent years under subdivision 3.

Sec. 10. [473.171] [LIGHT RAIL TRANSIT PLANS; METROPOLITAN REVIEW.]

The council and the regional transit board shall review and comment on comprehensive light rail transit plans and preliminary design plans of regional railroad authorities. The council and the board shall conduct their review and comment before the regional railroad authority prepares final design plans. The council and the board may undertake the study necessary for this review, in accordance with the provisions of section 473.17 and notwithstanding the provisions of section 473.398.

The council and the board shall review comprehensive light rail transit plans in accordance with Laws 1987, chapter 405, section 6. The council and the board in reviewing the comprehensive light rail transit plans, and the authority in preparing those plans, shall, to the extent practicable, ensure the acquisition, lease or preservation of the right of way for planned light rail transit corridors, so that the planned corridors are ready for construction and development and so that corridor development and priorities are not determined by right of way ownership.

The authority's light rail transit plans shall provide for the staged development of the light rail transit system.

The light rail transit plans and the comments of the council and the board must be transmitted to the legislature.

Sec. 11. Minnesota Statutes 1986, section 473.173, subdivision 6, is amended to read:

Subd. 6. The council and the advisory metropolitan land use committee shall review and assess the rules following their effective date and at least every two years thereafter. On or before January 15 of each year, the council shall report to the legislature concerning

metropolitan significance. No major alteration or amendments to standards for determining the necessity for a comprehensive review metropolitan significance shall be put into effect by the council until 90 days have elapsed following the a report to the legislature in which the alteration or amendment was proposed and recommended by the council in the form of a proposed rule published under section 14.14, subdivision 1a, or 14.22. The report to the legislature must be made during the month of January.

Sec. 12. Minnesota Statutes 1986, section 473.249, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. The tax shall not exceed 8/30 of one mill on the total assessed valuation of all such taxable property located in the metropolitan area, and This tax for general purposes shall be levied and collected in the manner provided by section 473.13.

The property tax levied by the metropolitan council for general purposes shall not exceed the following amount for the years specified:

(a) for taxes payable in 1988, the product of 8/30 of one mill multiplied by the total assessed valuation of all taxable property located within the metropolitan area as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, the product of (1) the metropolitan council's property tax levy limitation for general purposes for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan area divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan area; and

(c) for taxes payable in 1990 and subsequent years, the product of (1) the metropolitan council's property tax levy limitation for general purposes for the previous year determined under this subdivision multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan area for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan area for the previous assessment year.

For the purpose of determining the metropolitan council's property tax levy limitation for general purposes for the taxes payable

year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan area without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

Sec. 13. Minnesota Statutes 1986, section 473.249, is amended by adding a subdivision to read:

Subd. 3. [LEVY LIMIT.] Notwithstanding any other provision of this section, effective for property taxes payable in 1989 and subsequent years, the total amount of dollars levied by the council for general purposes under this section in any year may not increase over the amount levied in the preceding year by a percentage greater than the percentage increase, during the 12-month period ending with the most recent month for which data is available, in the implicit price deflator for state and local government purchases of goods and services.

Sec. 14. Minnesota Statutes 1986, section 473.375, subdivision 4, is amended to read:

Subd. 4. [PROPERTY.] The board may acquire by purchase, lease, gift, or grant property and interests in property necessary for the accomplishment of its purposes and may sell or otherwise dispose of property which it no longer requires. The board may not rent or lease any premises from a recipient of financial assistance from the board. Except for the rental or lease of its office space, the board may not acquire or hold any permanent or temporary right, title, or interest in or to real property, including easements or development rights. The board may not acquire or hold any permanent or temporary right, title, or interest in or to transit vehicles.

Sec. 15. Minnesota Statutes 1986, section 473.375, subdivision 8, is amended to read:

Subd. 8. [GIFTS; GRANTS.] The board may apply for, accept and disburse gifts, grants, or loans from the United States, the state, or from any person on behalf of itself or any of its contract recipients, for any of its purposes. It may enter into an agreement required for the gifts, grants, or loans and may hold, use, and dispose of money or property received therefrom according to the terms of the gift, grant, or loan. When the board has adopted an approved implementation plan and has certified to the governor that it is ready to receive federal funds, the governor shall take whatever steps are necessary to designate The board as may not be a recipient of federal transit operating or capital assistance for the metropolitan area distributed by formula or block grant. The board may not be a recipient of federal discretionary capital grants for light rail and other fixed guideway transit systems.

No political subdivision within the metropolitan area may apply for federal transit assistance unless its application has been submitted to and approved by the board.

Sec. 16. Minnesota Statutes 1986, section 473.375, is amended by adding a subdivision to read:

Subd. 18. [OPERATIONS.] The board may not own or operate transit services.

Sec. 17. Minnesota Statutes 1986, section 473.38, is amended by adding a subdivision to read:

Subd. 4. [PROGRAM EVALUATION.] The budget procedure of the board must include a substantive assessment and evaluation of the effectiveness of each significant program of the board, with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program. The board shall transmit the evaluation to the legislature annually.

Sec. 18. Minnesota Statutes 1987 Supplement, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the regional transit board shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) an amount up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service and to provide for payment of obligations issued by the commission under section 473.436, subdivision 6;

(b) an additional amount, if any, as the board determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1985, to which property taxes under this section have been pledged; and

(c) an additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council or board has specifically pledged tax levies under this clause.

The property tax levied by the regional transit board for general purposes under clause (a) must not exceed the following amount for the years specified:

(1) for taxes payable in 1988, the product of two mills multiplied by the total assessed valuation of all taxable property located within the metropolitan transit taxing district as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(2) for taxes payable in 1989, the product of (i) the regional transit board's property tax levy limitation for general purposes for the taxes payable year 1988 determined under clause (1) multiplied by (ii) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan transit taxing district divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan transit taxing district; and

(3) for taxes payable in 1990 and subsequent years, the product of (i) the regional transit board's property tax levy limitation for general purposes for the previous year determined under this subdivision multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous assessment year.

For the purpose of determining the regional transit board's property tax levy limitation for general purposes for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan transit taxing district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive full peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.5 mills on the property. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.75 mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the

abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy and may make changes in the certification as necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the regional transit board the amounts certified by the county auditors on the dates provided in section ~~273.1394~~ 273.1325. There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments in fiscal year 1987 and thereafter.

For the purposes of this subdivision, "full peak and limited off-peak service" means peak period regular route service, plus weekday midday regular route service at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period regular route service only.

Sec. 19. Minnesota Statutes 1986, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] ~~On or before October 10 in each year the regional transit board shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in the county that proportion of the tax which the assessed value of taxable property in the county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such the taxes levied under subdivisions 1 and 1a with the treasurer of the board. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the board for other purposes authorized by law and shall be in addition to any other property tax authorized by law.~~

Sec. 20. Minnesota Statutes 1986, section 473.446, is amended by adding a subdivision to read:

Subd. 8. [STATE REVIEW.] The commissioner of revenue shall annually determine whether the property tax for general purposes certified by the regional transit board for levy following the adoption of its budget is within the levy limitation imposed by subdivision 1. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. To the extent practicable, the determination must be completed prior to November 1 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

Sec. 21. Minnesota Statutes 1986, section 473.711, subdivision 2, is amended to read:

Subd. 2. The metropolitan mosquito control commission shall prepare an annual budget. The budget may provide for expenditures in an amount not exceeding six-tenths of one mill times the current assessed valuation of the district the property tax levy limitation determined in this subdivision. The commission may levy a tax on all taxable property in the district as defined in section 473.702 to provide funds for the purposes of sections 473.701 to 473.716. The tax shall not exceed six-tenths of one mill the property tax levy limitation determined in this subdivision. A participating county may agree to levy an additional tax to be used by the commission for the purposes of sections 473.701 to 473.716 but the sum of the county's and commission's taxes may not exceed six-tenths of one mill in any county the county's proportionate share of the property tax levy limitation determined under this subdivision based on the ratio of its total assessed valuation to the total assessed valuation of the entire district as adjusted by section 270.12, subdivision 3. The auditor of each county in the district shall add the amount of the levy made by the district to other taxes of the county for collection by the county treasurer with other taxes. When collected, the county treasurer shall make settlement of the tax with the district in the same manner as other taxes are distributed to political subdivisions. No county shall levy any tax for mosquito and black gnat (*Simuliidae*) control except under sections 473.701 to 473.716. The levy shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

The property tax levied by the metropolitan mosquito control commission shall not exceed the following amount for the years specified:

(a) for taxes payable in 1988, the product of six-tenths on one mill multiplied by the total assessed valuation of all taxable property located within the district as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, the product of (1) the commission's property tax levy limitation for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the district divided by the assessment year 1987 total market valuation of all taxable property located within the district; and

(c) for taxes payable in 1990 and subsequent years, the product of (1) the commission's property tax levy limitation for the previous year determined under this subdivision multiplied by (2) an index



for market valuation changes equal to the total market valuation of all taxable property located within the district for the current assessment year divided by the total market valuation of all taxable property located within the district for the previous assessment year.

For the purpose of determining the commissioner's property tax levy limitation for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

Sec. 22. Minnesota Statutes 1986, section 473.711, is amended by adding a subdivision to read:

Subd. 5. [STATE REVIEW.] The commissioner of revenue shall annually determine whether the property tax certified by the metropolitan mosquito control commission for levy following the adoption of its budget is within the levy limitation imposed by subdivision 2. To the extent practicable, the determination must be completed prior to November 1 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

Sec. 23. [CERTAIN TAX ADJUSTMENTS.]

The adjustments allowable under Minnesota Statutes 1986, sections 272.64, 273.13, subdivision 7a, and 275.49, shall be made for property taxes payable in 1988 and subsequent years under sections 473.167, 473.249, 473.446, and 473.711 only as provided in sections 6 to 9, 12, 13, 18, 19, 21, and 22.

Sec. 24. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 473.393, is repealed.

Sec. 25. [APPLICATION; EFFECTIVE DATE.]

Sections 1 to 24 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to metropolitan government; establish-

ing various requirements on agency organization, authority, work programs, budgets, and reports; amending Minnesota Statutes 1986, sections 473.13, subdivision 1, and by adding a subdivision; 473.146, subdivision 3; 473.167, subdivisions 2, 3, and by adding subdivisions; 473.173, subdivision 6; 473.249, subdivision 1, and by adding a subdivision; 473.375, subdivisions 4, 8, and by adding a subdivision; 473.38, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 473.1623, subdivisions 4 and 6; 473.446, subdivisions 1, 3, and by adding a subdivision; and 473.711, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1987 Supplement, section 473.393."

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

Senate Conferees: WILLIAM P. LUTHER, JIM RAMSTAD AND MICHAEL O. FREEMAN.

House Conferees: PHIL CARRUTHERS, SALLY OLSEN AND TOM OSTHOFF.

Carruthers moved that the report of the Conference Committee on S. F. No. 2491 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

S. F. No. 2491, A bill for an act relating to metropolitan government; establishing various requirements on agency organization, work programs, budgets, and reports; amending Minnesota Statutes 1986, sections 473.13, subdivision 1, and by adding a subdivision; 473.146, subdivision 3; 473.173, subdivision 6; 473.38, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 473.1623, subdivisions 4 and 6.

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

The question was taken on the repassage of the bill and the roll was called. There were 90 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Begich	Brown	Clausnitzer	Dorn
Anderson, R.	Bennett	Burger	Cooper	Greenfield
Battaglia	Bertram	Carlson, L.	Dauner	Gutknecht
Bauerly	Bishop	Carruthers	Dawkins	Hartle
Beard	Boo	Clark	DeBlicke	Hugoson

Jacobs	Lasley	Ogren	Redalen	Sparby
Jaros	Lieder	Olsen, S.	Reding	Stanius
Jefferson	McEachern	Olson, E.	Rest	Steensma
Jennings	McKasy	Olson, K.	Rice	Swenson
Jensen	McLaughlin	Omann	Rodosovich	Tunheim
Johnson, A.	Milbert	Orenstein	Rukavina	Valento
Johnson, R.	Minne	Osthoff	Sarna	Vellenga
Kahn	Munger	Otis	Scheid	Voss
Kalis	Murphy	Pappas	Schreiber	Wagenius
Kinkel	Nelson, C.	Pauly	Segal	Wenzel
Kludt	Nelson, K.	Peterson	Shaver	Winter
Knuth	Neuenschwander	Price	Skoglund	Wynia
Larsen	O'Connor	Quinn	Solberg	Spk. Vanasek

Those who voted in the negative were:

Blatz	Himle	McDonald	Quist	Tjornhom
Dempsey	Johnson, V.	McPherson	Richter	Tompkins
Forsythe	Kelly	Miller	Riveness	Trimble
Frederick	Kelso	Nelson, D.	Rose	Uphus
Frerichs	Knickerbocker	Onnen	Schafer	Waltman
Gruenes	Kostohryz	Ozment	Seaberg	Welle
Haukoos	Krueger	Pelowski	Sviggum	
Heap	Marsh	Poppenhagen	Thiede	

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in membership of the Conference Committee on S. F. No. 63:

Delete the name of Simoneau and add the name of Kalis.

#### SPECIAL ORDERS

S. F. No. 1645 was reported to the House.

Rest moved that S. F. No. 1645 be continued on Special Orders for one day. The motion prevailed.

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

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

S. F. No. 2452 was reported to the House.

There being no objection, S. F. No. 2452 was temporarily laid over on Special Orders.

S. F. No. 2321 was reported to the House.

There being no objection, S. F. No. 2321 was temporarily laid over on Special Orders.

S. F. No. 1830 was reported to the House.

Seaberg moved to amend S. F. No. 1830, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [325E.32] [MISCONDUCT OF ATHLETIC AGENTS.]

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

(b) “Student athlete” means a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program. The term includes any individual who may be eligible to engage in collegiate sports in the future.

(c) “Athletic director” means the person discharging the duties of coordinating and administering the overall athletic program for the educational institution attended by the student athlete.

(d) “Educational institution” means the public or private high school, college, junior college, or university that the student athlete last attended or to which the student athlete has expressed written intention to attend.

Subd. 2. [WAIVER OF ELIGIBILITY.] A student athlete’s waiver of intercollegiate athletic eligibility is not effective until the waiver of eligibility form prescribed by this subdivision has been filed with the offices of the secretary of state and the athletic director for seven days. The waiver is considered to have been on file seven days as of the eighth day after the receipt by the offices of the secretary of state and the athletic director of the completed waiver of eligibility form prescribed by this subdivision. The original waiver is to be filed with the secretary of state and must be available for public inspection in the office of the secretary of state during normal business hours. The waiver form must provide:

“WAIVER OF INTERCOLLEGIATE ATHLETIC ELIGIBILITY

I, ....., hereby waive any and all intercollegiate athletic eligibility. This waiver is not effective until seven days after it has been received by the Minnesota secretary of state and the office of the athletic director.

This waiver is revocable until my intercollegiate athletic eligibility is terminated as a result of my entering either a contract with an athletic agent or a professional sports contract.

.....  
STUDENT ATHLETE

.....  
EDUCATIONAL INSTITUTION

.....  
DATE”

Subd. 3. [REPRESENTATION OF CERTAIN ATHLETES PROHIBITED.] A person may not, before the effective date of a student athlete’s waiver of intercollegiate athletic eligibility, enter into a contract, written or oral, with a student athlete to:

(1) serve as the agent of the student athlete in obtaining a professional sports contract; or

(2) represent the student athlete or a professional sports organization in obtaining a professional sports contract for or with a student athlete.

A person who violates this subdivision is subject to the remedies under section 8.31, except that a civil penalty imposed under that section may be not more than \$100,000, or three times the amount given, offered, or promised as an inducement for the student athlete to enter the agency contract or professional sports contract, exclusive of the compensation provided by the professional sports contract, whichever is greater.

Subd. 4. [INFLUENCING OF EDUCATIONAL INSTITUTION EMPLOYEES PROHIBITED.] A person may not offer, give, or promise to give an employee of an educational institution, directly or indirectly, any benefit, reward, or consideration to which the employee is not legally entitled, with the intent that:

(1) the employee will influence a student athlete to enter into a contract with the person to serve as the athlete's agent or to enter into a professional sports contract; or

(2) the employee will refer student athletes to the person.

A person who violates this subdivision is subject to the remedies under section 8.31, except that a civil penalty imposed under that section may be not more than \$100,000, or three times the value offered to the employee in violating this subdivision, whichever is greater.

Subd. 5. [VOIDABILITY OF CONTRACT.] A contract entered into in violation of subdivision 3 is voidable by the student athlete. If voided by the student athlete, the athletic agent shall return to the student athlete any compensation received under the contract. The athletic agent shall also pay reasonable attorney's fees and costs incurred by a student athlete in any action or defense under this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1988, and applies to violations committed on or after that date."

Delete the title and insert:

"A bill for an act relating to student athletics; prohibiting persons from entering into a contract to serve as the agent of a student athlete or represent a student athlete or professional sports organization in obtaining a professional sports contract with a student athlete before expiration of the student athlete's collegiate eligibility unless the athlete has executed an effective waiver of eligibility; prohibiting a person from offering anything of value to an employee of an educational institution in return for the employee's influence on a student athlete to enter into contracts with agents or professional sports contracts or for the referral of student athlete clients; imposing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 325E."

The motion prevailed and the amendment was adopted.

S. F. No. 1830, A bill for an act relating to crimes; making it a crime to enter into a contract to serve as the agent of a student athlete or represent a student athlete or professional sports organization in obtaining a professional sports contract with a student athlete before expiration of the student athlete's collegiate eligibility unless the athlete has executed an effective waiver of eligibility; making it a crime to offer anything of value to an employee of an educational institution in return for the employee's influence on a

student athlete to enter into contracts with agents or professional sports contracts or for the referral of student athlete clients; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carruthers	Jefferson	Long	Quinn
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The bill was passed, as amended, and its title agreed to.

S. F. No. 1553 was reported to the House.

There being no objection, S. F. No. 1553 was temporarily laid over on Special Orders.

S. F. No. 2131, A bill for an act relating to the environment; prohibiting government units and vendors from purchasing and using chlorofluorocarbon-processed packaging materials; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 604 was reported to the House.

There being no objection, S. F. No. 604 was temporarily laid over on Special Orders.

S. F. No. 1540, A bill for an act relating to the sentencing guidelines commission; changing the membership of the commission; amending Minnesota Statutes 1987 Supplement, section 244.09, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:



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

The bill was passed and its title agreed to.

S. F. No. 2546, A resolution memorializing the United States Olympic Committee of state support for the bid for the games of the XXVI Olympiad.

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

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

Those who voted in the affirmative were:

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

Schafer	Skoglund	Swenson	Valento	Wenzel
Scheid	Solberg	Thiede	Vellenga	Winter
Schreiber	Sparby	Tjornhom	Voss	Wynia
Seaberg	Stanius	Tompkins	Wagenius	Spk. Vanasek
Segal	Steensma	Tunheim	Waltman	
Shaver	Sviggum	Uphus	Welle	

The bill was passed and its title agreed to.

S. F. No. 2183 was reported to the House.

Miller; Clausnitzer; Waltman; Hugoson; Boo; Uphus; Ozment; Sviggum; Frederick; Poppenhagen; Stanius; Thiede; Nelson, C.; Begich; McPherson; Gutknecht; Schreiber; Lieder; Winter; Steensma and Sparby moved to amend S. F. No. 2183, as follows:

Page 1, line 18, delete "sexual orientation,"

Page 1, lines 27 to 28, delete "sexual orientation,"

Page 2, lines 9 to 10, delete "sexual orientation,"

Page 2, line 35, delete "sexual orientation,"

Page 3, line 24, delete "sexual orientation,"

Page 3, line 32, delete "sexual orientation,"

Page 4, line 5, delete "sexual orientation,"

Page 4, line 27, delete "sexual orientation,"

Amend the title as follows:

Page 1, lines 4 to 5, delete "affectional or sexual orientation;"

A roll call was requested and properly seconded.

Speaker pro tempore Carlson, L., called Long to the Chair.

Speaker pro tempore Long called Anderson, G., to the Chair.

The question was taken on the Miller et al amendment and the roll was called. There were 60 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Bauerly	Boo	DeBlicke	Frederick	Hugoson
Beard	Burger	Dempsey	Gutknecht	Jacobs
Bennett	Clausnitzer	DeRaad	Haukoos	Jensen
Bertram	Dauner	Dille	Heap	Johnson, R.

Johnson, V.	McPherson	Pelowski	Schreiber	Tjornhom.
Kalis	Milbert	Poppenhagen	Seaberg	Tompkins
Kinkel	Miller	Quist	Sparby	Tunheim
Knickerbocker	Neuenschwander	Redalen	Stanius	Uphus
Marsh	Omann	Richter	Steensma	Valento
McDonald	Onnen	Rose	Sviggunn	Waltman
McEachern	Osthoff	Schafer	Swenson	Wenzel
McKasy	Ozment	Scheid	Thiede	Winter

Those who voted in the negative were:

Anderson, G.	Greenfield	Krueger	Olson, E.	Rukavina
Anderson, R.	Hartle	Larsen	Olson, K.	Sarna
Battaglia	Himle	Lasley	Orenstein	Segal
Begich	Jaros	Long	Otis	Shaver
Bishop	Jefferson	McLaughlin	Pappas	Skoglund
Blatz	Jennings	Minne	Peterson	Solberg
Brown	Kahn	Munger	Price	Trimble
Carlson, L.	Kelly	Murphy	Quinn	Vellenga
Clark	Kelso	Nelson, C.	Reding	Voss
Cooper	Kludt	Nelson, D.	Rice	Wagenius
Dawkins	Knuth	Nelson, K.	Riveness	Welle
Dorn	Kostohryz	O'Connor	Rodosovich	Wynia
				Spk. Vanasek

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

Greenfield moved to amend S. F. No. 2183, as follows:

Page 1, after line 13, insert:

“Section 1. Minnesota Statutes 1986, section 609.015, is amended by adding a subdivision to read:

Subd. 1a. The inclusion of a particular category of motivation in sections 2 to 8 is not itself grounds for the creation of new rights and privileges based on that category.”

Renumber the remaining sections

Page 2, line 25, delete “2” and insert “3”

Page 3, line 17, after “section” delete “2” and insert “3”

Page 4, line 31, delete “8” and insert “9”

Amend the title as follows:

Page 1, line 6, after “sections” insert “609.015, by adding a subdivision;”

The motion prevailed and the amendment was adopted.

Rose was excused while in conference.

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 18 and 28, after "orientation," insert "marital status,"

Page 2, lines 10 and 35, after "orientation," insert "marital status,"

Page 3, lines 24 and 32, after "orientation," insert "marital status,"

Page 4, lines 5 and 27, after "orientation," insert "marital status,"

A roll call was requested and properly seconded.

The question was taken on the Quist amendment and the roll was called. There were 70 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Bauerly	Frerichs	Kelso	Onnen	Sparby
Bennett	Gruenes	Kinkel	Osthoff	Stanius
Bertram	Gutknecht	Knickerbocker	Ozment	Steensma
Blatz	Hartle	Marsh	Pauly	Sviggum
Boo	Haukoos	McDonald	Pelowski	Swenson
Burger	Heap	McEachern	Poppenhagen	Thiede
Carlson, L.	Himle	McKasy	Quist	Tjornhom
Carruthers	Hugoson	McPherson	Redalen	Tompkins
Clausnitzer	Jacobs	Miller	Richter	Tunheim
Dempsey	Jennings	Morrison	Schafer	Uphus
DeRaad	Jensen	Neuenschwander	Scheid	Valento
Dille	Johnson, R.	Olsen, S.	Schreiber	Waltman
Forsythe	Johnson, V.	Olson, K.	Seaberg	Wenzel
Frederick	Kalis	Omann	Solberg	Winter

Those who voted in the negative were:

Anderson, G.	Jaros	Lieder	Olson, E.	Sarna
Battaglia	Jefferson	Long	Orenstein	Segal
Beard	Johnson, A.	McLaughlin	Otis	Shaver
Begich	Kahn	Minne	Pappas	Skoglund
Brown	Kelly	Munger	Price	Trimble
Clark	Kludt	Murphy	Quinn	Voss
Cooper	Knuth	Nelson, C.	Reding	Wagenius
Dawkins	Kostohryz	Nelson, D.	Rice	Welle
DeBlicke	Krueger	Nelson, K.	Riveness	Wynia
Dorn	Larsen	O'Connor	Rodosovich	Spk. Vanasek
Greenfield	Lasley	Ogren	Rukavina	

The motion prevailed and the amendment was adopted.

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 18 and 28, after "orientation," insert "pro-life or pro-choice orientation,"

Page 2, lines 10 and 35, after "orientation," insert "pro-life or pro-choice orientation,"

Page 3, lines 24 and 32, after "orientation," insert "pro-life or pro-choice orientation,"

Page 4, lines 5 and 27, after "orientation," insert "pro-life or pro-choice orientation,"

A roll call was requested and properly seconded.

The question was taken on the Quist amendment and the roll was called. There were 111 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dawkins	Lasley	Pappas	Shaver
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The motion prevailed and the amendment was adopted.

Anderson, R., was excused while in conference.

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 18 and 28, after "orientation," insert "vulnerability,"

Page 2, lines 10 and 35, after "orientation," insert "vulnerability,"

Page 3, lines 24 and 32, after "orientation," insert "vulnerability,"

Page 4, lines 5 and 27, after "orientation," insert "vulnerability,"

A roll call was requested and properly seconded.

The question was taken on the Quist amendment and the roll was called. There were 40 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Bennett	Frederick	McDonald	Redalen	Thiede
Burger	Gutknecht	McKasy	Richter	Tjornhom
Carruthers	Hartle	McPherson	Schafer	Tompkins
Clausnitzer	Haukoos	Miller	Seaber	Uphus
DeBlieck	Hugoson	Omam	Stanis	Valento
Dempsey	Johnson, V.	Onnen	Steensma	Waltman
DeRaad	Kalis	Poppenhagen	Sviggum	Welle
Dille	Marsh	Quist	Swenson	Winter

Those who voted in the negative were:

Anderson, G.	Greenfield	Larsen	Olson, K.	Shaver
Battaglia	Jacobs	Lasley	Orenstein	Skoglund
Bauerly	Jaros	Long	Otis	Solberg
Beard	Jefferson	McLaughlin	Pappas	Sparby
Begich	Jennings	Minne	Pelowski	Trimble
Bertram	Johnson, A.	Munger	Peterson	Tunheim
Brown	Johnson, R.	Murphy	Price	Vellenga
Carlson, L.	Kahn	Nelson, C.	Quinn	Voss
Clark	Kelly	Nelson, D.	Rice	Wagenius
Cooper	Kelso	Nelson, K.	Riveness	Wynia
Dauner	Kludt	O'Connor	Rukavina	Spk. Vanasek
Dawkins	Knuth	Ogren	Sarna	
Dorn	Kostohryz	Olsen, S.	Scheid	
Forsythe	Krueger	Olson, E.	Segal	

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

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 18 and 28, after "orientation," insert "pregnant status,"

Page 2, lines 10 and 35, after "orientation," insert "pregnant status,"

Page 3, lines 24 and 32, after "orientation," insert "pregnant status,"

Page 4, lines 5 and 27, after "orientation," insert "pregnant status,"

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

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 18 and 28, after "orientation," insert "N.R.A. member status,"

Page 2, lines 10 and 35, after "orientation," insert "N.R.A. member status,"

Page 3, lines 24 and 32, after "orientation," insert "N.R.A. member status,"

Page 4, lines 5 and 27, after "orientation," insert "N.R.A. member status,"

#### POINT OF ORDER

Kelly raised a point of order pursuant to section 401, paragraph 1, of "Mason's Manual of Legislative Procedure" relating to frivolous and improper amendments that the Quist amendment was not in order. Speaker pro tempore Anderson, G., ruled the point of order not well taken and the amendment in order.

The question recurred on the Quist amendment to S. F. No. 2183, as amended. The motion did not prevail and the amendment was not adopted.

Burger moved to amend S. F. No. 2183, as amended, as follows:

Page 1, lines 19 and 28, after "disability," insert "or any other category or classification, whether or not specifically designated in this subdivision,"

Page 2, lines 10 and 35, after "disability," insert "or any other category or classification, whether or not specifically designated in this subdivision,"

Page 3, lines 24 and 32, after "disability," insert "or any other category or classification, whether or not specifically designated in this subdivision,"

Page 4, lines 5 and 27, after "disability" insert "or any other category or classification, whether or not specifically designated in this subdivision,"

A roll call was requested and properly seconded.

The question was taken on the Burger amendment and the roll was called. There were 73 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Bauerly	Gruenes	Knuth	Ozment	Stanius
Beard	Gutknecht	Marsh	Pauly	Steensma
Bennett	Hartle	McDonald	Pelowski	Sviggum
Bertram	Haukoos	McEachern	Poppenhagen	Swenson
Boo	Heap	McKasy	Quinn	Thiede
Burger	Hugoson	McPherson	Quist	Tjornhom
Carruthers	Jacobs	Milbert	Redalen	Tompkins
Cooper	Jaros	Miller	Richter	Tunheim
Dauner	Jennings	Morrison	Rodosovich	Uphus
Dempsey	Jensen	Neuenschwander	Rukavina	Valento
DeRaad	Johnson, R.	Ogren	Schafer	Waltman
Dille	Johnson, V.	Olsen, S.	Scheid	Wenzel
Dorn	Kalis	Omann	Schreiber	Winter
Frederick	Kinkel	Onnen	Seaberg	
Frerichs	Knickerbocker	Osthoff	Sparby	

Those who voted in the negative were:

Anderson, G.	Jefferson	Long	Olson, K.	Skoglund
Battaglia	Johnson, A.	McLaughlin	Orenstein	Trimble
Begich	Kahn	Minne	Otis	Vellenga
Blatz	Kelly	Munger	Pappas	Voss
Brown	Kelso	Murphy	Peterson	Wagenius
Clark	Kludt	Nelson, C.	Reding	Wynia
Dawkins	Kostohryz	Nelson, D.	Riveness	Spk. Vanasek
DeBlick	Krueger	Nelson, K.	Sarna	
Greenfield	Larsen	O'Connor	Segal	
Himle	Lasley	Olson, E.	Shaver	

The motion prevailed and the amendment was adopted.

Quist moved to amend S. F. No. 2183, as amended, as follows:

Page 1, line 17, after "of" delete the remainder of the line

Page 1, delete line 18

Page 1, line 19, delete everything before "may be" and insert "hatred or prejudice against the person assaulted"

Page 1, line 26, delete everything after "of"

Page 1, delete line 27

Page 1, line 28, delete everything before "and inflicts" and insert "hatred or prejudice against the person assaulted"

Page 2, line 8, after "of" delete the remainder of the line

Page 2, delete line 9



Page 2, line 10, delete everything before "is guilty" and insert "hatred or prejudice"

Page 2, delete lines 34 and 35

Page 2, line 36, delete "national origin" and insert "hatred or prejudice against the person whose property is damaged"

Page 3, line 22, after "of" delete "the"

Page 3, delete lines 23 and 24

Page 3, line 25, delete "origin" and insert "hatred or prejudice"

Page 3, line 31, after "of" delete the remainder of the line

Page 3, delete line 32

Page 3, line 33, delete "national origin" and insert "hatred or prejudice"

Page 4, line 3, after "of" delete "the"

Page 4, delete line 4

Page 4, line 5, delete everything before "may" and insert "hatred or prejudice"

Page 4, line 25, after "of" delete "the victim's"

Page 4, delete line 26

Page 4, line 27, delete everything before "may be" and insert "hatred or prejudice"

A roll call was requested and properly seconded.

The question was taken on the Quist amendment and the roll was called. There were 65 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Bauerly	Dempsey	Himle	Kinkel	Neuenschwander
Bennett	DeRaad	Hugoson	Knickerbocker	Olsen, S.
Bertram	Dille	Jacobs	Marsh	Omann
Blatz	Frederick	Jensen	McDonald	Onnen
Burger	Gruenes	Johnson, R.	McEachern	Osthoff
Carruthers	Gutknecht	Johnson, V.	McKasy	Ozment
Clausnitzer	Hartle	Kalis	McPherson	Pelowski
Cooper	Haukoos	Kelso	Miller	Poppenhagen

Quinn	Rose	Sparby	Thiede	Valento
Quist	Schafer	Stanius	Tjornhom	Waltman
Redalen	Scheid	Steensma	Tompkins	Welle
Richter	Schreiber	Sviggum	Tunheim	Wenzel
Rodosovich	Seaberg	Swenson	Uphus	Winter

Those who voted in the negative were:

Anderson, G.	Greenfield	Lasley	Olson, E.	Sarna
Battaglia	Jaros	Long	Olson, K.	Segal
Beard	Jefferson	McLaughlin	Orenstein	Shaver
Begich	Jennings	Milbert	Otis	Skoglund
Brown	Johnson, A.	Minne	Pappas	Solberg
Carlson, L.	Kahn	Munger	Pauly	Trimble
Clark	Kelly	Murphy	Peterson	Vellenga
Dauner	Kludt	Nelson, C.	Price	Voss
Dawkins	Knuth	Nelson, D.	Reding	Wagenius
DeBlicke	Kostohryz	Nelson, K.	Rice	Wynia
Dorn	Krueger	O'Connor	Riveness	Spk. Vanasek
Forsythe	Larsen	Ogren	Rukavina	

The motion prevailed and the amendment was adopted.

Greenfield moved that S. F. No. 2183, as amended, be continued on Special Orders for one day. The motion prevailed.

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

Otis moved that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

The following Conference Committee Report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2344

A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; creating and modifying agencies and functions; fixing and limiting fees; requiring studies and reports; appropriating money; amending Minnesota Statutes 1986, sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 16B.24, by adding a subdivision; 88.22, by adding a subdivision; 89.001, by adding a subdivision; 89.19; 116.48, by adding subdivisions; 116J.615, by adding a subdivision; 296.16, by adding a subdivision;

and 296.421, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.732, subdivision 1; 3.885; 85.055, subdivision 1; 105.44, subdivision 10; 115C.02, subdivision 13; 116C.712, subdivision 5; 116J.941, subdivision 1; 116O.03, subdivision 2; 116O.04, subdivision 1; 116O.06, subdivision 1; and 480.241, subdivision 2; Laws 1985, First Special Session chapter 15, section 4, subdivision 6; Laws 1987, chapter 357, section 27, subdivision 2; Laws 1987, chapter 404, sections 20, subdivision 6; and 22, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 89; 115C; 424A; and 446A; repealing Minnesota Statutes 1987 Supplement, section 161.52.

April 18, 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. 2344, 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. 2344 be further amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

##### Section 1. [STATE DEPARTMENTS APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1988" and "1989," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1988, or June 30, 1989, respectively.

## SUMMARY BY FUND

	1988	1989	TOTAL
General	\$3,542,600	\$18,495,900	\$22,038,500
Special Revenue	519,300	1,006,900	1,526,200
Game and Fish Workers'	95,000	-0-	95,000
Compensation	135,000	-0-	135,000
Metro Landfill Abatement	8,500	40,800	49,300
Metro Landfill Contingency	8,500	40,800	49,300
Water Pollution Control	50,000	100,000	150,000
TOTAL	\$4,358,900	\$19,684,400	\$24,043,300

APPROPRIATIONS  
Available for the Year  
Ending June 30

1988                      1989

\$                              \$

Sec. 2. LEGISLATURE

(a) Legislative Coordinating Commission

60,000

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 2, and shall be used to pay the dues associated with the state of Minnesota's membership in the National Conference of State Legislatures State and Local Legal Center. Any unencumbered balance at the end of the first year shall be available for the second year.

(b) Legislative Auditor

100,000

This appropriation is to cover the cost of auditing the University of Minnesota's physical plant operations. The University of Minnesota is liable to the legislative auditor for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the exam-

ination. The legislative auditor shall bill the university either monthly or at the conclusion of the audit. Collections received for the audits must be credited to the general fund to reimburse it for this appropriation.

The office of the legislative auditor program evaluation division shall conduct an evaluation of the Minnesota housing finance agency's programs. The study shall include, but not be limited to, an evaluation of the criteria used to qualify potential buyers as low income. The auditor shall prepare a report for presentation to the legislature by January 1, 1989, indicating its findings, observations, and recommendations relative to the agency's ability to meet the current demand for low income housing.

### Sec. 3. SUPREME COURT

(a) Trial Courts Information System	133,400	387,800
(b) Study of Tape Recording	25,000	

The supreme court administrator shall study and report to the legislature by January 1, 1989, on the costs and benefits to litigants of the use of video or audio tape recording of civil litigation and administrative hearings instead of stenotype and transcription recordings of those proceedings. The study shall also include the equipment cost recovery of alternative recording systems.

### (c) Family Farm Legal Assistance

The report submitted by each family farm legal assistance provider to the supreme court and the legislature by January 15, 1989, under Minnesota Statutes, section 480.256, shall include a plan to prioritize the legal assistance provided to family farmers under Minnesota Statutes, sections 480.250 to 480.254, and to recommend which services to continue. The report must also

include alternative plans to provide all or part of the family farm legal assistance from nonstate money.

#### Sec. 4. BOARD OF PUBLIC DEFENSE

(a) Space Rental 15,000

This appropriation is for rental of office space and is added to the appropriation in Laws 1987, chapter 404, section 7.

(b) Intergovernmental Relations 55,000

The person hired for this position shall be knowledgeable in criminal defense procedures and criminal defense investigation. The new position shall include in its duties the provision of counsel on legislative proposals during legislative sessions. The state public defender, at the request of the administrator, shall fully cooperate with and assist the administrator with respect to these duties.

The approved complement of the board of public defense is increased by one in fiscal year 1989.

#### Sec. 5. GOVERNOR

Office of Jobs Policy 115,000

The office of jobs policy must be transferred to the governor's office and remain there and is not subject to further transfer under Minnesota Statutes, section 16B.37.

#### Sec. 6. ADMINISTRATION

(a) 911 Emergency Telephone Service 119,300 488,900

This appropriation is from the special revenue fund and is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 3.

(b) System Architecture Conference 12,000

This appropriation is to the information policy office to plan and conduct a system architecture conference for legislators and key executive branch personnel. This appropriation is an addition to the appropriation in Laws 1987, chapter 404, section 16, subdivision 3.

(c) Distributive Computing Study

150,000

This appropriation is to establish not less than three experimental computer centers to demonstrate the effectiveness of a distributive computing model for a wide range of computer applications in the field of education, including financial and student management. No district may apply for less than \$20,000 or more than \$50,000 for the purposes of this program. For the purposes of this section, the reporting requirements of section 121.936, subdivision 1, and the data standards of section 121.932, subdivision 5, must be maintained, but all other requirements, except financial obligations, will be waived. The information policy office will evaluate the experimental centers, prepare a study, and report to the legislature by January 1, 1990, making recommendations concerning the feasibility of expanding the concept of individual computer centers statewide. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 3.

(d) Interactive Technologies

20,000

This appropriation is to the information policy office to facilitate, with technical expertise, efforts to move the legislature towards the usage of more interactive technologies. The information policy office will draft a plan to improve citizen input and to improve the efficiency and operations of the legislature. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 3.

## (e) Twin Cities Regional Cable

40,000

This appropriation is for a grant to Twin Cities Regional Cable Channel, Inc. for programming. \$20,000 of this grant is to be matched dollar for dollar from contributions from nonstate sources. \$20,000 of the grant is to be used for legislative programming. All legislative programming done under this grant must be accessible to local cable stations at cost of video tape for distribution. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 5.

## (f) Soybean Oil Ink Study

2,500

This appropriation is to study the feasibility of using ink with a soybean oil base for printing done by the commissioner, by other state agencies, and by private vendors under contract to agencies in all branches of state government. The study must include the cost implications to the state of using ink with a soybean oil base, the types of printing jobs that can and cannot be done effectively with this ink, and any transitional steps that would have to be taken to implement the use of ink with a soybean oil base. The commissioner shall report the results of the study to the legislature by January 1, 1989. This appropriation is to be matched with money from other nonstate sources. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 5.

## (g) Community Service and Volunteer Initiatives

50,000

The department of administration's authorized general fund complement is increased by one position.

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 16, subdivision 5 and is only available if the community services



program for school districts established in article 4, section 4, of a bill styled as H. F. No. 2245 are enacted into law. The commissioner shall ensure that this initiative is consistent and coordinated with the volunteer program in that section of H. F. No. 2245.

The approved complement of the department of administration is increased by two special revenue fund positions in fiscal year 1989.

**(h) Study of Leasing Office Space**

The commissioner of administration shall complete phase II of the study comparing the costs of leasing office space in privately owned buildings versus construction of new office buildings to house state departments and agencies. This study must include a report to the legislature by January 1, 1989, that addresses the feasibility of lease-purchase options, includes considerations of life-cycle costing, and provides recommendations for a state policy relative to housing of state offices in the twin cities metropolitan area.

**(i) Surplus Property**

The commissioner shall study the feasibility of making state surplus property from the departments of transportation, corrections, natural resources, and public safety available to Indian communities at no cost and shall report the findings, including an evaluation of the program currently being conducted in the department of natural resources, to the legislature by January 1, 1989.

**(j) Capitol Space Planning 350,000**

This appropriation is to plan for the use of senate space in the capitol building.

**(k) State Office Building 75,000**

This appropriation is to install computer cabling and a telephone system for senate offices in the state office building.

(l) Capitol Restoration 220,000

This appropriation is to fix the leaking dome under the roof of the capitol.

(m) Rent Differential 1,711,000

This appropriation is for the increased rent differential associated with the department of human services office relocation and consolidation and lost rental income associated with the department of revenue's office relocation.

The legislature estimates that \$450,000 of this appropriation will be offset by general fund nondedicated receipts from the federal government.

#### Sec. 7. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

Landscaping and Parking Improvements 675,000

Any unencumbered balance remaining after the first year does not cancel and is available for the second year.

#### Sec. 8. FINANCE

##### Gas Tax Refunds

Until June 30, 1989, refunds received from the federal government for excise taxes paid on motor vehicle fuels are appropriated, in the year the refund is received, to the state agency that paid the tax.

#### Sec. 9. EMPLOYEE RELATIONS

(a) Public Employees' Insurance Plan 116,000

This appropriation is added to the appropriation for the same purpose in

Laws 1987, chapter 404, section 19, subdivision 5, and is likewise repayable within five years.

The approved complement of the department of employee relations is increased by four positions in fiscal year 1989.

(b) Health Insurance Costs

6,450,000

This appropriation is from the general fund for transfer to the employee insurance trust fund.

\$4,593,300 is appropriated in fiscal year 1989 from the funds from which salaries are paid, other than the general fund, for transfer to the employee insurance trust fund. The commissioner of finance shall allocate this appropriation among the several funds in proportion to the health insurance costs that are otherwise paid from each fund. If the balance in a fund is insufficient to support this additional appropriation without requiring any layoffs or reductions in any other appropriation from the fund, the commissioner of finance shall submit a request to the 1989 regular session to cover the deficiency with an appropriation from the general fund.

The regents of the University of Minnesota shall pay \$3,956,700 from money previously appropriated for operations and maintenance of the university to the commissioner of employee relations for credit to the employee insurance trust fund.

(c) Dependent Care Expenses

Until June 30, 1989, the commissioner of employee relations may use FICA savings generated from the dependent care expense account program to pay for the administrative costs of the program.

**(d) Managers Plan**

Notwithstanding Laws 1987, chapter 404, section 43, subdivision 2, within the provisions of the managerial plan approved under Minnesota Statutes, section 43A.18, an agency may not exceed a four percent average for aggregate performance increases for its managers.

**Sec. 10. REVENUE****(a) Charitable Gambling Tax Enforcement**

194,300

This appropriation is added to the appropriation for tax compliance in Laws 1987, chapter 404, section 20, subdivision 6.

The approved complement of the department of revenue is increased by four positions in fiscal year 1989.

**(b) Metropolitan Landfill Administration**

In fiscal year 1988 \$8,500 is appropriated from the metropolitan landfill abatement fund and \$8,500 is appropriated from the metropolitan landfill contingency action fund to the department of revenue for the purpose of reimbursing the department for costs incurred by the department in administering Minnesota Statutes, section 473.843, during fiscal year 1988.

\$40,800 in fiscal year 1989 is appropriated from the metropolitan landfill contingency action fund and in fiscal year 1989 \$40,800 is appropriated from the metropolitan landfill abatement fund to the department of revenue for the purpose of administering Minnesota Statutes, section 473.843.

**Sec. 11. NATURAL RESOURCES****(a) Forest Nurseries**

400,000

490,000

This appropriation is from the forest management fund and is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 4.

(b) Hybrid Aspen Operational Studies 80,000

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 4. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

(c) Statewide Forest Inventory and Analysis 270,000

Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

(d) Oak Wilt Control

\$64,000 appropriated to the commissioner of natural resources for oak wilt control in Laws 1987, chapter 404, section 22, subdivision 4, for fiscal year 1988 does not cancel and is available for fiscal year 1989.

(e) Thief Lake Wildlife Management Area 50,000

This appropriation is to construct an observation deck and picnic area at Thief Lake wildlife management area. This appropriation is from the general fund and is an addition to the funds appropriated in Laws 1987, chapter 404, section 22, subdivision 7.

(f) Red Lake Wildlife Management Area 8,000

This appropriation is to rehabilitate the Norris Tower picnic site on the Red Lake wildlife management area. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 7.

## (g) Rochester Wildlife Lands

The commissioner shall study and report to the legislature by January 1, 1989, the feasibility of a land exchange with Olmsted county for the wildlife lands located adjacent to the former Rochester State Hospital facility.

## (h) Tettegouche Camp Buildings

20,000

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 5, and must be used to conduct a study and report to the legislature by January 1, 1989, on alternative uses for the "Tettegouche Camp Buildings." The study must address the costs associated with each of the alternatives identified, including ongoing use of buildings.

## (i) Paul Bunyan Trail

35,000

This appropriation is for a lease purchase agreement and for safety purposes on the abandoned Burlington Northern railroad line between Baxter and Bemidji, Minnesota designated as the Paul Bunyan Trail by an act styled as H. F. No. 2155. This appropriation is added to the appropriation in Laws 1987, section 22, subdivision 6.

## (j) Willard Munger Trail

Notwithstanding Minnesota Statutes, section 344.03, subdivision 1, as part of the settlement of a property line dispute on the Hinckley to Moose Lake segment of the Minnesota-Wisconsin Boundary State Trail (Willard Munger State Trail), the commissioner shall fence the state property boundary line located in T41N, R21W, section 13 in SE $\frac{1}{4}$  and NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ .

## (k) Hill-Annex Mine State Park

298,000

\$270,000 of this appropriation is for pumping costs, including the purchase

and installation of pumps, pipelines, and associated facilities. The commissioner of natural resources may seek additional matching money from organizations having access to historical preservation money to complement this appropriation. The commissioner of natural resources shall prepare a financial report on the use of this appropriation for the chairs of the house appropriations and senate finance committees no later than January 1, 1990.

\$28,000 of this appropriation is from the state parks maintenance and operations account in the special revenue fund. The approved complement of the department of natural resources is increased by two positions.

(I) Conservation Officer Salaries 109,200

\$95,000 is appropriated from the game and fish fund in fiscal year 1988 and \$14,200 is appropriated from the general fund in fiscal year 1988 and is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 8, and is to be used to fund salary range compression for conservation officers resulting from an arbitration award. Any unencumbered balance for the first year shall be made available for the second year. Should the department be faced with holding conservation officer positions vacant because of funding constraints as a result of this arbitration, the department shall consider such factors as population density, enforcement issues, intensity of public use, and impact on the state's efforts to protect the state's natural resources in determining which positions will be held vacant. Beginning July 1, 1989, and after consideration of the report required by Laws 1987, chapter 404, section 58, those positions assigned to undercover activities shall be assigned the lowest priority and shall be eliminated before other conservation officer positions are held vacant.

(m) Hinckley Trail

The commissioner in cooperation with the commissioner of the Minnesota department of transportation shall study the feasibility of connecting St. Croix State Park and the Hinckley Trail via a MNDOT right-of-way and report to the legislature by January 1, 1989.

(n) Sunken Ships

The commissioner shall study the feasibility of expanding the boundaries of Split Rock Lighthouse state park or another more suitable state park on the North shore of Lake Superior to include sunken ships for underwater interpretation. The study shall include but not be limited to the legal ramifications of annexing such a site, the cost of such an annexation, the quality of the underwater diving experience that the site would offer and a potential timetable for acquisition. The commissioner shall report the study to the legislature by January 1, 1989.

(o) Emergency Firefighting

The amount necessary to pay for emergency firefighting expenses is added to the appropriation in Laws 1987, chapter 404, section 22, subdivision 4. The commissioner shall submit to the chairs of the senate finance and house of representatives appropriations committees by January 1, 1989, a report of firefighting expenditures, including recommendations for future funding of this activity.

(p) 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 and 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.

(q) Wildlife Development

120,000

This appropriation is for the planning and engineering work on the visitor center and 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. 12. ZOOLOGICAL BOARD

(a) Exotic Species

200,000

This appropriation is for a grant for the permanent exhibition of an exotic species that has a high visitor appeal, will serve to further the education mission of the zoological garden and has been exhibited successfully in other zoos.

(b) Marine Exhibit

1,200,000

This appropriation is for a grant to the zoological garden for renovation of the water and filtration systems which serve the existing beluga whale facility. None of the grant money may be released until the zoo board has completed and submitted to the chair of the senate finance and chair of the house appropriations committees a final con-

struction plan for the renovation of the beluga whale facility into a marine exhibit. The final construction plan must include a detailed plan by the zoological board for financing the remainder of the project. If the financing includes using funds from the zoological garden's reserve fund, the financing plan must include a plan for the replenishing of the reserve fund.

(c) Zoo Hours

The Minnesota zoological garden must be open to the public without charge for at least two days each month. However, the zoo may charge at any time for special services and for admission to special facilities for the education, entertainment, or convenience of visitors.

(d) Zoo Employees

The classified positions of zoo development director, zoo animal program director, zoo operations director, and senior veterinarian at the Minnesota zoological garden are abolished, effective July 1, 1988. The Minnesota zoological board may create similar positions in the unclassified service under Minnesota Statutes, section 43A.08, subdivision 1a, as amended by this act.

Sec. 13. POLLUTION CONTROL AGENCY

(a) Upgrading Health Lab

63,000

This appropriation shall be transferred to the Department of Health for upgrading laboratory facilities used for testing water quality samples and training associated staff. This appropriation is added to the appropriation in Laws 1987, chapter 404, section 24, subdivision 2.

(b) Emergency Responders Training Academy

35,000

This appropriation is for a grant to the Minnesota Emergency Responders Training Academy for hazardous materials handling training and is in addition to the money appropriated in Laws 1987, chapter 404, section 24, subdivision 4.

(c) Balance Canceled

\$2,500,000 of the unencumbered balance in the water pollution control fund must be canceled and transferred to the general fund on July 1, 1988.

(d) Municipal Litigation Loans

100,000

This appropriation is from the water pollution control fund for the municipal litigation loan program established by this act. Repayments of the loans shall be credited to the fund.

(e) Non-Ferrous Mineral Strategic Planning

150,000

Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

The approved complement of the pollution control agency is increased by three positions.

\$23,300 of this appropriation is to the commissioner of natural resources.

(f) Wastewater Treatment Grants

\$6,000,000 of the money 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 are the first phase of an attempt to make the grant amounts awarded to these communities equitable with the grant

amounts awarded to communities before and after these dates and must be distributed according to the conditions established by this act.

The pollution control agency shall develop criteria and a selection process for the distribution of wastewater treatment facilities grants for towns and unorganized areas. 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.

(g) Thompson Township

50,000

This appropriation is from the water pollution control fund to Thompson township for planning, development, and construction of a facility or facilities to correct water well contamination. The pollution control agency must review and approve any facility or facilities proposed under this paragraph. Any unencumbered balance of this appropriation is available for the construction of facilities.

#### Sec. 14. TRADE AND ECONOMIC DEVELOPMENT

(a) Travel Information Centers

23,000

577,000

Responsibility for operating travel information centers is transferred under Minnesota Statutes, section 15.039, from the commissioner of transportation to the commissioner of trade and economic development, effective July 1, 1988. \$288,000 appropriated from the trunk highway fund by Laws 1987, chapter 358, section 2, and ten positions are included in the transfer. By July 1, 1988, the director of tourism and the commissioner of transportation shall enter into an interagency agreement outlining the duties, relationships, and responsibilities for the

operation and maintenance of the travel information centers. The agreement must contain, but need not be limited to, issues of maintenance responsibility, use of space, equipment, repairs and betterments, and grounds and buildings upkeep. A copy of the agreement must be provided to the chairs of the senate finance and house appropriations committees by July 15, 1988.

The metropolitan airports commission shall establish, fund, maintain, and operate a travel information center at the Minneapolis-St. Paul international airport. The metropolitan airports commission shall consult with the office of tourism regarding proper staffing and information to be provided.

(b) World Trade Center Marketing

50,000

The commissioner of trade and economic development shall fully implement the terms and conditions of the interagency agreement signed with the Minnesota World Trade Center corporation to market and schedule the conference and training center.

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 26, subdivision 2.

(c) Council on Productivity and Quality

Any unencumbered balance of the appropriation for the Minnesota council on productivity and quality for fiscal year 1988 may be carried forward to fiscal year 1989.

The purpose of adding three new members to the Minnesota council on productivity and quality is to address the gender imbalance of the council.

(d) Advanced Integrated Manufacturing Center

500,000

(e) Symposium on International Technical Innovation and Entrepreneurship	200,000
(f) Celebrate Minnesota 1990	1,000,000

The approved complement of the department of trade and economic development is increased by four positions in fiscal year 1989.

(g) Minnesota Marketplace	350,000	
(h) Invention and Innovation	25,000	75,000

This appropriation is for the business promotion division to contract for the study and design of a comprehensive, integrated, invention and innovation support and marketing system. The study must examine the feasibility of locating an invention and innovation center in the Twin Cities metropolitan area, with a statewide network involving Twin Cities' suburban and greater Minnesota communities. The design must include an educational component to encourage greater interest in innovative and inventive methods. It must also provide proposals for linking Minnesota-based invention and innovation activities with similar efforts occurring both nationally and internationally.

An interim report must be submitted to the legislature by January 15, 1989, and a final report must be submitted to the legislature by June 30, 1989.

(i) Mississippi Regional Park	600,000
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This appropriation is to the commissioner of trade and economic development, who shall provide a grant to the suburban Hennepin regional park district and the Minneapolis park and recreation board in the amounts and at the times requested jointly by the district and the board for acquiring and developing their respective portions of the Mississippi regional park.

## (j) Motion Picture and Television Board

Notwithstanding Laws 1987, chapter 404, section 26, subdivision 3, the appropriation in that subdivision for the Minnesota motion picture board for fiscal year 1989 is available upon receipt by the board of \$1 in matching contributions of money or in kind from non-state sources for every \$3 provided by that appropriation.

## (k) Great River Road

750,000

This appropriation is for a grant to the city of Minneapolis to pay principal and interest due on bonds issued by the city of Minneapolis for land acquisition and development for the Great River Road project along the central waterfront in downtown Minneapolis.

The city of Minneapolis may issue \$5,000,000 in general obligation bonds to acquire and develop land in connection with the Great River Road project. The bonds must be issued before June 30, 1989. Bonds issued under this authority are not included in the net debt of the city as defined in Minnesota Statutes, section 475.51, subdivision 4.

Upon certification by the city of Minneapolis to the commissioners of finance and pollution control that the city has issued \$3,500,000 in bonds under this authority, any current or future repayments required by Minnesota Statutes, section 116.162, subdivision 6, are canceled.

## (l) Como Park Conservatory

800,000

This appropriation is for a grant to the city of St. Paul to pay principal and interest due on bonds issued by the city to remodel and refurbish the Como Park conservatory.

The city of St. Paul may issue up to \$5,000,000 in general obligation bonds

to remodel and refurbish the Como Park conservatory. The bonds must be issued before June 30, 1989. The city may also issue up to \$5,500,000 in general obligation bonds to reconstruct Shepard road and Warner road. The bonds must be issued before December 31, 1992. None of the bond proceeds may be used to develop a grade-separated interchange at the intersection of Shepard and Chestnut roads. The bonds must be issued under Minnesota Statutes, chapter 475, except that the bonds are not subject to its election requirements or debt limits. Bonds issued under this authority are not included in the net debt of the city as defined in Minnesota Statutes, section 475.51, subdivision 4.

Upon certification by the city of St. Paul to the commissioners of finance and pollution control that the city has issued \$10,500,000 in bonds under this authority, any current or future repayments required by Minnesota Statutes, section 116.162, subdivision 6, are canceled.

(m) Trout Lake

50,000

This appropriation is for a grant to a nonprofit association or fraternal organization for the acquisition of a park on land formerly owned by United States steel corporation on Trout Lake in Itasca county.

(n) Trade Model

\$15,000 of the fiscal year 1989 appropriation under Laws of Minnesota 1987, chapter 404, section 26, subdivision 9, is available to the commissioner for the costs of administering the contract for consultant services for development of the trade model.

(o) Economic Recovery Grants



Up to \$800,000 of the appropriation for economic recovery grants is available for projects located within the geographic boundaries of at least one of four or more local units of government acting under a joint powers agreement under the cooperative secondary facilities grant act. A municipality located in a local unit acting under a joint powers agreement must apply for a grant. Applications must be made to the commissioner of trade and economic development. Notwithstanding Minnesota Statutes, section 116J.873, a grant under this subdivision may be for more than \$500,000 and a specific project does not have to be identified. A grant under this subdivision must be used for a manufacturing project and at least \$1 of nonstate money must be used for every \$4 of grant money. A grant under this paragraph may not be used to finance a project for an existing business that is transferring all or a part of its operations as a result of the grant.

#### Sec. 15. WORLD TRADE CENTER CORPORATION

General Operations

430,300

Any unexpended funds appropriated to the commissioner of administration for operating expenses of the conference and service center in the Minnesota World Trade Center are available to the Minnesota World Trade Center board for general operating expenses and program development for the center.

The Minnesota World Trade Center board shall make a report to the legislature by March 1, 1989. This report shall include a three-year plan, a detailed outline of what steps the trade center board will take to implement this plan, and a description of the activities that have taken place to implement the plan.

Up to \$50,000 is for the international trade network, to be spent jointly with the Minnesota trade office. This appropriation must be matched dollar-for-dollar by nonstate money or in-kind contributions.

Sec. 16. AMATEUR SPORTS COMMISSION

(a) Commission Operations

168,000

The approved complement of the amateur athletic commission is increased by two positions in fiscal year 1989.

The commission shall make a concentrated effort to recruit women athletes and athletic events for women to its facilities.

The Minnesota amateur sports commission shall continue to encourage, promote, and assist local and regional amateur sports groups and facilities.

(b) Blaine Sports Facility Operations

150,000

\$75,000 is available only upon demonstration to the commissioner of finance of a dollar-for-dollar match with non-state contributions.

\$75,000 must be repaid to the general fund from revenues from operation of the national sports center by July 1, 1992.

Sec. 17. HOUSING FINANCE AGENCY

Housing for the Homeless

150,000

This appropriation is for a demonstration rehabilitation project of eight to ten units under the housing grants for homeless individuals program created by the bill styled as H. F. No. 2126 of the 1988 regular session. The agency will study and evaluate the project and report the results to the legislature by January 1, 1990. The study must in-

clude a recommendation on the feasibility of continuing the program.

Sec. 18. STATE PLANNING AGENCY

(a) Study of State and Local Service Responsibility

Up to \$75,000 of any unencumbered balance of the general fund appropriation for fiscal year 1988 in Laws 1987, chapter 404, section 29, does not cancel and is available for the second year of the biennium to continue a state and local service responsibility study.

(b) Information Resources Policy 10,000

This appropriation is added to the appropriation in Laws 1987, chapter 404, section 29, and must be used for payment of the state of Minnesota's annual dues in the Harvard University's program on Information Resources Policy.

(c) Aquaculture 40,000

The state planning agency shall seek matching money for this project from other major agencies involved in the project. This appropriation is in addition to the money appropriated in Laws 1987, chapter 404, section 29.

(d) Planning for Youth Employment 80,000

This appropriation is for the planning grants authorized by article 3, section 2, of this act.

(e) Cold Weather Testing Task Force 15,000

Sec. 19. LABOR AND INDUSTRY

Study of Workers' Compensation Medical Costs

135,000

This appropriation is from the workers' compensation special compensation fund. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

### Sec. 20. VETERANS AFFAIRS

#### Morrison County State Veterans Cemetery

The commissioner of veterans affairs shall study the Morrison county cemetery and report to the legislature by December 15, 1988, on its suitability for use as a state veterans' cemetery, including anticipated costs of site development and ongoing operational costs.

### Sec. 21. MILITARY AFFAIRS

#### (a) State Cash Bonus Payments 1,160,000

The adjutant general shall pay a state cash bonus of \$100 no later than June 30, 1989, to any member of the Minnesota national guard who has served satisfactorily, as defined by the adjutant general, as an active member of the Minnesota national guard during the 1988 federal fiscal year. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

The amount available for the bonus payments is limited to the amount appropriated for such payments in this section.

Any member of the Minnesota national guard who elects to take a credit for compensation for personal services in the Minnesota national guard against the tax due under chapter 290 is not eligible for the bonus payment.

#### (b) Tuition Reimbursement 1,040,000

The adjutant general shall establish a program providing tuition reimbursement for members of the Minnesota national guard in accordance with this section.

An active member of the Minnesota national guard serving satisfactorily,

as defined by the adjutant general, at any time during state fiscal year 1989, shall be reimbursed for tuition paid during state fiscal year 1989 to a post-secondary education institution as defined by Minnesota Statutes, section 136A.15, subdivision 5, upon proof of satisfactory completion of course work.

In the case of tuition paid to a public institution located in Minnesota, tuition is limited to an amount equal to 50 percent of the cost of tuition at that public institution for the 1988-1989 academic year, except as provided in this section.

In the case of tuition paid to a Minnesota private institution or a public or private institution not located in Minnesota, reimbursement is limited to 50 percent of the cost of tuition for lower division programs in the college of liberal arts at the twin cities campus of the university of Minnesota in the 1988-1989 academic year, except as provided in this section.

In the case of tuition paid to a public or private technical or vocational school or community college located in Minnesota or outside of Minnesota for a single course or limited number of courses, the completion of which do not result in a degree, the full amount of tuition up to \$250 must be reimbursed.

If a member of the Minnesota national guard is killed in the line of state active duty, the state shall reimburse 100 percent of the cost of tuition for post-secondary courses satisfactorily completed by any surviving spouse and any surviving dependents who are 21 years old or younger. Reimbursement for surviving spouses and dependents is limited in amount and duration as is reimbursement for the national guard member.

The amount of tuition reimbursement for each eligible individual shall be determined by the adjutant general according to rules formulated within 30 days of the effective date of this section.

Tuition reimbursement received under this section shall not be considered by the Minnesota higher education coordinating board or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.09 to 136A.132.

Tuition reimbursement to be paid to a member of the national guard who has received a cash bonus under paragraph (a) must be reduced by the amount of the bonus.

The amount available for the tuition assistance is limited to the amount appropriated for tuition assistance in this section.

Any member of the Minnesota national guard who elects to take a credit for compensation for personal services in the Minnesota national guard against the tax due under chapter 290 is not eligible for the tuition reimbursement.

The department of military affairs shall keep an accurate record of the recipients of the bonus awards and tuition grants. The department shall make an interim report to the legislature by March 1, 1989, on the effectiveness of the bonus payments and tuition assistance program in retaining and recruiting members for the Minnesota national guard. The final report to the legislature shall be made by January 1, 1990. These reports shall include, but are not limited to, a review of the effect that the bonus payments, and tuition assistance programs have on the reenlistment rate of new members. The report shall include an accurate record of the effect that both the tuition reim-

bursement program and the bonus payments have on the recruitment and retention of members by rank, operational unit, unit location, individual income level, race, and sex.

The department of military affairs shall make a specific effort to recruit and retain women and members of minority groups into the guard through the use of the tuition reimbursement and bonus payments program.

#### Sec. 22. HUMAN RIGHTS

(a) Data and Word Processing 30,000

The approved complement of the department of human rights is increased by one position in fiscal year 1989.

The department shall consult with the information policy office regarding its future data processing needs.

(b) Investigative Unit 65,000

The approved complement of the department of human rights is increased by two positions in fiscal year 1989.

Sec. 23. COUNCIL ON THE AFFAIRS OF SPANISH SPEAKING PEOPLE 28,000

The appropriation is a one-time appropriation for the establishment of a research component of the council on the affairs of Spanish speaking people.

#### Sec. 24. COUNCIL ON PEOPLE WITH DISABILITIES

Handicapped Arts Organizations 50,000

This appropriation is for the Council on People with Disabilities to make general support grants, in consultation with the state board of the arts, to statewide handicapped arts organizations regardless of the size of their operating budgets. The board is encour-

aged to support handicapped arts organizations by providing technical and grant assistance as well as seeking partnership opportunities with the private sector.

#### Sec. 25. 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. 26. [REGIONAL PARK ACQUISITION.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that there is a need for a regional park on Lake Minnetonka to serve the recreation open space needs of the citizens of the entire metropolitan area and that it is in the public interest to authorize acquisition of land for such a park in accordance with the master plan approved by the metropolitan council.

Subd. 2. [ACQUISITION.] Notwithstanding any contrary provision of law, the suburban Hennepin regional park district may acquire real property for a Lake Minnetonka regional park by purchase, gift, or eminent domain pursuant to Minnesota Statutes, chapter 117, without local consent or approval by any affected municipality or other local governmental unit.

Subd. 3. [METROPOLITAN COUNCIL APPROVAL.] Before any acquisition of real property by eminent domain pursuant to subdivision 1, the metropolitan council must find, following public hearing, that:

- (1) acquisition of the property is in the public interest;
- (2) negotiations for acquisition of the property have not resulted in acquisition of land by purchase;
- (3) the proposed acquisition is consistent with the approved master plan maintained by the metropolitan council; and
- (4) the district is able to carry out the plan and operate the regional park.

The findings required by this subdivision may have been made before or may be made on or after the effective date of this act.

Subd. 4. [SMALL HOMESTEAD LIFE ESTATE.] The park dis-



tract may not acquire the fee title to a homestead of less than 20 acres by eminent domain without the written consent of the owner, but the district may acquire all title to the property except for a life estate in the person or persons residing on the homestead.

Subd. 5. [EXPIRATION.] Authority to acquire real property through eminent domain as provided in subdivisions 2 and 3 expires on December 31, 1989, except that an acquisition approved by the metropolitan council before January 1, 1990, may continue.

Subd. 6. [APPLICATION.] This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 27. [REPORT NOT REQUIRED.]

Notwithstanding Laws 1987, chapter 404, section 16, subdivision 5, the commissioner of administration is not required to prepare a report to the legislature recommending criteria for awarding operational and equipment grants to public broadcasting stations.

Sec. 28. [DEER FEEDING NOT REQUIRED.]

Notwithstanding Laws 1987, chapter 404, section 22, subdivision 7, \$127,900 in fiscal year 1988 and \$127,900 in fiscal year 1989 need not be used for emergency deer feeding.

Sec. 29. [CONSOLIDATION OF SPECIAL FUNDS.]

Notwithstanding Laws 1987, chapter 404, section 18, subdivision 1, the governor's budget recommendations submitted to the legislature in January 1989 need not include as general fund revenues and appropriations for fiscal years 1990 and 1991 all revenues and expenditures previously accounted for in other operating funds, but the commissioner of finance shall submit to the chairs of the senate finance and house of representatives appropriations committees by October 1, 1988, recommendations for consolidation of specific operating funds and accounts for those fiscal years.

The costs of the corporate audit function in the department of revenue will be appropriated from the general fund after July 1, 1989.

Sec. 30. [BUDGET GUIDELINES.]

As a supplement to their budget requests for the 1989-1991 biennium, state agencies shall provide to the senate committee on finance and the house of representatives committee on appropriations base level budget figures that follow the guidelines in this section.

(a) Before considering the salary supplement, they shall fund current personnel positions at the salary levels that will be in effect for those positions on July 1, 1989, at no higher a percentage of salary than those positions were funded during fiscal year 1989, with no allowance for past position underfunding except as provided in paragraph (c).

(b) In preparing their requests for supplies and expenses, they shall use prices and rates in effect at the time the requests are prepared, with no allowance for future inflation.

(c) In order to provide money to fully fund current personnel positions, workers compensation costs, unemployment compensation costs, or other obligations, each agency is encouraged to evaluate the worth of its current activities. Savings achieved by cutting back on less worthy activities may be used to fully fund its other obligations. The agency shall state the reasons why it proposes to cut back on an activity.

Sec. 31. [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. 32. Minnesota Statutes 1987 Supplement, section 3.885, is amended to read:

3.885 [LEGISLATIVE COMMITTEE COMMISSION ON PLANNING AND FISCAL POLICY.]

Subdivision 1. [MEMBERSHIP] The legislative committee commission on planning and fiscal policy consists of 18 members of the senate and the house of representatives appointed by the legislative coordinating commission. Vacancies on the committee commission are filled in the same manner as original appointments. The committee commission shall elect a chair and a vice-chair from among its members. The chair alternates between a member of the senate and a member of the house in January of each odd-numbered year.

Subd. 2. [COMPENSATION.] Members of the committee commission are compensated in the manner provided by section 3.101.

Subd. 3. [STAFF] (a) The committee commission may hire staff necessary to carry out its duties and may also:

(1) employ and fix the salaries of professional, technical, clerical,

and other staff of the commission;

(2) employ and discharge staff solely on the basis of their fitness to perform their duties and without regard to political affiliation;

(3) buy necessary furniture, equipment, and supplies;

(4) enter into contracts for necessary services, equipment, office, and supplies;

(5) provide its staff with computer capability necessary to carry out assigned duties. The computer should be capable of receiving data and transmitting data to computers maintained by the executive and judicial departments of state government that are used for budgetary and revenue purposes; and

(6) use other legislative staff.

(b) The legislative coordinating commission shall provide office space and administrative support to the committee. The commissioners of finance and revenue shall supply the committee with information upon request of the chair. The state planning agency shall report to the committee, and the committee may make recommendations to the state planning agency.

Subd. 4. [AGENCIES TO COOPERATE.] All departments, agencies, and education institutions of the executive and judicial branches must comply with a request of the commission for information, data, estimates, and statistics on the funding revenue operations, and other affairs of the department, agency or education institution. The commissioner of finance and the commissioner of revenue shall provide the commission with full and free access to information, data, estimates, and statistics in the possession of the finance and revenue departments on the state budget, revenue, expenditures, and tax expenditures.

Subd. 5. [DUTIES.] (a) The committee commission shall study and evaluate the actual and projected expenditures by state government, the actual and projected sources of revenue that support these expenditures, and the various options available to meet the state's future fiscal needs:

(1) provide the legislature with research and analysis of current and projected state revenue, state expenditures, and state tax expenditures;

(2) provide the legislature with a report analyzing the governor's proposed levels of revenue and expenditures for biennial budgets submitted under section 16A.11 as well as other supplemental budget submittals to the legislature by the governor;

(3) provide an analysis of the impact of the governor's proposed revenue and expenditure plans for the next biennium;

(4) conduct research on matters of economic and fiscal policy and report to the legislature on the result of the research;

(5) provide economic reports and studies on the state of the state's economy, including trends and forecasts for consideration by the legislature;

(6) conduct budget and tax studies and provide general fiscal and budgetary information;

(7) review and make recommendations on the operation of state programs in order to appraise the implementation of state laws regarding the expenditure of funds and to recommend means of improving their efficiency;

(8) recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures and revenue projections; and

(9) make a continuing study and investigation of the building needs of the government of the state of Minnesota, including, but not limited to the following: the current and future requirements of new buildings, the maintenance of existing buildings, rehabilitating and remodeling of old buildings, the planning for administrative offices, and the exploring of methods of financing building and related costs.

(b) In performing this duty its duties under paragraph (a), the committee commission shall consider, among other things:

(1) the relative dependence on state tax revenues, federal funds, and user fees to support state-funded programs, and whether the existing mix of revenue sources is appropriate, given the purposes of the programs;

(2) the relative percentages of state expenditures that are devoted to major programs such as education, assistance to local government, aid to individuals, state agencies and institutions, and debt service; and

(3) the role of the legislature in overseeing state government expenditures, including legislative appropriation of money from the general fund, legislative appropriation of money from funds other than the general fund, state agency receipt of money into revolving and other dedicated funds and expenditure of money from these

funds, and state agency expenditure of federal funds.

As necessary, the committee shall recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures. The committee may also make recommendations for changes in the design or continuing operation of programs.

(c) The committee's commission's recommendations must consider the long-term needs of the state. The recommendations must not duplicate work done by standing committees of the senate and house of representatives.

The committee commission shall report to the legislature on its activities and recommendations by January 15 of each odd-numbered year.

The commission shall provide the public with printed and electronic copies of reports and information for the legislature. Copies must be provided at the actual cost of furnishing each copy.

Sec. 33. Minnesota Statutes 1986, section 3.9223, subdivision 5, is amended to read:

Subd. 5. [POWERS.] The council shall have power to contract in its own name. Contracts shall be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in this section.

The council shall appoint, subject to the approval of the governor, an executive director who shall be experienced in administrative activities and familiar with the problems and needs of Spanish-speaking people. The council may delegate to the executive director any powers and duties under this section which do not require council approval. The executive director and council staff shall serve in the unclassified service. The executive director may be removed at any time by a majority vote of the entire council. The executive director shall recommend to the council the appropriate staffing patterns necessary to carry out its duties. The commissioner of administration shall provide the council with necessary administrative services, and the council shall reimburse the commissioner for the cost of these services.

Sec. 34. Minnesota Statutes 1986, section 3.9225, subdivision 5, is amended to read:

Subd. 5. [POWERS.] The council shall have power to contract in its

own name, provided that no money shall be accepted or received as a loan nor shall any indebtedness be incurred except as otherwise provided by law. Contracts shall be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in subdivisions 1 to 7.

The council shall appoint an executive director who shall be experienced in administrative activities and familiar with the problems and needs of Black people. The council may delegate to the executive director any powers and duties under subdivisions 1 to 7 which do not require council approval. The executive director shall serve in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council, and the council may appoint, the appropriate staff necessary to carry out its duties. All staff members shall also serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services, and the council shall reimburse the commissioner for the cost of these services.

Sec. 35. Minnesota Statutes 1986, section 3.9226, subdivision 5, is amended to read:

Subd. 5. [POWERS.] (a) The council may contract in its own name but may not accept or receive a loan or incur indebtedness except as otherwise provided by law. Contracts must be approved by a majority of the members of the council and executed by the chair and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

(b) The council shall appoint an executive director who is experienced in administrative activities and familiar with the problems and needs of Asian-Pacific people. The council may delegate to the executive director any powers and duties under this section that do not require council approval. The executive director serves in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council, and the council may appoint, the appropriate staff necessary to carry out the duties of the council. All staff members serve in the unclassified service. The commissioner of administration shall provide the council with necessary administrative services, for which the council shall reimburse the commissioner.

Sec. 36. [4.071] [OIL OVERCHARGE MONEY.]

Money received by the state as a result of litigation or settlements of alleged violations of federal petroleum pricing regulations may not be spent until the legislative commission on Minnesota resources has reviewed the proposed projects and the money is

specifically appropriated by law. A work plan must be prepared for each proposed project for review by the commission. The commission must recommend specific projects to the legislature.

Sec. 37. [APPROPRIATION.]

Subdivision 1. The amounts provided in this section are appropriated from the money received before the effective date of this section by the governor, the commissioner of finance, or any other state agency as a result of the settlement of the parties and order of the United States District Court for the District of Kansas in the case of In Re Department of Energy Stripper Well Exemption Litigation, 578 F.Supp. 586 (D. Kan. 1983). The appropriations remain available until expended.

Subd. 2. \$8,300,000 of the money received is appropriated to the commissioner of jobs and training for the purposes of the low-income weatherization assistance program. A grant, loan or other means of assistance provided as a result of money appropriated under this subdivision must provide energy savings over a ten year period that the commissioner estimates to be equal to or exceeds the amount of the grant, loan or other means of assistance.

Subd. 3. \$282,000 is appropriated to the commissioner of administration, for the purposes of a grant to the Lake Isabella environmental learning center. The grant must be used for the installation and operation of a wood burning central heating system located and operated in a manner that allows its use as a teaching station. The commissioner may enter into an appropriate grant agreement to carry out the terms of the grant.

Subd. 4. \$77,000 is appropriated to the commissioner of administration for the natural resources research institute for the energy efficient comparison study of concrete block structures.

Subd. 5. \$2,000,000 is appropriated to the commissioner of administration for the agricultural utilization research institute for grants, not to exceed \$100,000 per grant, for energy-related projects for research or demonstration projects that foster development or public demonstration of agricultural practices that minimize the use of energy in production agriculture.

Subd. 6. \$2,000,000 is appropriated to the commissioner of administration for the Minnesota cold climate building research center for research and technology transfer projects that promote energy savings in buildings.

Subd. 7. \$2,000,000 is appropriated to the commissioner of administration for the center of transportation studies for research and technology transfer projects that promote energy efficiency in trans-

portation systems, including the use of bicycles.

Subd. 8. \$2,000,000 is appropriated to the commissioner of administration for the center for the science and application of superconductivity, for research and technology transfer projects that promote energy efficiency in the generation and transportation of electricity.

Subd. 9. \$10,000 is appropriated to the commissioner of administration for a grant to independent school district No. 625, St. Paul, to prepare an application for a grant for a photo-voltaic cell project.

Subd. 10. (a) The remainder of the money received under subdivision 1, any further money received by the state as a result of the settlement referred to in subdivision 1 and any investment earnings of this money that is not appropriated by subdivisions 2 to 9 is appropriated to the commissioner of administration to be used for grants to local units of government, school districts, post-secondary institutions, nonprofit organizations, and other individuals and business entities for research resulting in decreased dependence on fossil fuels and for technology transfer projects with the same purpose.

(b) Money available under this subdivision may not be spent until the legislative commission on Minnesota resources has reviewed the proposed projects. A work plan must be prepared for proposed projects for review by the commission. The commission must recommend specific projects to the commissioner.

#### Sec. 38. [EXXON OIL OVERCHARGE APPROPRIATION.]

Money received by the state as a result of the settlement of the parties and order of the United States District Court for the District of Columbia in the case of United States v. Exxon Corp., 561 F. Supp. 816 (D.D.C. 1983), including any interest earned, is appropriated to the commissioner of public service to be spent in accordance with the order of the legislative advisory commission dated August 20, 1986, to remain available until expended.

Sec. 39. Minnesota Statutes 1987 Supplement, section 8.15, is amended to read:

#### 8.15 [ATTORNEY GENERAL COSTS.]

The attorney general in consultation with the commissioner of finance shall assess executive branch agencies a fee for legal services rendered to them. The budget requests of all executive branch agencies submitted to the legislature in each odd-numbered year must show the actual or estimated amount assessed, paid, and requested for each year. The assessment against appropriations from other than the general fund must be the full amount of the fee.



The assessment against appropriations supported by fees must be included in the fee calculation. Unless appropriations are made for fee supported costs, no payment by the agency is required. The assessment against appropriations from the general fund not supported by fees must be one-half of the fee. Receipts from assessments must be deposited in the state treasury and credited to the general fund.

Sec. 40. Minnesota Statutes 1986, section 10A.01, is amended by adding a subdivision to read:

Subd. 24. [STATE COMMITTEE.] "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of the political party at the state level.

Sec. 41. Minnesota Statutes 1986, section 10A.25, subdivision 10, is amended to read:

Subd. 10. The expenditure limits imposed by this section apply only to candidates who agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of:

(a) an allocation of money from the state elections campaign fund;  
or

(b) Credits against the tax due of individuals who contribute to that candidate.

Sec. 42. Minnesota Statutes 1986, section 10A.31, subdivision 5, is amended to read:

Subd. 5. In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:

(1) 21 percent for the offices of governor and lieutenant governor together;

(2) 3.6 percent for the office of attorney general;

(3) 1.8 percent each for the offices of secretary of state, state auditor and state treasurer;

(4) In each calendar year during the period in which state senators serve a four-year term, 23 $\frac{1}{3}$  percent for the office of state senator and 46 $\frac{2}{3}$  percent for the office of state representative;

(5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative;

In each calendar year the money in each party account shall be allocated as follows:

(1) 14 percent for the offices of governor and lieutenant governor together;

(2) 2.4 percent for the office of attorney general;

(3) 1.2 percent each for the offices of secretary of state, state auditor and state treasurer;

(4) In each calendar year during the period in which state senators serve a four-year term, 23 $\frac{1}{3}$  percent for the office of state senator and 46 $\frac{2}{3}$  percent for the office of state representative;

(5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative;

(6) 10 percent for the state committee of a political party; money allocated to each state committee under this clause must be deposited in a separate account and must be spent for legitimate political party operations, including voter education; the sample ballot; operations of precinct caucuses, county unit conventions, and state conventions; and the maintenance and programming of computers used to provide lists of voters, party workers, party officers, patterns of voting, and other data for use in political party activities; money allocated to a state committee under this clause must be paid to the committee as it is received in the account, on a monthly or other basis agreed to between the committee and the board.

To assure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, moneys from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive money from the candidate's party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula;

For each county within the candidate's district the candidate's share of the dollars allocated in that county to the candidate's party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that

candidate's party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, amounts in the party's account shall be allocated based on (a) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (b) the number of the people voting in that county in the last general election, multiplied by (c) the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

In a year in which the first election after a legislative reapportionment is held, "the candidate's district" means the newly drawn district, and voting data from the last general election will be applied to the area encompassing the newly drawn district notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.

Money from a party account not distributed to candidates for state senator and representative in any election year shall be returned to

the general fund of the state. Money from a party account not distributed to candidates for other offices in an election year shall be returned to the party account for reallocation to candidates as provided in clauses (1) to (6) of this subdivision in the following year. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision.

Sec. 43. Minnesota Statutes 1986, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS.] By January April 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must be a fixed amount per year, to take effect on the first Monday in January of the next odd-numbered year, with no more than one adjustment, to take effect on January 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected by a bill enacted into law. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

Sec. 44. Minnesota Statutes 1986, section 16B.24, subdivision 9, if added by a law enacted at the 1988 regular session styled as H. F. No. 2291, section 9, is amended to read:

Subd. 9. [SMOKING IN STATE BUILDINGS.] (a) To protect the public health, comfort, and environment and to protect the nonsmoker's right to a smoke-free environment, smoking in all buildings managed or leased by the commissioner under subdivisions 1 and 6 is prohibited except where smoking areas have been designated under a policy adopted in accordance with paragraph (b).

(b) Except as provided in paragraph (c), each state agency shall adopt a smoking policy for the space it occupies. Before placing a policy in effect, the agency shall submit the policy and a plan for implementing it to the commissioner of employee relations. The policy must:

(1) prohibit smoking entirely; or

(2) permit smoking only in designated areas, providing that existing physical barriers and ventilation systems can be used to prevent or substantially minimize the toxic effect presence of smoke

in adjacent nonsmoking areas.

(c) An agency need not adopt a new policy governing an area in which smoking is prohibited under a policy in effect on the effective date of this subdivision.

No employee complaining of a smoke-induced discomfort to a lessor, lessee, manager, or supervisor may be subjected to any disciplinary action as a result of making the complaint.

Sec. 45. Minnesota Statutes 1986, section 16B.24, subdivision 10, if added by a law enacted at the 1988 regular session styled as H. F. No. 2291, section 10, is amended to read:

Subd. 10. [CHILD CARE SERVICES SPACE.] For state office space that is leased, purchased, or substantially remodeled after August 1, 1988, the commissioner shall consider including space usable for child care services. Child care space must be included if the commissioner determines that it is needed and that it could be provided at reasonable cost. The commissioner may prepare a day care site as a common usage space for the capitol complex.

Sec. 46. Minnesota Statutes 1986, section 17.105, subdivision 4, is amended to read:

Subd. 4. [WORKING CAPITAL ACCOUNT.] An export finance authority working capital account is created as a special account in the state treasury. All premiums, interest, and fees collected under subdivision 3, clause (6) must be deposited into this account. The balance in the account may exceed \$1,000,000 through accumulated earnings. Money in the account including interest earned and appropriations made by the legislature for the purposes of this section, is appropriated annually to the finance authority for the purposes of this section. The balance in the account may decline below \$1,000,000 as required to pay defaults on guaranteed loans.

Sec. 47. Minnesota Statutes 1986, section 18.191, is amended to read:

#### 18.191 [DESTRUCTION OF NOXIOUS WEEDS.]

Except as otherwise specifically provided in sections 18.181 to 18.271, 18.281 to 18.311, and 18.321 to 18.322, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or an agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as defined in section 18.171, subdivision 5, standing, being, or growing upon such land, in such manner and at such times as may be directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or by a local weed inspector

having jurisdiction.

Except as provided below, an owner of nonfederal lands underlying public waters or wetlands designated under section 105.391 is not required to control or eradicate purple loosestrife (Lythrum salicaria) below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 105.391, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner may enter upon public waters and wetlands designated under section 105.391 and may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife. The responsibility of the commissioner to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife under sections 18.171 to 18.315. State officers, employees, agents, and contractors are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.

Sec. 48. Minnesota Statutes 1987 Supplement, section 41A.065, subdivision 8, is amended to read:

Subd. 8. [REVOLVING ACCOUNT.] The development company may charge a one-time processing fee up to the maximum allowed by the Small Business Administration on a debenture issued for loan purposes. In addition, a fee for servicing loans may be imposed up to the maximum allowed by the Small Business Administration based on the unpaid balance of each debenture. These fees must be deposited in the state treasury and credited to a special account in the agricultural and economic development fund. Money in the account is appropriated to the board to pay the costs of administering the program, including personnel costs; compensate members of the board of directors under section 15.0575, subdivision 3, and to create and operate a pool of money for investment in projects that further the purposes of this section.

Sec. 49. Minnesota Statutes 1987 Supplement, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections;

jobs and training; education; employee relations; energy and economic development; finance; health; human rights; labor and industry; natural resources; office of administrative hearings; public safety; public service; public welfare; revenue; transportation; and veterans affairs; the housing finance, state planning, and pollution control agencies; the state board of investment; the offices of the secretary of state, state auditor, and state treasurer; the state board of vocational technical education; and the school and resource center for the arts; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(a) the designation of the position would not be contrary to other law relating specifically to that agency;

(b) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(d) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) the position would be at the level of division or bureau director or assistant to the agency head; and

(g) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 50. Minnesota Statutes 1986, section 85.012, is amended by adding a subdivision to read:

Subd. 27a. Hill-Annex Mine state park, Itasca county.

Sec. 51. [PARK BOUNDARIES.]

Hill-Annex Mine state park consists of the surface interest in land within Itasca county described as Section 16, Township 56 North, Range 23 West, excluding an area containing 6.5 acres more or less which is described as follows:

Starting at the corner common to Sections 17, 16, 20 and 21, Township 56 North, Range 23 West; thence due east on section line 155 feet to point of beginning; thence due east 916 feet; thence due north 330 feet; thence due west 916 feet; thence due south 330 feet to the point of beginning.

Sec. 52. [OPERATION.]

Hill-Annex Mine state park must be funded by the iron range resources and rehabilitation board at the level of \$200,000 per year until July 1, 1991. The commissioner of natural resources must report to the legislature by January 1, 1990, regarding the revenues, visitation, and operating costs for the park, and making recommendations on continuing operational requirements.

Sec. 53. [ACQUISITION.]

The commissioner of natural resources shall acquire by condemnation or exchange sufficient ownership interests in the surface estate of the land described in section 51 to create a state park to interpret and provide the public with an opportunity to view and experience natural iron ore open-pit mining operations as conducted on Minnesota's historic iron ranges.

The commissioner may not condemn the mineral estate in the described property, and, in the establishment of the park, shall recognize the possibility that mining may be conducted on the property in the future, and that use of portions of the surface estate may be necessary to these possible future mining operations. Subject to the above conditions, all lands acquired for the Hill-Annex Mine state park must be administered in the same manner as provided for other state parks and must be perpetually dedicated for that use.

Sec. 54. [EQUIPMENT.]

For establishing Hill-Annex Mine state park, the iron range resources and rehabilitation board must transfer the existing vehicles, maintenance equipment, and office equipment at Hill-Annex Mine, other than vehicles and equipment used primarily for mine-land reclamation, to the commissioner of natural resources.

Sec. 55. Minnesota Statutes 1987 Supplement, section 85.055, subdivision 1, is amended to read:

Subdivision 1. [FEES.] The fee for state park permits for:

- (1) an annual use of state parks is \$15 \$16;
- (2) a second vehicle state park permit is one-half the annual state



park permit fee in clause (1);

(3) a special state park permit valid up to two days is ~~\$\$~~ \$3.25;

(4) a special daily vehicle state park permit for groups is as prescribed by the commissioner;

(5) an employee's state park permit is without charge;

(6) a special state park permit for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (2), is one-half the annual state park permit fee in clause (1); and

(7) a special state park permit valid up to two days for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (3), is ~~one-half of the special state park permit fee in clause (3)~~ \$2.

The fees specified in this subdivision include any sales tax required by state law.

Sec. 56. Minnesota Statutes 1987 Supplement, section 105.44, subdivision 10, is amended to read:

Subd. 10. [PERMIT FEES.] Each application for a permit authorized by sections 105.37 to 105.64, and each request to amend or transfer an existing permit, must be accompanied by a permit application fee of \$30 to defray the costs of receiving, recording, and processing the application or request to amend or transfer. The commissioner may charge an additional permit application fee in excess of the \$30 fee but not over \$250 for each application for a permit submitted under section 105.391, 105.41, or 105.535 is \$75. The application fee for a permit submitted under section 105.42 or 105.64 must be between \$75 and \$500, in accordance with a schedule of fees under section 16A.128.

The commissioner may charge an additional field inspection fee for:

(1) projects requiring a mandatory environmental assessment under chapter 116D;

(2) projects undertaken without a permit or application as required by sections 105.37 to 105.64; and

(3) projects undertaken in excess of limitations established in an issued permit. The fee must not be less than \$25 \$100 nor more than \$750 actual field inspection costs. The purpose of the fee is to cover actual costs for each permit applied for under sections 105.37 to

105.64 and for each project undertaken without proper authorization.

The commissioner shall establish a schedule of field inspection fees under section 16A.128. The schedule must include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4 do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16B.01, or federal governmental agency applying for a permit.

Sec. 57. Minnesota Statutes 1987 Supplement, section 115C.02, subdivision 13, is amended to read:

Subd. 13. [RESPONSIBLE PERSON.] "Responsible person" means a person who is ~~an owner or operator of a tank at any time during or after the release~~ responsible for a release under section 58.

Sec. 58. [115C.021] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] Except as provided in subdivision 2, a person is responsible for a release from a tank if the person is an owner or operator of the tank at any time during or after the release.

Subd. 2. [EXCEPTION OF CERTAIN TANK OWNERS.] An owner of a tank is not responsible for a release from the tank if the owner can establish that:

(1) the tank was in place but the owner did not know or have reason to know of its existence at the time the owner first acquired right, title, or interest in the tank; and

(2) the owner did not by failure to report under section 115.061 or other action significantly contribute to the release after the owner knew or reasonably should have known of the existence of the tank.

Sec. 59. Minnesota Statutes 1986, section 116.18, 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 money received from other sources must be submitted with the request for the grant increase. Money remaining after all grants have been awarded under this subdivision may be used for the award of grants under subdivisions 2a and 3a.

Sec. 60. Minnesota Statutes 1986, section 116.48, is amended by adding a subdivision to read:

Subd. 6. [AFFIDAVIT.] Before transferring ownership of property that the owner knows contains an underground storage tank or contained an underground storage tank that had a release for which no corrective action was taken, the owner shall record with the county recorder or registrar of titles of the county in which the property is located an affidavit containing:

- (1) a legal description of the property where the tank is located;
- (2) a description of the tank, of the location of the tank, and of any known release from the tank of a regulated substance;
- (3) a description of any restrictions currently in force on the use of the property resulting from any release; and
- (4) the name of the owner.

The county recorder shall record the affidavits in a manner that will insure their disclosure in the ordinary course of a title search of the subject property. Before transferring ownership of property that the owner knows contains an underground storage tank, the owner shall deliver to the purchaser a copy of the affidavit and any additional information necessary to make the facts in the affidavit accurate as of the date of transfer of ownership.

Sec. 61. Minnesota Statutes 1986, section 116.48, is amended by adding a subdivision to read:

Subd. 7. [RECORDING OF REMOVAL AFFIDAVIT.] If an affidavit has been recorded under subdivision 6 and the tank and any regulated substance released from the tank have been removed from the property in accordance with applicable law, the owner or other interested party may file with the county recorder or registrar of titles an affidavit stating the name of the owner, the legal description of the property, the place and date of filing and document number of the affidavit filed under subdivision 6, and the approximate date of removal of the tank and regulated substance. Upon filing the affidavit described in this subdivision, the affidavit and the affidavit filed under subdivision 6, together with the information set forth in the affidavits, cease to constitute either actual or constructive notice.

Sec. 62. Minnesota Statutes 1987 Supplement, section 116C.712, subdivision 5, is amended to read:

Subd. 5. [ASSESSMENT.] (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program; and

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state; and

(4) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the state planning agency for these purposes.

(b) The state planning agency shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the state planning agency for the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments

made under section 116C.69. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the department of energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the state planning agency for the purposes listed in this section.

Sec. 63. Minnesota Statutes 1986, section 116J.615, is amended by adding a subdivision to read:

Subd. 3. [REGIONAL TOURISM OFFICES.] Employees in regional tourism offices are in the unclassified civil service.

Sec. 64. Minnesota Statutes 1987 Supplement, section 116J.941, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota council on productivity and quality consists of the commissioner of energy trade and economic development and ~~eight~~ eleven members, appointed from the general public to four-year terms, who have backgrounds in or are representatives of management, labor, small business, engineering, or business-management education. The governor shall appoint ~~four~~ five members, the speaker of the house of representatives shall appoint ~~two~~ three members, and the senate majority leader shall appoint ~~two~~ three members. The council shall elect two co-chairs from its membership, except that the commissioner of energy trade and economic development may not serve as a co-chair. Compensation of public members for expenses is as provided for members of advisory task forces under section 15.059, subdivision 6.

Sec. 65. Minnesota Statutes 1987 Supplement, section 116J.966, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

(1) locate, develop, and promote international markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at domestic and international trade shows;

(4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) undertake activities to support the world trade center; and

(12) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09.

(b) The programs and activities of the commissioner of trade and economic development and the Minnesota trade division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota world trade center corporation.

(c) The commissioner shall notify the chairs of the senate finance and house appropriations committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

Sec. 66. Minnesota Statutes 1987 Supplement, section 1160.03, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS.] The corporation is governed by a board of 11 directors. The term of a director is six years. Vacancies on the board are filled by appointment of the board, subject to the advice and consent of the senate. The board may determine the compensation of its members. Board members may receive reasonable compensation and be reimbursed for reasonable expenses, which must be reviewed each year by the commissioner of finance.

Sec. 67. Minnesota Statutes 1987 Supplement, section 1160.04, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The board shall appoint and set the compensation for a president, who serves as chief executive officer of the corporation, and who may appoint subordinate officers. The president's salary may not exceed 95 percent of the governor's salary. The board may designate the president as its general agent. Subject to the control of the board, the president shall employ employees, consultants, and agents the president considers necessary. The staff of the corporation must include individuals knowledgeable in commercial and industrial financing, research and development, economic development, and general fiscal affairs. The board shall define the duties and designate the titles of the employees and agents.

Sec. 68. Minnesota Statutes 1987 Supplement, section 1160.06, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL ASSISTANCE; TYPES.] The corporation may provide financial assistance to sole proprietorships, businesses, or for-profit or nonprofit organizations that have (1) received research assistance from a corporation research facility or as a result of a research grant under section 1160.09, subdivision 4, or 1160.011; or (2) received favorable review through a peer review process established under guidelines developed under section 1160.10, subdivision 2. Financial assistance includes, but is not limited to, loan guarantees or insurance, direct loans, and interest subsidy payments. The corporation may participate in loans by purchasing from a lender up to 50 percent of each loan.

Sec. 69. [MUNICIPAL LITIGATION LOANS.]

Subdivision 1. [AUTHORITY.] The pollution control agency may administer a one-year pilot project for making loans to municipalities to assist them in bringing or defending against litigation involving waste water treatment projects funded by state or federal money.

Subd. 2. [CRITERIA AND LIMITATIONS.] The amount of a loan to a municipality must not exceed 50 percent of the municipality's litigation costs incurred or \$50,000, whichever is less. Only municipalities with less than 1,500 population that are in litigation and that are unable to pay the reasonable costs of litigation are eligible. A municipality that has been awarded a corrective action grant under Minnesota Statutes, section 116.181 is not eligible for a litigation loan under this section. The interest rate and term of the loan must be determined by the agency. The interest rate on the loan must be below market rate. The agency is exempt from the rulemaking requirements of the administrative procedure act, Minnesota Statutes, chapter 14, for the purposes of administering this program.

Subd. 3. [APPLICATIONS.] Applications by municipalities for loans must be made to the agency on forms provided by the agency. The application must include documentation of litigation costs incurred, reasonableness of the costs, and verification that the municipality cannot pay the litigation costs. The application must be accompanied by a resolution of the governing body of the municipality obligating it to repay the loan according to the loan agreement.

Subd. 4. [LEGISLATIVE REPORT.] By January 1, 1989, the agency shall submit a report with its recommendations to the legislature on the need for continuation of the municipal litigation loan program.

Sec. 70. Minnesota Statutes 1987 Supplement, section 161.52, is amended to read:

161.52 [TOURIST TRAVEL INFORMATION CENTERS.]

For the fiscal year ending June 30, 1988, and subsequent years, the payment of the cost of staffing and operating tourist travel information centers located on trunk highways, including interstate highways, by the commissioner of ~~transportation~~ trade and economic development is subject to the following restrictions:

(a) For the fiscal year ending June 30, 1988, not more than five-sixths of the cost may be paid from the trunk highway fund.

(b) For the fiscal year ending June 30, 1989, not more than one-third of the cost may be paid from the trunk highway fund.

(c) For the fiscal year ending June 30, 1990, no part of the cost may be paid from the trunk highway fund.

That portion of the cost not paid from the trunk highway fund must be paid either by the commissioner from funds appropriated for



that purpose from sources other than the trunk highway fund, or by local sources of funding.

Sec. 71. 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. 72. 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. 73. Minnesota Statutes 1986, section 611.215, is amended by adding a subdivision to read:

Subd. 4. [OFFICE SPACE.] The commissioner of administration shall provide suitable quarters outside the capitol building for the board and its appointees.

Sec. 74. Minnesota Statutes 1987 Supplement, section 611.24, is amended to read:

#### 611.24 [ORGANIZATION OF OFFICE; ASSISTANTS.]

The state public defender, subject to the limitations imposed by, and the supervision of, the state board of public defense, may employ or retain assistant state public defenders and other personnel as may be necessary to discharge the function of the office. ~~The commissioner of administration shall provide the office with suitable quarters outside the capitol building.~~ An assistant public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or

retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Sec. 75. Laws 1986, chapter 441, section 14, is amended to read:

Sec. 14. [APPROPRIATION.]

\$20,000,000 is appropriated to the commissioner of natural resources. Notwithstanding Minnesota Statutes, section 298.293 or 298.294 or any other law, this appropriation is from the corpus of the northeast Minnesota economic protection fund. This money is available only as a loan guarantee for the smelting project using the COREX process and is contingent upon receipt by the commissioner of natural resources of sufficient funding from other sources to complete the project. If the project is approved by the United States department of energy prior to December 31, 1987 1988, this appropriation does not cancel but is available until June 30, 1992, or the project is completed or abandoned, whichever occurs earlier. On July 1, 1992, up to \$20,000,000 is appropriated from the general fund, to be taken from the proceeds of the taconite occupation tax imposed under Minnesota Statutes, section 298.01, to the commissioner of natural resources to be used only as necessary to continue the loan guarantee or to be drawn down to cover a default according to this subdivision. If the general fund appropriation is used to cover a default in the loan, there shall be repaid from the northeast Minnesota economic protection trust fund to the general fund one-half the amount of the default. Payments shall be made in ten equal annual installments, with the first payment made one year from the date of the default. No interest shall be paid on these payments. An amount sufficient to make the repayments is appropriated from the northeast Minnesota economic protection trust fund. The money appropriated from the northeast Minnesota economic protection trust fund shall be spent only in or for the benefit of tax relief areas as defined in Minnesota Statutes, section 273.134.

Sec. 76. Laws 1987, chapter 348, section 48, subdivision 3, is amended to read:

Subd. 3. [COLLECTION AND DISPOSAL.] The agency shall provide for the establishment and operation of temporary collection sites for waste pesticides. It may use its United States Environmental Protection Agency identification number to identify pesticides collected. The agency may limit the type and quantity of pesticides acceptable for collection and may assess persons bringing pesticides to the collection site for costs incurred by the agency to store, test, handle, and dispose of the pesticides. The assessments must be deposited in the state treasury and credited to the solid and hazardous waste account and are appropriated to the agency to pay for costs incurred to store, test, handle, and dispose of the pesticides.

Sec. 77. Laws 1987, chapter 357, section 27, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF NATURAL RESOURCES.] \$1,200,000 is appropriated from the general fund to the commissioner of natural resources to implement components of the comprehensive fish and wildlife plan under Minnesota Statutes, section 84.942, to be available until June 30, 1989. \$480,000 of this appropriation is to assist both public and private landowners to improve wildlife habitat. The approved complement of the department of natural resources is increased by eight positions in the classified service.

Sec. 78. Laws 1987, chapter 404, section 20, subdivision 6, is amended to read:

Subd. 6. Tax Compliance

\$22,030,300            \$23,176,500

Notwithstanding any contrary provisions, \$1,900,000 of the amount appropriated to the commissioner of revenue must be used by the department of revenue for compliance initiatives. Of this amount, \$570,000 the first year is for the automated collection system. If this system is not fully operational by August 1, 1988, the general fund appropriation for the department shall be reduced by \$570,000. Notwithstanding any law to the contrary, and to accomplish this purpose, the agency may transfer up to \$1,900,000 of unencumbered balances among programs after getting the approval of the commissioner of finance. The transfer must follow the general procedures for transfers contained in this act.

Summary by Fund

General

\$17,876,900    \$19,044,800

Special Revenue

\$ 4,153,400    \$ 4,131,700

The first \$4,617,800 of corporate income tax receipts in the first year and

the first \$4,588,200 of corporate income tax receipts in the second year must be credited to the special revenue fund.

Sec. 79. Laws 1985, First Special Session chapter 15, section 4, subdivision 6, is amended to read:

Subd. 6. To the commissioner of natural resources to construct an educational center at the Environmental Learning Center at Isabella

\$1,853,900

This appropriation is for payment of a grant to Lake county. This appropriation is available only as matched, dollar for dollar, by contributions from nonstate sources.

Sec. 80. [CONVEYANCE TO CITY OF ST. PETER.]

Notwithstanding other law, the commissioner of natural resources shall convey on behalf of the state the property described in this section to the city of St. Peter. The conveyance is contingent upon approval by the national park service and must be made by quitclaim deed in a form approved by the attorney general. After conveyance by the commissioner of natural resources to the city of St. Peter, this land must be used for purposes other than outdoor recreation.

The property to be transferred is located in the city of St. Peter containing about 3.5 acres described as:

All of Lots 4, 5, 6, and 7 in Block 100 of the town of Traverse des Sioux, South of Sibley Street, and that part of Lots 8, 9, 10, and 11 in Block 100 lying westerly of the west right-of-way line of Trunk Highway No. 169.

Also, all that part of the following described land lying westerly of the westerly right-of-way line of U.S. Highway 169: Beginning at the southeasterly corner of Lot 6 of Block 116 on the north line of McCann Street in the town of Traverse des Sioux south of Sibley Street; thence southwesterly to a point where the west line of First or Main Street intersects the south line of McCann Street; thence westerly along said south line of McCann Street to the east line of Third Street; thence at right angles southerly along said east line of Third Street 510 feet; thence at right angles easterly 150 feet thence at right angles southerly 150 feet to the north line of Rice Street; thence at right angles easterly along said north line of Rice Street 510 feet; thence at right angles southerly to the east line of Section 9, Township 110 North, Range 26 West; thence North along said section line to a point where the north line of McCann Street

extended intersects the said section line; thence westerly along the north line of McCann Street extended to the point of beginning.

The property to be conveyed is a small tract west of U.S. Trunk Highway No. 169 that was transferred to the city of St. Peter as part of a 416 acre parcel to be used as a park but is subject to a reverter. This reverter, which required the city of St. Peter to retain these lands as a park, was included to comply with the federal requirements of the Land and Water Conservation Fund Act of 1965. The tract to be transferred is a barren tract of land that has not served a park purpose and is to be used for development.

Any use of these lands for other than outdoor recreation will require the prior approval of the secretary of the interior. The commissioner of natural resources will attempt to secure approval for this conveyance from the secretary of the interior. If approval is denied, the city of St. Peter will assist the commissioner of natural resources in securing approval by:

(1) acquiring replacement lands of at least equal fair market value for outdoor recreation purposes and of reasonably equivalent usefulness and location as those being conveyed under this section;

(2) securing appraisals acceptable to the commissioner of natural resources for both the property being conveyed and the property to be acquired as replacement;

(3) preparing environmental documentation of the replacement property in accordance with the National Environmental Policy Act of 1969, as amended; and

(4) holding public hearings and accepting public comment on this conveyance if required by the national park service.

#### Sec. 81. [CROW WING COUNTY CAMP LAND.]

Lands conveyed by the state to the St. Louis Park Lions Club under Laws 1965, chapter 297, and required by that law to be used only for the purposes of operating a boy scout camp may be conveyed by the St. Louis Park Lions Club to Volunteers in Partnership, Inc. and used for the purpose of operating a youth camp, notwithstanding the reverter in the deed to the contrary. If the lands are conveyed as authorized by this section, the conveyance shall provide that the lands will revert to the state upon failure to use them for a youth camp.

#### Sec. 82. [AGENCY HEAD SALARY INCREASES.]

The limitation imposed by Laws 1987, chapter 404, section 43, subdivision 2, on salary increases for positions listed in Minnesota

Statutes, section 15A.081, subdivision 1, does not apply to the salary of a position that is moved by amendment of section 15A.081, subdivision 1, to a higher salary range.

Sec. 83. [REPEALER.]

Minnesota Statutes 1986, section 10A.32, subdivision 3b; and Laws 1987, chapter 358, section 31, are repealed.

Sec. 84. [EFFECTIVE DATE.]

This article is effective the day following final enactment, except that the fee increases provided in section 55 are effective May 1, 1988; section 26 is effective October 1, 1988; and section 56 is effective January 1, 1989. Section 47 is effective July 1, 1989.

Sections 40 to 42 are effective January 1, 1989, and apply to amounts checked off on income tax returns filed on and after that date.

Sec. 85. [APPLICATION.]

Sections 57 and 58 apply retroactively to the effective date of Laws 1987, chapter 389, section 2.

## ARTICLE 2

### Section 1. [CELEBRATE MINNESOTA 1990 GRANT PROGRAM.]

Subdivision 1. [GRANT PROGRAM.] The purpose of the celebrate Minnesota 1990 grant program is to provide grants to local communities to assist and encourage them to undertake cleanup, beautification, and community improvement activities and programs. The commissioner of trade and economic development shall administer the program and is encouraged to solicit private contributions to help support it. For purposes of this section, "community" means a home rule charter or statutory city, a town, a community improvement or development organization, or an Indian tribe.

#### Subd. 2. [GRANT CRITERIA.] Grants made under this section:

(1) must be used for cleanup, beautification, or community improvement projects, including but not limited to removing or repairing dilapidated buildings; landscaping community entrance areas; establishing public activity areas; preserving, displaying, and interpreting historic structures or events; and beautifying roadsides;

(2) may not exceed \$25,000 to a single community each year;

(3) must be matched by the recipient community from nonstate sources in the form of money, materials, services, or volunteer labor, at a rate of at least \$3 of nonstate money or other contribution for each \$1 of state money, with the amount and kind of match for each grant determined by the commissioner; and

(4) must be in addition to and not in replacement for the normal level of community effort for the eligible projects or activities.

Subd. 3. [COORDINATION WITH OTHER PROGRAMS.] A community applying for a grant shall attempt to coordinate its project with other available programs and resources, including the Minnesota community improvement program, Minnesota beautiful, the Minnesota community development program, and private foundation initiatives.

Subd. 4. [GRANT APPLICATION PROCEDURE.] A participating community shall submit a celebrate Minnesota 1990 plan in accordance with application procedures of the commissioner of trade and economic development. The plan must include a description of the projects to be funded by the grant, identification of the local match required under subdivision 2, clause (c), and a timetable for completion.

## Sec. 2. [ADVISORY COMMITTEE.]

Subdivision 1. [MEMBERS.] The celebrate Minnesota 1990 advisory committee consists of 11 members appointed by the governor. Members of the committee must be representative of community leadership, economic development organizations, tourism, history, the arts, and the general public. The purpose of the committee is to advise the commissioner of trade and economic development and the executive director in the development and coordination of the celebrate Minnesota 1990 program activities. Compensation and terms of removal are as provided in section 15.059.

Subd. 2. [EXECUTIVE DIRECTOR.] The commissioner of trade and economic development shall employ an executive director and assistant executive director of the celebrate Minnesota 1990 advisory committee to serve in the unclassified service and be members of the unclassified employees retirement plan. The executive director shall:

(1) assist the commissioner and the committee in the development and coordination of statewide celebrate Minnesota 1990 program activities;

(2) assist communities in the preparation of community improvement projects and local festivals;

(3) coordinate the main street program, the Minnesota beautiful and governor's design team programs, and community improvement programs as they relate to celebrate Minnesota 1990 activities;

(4) develop a statewide promotional campaign for celebrate Minnesota 1990 activities;

(5) coordinate state agency activities under section 3;

(6) prepare a report to be submitted to the legislature by June 30, 1991, regarding celebrate Minnesota 1990 activities and programs and recommending future activities and programs that would promote Minnesota's environment and quality of life; and

(7) perform other duties assigned by the commissioner or the committee.

### Sec. 3. [STATE AGENCY COOPERATION.]

All state departments and agencies shall cooperate and assist in the planning and execution of the celebrate Minnesota 1990 program. All state government activities relating to celebrate Minnesota 1990 must be coordinated under the direction of the executive director of the celebrate Minnesota 1990 advisory committee and the commissioner of trade and economic development. All state departments and agencies shall make available studies, reports, data, expertise, and technical assistance necessary to the implementation of celebrate Minnesota 1990 programs and activities.

### Sec. 4. [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 5 to 8, the following terms have the meaning given them in this section.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of trade and economic development.

Subd. 3. [MARKETPLACE ASSISTANCE ORGANIZATION; ORGANIZATION.] "Marketplace assistance organization" or "organization" means the organization selected under section 5.

### Sec. 5. [MINNESOTA MARKETPLACE PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner of trade and economic development shall assist Minnesota businesses through the Minnesota marketplace program to meet business needs for competitive goods and services within Minnesota before seeking suppliers from a wider marketplace.

Subd. 2. [ORGANIZATION SELECTION.] The commissioner



shall select and contract with a marketplace assistance organization to administer the Minnesota marketplace program. The organization must:

- (1) be a nonprofit corporation;
- (2) have officers and employees who are knowledgeable on the subject of community-based economic development and development strategies on a statewide basis; and
- (3) have demonstrated the capability of providing informational and technical services to communities and economic development organizations.

The contract may not extend beyond June 30, 1990.

Subd. 3. [PROGRAM DUTIES.] The marketplace assistance organization shall:

- (1) provide promotional materials and conduct education seminars to inform local communities, economic development organizations, and businesses about the Minnesota marketplace program;
- (2) provide information and technical assistance to organizations interested in applying for local service center grants;
- (3) develop standard procedures for the collection of information required under section 6;
- (4) collect and maintain information required under section 6;
- (5) suggest to the commissioner goals and evaluation procedures for the local service centers;
- (6) recommend to the commissioner the criteria that should be used in selecting local service centers;
- (7) provide the commissioner with a list of recommended organizations for selection as local service centers;
- (8) coordinate Minnesota marketplace program activities with existing department programs; and
- (9) identify permanent funding sources for the Minnesota marketplace program.

The organization may contract for the services of consultants for the Minnesota marketplace program.

## Sec. 6. [LOCAL SERVICE CENTERS.]

Subdivision 1. [SELECTION.] The commissioner shall select and award grants to seven local service centers, with one service center located within each of the six regions established under Minnesota Statutes, section 116N.08, subdivision 2, and one service center located within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. Eligible service centers include regional development commissions, community development corporations, and other nonprofit corporations with the ability to deliver program services on a regional basis.

Subd. 2. [GRANTS.] The commissioner must award grants to the local service centers based on the following criteria:

- (1) recommendations of the marketplace assistance organization;
- (2) the applicant's experience in providing a service or administering a program similar to the program described in section 5 and this section;
- (3) the applicant's knowledge of business operations within the region; and
- (4) the applicant's ability to provide equal access to businesses located within the region.

The local service center must provide at least a 50 percent nonstate match to obtain a grant award. The commissioner may award annual grants based upon local service center performance standards, such as the number of businesses assisted per year.

Subd. 3. [DUTIES.] Local service centers shall:

- (1) contact Minnesota businesses in order to identify goods and services that are bought outside of Minnesota and to determine which of these goods and services are available for purchase on competitive terms within the region and the state;
- (2) determine what goods and services businesses are willing to purchase from within the region and the state;
- (3) advertise goods and services available within Minnesota;
- (4) compile a list of suppliers of goods and services available for purchase within the region and the state;
- (5) solicit contributions for the Minnesota marketplace program; and

(6) report to the organization on all Minnesota marketplace activities by July 1 of each year.

Sec. 7. [STATE AGENCY COOPERATION.]

State departments and agencies shall cooperate with the organization selected to administer the Minnesota marketplace program and with the local service centers in providing information and technical assistance necessary for program operations.

Sec. 8. [ANNUAL REPORT.]

On August 1 of each year, the marketplace assistance organization shall submit a report to the commissioner on all local service center Minnesota marketplace program activities.

Sec. 9. [ECONOMIC DEVELOPMENT FUND; TRANSFERS.]

The unencumbered balance of an appropriation in Laws 1987, chapter 386 or chapter 404, section 26, subdivision 6, from the economic development fund or the general fund to the commissioner of trade and economic development to administer programs in Laws 1987, chapter 386 or chapter 404, section 26, subdivision 6, may be transferred from one of those appropriations to another after getting the approval of the commissioner of finance. The commissioner shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 10. [REPEALER.]

Sections 1 to 3 are repealed July 1, 1991. Sections 4 to 8 are repealed July 1, 1990.

Sec. 11. [EFFECTIVE DATE.]

Sections 4 to 9 are effective the day following final enactment.

## ARTICLE 3

### PLANNING FOR YOUTH EMPLOYMENT

Section 1. [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 1 to 7, the following terms have the meanings given them.

Subd. 2. [ADVISORY COMMITTEE.] “Advisory committee” means the committee established in section 3.

Subd. 3. [COMMISSIONER.] “Commissioner” means the commissioner of the state planning agency.

Subd. 4. [ELIGIBLE ORGANIZATION.] “Eligible organization” means a public agency or a nonprofit organization that can demonstrate an ability to design a program for education and training services provided to targeted youth. Eligible organizations may include local jurisdictions, public school districts, private nonsectarian schools, post-secondary educational institutes, alternative schools, community groups, and labor organizations.

Subd. 5. [HOMELESS INDIVIDUAL.] “Homeless individual” or “homeless person” means:

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations;

(ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

The term “homeless individual” does not include any individual imprisoned or otherwise detained under federal or state law.

Subd. 6. [TARGETED YOUTH.] “Targeted youth” means persons that are at least 16 years of age but not older than 21 years of age and are part of one of the following groups:

(1) persons who are not attending any school and have not received a secondary school diploma or its equivalent; or

(2) persons currently enrolled in a traditional or alternative school setting or a GED program and who, in the opinion of an official of the school, are in danger of dropping out of the school.

Subd. 7. [VERY LOW INCOME.] “Very low income” means incomes that are at or less than 30 percent of the median income for the Minneapolis-St. Paul metropolitan area.

Sec. 2. [PLANNING GRANTS.]

The commissioner shall make grants of up to \$20,000 to eligible organizations for the design of programs to provide education and training services to targeted youth. The purpose of these programs is to provide specialized training and work experience to at-risk targeted youth who have not been served effectively by the current educational system. The programs are to be designed to include a work experience component with work projects that result in the rehabilitation or construction of residential units for the homeless. Two or more eligible organizations may jointly apply for a planning grant. The commissioner shall administer the grant program.

Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a planning grant. The commissioner shall select from the committee's list at least four organizations to receive the planning grants with at least one organization located in each of the cities of Minneapolis and St. Paul and two organizations located outside the metropolitan area defined in section 473.121, subdivision 2.

### Sec. 3. [ADVISORY COMMITTEE.]

A 13-member advisory committee is established as provided under Minnesota Statutes, section 15.059 to assist the commissioner in selecting eligible organizations to receive planning grants, evaluating the final reports of each organization, and providing recommendations to the legislature. Members of the committee may be reimbursed for expenses but may not receive any other compensation for service on the committee. The advisory committee consists of representatives of the commissioners of education, human services, and jobs and training; a representative of the state director of vocational education; a representative of the commissioner of the housing finance agency; the director of the office of jobs policy; and seven public members appointed by the governor. Each of the following groups must be represented by a public member: labor organizations, local educators, community groups, consumers, local housing developers, youth between the ages of 16 and 21, and homeless persons. At least three of the public members must be from outside of the metropolitan area as defined in section 473.121, subdivision 2. The commissioner may provide staff to the advisory committee to assist it in carrying out its purpose.

### Sec. 4. [PROGRAM PURPOSE AND DESIGN.]

Subdivision 1. [PROGRAM PURPOSE.] The grants awarded under section 2 are for the design of a youth employment and training program directed at targeted youth who are likely to be at risk of not completing their high school education. Each program design must include education, work experience, and job skills

components.

Subd. 2. [EDUCATION COMPONENT.] A program design must contain an education component that requires program participants who have not completed their secondary education to be enrolled in a traditional public or private secondary school, a suitable alternative school setting, or a GED program. Program participants must be working toward the completion of their secondary education or literacy advancement.

Subd. 3. [WORK EXPERIENCE COMPONENT.] A work experience component must be included in each program design. The work experience component must provide vocational skills training in an industry where there is a viable expectation of job opportunities and a training subsidy or stipend may be provided to program participants. The wage or stipend must be provided to participants who are recipients of public assistance in a manner or amount which will not reduce public assistance benefits. The work experience component must be designed so that work projects result in the expansion of residential units for homeless persons and very low income families, and must include direct supervision by individuals skilled in each specific vocation. The program design must include an examination of how program participants may earn credits toward the completion of their secondary education from their participation in the work experience component.

Subd. 4. [JOB READINESS SKILLS COMPONENT.] A job readiness skills component must be included in each program design. The component must provide program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will be able to compete in the employment market.

Subd. 5. [ELIGIBLE PROGRAM PROVIDERS.] A program design must include the examination of the types of organizations that would administer and operate the program. The types of organizations examined must include public school districts, private nonsectarian schools, alternative schools, local jurisdictions, housing related groups, community groups, and labor organizations, or a joint effort among two or more of these organizations.

#### Sec. 5. [HOUSING FOR HOMELESS.]

Subdivision 1. [REQUIREMENT.] The work experience component of the youth employment and training program described in section 4 must include work projects that provide residential units through construction or rehabilitation for the homeless and families with very low incomes.

Subd. 2. [PRIORITY FOR HOUSING.] Any residential units that become available through the employment and training program must be allocated in the following order:

- (1) homeless families with at least one dependent;
- (2) other homeless individuals;
- (3) other very low income families and individuals; and
- (4) families or individuals that receive public assistance and that do not qualify in any other priority group.

Subd. 3. [ACQUISITION OF HOUSING UNITS.] The program design must include an examination of the means of acquiring property or buildings for the construction or rehabilitation of residential units at the lowest possible cost. The examination must include the review of possible sources of property and funding through federal, state, or local agencies, including the federal Department of Housing and Urban Development, Farmers Home Administration housing finance agency, and the local housing authority.

Subd. 4. [MANAGEMENT OF RESIDENTIAL UNITS.] The program design must address how to manage these residential units, including the source of financing for the maintenance costs of the buildings. Any management plan must include the participation of the residents and local established neighborhood groups.

Sec. 6. [REQUIREMENTS OF ORGANIZATIONS RECEIVING GRANTS.]

An organization that is awarded a planning grant under section 2 shall prepare and submit a report to the commissioner by January 15, 1989. The report must address each of the following:

- (1) the method for encouraging the participation of the targeted youth in the geographic area surrounding the organization receiving the grant;
- (2) the support services and social services that targeted youth require and the means of providing those services to program participants. Services may include client needs assessment, preemployment skills such as basic job skills and behavior, and intermediate needs such as education and chemical dependency treatment;
- (3) the type and degree of work experience that program participants must participate in, including real work experience in both vocational and nonvocational settings;
- (4) the amount of training subsidy or stipend that each participant should receive while participating in the work experience component. The subsidy or stipend must reflect prevailing wage and benefits standards appropriate for preapprenticeship training un-

less a participant's receipt of public assistance is affected. The subsidy or stipend should be structured to include incentives for progress toward increasing job skills and completing secondary education;

(5) the identification and means of providing the necessary job readiness skills so that program participants who have completed the work experience and educational components of the program may have the ability to compete in the job market. These job search skills may include skills assessment, job search and selection, application preparation and assistance in preparing for job interviews;

(6) the methods that may be used to assist in placing program participants in suitable employment. The methods should include means of involving state government, businesses, labor organizations, community groups, and local jurisdictions in assisting in the placement;

(7) a plan for evaluating the program, including the necessary data elements that must be collected from program participants after they have completed the program to monitor the success of the program;

(8) the method used to maximize parental involvement in the program;

(9) the identification of existing public and private programs that may be utilized by the program to avoid duplication of services;

(10) the identification of regional characteristics that may affect the operation of the program in the specific region where the organization is located;

(11) the identification and special needs of priority groups of targeted youth, which groups may include:

(i) persons who are responsible for at least one dependent;

(ii) persons who are pregnant;

(iii) persons who are or have been subject to any stage of the criminal justice system and who may benefit from receiving employment and training services in overcoming barriers to employment resulting from a record of arrest or conviction;

(iv) persons receiving income maintenance services and social services, including chemical dependency treatment, vocational rehabilitation services, and protection services;



(v) persons who reside on a farm who personally derive or whose family derives a substantial portion of their income from farming, lack nonfarm work skills, or have limited access to vocational education or work experience opportunities;

(vi) homeless youth; and

(vii) minors who that are not financially dependent on a parent or a guardian;

(12) cost estimates for each of the components of the program; and

(13) the identification of funding sources other than state appropriations that may be used to support the program.

#### Sec. 7. [REPORT.]

The commissioner shall prepare and submit a report to the legislature and the governor by February 15, 1989, that outlines the various program designs submitted by the organizations that received planning grants. The report must also include recommendations on which components of the program designs are most suitable to meeting the needs of targeted youth. The advisory committee must participate in the preparation of this report and in the formulation of the recommendations.

### ARTICLE 4

#### FOREST ROADS

Section 1. Minnesota Statutes 1986, section 89.001, is amending by adding a subdivision to read:

Subd. 14. "State forest road" means a road constructed, acquired, maintained, or administered by the commissioner for the purpose of carrying out forest resource management policy as set forth in section 89.002.

Sec. 2. Minnesota Statutes 1986, section 89.01, is amended by adding a subdivision to read:

Subd. 7. The commissioner shall establish a forest road coordination committee in each forestry administrative area in which a state or county forest road is located. The commissioner shall appoint as members representatives from among the following: road authorities, county land commissioners, local governments, the forest products industry, and forest recreation interests. Each committee must meet at least once annually. The committees shall assist in

providing a transportation system to facilitate the protection, management, and use of this state's forest resources. The purpose of the committees includes coordination of the planning, construction, maintenance, and use of forest roads, and of restrictions on their use.

Sec. 3. Minnesota Statutes 1986, section 89.19, is amended to read:

89.19 [RULES.]

The commissioner shall have power to may prescribe such rules governing the use of state forest lands under the authority of the commissioner and state forest roads, or any part parts thereof, by the public or and governing the exercising exercise by holders of leases or permits upon state on forest lands and state forest roads of all their rights under such the leases or permits as may be necessary to carry out the purposes of this chapter.

Sec. 4. [89.341] [STATE FOREST ROAD ACCOUNT.]

There is created in the state treasury a state forest road account in the special revenue fund, consisting of money credited under section 8. Money in the state forest road account is appropriated to the commissioner and remains available until expended for:

(1) acquisition, development, maintenance, and administration of state forest roads under the jurisdiction of the commissioner of natural resources; and

(2) the commissioner's share of the cost of cooperative maintenance agreements made with other providers of forest roads.

Sec. 5. [89.342] [FOREST ROADS.]

Subdivision 1. [DESIGNATION, INVENTORY, RECORDING.] Forest roads, bridges, and other improvements administered under section 89.002, subdivision 3, are designated as state forest roads to the width of the actual use including ditches, backslopes, fills, and maintained right-of-way, unless otherwise specified in a prior easement of record. The commissioner may undesignate all or part of a state forest road that is not needed to carry out forest resource management policy. The commissioner shall maintain and keep current an inventory listing and describing roads in which the state claims a right or property interest for state forest road purposes. The commissioner may file for record with a county recorder or registrar of titles appropriate documents setting forth the state's interest in all or part of any state forest road.

Subd. 2. [RIGHT-OF-WAY.] Additional rights-of-way and ease-

ments, including easements needed for drainage or slopes, may be acquired by the commissioner by purchase or gift and by condemnation for safety or environmental protection on existing roads and to provide access to tracts of public land larger than 1,000 acres having no access, following a public meeting in the area affected. Rights-of-way and easements shall be designated as state forest roads when needed for construction, maintenance, or safety of roads.

Subd. 3. [CONSTRUCTION; MAINTENANCE.] The commissioner shall develop specifications for the design and construction of state forest roads and shall establish maintenance schedules for forest roads consistent with their intended use.

Subd. 4. [RULES.] In adopting rules relating to the use of state forest roads, the commissioner may incorporate into the rules, by reference, traffic regulations contained in chapter 169.

Subd. 5. [POSTING OF MINIMUM-MAINTENANCE FOREST ROADS.] The commissioner may designate a state forest road as a minimum-maintenance forest road to be maintained at a level consistent with the intended use. Designation of a state forest road as a minimum-maintenance forest road is effective on the posting of signs, at entry points to the road and at regular intervals along the road, to the effect that the road is a minimum-maintenance forest road and that the user travels on the road at the user's risk. Posting of the signs is prima facie evidence that adequate notice of minimum-maintenance status has been given to the public. Liability on a road designated under this subdivision is governed by section 160.095, subdivision 4.

Subd. 6. [CONVEYANCE OF UNNEEDED ROADS TO OTHER GOVERNMENTS.] When the commissioner undesignates a state forest road and determines that the road is no longer needed for any state purpose, the commissioner may convey by mutual agreement, in the manner provided in section 84.63, the state interest in the road to the United States, the state of Minnesota, or any of its subdivisions, whether or not the road is on state land.

Subd. 7. [COMMISSIONER NOT A ROAD AUTHORITY UNDER HIGHWAY LAWS.] Except as otherwise provided, the commissioner is not a road authority under chapters 160 to 168, and chapters 160 to 168 do not apply to forest roads unless specifically made applicable by law or rule.

Sec. 6. [89.343] [COUNTY FOREST ACCESS ROAD ACCOUNT.]

There is created in the state treasury a county forest access road account in the special revenue fund, consisting of money credited under section 8. Money in the county forest access road account is appropriated to the commissioner for distribution to counties managing forest lands administered through a county land department

under the jurisdiction of a land commissioner appointed under section 282.13. The payments must be made by July 15 and January 15 of each year through the commissioner and in proportion to each county's ownership of commercial forest lands, for purposes of constructing, reconstructing, acquiring, and maintaining county management access roads, including the acquisition of rights-of-way or easements as may be needed.

Sec. 7. Minnesota Statutes 1986, section 296.16, is amended by adding a subdivision to read:

Subd. 1a. [INTENT; FOREST ROADS.] \$675,000 of the total annual unrefunded revenue from the gasoline fuel tax on all gasoline and special fuel received in, produced, or brought into this state, except gasoline and special fuel used for aviation purposes, is derived from the operation of motor vehicles on state forest roads and county forest access roads, and of this sum, \$400,000 is annually derived from motor vehicles operated on state forest roads and \$275,000 is annually derived from motor vehicles operated on county forest access roads in this state.

Sec. 8. Minnesota Statutes 1986, section 296.421, is amended by adding a subdivision to read:

Subd. 8. [COMPUTATION AND DISTRIBUTION OF UNREFUNDED TAXES FOR FOREST ROADS.] The amount of unrefunded tax paid on gasoline and special fuel used to operate motor vehicles on forest roads, except gasoline and special fuel used for aviation purposes, is \$675,000 annually and is appropriated from the highway user tax distribution fund and must be transferred and credited in equal installments on July 1 and January 1 as follows: \$400,000 must be credited to a state forest road account and \$275,000 must be credited to a county management access road account.

Sec. 9. Laws 1987, chapter 404, section 22, subdivision 4, is amended to read:

Subd. 4. Forest Management

\$20,616,500            \$20,780,500

Summary by Fund

General	\$14,839,300	\$15,003,200
Con. Con.	\$ 250,000	\$ 250,000
Forest Management	\$ 5,527,200	\$ 5,527,300

The divisions of forestry and fish and wildlife must coordinate the harvesting of trees in order to ensure optimum wildlife habitat benefits and water quality of adjacent streams or lakes.

\$750,000 the first year and \$750,000 the second year are for emergency fire fighting and are not subject to transfer. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. The unencumbered balance of any other appropriation from the general fund to the commissioner of natural resources remaining in the first year must not be canceled but must be transferred and added to this appropriation for the second year. No more than \$400,000 the first year and \$410,000 the second year are available for presuppression costs.

Up to \$120,000 per year from the general fund under Minnesota Statutes, section 89.04 may be used for grants to the soil and water conservation board for cost-sharing with landowners in the state forest improvement program.

\$500,000 the first year and \$500,000 the second year are for grants to counties or groups of counties for county forestry assistance programs.

The commissioners of natural resources, revenue, and transportation shall jointly study and determine the amount of unrefunded gas tax attributable to forest logging trucks that use forest roads under the authority of the commissioner. Their findings and determinations must be reported to the chairs of the house appropriations and senate finance committees by December 1, 1988, along with proposed changes to Minnesota Statutes, section 296.421, that reflect their determinations.

## Sec. 10. [STUDY AND REPORT TO LEGISLATURE.]

The commissioners of transportation, natural resources, and revenue shall study and determine the percentage of revenue received from the unrefunded gasoline and special fuel tax that is derived from gasoline and special fuel for the operation of motor vehicles on state forest roads and county forest roads from May 1, 1988, to April 30, 1989. The commissioners shall report the results of this study by October 1, 1989, to the transportation committees of the senate and house of representatives and to the house appropriations and the senate finance committees.

## Sec. 11. [COUNTY FOREST ROAD STUDY.]

Counties having county forest access roads may use payments from the county management access road account to study, determine, and inventory by October 1, 1989, these roads and their use by logging trucks, recreational vehicles, and other users.

## Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 8 are effective July 1, 1988. Sections 9 to 11 are effective the day following final enactment.

## ARTICLE 5

## SPECIAL REVENUE ACCOUNTS

Section 1. Minnesota Statutes 1987 Supplement, section 3C.035, subdivision 2, is amended to read:

Subd. 2. [COSTS.] Agencies shall include in their budgets amounts to pay for bill drafting services provided by the revisor of statutes. The revisor shall assess agencies for the actual cost of bill drafting services rendered to them on requests delivered to the revisor by November 1. The revisor shall assess agencies for double the actual cost of bill drafting services rendered to them on requests delivered to the revisor after November 1. The revisor shall also assess an agency for the actual cost or double the actual cost, as appropriate, for drafting a request that a senator or representative submits to the revisor's office on behalf of the agency. The revisor may not assess a department or agency for the costs related to drafting affecting an agency if the request for drafting originated from within the legislature. Receipts from the assessment must be deposited in the state treasury and credited to the revisor's account general fund.

Sec. 2. Minnesota Statutes 1987 Supplement, section 3C.11, subdivision 2, is amended to read:

Subd. 2. [PAMPHLETS.] The revisor's office shall compose, print,

and deliver pamphlets containing parts of Minnesota Statutes, parts of Minnesota Rules, or combinations of parts of the statutes and rules as may be necessary for the use of public officers and departments. The revisor's office shall use a standard form for the pamphlets. The cost of composition, printing, and delivery of the pamphlets, together with a reasonable fee for the revisor's services, is to be borne by the office or department requesting them. The printing must be limited to actual needs as shown by experience or other competent proof. Revenue from the revisor's fee must be deposited in the revisor's account general fund.

Sec. 3. Minnesota Statutes 1987 Supplement, section 3C.12, subdivision 7, is amended to read:

Subd. 7. [SALE PRICE.] The revisor shall fix a reasonable sale price of an edition of Minnesota Statutes, supplement to Minnesota Statutes, or edition of Laws of Minnesota. Revenue from the sale of the Minnesota Statutes, supplements to Minnesota Statutes, and Laws of Minnesota must be deposited in the revisor's account general fund.

Sec. 4. Minnesota Statutes 1986, section 14.07, subdivision 1, is amended to read:

Subdivision 1. [RULE DRAFTING ASSISTANCE PROVIDED.]  
(a) The revisor of statutes shall:

(1) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with subdivision 3 and the objective or other instructions which the agency shall give the revisor; and,

(2) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply.

(b) The revisor shall assess an agency for the actual cost of providing aid in drafting rules or amendments to rules. The agency shall pay the assessment using the procedures of section 3C.056. Each agency shall include in its budget money to pay the revisor's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the revisor's account general fund.

(c) An agency may not contract with an attorney, consultant, or other person either to provide rule drafting services to the agency or to advise on drafting unless the revisor determines that special expertise is required for the drafting and the expertise is not available from the revisor or the revisor's staff.

Sec. 5. Minnesota Statutes 1986, section 14.07, subdivision 2, is amended to read:

Subd. 2. [APPROVAL OF FORM.] No agency decision to adopt a rule or emergency rule, including a decision to amend or modify a proposed rule or proposed emergency rule, shall be effective unless the agency has presented the rule to the revisor of statutes and the revisor has certified that its form is approved. The revisor shall assess an agency for the actual cost of processing rules for consideration for approval of form. The assessments must include necessary costs to create or modify the computer data base of the text of a rule and the cost of putting the rule into the form established by the drafting guide provided for in subdivision 1. The agency shall pay the assessments using the procedures of section 3C.056. Each agency shall include in its budget money to pay revisor's assessments. Receipts from the assessments must be deposited in the state treasury and credited to the ~~revisor's account~~ general fund.

Sec. 6. Minnesota Statutes 1987 Supplement, section 14.08, is amended to read:

14.08 [REVISOR OF STATUTES APPROVAL OF RULE FORM.]

(a) Two copies of a rule adopted pursuant to the provisions of section 14.26 or 14.32 shall be submitted by the agency to the attorney general. The attorney general shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 or 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the attorney general or notify the attorney general and the agency that the form of the rule will not be approved.

If the attorney general disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the attorney general who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The attorney general and the revisor of statutes shall assess an agency for the actual cost of processing rules under this section. The agency shall pay the revisor's assessments using the procedures of



section 3C.056. The agency shall pay the attorney general's assessments using the procedures of section 8.15. Each agency shall include in its budget money to pay the revisor's and the attorney general's assessments. Receipts from the assessment must be deposited in the state treasury and credited to the revisor's account or the general fund as appropriate.

Sec. 7. Minnesota Statutes 1986, section 14.47, subdivision 8, is amended to read:

Subd. 8. [SALES AND DISTRIBUTION OF COMPILATION.] Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the revisor's account general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide without charge copies of each edition of any compilation, reissue, or supplement to the persons or bodies listed in this subdivision. Those copies must be marked with the words "State Copy" and kept for the use of the office. The revisor shall distribute:

- (a) 25 copies to the office of the attorney general;
- (b) 12 copies for the legislative commission for review of administrative rules;
- (c) 3 copies to the revisor of statutes for transmission to the Library of Congress for copyright and depository purposes;
- (d) 150 copies to the state law library;
- (e) 10 copies to the law school of the University of Minnesota; and
- (f) one copy of any compilation or supplement to each county library maintained pursuant to section 134.12 upon its request, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12, the copy will be provided to any public library in the county upon its request.

Sec. 8. Minnesota Statutes 1987 Supplement, section 480.236, is amended to read:

480.236 [SOFTWARE SALES.]

The supreme court may sell or license self-developed or vendor custom-developed computer software products or systems through whatever sales method the supreme court, in its discretion, deems appropriate, in order to offset its software development costs. Prices for the software products or systems may be based on market considerations. Proceeds of the sale or licensing of software products

or systems by the supreme court must be deposited in the state treasury and credited to a software sales account. Investment income and investment losses attributable to investment of the software sales account must be credited to the account. Money in the account is appropriated to the supreme court to operate and improve the trial court information system and other court information systems the general fund.

Sec. 9. Minnesota Statutes 1987 Supplement, section 480.241, subdivision 2, is amended to read:

Subd. 2. [TRANSMITTAL OF SURCHARGE TO SUPREME COURT.] Notwithstanding any other law or rule to the contrary, all surcharges collected pursuant to subdivision 1 shall be transmitted monthly by the district, county, and conciliation court court administrators and municipal court administrators to the supreme court for deposit in a legal services account in the special revenue the state treasury and credit to the general fund. After June 30, 1989, two-thirds of the surcharge must be deposited in the legal services account in the special revenue fund and one-third must be deposited in the software sales account under section 480.236.

Sec. 10. [REPEALER.]

Minnesota Statutes 1986, sections 3C.055; 3C.057; 5.13; and 16A.625, are repealed.

Sec. 11. [EFFECTIVE DATE.]

This article is effective July 1, 1989."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting fees; authorizing suburban Hennepin regional park district to acquire land for Lake Minnetonka regional park without local consent; amending Minnesota Statutes 1986, sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 10A.01, by adding a subdivision; 10A.25, subdivision 10; 10A.31, subdivision 5; 14.07, subdivisions 1 and 2; 14.47, subdivision 8; 15A.082, subdivision 3; 16B.24, subdivisions 9 and 10; 17.105, subdivision 4; 18.191; 85.012, by adding a subdivision; 89.001, by adding a subdivision; 89.01, by adding a subdivision; 89.19; 116.18, by adding a subdivision; 116.48, by adding subdivisions; 116J.615, by adding a subdivision; 222.63, subdivisions 2 and 4; 296.16, by adding a subdivision; 296.421, by adding a subdivision; and 611.215, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.885;

3C.035, subdivision 2; 3C.11, subdivision 2; 3C.12, subdivision 7; 8.15; 14.08; 41A.065, subdivision 8; 43A.08, subdivision 1a; 85.055, subdivision 1; 105.44, subdivision 10; 115C.02, subdivision 13; 116C.712, subdivision 5; 116J.941, subdivision 1; 116J.966, subdivision 1; 116O.03, subdivision 2; 116O.04, subdivision 1; 116O.06, subdivision 1; 161.52; 480.236; 480.241, subdivision 2; and 611.24; Laws 1985, First Special Session chapter 15, section 4, subdivision 6; Laws 1986, chapter 441, section 14; Laws 1987, chapter 348, section 48, subdivision 3; Laws 1987, chapter 357, section 27, subdivision 2; and Laws 1987, chapter 404, sections 20, subdivision 6; and 22, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 4; 89; and 115C; repealing Minnesota Statutes 1986; sections 3C.055; 3C.057; 5.13; 10A.32, subdivision 3b; and 16A.625; and Laws 1987, chapter 358, section 31."

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

House Conferees: PHYLLIS KAHN, DAVID P. BATTAGLIA, LOREN A. SOLBERG, RICK KRUEGER AND DAVID T. BISHOP.

Senate Conferees: CARL W. KROENING, WILLIAM P. LUTHER AND SAM G. SOLON.

#### CALL OF THE HOUSE

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

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

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

Kahn moved that the report of the Conference Committee on H. F. No. 2344 be adopted and that the bill be repassed as amended by the Conference Committee.

#### POINT OF ORDER

Schreiber raised a point of order pursuant to rule 6.11, relating to Conference Committees that the Conference Committee report on H. F. No. 2344 was not in order.

The Speaker pursuant to section 245 of "Mason's Manual of Legislative Procedure" submitted the following question to the House: "Is it the judgment of the House that the Schreiber point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Schreiber point of order and the roll was called.

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

There were 55 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Knickerbocker	Pauly	Steensma
Bishop	Gruenes	Marsh	Poppenhagen	Sviggun
Blatz	Gutknecht	McDonald	Quinn	Swenson
Boo	Hartle	McKasy	Quist	Thiede
Burger	Haukoos	McPherson	Redalen	Tjornhom
Clausnitzer	Heap	Miller	Richter	Tompkins
Dempsey	Himle	Morrison	Rose	Uphus
DeRaad	Hugoson	Olsen, S.	Schafer	Valento
Dille	Jacobs	Omann	Schreiber	Waltman
Forsythe	Jennings	Onnen	Shaver	Welle
Frederick	Johnson, V.	Ozment	Stanisus	Winter

Those who voted in the negative were:

Battaglia	Brown	Dauner	Jefferson	Kalis
Bauerly	Carlson, L.	Dawkins	Jensen	Kelso
Beard	Carruthers	DeBlicke	Johnson, A.	Kinkel
Begich	Clark	Dorn	Johnson, R.	Kludt
Bertram	Cooper	Greenfield	Kahn	Knuth

Krueger	Munger	Osthoff	Riveness	Vellenga
Larsen	Murphy	Otis	Rodosovich	Voss
Lasley	Nelson, C.	Pappas	Rukavina	Wagenius
Lieder	Nelson, K.	Pelowski	Sarna	Wenzel
Long	Neuenschwander	Peterson	Scheid	Wynia
McEachern	O'Connor	Price	Skoglund	Spk. Vanasek
McLaughlin	Ogren	Reding	Solberg	
Milbert	Olson, E.	Rest	Sparby	
Minne	Orenstein	Rice	Tunheim	

So it was the judgment of the House that the Schreiber point of order was not well taken.

#### POINT OF ORDER

Knickerbocker raised a point of order pursuant to Joint Rule 2.02, paragraph 2, relating to bills appropriating money that the Conference Committee report on H. F. No. 2344 was not in order. The Speaker ruled the point of order not well taken.

The Speaker called Long to the Chair.

Schreiber moved that the House refuse to adopt the report of the Conference Committee on H. F. No. 2344 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called.

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

There were 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Bennett	Gruenes	Marsh	Poppenhagen	Sviggum
Blatz	Gutknecht	McDonald	Quinn	Swenson
Boo	Hartle	McKasy	Quist	Thiede
Burger	Haukoos	McPherson	Redalen	Tjornhom
Carlson, D.	Heap	Miller	Richter	Tompkins
Clausnitzer	Himle	Morrison	Rose	Uphus
Dempsey	Hugoson	Olsen, S.	Schafer	Valento
DeRaad	Jacobs	Olson, K.	Schreiber	Waltman
Dille	Jennings	Omann	Seaberg	Welle
Forsythe	Johnson, V.	Onnen	Shaver	
Frederick	Knickerbocker	Ozment	Stanius	
Frerichs	Kostohryz	Pauly	Steensma	

Those who voted in the negative were:

Anderson, G.	Dawkins	Knuth	Ogren	Sarna
Anderson, R.	DeBlicke	Krueger	Olson, E.	Scheid
Battaglia	Dorn	Larsen	Orenstein	Segal
Bauerly	Greenfield	Lasley	Osthoff	Skoglund
Beard	Jefferson	Lieder	Otis	Solberg
Begich	Jensen	Long	Pappas	Sparby
Bertram	Johnson, A.	McEachern	Pelowski	Trimble
Bishop	Johnson, R.	McLaughlin	Peterson	Tunheim
Brown	Kahn	Milbert	Price	Vellenga
Carlson, L.	Kalis	Minne	Reding	Voss
Carruthers	Kelly	Murphy	Rest	Wagenius
Clark	Kelso	Nelson, C.	Rice	Wenzel
Cooper	Kinkel	Neuenschwander	Rodosovich	Winter
Dauner	Klutt	O'Connor	Rukavina	Spk. Vanasek

The motion did not prevail.

Himle moved that the Rules of the House be suspended. Speaker pro tempore Long ruled the Himle motion out of order.

The Speaker resumed the Chair.

Schreiber moved that the House recess subject to the call of the Chair. The motion did not prevail.

The question recurred on the Kahn motion that the report of the Conference Committee on H. F. No. 2344 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2344, A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; creating and modifying agencies and functions; fixing and limiting fees; requiring studies and reports; appropriating money; amending Minnesota Statutes 1986, sections 3.9223, subdivision 5; 3.9225, subdivision 5; 3.9226, subdivision 5; 16B.24, by adding a subdivision; 88.22, by adding a subdivision; 89.001, by adding a subdivision; 89.19; 116.48, by adding subdivisions; 116J.615, by adding a subdivision; 296.16, by adding a subdivision; and 296.421, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.732, subdivision 1; 3.885; 85.055, subdivision 1; 105.44, subdivision 10; 115C.02, subdivision 13; 116C.712, subdivision 5; 116J.941, subdivision 1; 116O.03, subdivision 2; 116O.04, subdivision 1; 116O.06, subdivision 1; and 480.241, subdivision 2; Laws 1985, First Special Session chapter 15, section 4, subdivision 6; Laws 1987, chapter 357, section 27, subdivision 2; Laws 1987, chapter 404, sections 20, subdivision 6; and 22, subdivision 4; proposing coding for new law in Minnesota Statutes,

chapters 89; 115C; 424A; and 446A; repealing Minnesota Statutes 1987 Supplement, section 161.52.

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.

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

There were 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Larsen	Onnen	Scheid
Anderson, R.	Dorn	Lasley	Orenstein	Segal
Battaglia	Greenfield	Lieder	Osthoff	Skoglund
Bauerly	Hartle	Long	Otis	Solberg
Beard	Jacobs	McEachern	Pappas	Sparby
Begich	Jefferson	McKasy	Pelowski	Swenson
Bertram	Jensen	McLaughlin	Peterson	Tompkins
Bishop	Johnson, A.	Milbert	Poppenhagen	Trimble
Carlson, D.	Johnson, R.	Minne	Price	Tunheim
Carlson, L.	Kahn	Murphy	Quinn	Uphus
Carruthers	Kalis	Nelson, C.	Quist	Vellenga
Clark	Kelly	Nelson, K.	Reding	Voss
Cooper	Kinkel	Neuenschwander	Rest	Wagenius
Dauner	Kludt	O'Connor	Rice	Waltman
Dawkins	Knuth	Ogren	Rodosovich	Wenzel
DeBleck	Kostohryz	Olson, E.	Rukavina	Wynia
DeRaad	Krueger	Omann	Sarna	Spk. Vanasek

Those who voted in the negative were:

Bennett	Frerichs	Kelso	Olson, K.	Seaberg
Blatz	Gruenes	Knickerbocker	Ozment	Shaver
Boo	Gutknecht	Marsh	Pauly	Stanius
Brown	Haukoos	McDonald	Redalen	Steensma
Burger	Heap	McPherson	Richter	Sviggum
Clausnitzer	Himle	Miller	Riveness	Thiede
Dempsey	Hugoson	Morrison	Rose	Tjornhom
Forsythe	Jennings	Nelson, D.	Schafer	Valento
Frederick	Johnson, V.	Olsen, S.	Schreiber	Welle
				Winter

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

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

There being no objection, the order of business reverted to Messages from the Senate.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 2569.

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. 2569**

A bill for an act relating to education; appropriating money to the higher education coordinating board, regents of the University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; authorizing bonding for capital improvements; amending Minnesota Statutes 1986, sections 3.971, subdivision 1; 92.05; 136.31, by adding a subdivision; and 136.41, by adding subdivisions; 248.07, subdivisions 7 and 12; Minnesota Statutes 1987 Supplement, section 248.07, subdivision 8; Laws 1983, chapter 334, section 7, as amended; and Laws 1987, chapter 401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3.

April 19, 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. 2569, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2569 be further amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

Section 1. [APPROPRIATIONS.]



The amounts in the columns under "APPROPRIATIONS" are appropriated from the general fund or other named fund to the agencies for the purposes specified in this act. The appropriations are available for the fiscal years indicated for each purpose. The figure "1988" or "1989," when used to refer to the fiscal year of appropriations, means that the appropriations listed under the figure are available for the fiscal year ending June 30, 1988, or June 30, 1989, respectively.

	SUMMARY BY FUND		
	1988	1989	TOTAL
GENERAL	\$5,700,000	\$18,356,500	\$24,056,500

Summary by Agency—All Funds

Higher Education Coordinating Board	5,700,000	1,235,000	6,935,000
State Board of Vocational Technical Education	-	1,907,800	1,907,800
State Board for Community Colleges	-	6,014,400	6,014,400
State University Board	-	7,799,300	7,799,300
Regents of the University of Minnesota	-	1,400,000	1,400,000

APPROPRIATIONS  
Available for the Fiscal Year  
Ending June 30

1988	1989
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Sec. 2. HIGHER EDUCATION CO-ORDINATING BOARD - TOTAL	\$5,700,000	\$1,235,000
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Subdivision 1. Average Cost Funding Task Force

The HECB shall distribute agendas, minutes, and reports of the average cost funding task force to the chairs of the senate education and finance com-

mittees and the house higher education and appropriations committees.

Subd. 2. State Scholarships and Grants

\$5,700,000

\$500,000

This appropriation is added to the appropriation for the same purpose in Laws 1987, chapter 401, section 2, subdivision 3.

The legislature intends that the board make full scholarship and grant awards in fiscal year 1989. The HECB may request the necessary appropriation in the 1989 legislative session if the fiscal year 1989 money is insufficient to make full awards.

During the biennium, the HECB may transfer unencumbered balances among the accounts provided in Laws 1987, chapter 401, section 2, to the scholarship and grant account. Before the transfer, the HECB shall consult with the chairs of the house appropriations and senate finance committees.

During the biennium, the HECB may ask the commissioner of finance to loan general fund money to the scholarship and grant account to ease cash flow difficulties. The HECB must first certify to the commissioner that there will be adequate refunds to the account to repay the loan. The commissioner shall use the refunds to make repayment to the general fund of the full amount loaned. Money necessary to meet cash flow difficulties in the state scholarship and grant program is appropriated to the commissioner of finance for loans to HECB.

Subd. 3. Study of Statewide Higher Education Needs

\$375,000

\$350,000 is to begin a study of the post-secondary needs of the state. The study shall be divided into two phases. The first phase, to be undertaken in 1988, must concentrate on the needs of the population corridor extending from St. Cloud to Rochester. The second phase, to be undertaken in 1989, must concentrate on the other regions of the state. The HECB may contract for portions of the study, as necessary. Both phases of the study must focus on (1) an assessment of the current and future conditions and needs; (2) strategies to meet these needs; (3) costs associated with the strategies; and (4) effects of the strategies on existing institutions, state policies, and system and institutional missions.

Both phases of the study should include consideration of at least the following concerns: the current and projected demographic and participation trends; current level and types of services available; needs of traditional, nontraditional, and minority students; the geographical accessibility of services needed by different types of students; uses of alternative delivery systems, technology, cooperative efforts, and reciprocity agreements; and the physical capacity of existing institutions. The HECB shall seek matching money for the study. The HECB shall report its findings on the first phase to the education and finance committees of the senate and the higher education and appropriations committees of the house by February 1, 1989. The study shall serve as the 1988 intersystem plan for the post-secondary systems as required in section 135A.06, subdivision 2.

\$25,000 is for a study, to be conducted simultaneously with the first phase, on the procedures necessary, fiscal implications, and effects of implementing alternative governance arrangements of two-year public post-secondary institutions. The HECB shall report the

results of this study to the education and finance committees of the senate and the higher education and appropriations committees of the house by March 1, 1989.

If either appropriation is insufficient, the HECB may transfer money within this subdivision, after notifying the chairs of the house appropriations and senate finance committees.

#### Subd. 4. Other Appropriations

##### (a) Job Skills Partnership

The appropriation in Laws 1987, chapter 386, article 10, section 9, for the Job Skills Partnership does not cancel but is available until expended. Up to \$75,000 of the appropriation may be used for administrative expenses. The Partnership shall seek future funding from the Greater Minnesota Corporation.

##### (b) Quality Assessment

\$150,000

##### (c) Minority Education Partnership

\$ 10,000

##### (d) Model Enterprise Development and Innovation Centers

\$200,000

This appropriation may be used to support existing and new model centers. The program shall seek future funding from the Greater Minnesota Corporation.

#### Sec. 3. STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION - TOTAL

1,907,800

##### (a) Curriculum Restructuring

\$450,000

This is a nonrecurring appropriation and will not be included to calculate the base for the 1989-1991 biennial budget.

**(b) Increased Enrollment**

\$1,007,800

This appropriation is based on an entitlement of \$1,185,600. This is a nonrecurring appropriation and will not be included when calculating the base for the 1989-1991 biennial budget. This appropriation is based on estimated enrollments for 1989 of 40,548. If actual enrollments are different from this estimate, the commissioner of finance shall calculate the effect for the general fund due to the difference and include an adjustment in the budget for fiscal year 1990. The legislature intends that the board use this appropriation for curriculum restructuring.

**(c) State Council on Vocational Technical Education**

\$50,000

This appropriation is added to the appropriation for the council in Laws 1987, chapter 401, section 3, subdivision 4.

**(d) Services for Handicapped Students**

\$400,000

This appropriation is for noninstructional expenditures.

**Sec. 4. STATE BOARD FOR COMMUNITY COLLEGES - TOTAL**

6,014,400

**(a) Increased Enrollment**

\$4,964,400

This is a nonrecurring appropriation and will not be included when calculating the base for the 1989-1991 biennial budget. This appropriation is based on

estimated enrollments for 1989 of 29,723. If actual enrollments are different from this estimate, the commissioner of finance shall calculate the effect for the general fund due to the difference and include an adjustment in the budget for fiscal year 1990.

(b) Instructional Equipment and Base Adjustment

\$1,000,000

The legislature estimates that the amount of instructional expenditures will increase \$1,492,500.

(c) Wolf Center Program

\$50,000

This appropriation must not be spent until the community college board has approved the academic program for the Wolf Center. This appropriation does not determine the appropriate location to offer the program.

Sec. 5. STATE UNIVERSITY BOARD - TOTAL

7,799,300

(a) Increased Enrollment

\$7,349,300

This is a nonrecurring appropriation and will not be included when calculating the base for the 1989-1991 biennial budget. This appropriation is based on estimated enrollments for 1989 of 50,112. If actual enrollments are different from this estimate, the commissioner of finance shall calculate the effect for the general fund due to the difference and include an adjustment in the budget for fiscal year 1990.

(b) Winona State Engineering

The \$500,000 appropriated in Laws 1987, chapter 401, section 5, subdivision 2, may be spent by the state university board for the Winona

engineering school upon the legislature receiving a positive recommendation regarding program review from the HECB and documentation that \$250,000 of the appropriation has been matched by contributions from non-state sources. This matching requirement may be satisfied with donated equipment and supplies necessary to the program, after consulting with the chairs of the finance and appropriations committees.

(c) Arrowhead Upper Division

\$50,000

This appropriation is to study and develop an upper division component within the Arrowhead Community College Region through Bemidji State University. The money is to employ a coordinator who shall establish an administrative framework, and coordinate and improve student services. The state university board shall report its progress in meeting the upper division needs of northeastern Minnesota to the house appropriations and senate finance committees by February 1, 1989.

(d) Southwest State Science and Technology Resource Center

\$400,000

The Science and Technology Resource Center shall seek future funding from the Greater Minnesota Corporation.

Sec. 6. REGENTS OF THE UNIVERSITY OF MINNESOTA - TOTAL

1,400,000

Subdivision 1. Operations and Maintenance

(a) The regents are requested to employ persons qualified to provide the board with fiscal and policy information, oversight, and analysis on matters requiring the regents' attention or action. The staff should be independent

from the University administration and should be responsible solely to the regents. The board shall report its action under this paragraph to the chairs of the senate finance and house appropriations committees by December 1, 1988.

(b) In allocating the University's central reserves, the regents are requested to be cognizant of the needs of the coordinate campuses.

(c) The University of Minnesota is requested to develop fire safety standards, applicable to cigarettes and little cigars. The funding for the development of the standards should be included in the University's 1989-1991 biennial budget request.

#### Subd. 2. Special Appropriations

##### (a) Supercomputer Institute

\$1,100,000

This appropriation is available only if the board of regents purchases or enters into a new lease agreement, after the effective date of this provision, for a second supercomputer architecture. The board shall report to the chairs of the senate finance and house appropriations committees whether it has obtained a second supercomputer architecture and, if it has entered into a lease agreement, the terms and conditions of the lease agreement. The board may request money to continue a lease agreement in its budget request to the 1989 legislature.

##### (b) Rochester Graduate Education

\$300,000

The legislature estimates that \$450,000 in fiscal year 1989 is for the University of Minnesota to provide graduate degree programs in the Rochester area. To the extent possible, pro-



grams in electrical engineering, computer science, and technology management shall be offered. The appropriation is for instructional expenditures. The University is requested to prepare a report on short and long range plans for program development, faculty recruitment, availability and uses of adjunct faculty, estimates of costs for five years, and a timetable for establishment of graduate programs. To assist in these determinations, the regents shall establish a permanent local advisory committee composed of persons, including representatives of the business community, who reside in the Rochester area and who have knowledge of, and interest in, graduate level education. The University shall report its findings to the house appropriations and senate finance committees by February 1, 1989. The report must be submitted to the HECB for review and comment before its submission to the legislature. The HECB shall review the delivery of graduate level programs in the Rochester area and report its findings to the house appropriations and senate finance committees by February 1, 1990. This appropriation shall not cancel but shall be available until expended. Money available from any other source may not supplant this appropriation but shall be added to it.

Sec. 7. Minnesota Statutes 1986, section 3.971, subdivision 1, is amended to read:

Subdivision 1. To perform financial audits the legislative auditor shall postaudit and make a complete examination and verification of all accounts, records, inventories, vouchers, receipts, funds, securities, and other assets of the University of Minnesota, all state departments, boards, commissions, and other state agencies at least once a year, if funds money and personnel permit, and oftener if deemed necessary or as directed by the legislature or the legislative audit commission. Audits may include detailed checking of every transaction or test checking as the legislative auditor deems best. The books of the state treasurer and commissioner of finance may be examined monthly. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with by all departments and agencies of the state

government.

A copy of all postaudits, reports and results of examinations made by the legislative auditor shall be deposited with the legislative reference library.

Sec. 8. Minnesota Statutes 1986, section 92.05, is amended to read:

92.05 [SALT LANDS, BY WHOM SOLD.]

The board of regents of the University of Minnesota shall have charge of the state salt lands donated by the United States to aid in the development of the brines in the state. The board of regents may sell these lands. ~~The proceeds from the sales must be held in trust and must be disbursed in accordance with the law providing for a geological and natural history survey.~~ The university may execute, in its name, deeds of conveyance of these lands. The proceeds of the sale of the lands when invested constitute a permanent fund, called the university salt land fund. The university board of regents shall control and manage the university salt land fund.

The university salt land fund is considered a nonstate source for purposes of section 137.022, subdivision 3. The board of regents may use the income from the fund to match income from the permanent university fund for use by the university campuses at Crookston, Duluth, Morris, and Waseca for the purposes set forth in section 137.022, subdivision 3.

Sec. 9. Minnesota Statutes 1987 Supplement, section 135A.04, is amended to read:

135A.04 [VARIABLE TUITION.]

The board of regents of the University of Minnesota, state university board, state board for community colleges, and state board for vocational education shall establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board. ~~In all systems that have a credit hour basis, tuition rates must be established on that basis and must not apply across a variable number of credits.~~ Tuition may be set at any percentage of instructional cost established by the respective boards.

Sec. 10. [135A.11] [COMMUNITY SERVICE.]

Each public post-secondary system is requested to review its curricula, especially in required courses in general education and departmental majors, to determine the current and future opportunities for incorporating community service components. Each sys-

tem is encouraged to locate curricular areas in which the system can assist students to voluntarily pursue community service that is relevant to their studies.

Sec. 11. [135A.12] [UNIQUE NEEDS AND ABILITIES OF AMERICAN INDIAN PEOPLE.]

Subdivision 1. [APPLICABILITY.] This section applies to the higher education coordinating board, each public post-secondary governing board, each public post-secondary institution, and each school board that operates a technical institute.

Subd. 2. [PROGRAMS AND SERVICES.] The board of each institution, at the request of ten or more full-time American Indian students, shall establish an advisory committee, in consultation with tribal designated representatives. The advisory committee shall recommend instructional programs and student services to meet the unique needs of American Indian people.

Subd. 3. [AMERICAN INDIAN LANGUAGES.] A student who is proficient in an American Indian language shall have the opportunity to be assessed, placed, or to receive credit for skills in that language in the same manner that a student is assessed, placed, or receives credit for skills in languages other than the English language.

Subd. 4. [QUALIFICATIONS FOR AMERICAN INDIAN STUDIES AND SERVICES.] American Indian individuals who understand and have demonstrated knowledge of American Indian language, history, or culture may be considered to be competent to provide instruction in American Indian language, history, or culture programs. Qualifications to provide noninstructional services at post-secondary institutions for American Indian people must take into consideration knowledge of and understanding of American Indian language, history, or culture.

Subd. 5. [CONSULTATION.] When the higher education coordinating board conducts studies, performs evaluations, reviews programs, and makes recommendations that affect educational programs and services for American Indian people, it shall consult with tribal designated representatives.

Sec. 12. [135A.13] [STUDENT SERVICES PRICES.]

The governing board of each public post-secondary system is requested to establish prices for goods and services sold through student services that approximate as nearly as possible the cost of providing quality goods and services.

Sec. 13. Minnesota Statutes 1986, section 136.31, is amended by

adding a subdivision to read:

Subd. 7. Except as provided in this subdivision, the board may irrevocably appropriate and use any money, other than direct state appropriations and tuition receipts appropriated by section 136.11, subdivision 1, held by it to discharge or otherwise provide for the payment of the interest coming due on its revenue bonds outstanding on the effective date of this section until paid and of the principal and any premium coming due on the bonds at maturity or upon any earlier date upon which the bonds are called for redemption. For this purpose, the board may exercise all powers conferred upon it under subdivision 6 with respect to escrow agents and escrow accounts, and may provide for the funding of the escrow accounts with securities of the type referred to in subdivision 6 and certificates of deposit, time deposits, and investment agreements issued by the escrow agent or any other financial institution. This subdivision does not authorize the appropriation or use of board money to secure outstanding revenue bonds contrary to a board resolution authorizing the issuance and providing for the security of the bonds, or the use of other board money contrary to the terms of a contract, specific legislative appropriation, or law.

Sec. 14. Minnesota Statutes 1986, section 136.41, is amended by adding a subdivision to read:

Subd. 8. The state university board or a successor may issue additional revenue bonds under sections 136.31 to 136.38 in an aggregate principal amount not exceeding \$40,000,000, subject to the resolutions authorizing its outstanding revenue bonds, and payable from the revenue appropriated to the fund established by section 136.35, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures to be used for dormitory, residence hall, student union, food service, and related parking purposes at the state universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house appropriations committee and the senate finance committee about the facilities to be financed by the bonds.

Sec. 15. Minnesota Statutes 1986, section 136.41, is amended by adding a subdivision to read:

Subd. 9. The bonds authorized by this section may be issued without regard to whether the interest to be paid on them is includable in gross income for federal tax purposes. However, if it is intended that the interest on the bonds be exempt from federal income taxes, an officer of the board shall certify for the board on the date of issue the facts, estimates, and circumstances that lead the officer reasonably to expect that the proceeds of the bonds and the facilities financed by them will not be used to cause the interest on

the bonds to be subject to federal income taxes; the board may covenant and agree with the holders of the bonds that it will comply with the provisions of the United States Internal Revenue Code now or hereafter enacted that do or may apply to the bonds and that establish conditions under which the interest to be paid on the bonds will not be subject to federal income taxes; and the officers of the board shall take the actions or refrain from taking the actions necessary to comply with the covenants. Money required to be spent to comply may be appropriated by the board from the fund established by section 136.35.

Sec. 16. [137.0245] [REGENT CANDIDATE ADVISORY COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] A regent candidate advisory council is established to assist the legislature in determining criteria for, and identifying and recruiting qualified candidates for membership on the board of regents.

Subd. 2. [MEMBERSHIP.] The regent candidate advisory council shall consist of 24 members. Twelve members shall be appointed by the subcommittee on committees of the committee on rules and administration of the senate. Twelve members shall be appointed by the speaker of the house of representatives. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that the members shall be appointed to six-year terms with one-third appointed each even-numbered year.

Subd. 3. [DUTIES.] The advisory council shall:

(1) develop, in consultation with current and former regents and the administration of the University of Minnesota, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board of regents, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board of regents.

Subd. 4. [RECOMMENDATIONS.] The advisory council shall recommend at least two and not more than four candidates. By

February 1 of each odd-numbered year, the advisory council shall submit its recommendations to the president of the senate and the speaker of the house of representatives. The legislature shall not be bound by these recommendations.

Subd. 5. [SUPPORT SERVICES.] The legislative coordinating commission shall provide administrative and support services for the advisory council.

Sec. 17. [INITIAL TERMS.]

By September 1, 1988, each appointing authority shall appoint four members to terms that expire January 1990, four members to terms that expire January 1992, and four members to terms that expire January 1994.

Sec. 18. [137.0251] [BUDGETARY INFORMATION.]

The board of regents of the University of Minnesota shall make available to the commissioner of finance all books, accounts, documents, and property that the commissioner desires to inspect.

Sec. 19. Minnesota Statutes 1986, section 248.07, subdivision 7, is amended to read:

Subd. 7. [BLIND, VENDING STANDS AND MACHINES ON GOVERNMENTAL PROPERTY.] Notwithstanding any other law, for the rehabilitation of blind persons the commissioner shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by the state university or community college systems or by any department or agency of the state of Minnesota except the department of natural resources properties operated directly by the division of state parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include soft drinks, (except 3.2 beer), milk nonalcoholic beverages, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner under federal law. The commissioner may shall waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property who is operating under a contract with a specific renewal or termination date, until the renewal or termination date. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.

Sec. 20. Minnesota Statutes 1987 Supplement, section 248.07, subdivision 8, is amended to read:

Subd. 8. [USE OF REVOLVING FUND, LICENSES FOR OPERATION OF VENDING MACHINES.] The revolving fund created by Laws 1947, chapter 535, section 5, is continued as provided in this subdivision and shall be known as the revolving fund for vocational rehabilitation of the blind. It shall be used for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into the fund. All interest earned on money accrued in the fund must be credited to the fund by the state treasurer. All equipment, supplies, and expenses for setting up these stands shall be paid for from the fund. Authority is hereby given to the commissioner to use the money available in the revolving fund that originated as operational charges to individuals licensed under this subdivision for the establishment, operation, and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of equipment; (2) purchase of initial and replacement stock of supplies and merchandise; (3) expenses incidental to the setting up of new stands and improvement of old stands; (4) purchase of general liability insurance as deemed advisable for any vending stand by the commissioner; (5) (3) reimbursement under section 15.059 to individual blind vending operators for reasonable travel and maintenance expenses incurred in attending supervisory meetings as called by the commissioner and other expenditures for management services consistent with federal law; (6) and (4) purchase of fringe benefits for blind vending operators and their employees such as group health insurance, retirement program, vacation or sick leave assistance provided that the purchase of any fringe benefit is approved by a majority vote of blind vending operators licensed pursuant to this subdivision after the commissioner provides to each blind vending operator information on all matters relevant to the fringe benefits. Fringe benefits shall be paid only from assessments of operators for specific benefits, gifts to the fund for fringe benefit purposes, and vending income which is not assignable to an individual stand.

Money originally deposited as merchandise and supplies repayments by individuals licensed under this subdivision may be expended for initial and replacement stocks of supplies and merchandise. Money originally deposited from vending income on federal property must be spent consistent with federal law.

All other deposits may be used for the purchase of general liability insurance or any other expense related to the operation and supervision of vending stands.

The commissioner shall issue each license for the operation of a vending stand or vending machine for an indefinite period but may

terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of this preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

Sec. 21. Minnesota Statutes 1986, section 248.07, subdivision 12, is amended to read:

Subd. 12. [REIMBURSEMENT OUT OF STATE DISTRIBUTION OF BRAILLE AND SPECIAL MATERIALS.] The commissioner shall obtain reimbursement from other states for the estimated cost of providing radio signals, programming, and radio receivers for the blind and for production and handling of Braille books, audio tapes, and related services for the blind distributed by the department of jobs and training to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement. All money received hereunder shall be paid to the state treasurer and placed in the general special revenue fund and is appropriated to the commissioner of jobs and training for the purposes of this subdivision.

Sec. 22. Laws 1987, chapter 401, section 2, subdivision 6, is amended to read:

#### Subd. 6. Income Contingent Loans

\$110,000

\$158,100

This appropriation is for an income contingent loan repayment program to assist graduates of Minnesota schools in medical, dental, pharmacy, chiropractic medicine, public health, and veterinary medicine and Minnesota residents graduating from optometry and osteopathy programs in repaying their student debt by providing a repayment plan based on their annual income. The HECB shall study the possible inclusion of students in other academic programs including optometry and osteopathy and report its recommendations to the appropriations and finance committees by December 1, 1987. During the biennium, applicant data collected by the HECB for this program may be disclosed to a consumer credit reporting agency un-



der the same conditions as apply to the supplemental loan program according to section 136A.162.

Sec. 23. [FACULTY EXCHANGE PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A program of faculty exchange for the 1988-1989 academic year is established to allow school districts and post-secondary institutions to arrange temporary exchanges between members of their instructional staff. These arrangements must be made on a voluntary, cooperative basis between the school district and the institution.

Subd. 2. [USES OF PROGRAM.] Each participating school district and post-secondary institution may determine the way in which the instructional staff member's time is to be used, but it must be in a way that promotes understanding of the needs of each educational system. A public school teacher might be used to teach courses, provide counseling and tutorial services, assist with the preparation of future teachers, or take professional development courses. A post-secondary instructor might teach advanced placement courses or other classes to aid an underserved population at the school district, counsel students about future education plans, or work with teachers to better prepare students for post-secondary education. Participation need not be limited to one school or institution and may involve other groups including educational cooperative service units.

Subd. 3. [SALARIES, BENEFITS, CERTIFICATION.] Exchanges made under the program must not have a negative effect on participants' salaries, seniority, or other benefits. Notwithstanding Minnesota Statutes, sections 123.35, subdivision 6, and 125.04, a member of the instructional staff of a post-secondary institution may teach in an elementary or secondary school or perform a service, agreed upon according to this section, for which a license would otherwise be required without holding the applicable license. In addition, a licensed employee of a school district may teach or perform a service, agreed upon according to this section, at a post-secondary institution without meeting the applicable qualifications of the post-secondary institution. A school district is not subject to Minnesota Statutes, section 124.19, subdivision 3, as a result of entering into an agreement according to this section that enables a post-secondary instructional staff member to teach or provide services in the district. All arrangements and details regarding the exchange must be mutually agreed to by the school district and post-secondary institution before implementation.

Subd. 4. [REPORT OF PILOT PROGRAMS.] While these exchanges are voluntary, the legislature intends to maintain oversight to determine the benefits and problems of the program. By February 1, 1989, each post-secondary system shall submit a report

about the faculty exchange program to the chairs of the house education, higher education, and appropriations committees and the senate education and finance committees. The report shall contain the number of instructional staff participating in the exchange, areas of instruction, and other issues related to the exchange.

Sec. 24. [LOANED EXECUTIVE ACTION PROGRAM (LEAP).]

Subdivision 1. [PUBLIC SYSTEMS; JOINTLY.] The governing boards of the public post-secondary systems are requested to jointly establish a Loaned Executive Action Program to encourage business executives in the private sector to study management issues within each system and to make recommendations to improve the management structures and processes of each. The heads of each system shall jointly report to the appropriations and finance committees on the actions taken under this section by January 15, 1989.

Subd. 2. [CAMPUS BUDGET PROPOSALS.] A loaned executive working with the University of Minnesota should study the issue of preparing and presenting individual campus budget proposals to the board of regents.

Sec. 25. [REGENT ACTION.]

The legislature requests that the board of regents of the University of Minnesota undertake the following actions to improve their management and accountability:

(1) establish a committee to plan for and oversee the needs and uses of the president's house;

(2) formally adopt policies for review of capital projects that specify when board approval is required, types and forms of information to be submitted to the board, and board procedures for cost overruns;

(3) develop an accurate and complete reporting system for capital projects in progress; and

(4) establish policies that improve the control over the use of unrestricted funds, including specification of approval and reporting requirements.

The board of regents shall report the actions taken under this section to the house appropriations and senate finance committees by January 1, 1989.

As part of its 1989 biennial budget presentation to the legislature, the University of Minnesota is requested to report its income and expenditures from all public and private sources.

## Sec. 26. [COMMUNITY SERVICE REPORTS.]

The public post-secondary systems shall report their actions, findings, and recommendations on community service opportunities to the house appropriations and senate finance committees by February 1, 1989.

## Sec. 27. [CHILD CARE REPORTS.]

Each public post-secondary system shall assess the effects of child care legislation on the needs of post-secondary students. The report required by Laws 1988, chapter 439, shall include the assessment and recommendations of each system. Each system shall also submit its assessment and recommendations to the senate finance and house appropriations committees by January 15, 1989.

## Sec. 28. [AMERICAN INDIAN EDUCATION REPORT.]

By February 1, 1989, each governing board shall report the actions it has taken to implement the provisions in this act relating to American Indian education. The report shall be submitted to the house higher education and appropriations committees and the senate education and finance committees.

## Sec. 29. [REPEALER.]

Minnesota Statutes 1986, sections 136.26 and 136C.13, subdivision 3, are repealed.

## Sec. 30. [EFFECTIVE DATE.]

Sections 2, 6, 16, 17, 19, 20, 21, 23, 24, and 25 are effective the day following final enactment.

## ARTICLE 2

## Section 1. [APPROPRIATIONS FOR CAPITAL IMPROVEMENTS.]

The amounts in the column under "APPROPRIATIONS" are appropriated from the general 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 article.

## SUMMARY

General Fund

\$8,388,200

## APPROPRIATIONS

## Sec. 2. TECHNICAL INSTITUTES

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

\$2,697,000

Subd. 2. Post-secondary technical institute construction in the school districts listed in this subdivision.

\$1,697,000

(a) Special Intermediate School District No. 917, Dakota County

\$197,600

This appropriation is to purchase the former Rosemount city hall for child care. The total cost of the project must not be more than \$233,000, whether paid from state, local, or federal money.

The board of regents of the University of Minnesota and the board of intermediate school district No. 917 may negotiate a lease that provides land in the city of Rosemount for Special Intermediate School District No. 917, Dakota County, to develop a decision driving course. The agreement must include only a nominal financial consideration that reflects the University's minimal expenditures to acquire and maintain the land.

(b) Independent School District No. 656, Faribault

313,700

This appropriation is for the completion of the project authorized in Laws 1987, chapter 400, section 17, subdivision 2(h). The total cost of the project must not be more than \$2,022,000 whether paid from state, local, or federal money.

(c) Independent School District No. 578, Pine City

328,500

This appropriation is for the completion of the project authorized in Laws 1987, chapter 400, section 17, subdivision 2(1). The total cost of the project

must not be more than \$1,896,600, whether paid from state, local, or federal money.

(d) Independent School District No. 256, Red Wing 327,200

This appropriation is to acquire land for buildings to consolidate the campuses of the Red Wing Technical Institute. The total cost of the project must not be more than \$385,000, whether paid from state, local, or federal money.

(e) Joint Vocational Technical District No. 900, Southwestern 530,000

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

Granite Falls for handicapped access  
Jackson for child care

Subd. 3. Statewide parking 1,000,000

Projects undertaken must be those most in need of repair and should include the paving of existing parking lots not presently paved. This money may be used for parking ramp modifications.

Subd. 4. Repairs

During the biennium ending June 30, 1989, replacement of steam lines, sewer lines, and other such services that are less than five percent of the appropriation for repairs and replacements must be accomplished when needed from the repairs and replacements account.

### Sec. 3. COMMUNITY COLLEGES

Subdivision 1. To the commissioner of administration for the purposes specified in this section 2,791,200

Subd. 2. Minneapolis Community College 1,011,200

This appropriation is added to the appropriation in Laws 1985, Special Session chapter 15, section 14, subdivision 3.

Subd. 3. Systemwide	1,780,000
(a) Roof repair, code compliance, and asbestos removal	1,600,000

During the biennium ending June 30, 1989, replacement of steam lines, sewer lines, and other such services that are less than five percent of the appropriation for repairs and replacements must be accomplished when needed from the repairs and replacements account.

(b) Systemwide planning	180,000
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Subd. 4. Remodeling and construction

Appropriations authorized in Laws 1987, chapter 400, section 18, subdivision 2, may also be used for classroom remodeling and the relocation of administrative services.

#### Sec. 4. STATE UNIVERSITIES

Subdivision 1. To the state university board for the purposes specified in this section	2,900,000
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Subd. 2. Mankato Campus Emergency lease of building space to accommodate enrollment growth	150,000
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Subd. 3. Metropolitan Campus Acquire site for consolidated administrative and student center	1,300,000
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The board may enter into an option with the St. Paul Port Authority to acquire approximately one acre of land between Mounds Boulevard and Maria Avenue, along East Seventh Street, north of the existing B and C buildings at a maximum cost of \$500,000 if the option is exercised at the time of the initial purchase; or a maximum of \$600,000 if exercised within 18 months of the initial purchase; or a maximum

of \$650,000 if exercised within three years of the initial 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 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.

Subd. 4. Systemwide	1,450,000
(a) Abate hazardous materials and remove PCBs	100,000
(b) Roof repair	1,350,000
(c) Repairs	

During the biennium ending June 30, 1989, replacement of steam lines, sewer lines, and other such services that are less than five percent of the appropriation for repairs and replacements must be accomplished when needed from the repairs and replacements account.

#### Sec. 5. [REVIEW OF PLANS.]

An agency to whom an appropriation is made in this article must not prepare final plans and specifications for any construction or major remodeling authorized by this article 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. 6. [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 article, or upon the abandonment of the project, the agency to whom the appropriation is made in this article 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. 7. [METHODS OF ACQUISITION.]

If money has been appropriated in this biennium to the commissioner of administration or the state university board 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. 8. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; appropriating money to the higher education coordinating board, regents of the University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; authorizing bonding for capital improvements; making or requesting changes in the terms of tuition, audits, land funds, programs, and provision of goods and services at one or more post-secondary institutions, systems, or boards; requiring reports; amending Minnesota Statutes 1986, sections 3.971, subdivision 1; 92.05; 136.31, by adding a subdivision; 136.41, by adding subdivisions; and 248.07, subdivisions 7 and 12; Minnesota Statutes 1987 Supplement, sections 135A.04; and 248.07, subdivision 8; Laws 1987, chapter 401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3."

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



Senate Conferees: GENE WALDORF, NANCY BRATAAS, GLEN TAYLOR AND RONALD R. DICKLICH.

House Conferees: LYNDON R. CARLSON, JOHN W. DORN, M. R. HAUKOOS, LEONARD PRICE AND GLORIA M. SEGAL.

Carlson, L., moved that the report of the Conference Committee on S. F. No. 2569 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Long to the Chair.

S. F. No. 2569, A bill for an act relating to education; appropriating money to the higher education coordinating board, regents of the University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; authorizing bonding for capital improvements; amending Minnesota Statutes 1986, sections 3.971, subdivision 1; 92.05; 136.31, by adding a subdivision; and 136.41, by adding subdivisions; 248.07, subdivisions 7 and 12; Minnesota Statutes 1987 Supplement, section 248.07, subdivision 8; Laws 1983, chapter 334, section 7, as amended; and Laws 1987, chapter 401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called.

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

There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Seaberg

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. 1643.

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. 1643

A bill for an act relating to crimes; child abuse; eliminating the need to show emotional harm in proving unreasonable restraint or malicious punishment of a child; amending Minnesota Statutes 1986, sections 609.255, subdivision 3; and 609.377.

April 14, 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. 1643, 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: EMBER D. REICHGOTT, LINDA BERGLIN AND GARY W. LAIDIG.

House Conferees: RANDY C. KELLY AND SANDRA L. PAPPAS.

Kelly moved that the report of the Conference Committee on S. F. No. 1643 be adopted and that the bill be repassed as amended by the Conference Committee.

The Speaker resumed the Chair.

Dempsey moved that the House refuse to adopt the report of the Conference Committee on S. F. No. 1643 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Dempsey motion and the roll was called.

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

There were 61 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Bauerly	Gruenes	Kinkel	Osthoff	Seaberg
Bennett	Gutknecht	Kostohryz	Ozment	Shaver
Bertram	Hartle	McDonald	Pauly	Sparby
Carlson, D.	Haukoos	McKasy	Pelowski	Stanius
Clausnitzer	Heap	McPherson	Poppenhagen	Steensma
Dempsey	Himle	Miller	Quinn	Sviggum
DeRaad	Hugoson	Morrison	Quist	Swenson
Dille	Jacobs	Neuenschwander	Redalen	Thiede
Dorn	Jennings	O'Connor	Richter	Tjornhom
Forsythe	Jensen	Ogren	Rose	Tompkins
Frederick	Johnson, R.	Omann	Sarna	Uphus
Frerichs	Johnson, V.	Onnen	Schafer	Valento
				Waltman

Those who voted in the negative were:

Anderson, G.	Battaglia	Begich	Blatz	Carlson, L.
Anderson, R.	Beard	Bishop	Brown	Carruthers

Clark	Kelso	Milbert	Pappas	Skoglund
Cooper	Kludt	Minne	Peterson	Trimble
Daumer	Knickerbocker	Murphy	Price	Tunheim
Dawkins	Knuth	Nelson, C.	Rest	Vellenga
DeBlicek	Krueger	Nelson, D.	Rice	Voss
Greenfield	Larsen	Nelson, K.	Riveness	Wagenius
Jefferson	Lasley	Olsen, S.	Rodosovich	Welle
Johnson, A.	Lieder	Olson, E.	Rukavina	Wenzel
Kahn	Long	Olson, K.	Scheid	Winter
Kalis	Marsh	Orenstein	Schreiber	Wynia
Kelly	McLaughlin	Otis	Segal	Spk. Vanasek

The motion did not prevail.

The question recurred on the Kelly motion that the report of the Conference Committee on S. F. No. 1643 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1643, A bill for an act relating to crimes; child abuse; eliminating the need to show emotional harm in proving unreasonable restraint or malicious punishment of a child; amending Minnesota Statutes 1986, sections 609.255, subdivision 3; and 609.377.

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.

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

There were 108 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kahn	Morrison	Poppenhagen
Anderson, R.	DeRaad	Kalis	Murphy	Price
Battaglia	Dille	Kelly	Nelson, C.	Reding
Bauerly	Dorn	Kelso	Nelson, D.	Rest
Beard	Forsythe	Kinkel	Nelson, K.	Rice
Begich	Frederick	Kludt	Neuenschwander	Riveness
Bennett	Greenfield	Knickerbocker	O'Connor	Rodosovich
Bertram	Gruenes	Knuth	Olsen, S.	Rose
Bishop	Gutknecht	Krueger	Olson, E.	Rukavina
Blatz	Hartle	Larsen	Olson, K.	Sarna
Brown	Haukoos	Lasley	Omann	Scheid
Carlson, L.	Heap	Lieder	Orenstein	Schreiber
Carruthers	Himle	Long	Osthoff	Seaberg
Clark	Jacobs	Marsh	Otis	Segal
Clausnitzer	Jefferson	McEachern	Ozment	Shaver
Cooper	Jennings	McKasy	Pappas	Skoglund
Dauner	Jensen	McLaughlin	Pauly	Solberg
Dawkins	Johnson, A.	Milbert	Pelowski	Stanisus
DeBlicek	Johnson, R.	Minne	Peterson	Swenson

Tjornhom  
Trimble  
Tunheim

Uphus  
Valento  
Vellenga

Voss  
Wagenius  
Welle

Wenzel  
Winter  
Wynia

Spk. Vanasek

Those who voted in the negative were:

Carlson, D.  
Frerichs  
Hugoson  
Johnson, V.

McDonald  
McPherson  
Miller  
Ogren

Quinn  
Quist  
Redalen  
Richter

Schafer  
Sparby  
Steensma  
Sviggum

Thiede  
Waltman

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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 immunity 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cooper moved that the House refuse to concur in the Senate amendments to H. F. No. 2407, 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.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2407:

Cooper, Pappas and Quist.

**SPECIAL ORDERS**

Wynia moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

**GENERAL ORDERS**

Wynia moved that the bills on General Orders for today be continued one day. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Johnson, A., moved that the name of Olsen, S., be added as an author on H. F. No. 1951. The motion prevailed.

Brown moved that the name of Ogren be added as an author and the name of Murphy be added as chief author on H. F. No. 2364. The motion prevailed.

Schreiber moved that the present House Conference Committee on H. F. No. 2590 be discharged, that the Speaker appoint a new Conference Committee consisting of 5 members of the House, and that the House requests that a like new Conference Committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 48 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	McDonald	Poppenhagen	Swiggum
Bennett	Gruenes	McKasy	Quist	Swenson
Bishop	Gutknecht	McPherson	Redalen	Thiede
Carlson, D.	Hartle	Miller	Richter	Tjornhom
Clausnitzer	Heap	Morrison	Rose	Tompkins
Dempsey	Himle	Olsen, S.	Schafer	Uphus
DeRaad	Hugoson	Omann	Schreiber	Valento
Dille	Johnson, V.	Onnen	Seaberg	Waltman
Forsythe	Knickerbocker	Ozment	Shaver	
Frederick	Marsh	Pauly	Stanisus	

Those who voted in the negative were:

Anderson, G.	Bertram	Cooper	Greenfield	Johnson, A.
Battaglia	Brown	Dauner	Jacobs	Johnson, R.
Bauerly	Carlson, L.	Dawkins	Jefferson	Kahn
Beard	Carruthers	DeBlicck	Jennings	Kalis
Begin	Clark	Dorn	Jensen	Kelly

Kelso	McLaughlin	Olson, E.	Rest	Trimble
Kinkel	Milbert	Olson, K.	Riveness	Tunheim
Kludt	Minne	Orenstein	Rodosovich	Vellenga
Knuth	Munger	Osthoff	Rukavina	Voss
Kostohryz	Murphy	Otis	Sarna	Wagenius
Krueger	Nelson, C.	Pappas	Scheid	Welle
Larsen	Nelson, D.	Pelowski	Segal	Wenzel
Lasley	Nelson, K.	Peterson	Skoglund	Winter
Lieder	Neuenschwander	Price	Solberg	Wynia
Long	O'Connor	Quinn	Sparby	Spk. Vanasek
McEachern	Ogren	Reding	Steensma	

The motion did not prevail.

#### ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, April 20, 1988. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, April 20, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

