

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1989

TWENTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 10, 1989

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor Gene Hemeier, Sr., Redeemer Lutheran Church, Fridley, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frerichs	Krueger	Osthoff	Simoneau
Anderson, G.	Girard	Lasley	Ostrom	Skoglund
Anderson, R.	Greenfield	Lieder	Otis	Solberg
Battaglia	Gruenes	Limmer	Ozment	Sparby
Bauerly	Gutknecht	Long	Pappas	Stanius
Beard	Hartle	Lynch	Pauly	Steensma
Begich	Hasskamp	Macklin	Pellow	Sviggum
Bennett	Haukoos	Marsh	Pelowski	Swenson
Bertram	Heap	McDonald	Peterson	Tjornhom
Bishop	Henry	McEachern	Poppenhagen	Tompkins
Blatz	Himle	McGuire	Price	Trimble
Boo	Hugoson	McLaughlin	Pugh	Tunheim
Brown	Jacobs	McPherson	Quinn	Uphus
Burger	Janezich	Milbert	Redalen	Valento
Carlson, D.	Jaros	Miller	Reding	Vellenga
Carlson, L.	Jefferson	Morrison	Rest	Wagenius
Carruthers	Jennings	Munger	Rice	Waltman
Clark	Johnson, A.	Murphy	Richter	Weaver
Conway	Johnson, R.	Nelson, C.	Rodosovich	Welle
Cooper	Johnson, V.	Nelson, K.	Rukavina	Wenzel
Dauner	Kahn	Neuenschwander	Runbeck	Williams
Dawkins	Kalis	Ogren	Sarna	Winter
Dempsey	Kelly	Olson, E.	Schafer	Wynia
Dille	Kelso	Olson, K.	Scheid	Spk. Vanasek
Dorn	Kinkel	Omann	Schreiber	
Forsythe	Knickerbocker	Onnen	Seaberg	
Frederick	Kostohryz	Orenstein	Segal	

A quorum was present.

O'Connor and Olsen, S., were excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Murphy moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 212, 296, 501, 505, 719, 740, 832, 955, 1009, 1029, 1041, 1216, 1267, 1330, 1352, 1421, 1456, 159, 169, 438, 528, 611, 999, 1061, 1077, 1104, 1283, 1311, 1435, 1472, 1471 and 493 and S. F. Nos. 699 and 358 have been placed in the members' files.

S. F. No. 358 and H. F. No. 528, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jacobs moved that the rules be so far suspended that S. F. No. 358 be substituted for H. F. No. 528 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 699 and H. F. No. 999, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Battaglia moved that the rules be so far suspended that S. F. No. 699 be substituted for H. F. No. 999 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 112 and H. F. No. 1009, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dorn moved that S. F. No. 112 be substituted for H. F. No. 1009 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 13, A bill for an act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; permitting bail in civil contempt cases to be used to satisfy the judgment; establishing a conciliation court study commission; requiring a report; amending Minnesota Statutes 1988, sections 487.30, subdivisions 1 and 5; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.16, subdivision 8; 488A.29, subdivision 3; 488A.31, subdivision 6; and 488A.33, subdivision 7.

Reported the same back with the following amendments:

Page 9, delete lines 11 and 12 and insert:

"Sections 2, 5, and 8 are effective the day after final enactment. Section 9 is effective June 1, 1989. Sections 1, 3, 4, 6, and 7 are effective July 1, 1989."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 47, A bill for an act relating to transportation; providing for the apportionment of revenues from the motor vehicle excise tax; amending Minnesota Statutes 1988, section 297B.09, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1988, section 168.013, subdivision 1a, is amended to read:

Subd. 1a. [PASSENGER AUTOMOBILES; AMBULANCES; HEARSEES.] (a) On passenger automobiles as defined in section 168.011, subdivision 7, ambulances, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to 1.25 percent of the base value, ~~except that on pickup trucks the tax shall be:~~

(a) for the 1982 registration year, \$10 plus an additional tax equal to .75 percent of base value;

(b) for the 1983 registration year and each succeeding year, \$10 plus an additional tax equal to 1.25 percent of base value.

(b) Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge as reflected on the price listing affixed to the vehicle in conformity with United States Code, title 15, sections 1231 to 1233 (Public Law Number 85-506) or otherwise suggested by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

(c) If unable to determine the base value because the vehicle is specially constructed, or for any other reason, the registrar may establish such value upon the cost price to the purchaser or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

(d) The registrar shall classify every vehicle in its proper base value class as follows:

FROM	TO
\$ 0	\$199.99
200	399.99

and thereafter a series of classes successively set in brackets having a spread of \$200 consisting of such number of classes as will permit classification of all vehicles.

(e) The base value for purposes of this section shall be the middle point between the extremes of its class.

(f) The registrar shall establish the base value, when new, of every passenger automobile, ambulance and hearse registered prior to the effective date of Extra Session Laws 1971, chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If unable to ascertain the base value of any registered vehicle in the foregoing manner, the registrar may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, chapter 31.

(g) Except as provided in paragraph (h), the annual additional tax

computed upon the base value as provided herein, during the first year and second years of vehicle life shall be computed upon 100 percent of the base value; for the second year third and fourth years, 90 percent of such value; for the third year fifth and sixth years, 75 percent of such value; for the fourth year seventh and eighth years, 60 percent of such value; for the fifth ninth year, 45 percent of such value; for the sixth year, 35 percent of such value; for the seventh tenth year, 30 percent of such value; for the eighth 11th year, 20 percent of such value; for the ninth year, 15 percent of such value; for the tenth year, ten percent of such value; for the 11th 12th and each succeeding year, the sum of \$13; provided that for registrations renewed on or after January 1, 1982, the annual additional tax for the 11th and each succeeding year of vehicle life shall be \$13, for registrations renewed on or after January 1, 1983, the annual additional tax shall be \$18, for registrations renewed on or after January 1, 1984, the annual additional tax shall be \$22, and for registrations renewed on or after January 1, 1985, the annual additional tax shall be \$25.

In no event shall the annual additional tax be less than \$13 for any registration renewed after January 1, 1982, nor less than \$18 for any registration renewed after January 1, 1983, \$22 for any registration renewed after January 1, 1984, and \$25 for any registration renewed after January 1, 1985.

(h) The annual additional tax under paragraph (g) on a motor vehicle on which the first annual tax was paid before the effective date of this section must not exceed the tax that was paid on that vehicle the year before."

Page 3, line 17, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing depreciation factor in determining automobile registration taxes;"

Page 1, line 4, delete "section" and insert "sections 168.013, subdivision 1a; and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 134, A bill for an act relating to Beltrami county; authorizing the Beltrami county board to regulate dogs and cats within the county by ordinance.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 299, A bill for an act relating to occupations and professions; requiring the licensing of interior designers; defining the practice of interior design; providing for administration of licensing requirements; amending Minnesota Statutes 1988, sections 214.01, subdivision 3; 214.04, subdivision 3; 326.02, subdivision 1, and by adding a subdivision; 326.03, subdivision 1; 326.031; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 2a; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

Reported the same back with the following amendments:

Page 1, line 19, strike everything after "of"

Page 1, line 20, delete the comma and strike "landscape architecture" and delete ", and interior design" and insert "design professions"

Page 2, line 18, strike "architecture, engineering, land surveying" and delete the comma

Page 2, line 19, strike "landscape architecture" and delete the new language and insert "design professions"

Page 4, delete lines 4 to 31, and insert:

"Subd. 4b. [PRACTICE OF INTERIOR DESIGN.] (a) A person shall be considered to be practicing as a licensed interior designer, within the meaning of sections 326.02 to 326.15, if that person claims to be able to perform or does perform any professional service, such as consultation, study, or the preparation of plans and specifications in connection with using the principles of aesthetics in the design of interior public spaces, planning for public interior space utilization, the selection of furnishings that are required to meet code, the design of nonstructural elements for public interior

spaces, and services intended for the safeguarding of the public life, health, and property and the promoting of the public welfare.

(b) Licensed interior designers are prohibited from designing buildings, building structural systems, or mechanical, electrical, or fire and life safety systems for buildings.

(c) Architects licensed to practice in this state and the design of building systems by professional engineers are exempt from the provisions of this subdivision.

(d) This subdivision does not apply to those persons claiming to be interior designers who offer residential interior design services, including the selection of or assistance in selecting interior surface materials, window treatments, wall coverings, paint, floor coverings, surface mounted lighting fixtures, or loose furnishings not subject to regulation under applicable building codes."

Page 5, line 27, strike everything after "OF"

Page 5, line 28, strike the old language and delete the new language and insert "DESIGN PROFESSIONS"

Page 5, line 30, strike everything after "of"

Page 5, line 31, strike the old language and delete the new language

Page 5, line 32, after "design" insert "professions"

Page 9, line 10, after "and" insert "in the case of interior designers"

Page 9, line 11, delete "in the case of interior designers" and insert "or an educational institution accredited by the Foundation for Interior Design Education Research"

Page 13, after line 4, insert:

"Sec. 20. [APPROPRIATION.]

\$ is appropriated from the general fund to the board of interior designers for the purposes of administering sections 1 to 19."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 333, A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; imposing a penalty; amending Minnesota Statutes 1988, sections 84.92, by adding subdivisions; 84.922, subdivisions 1 and 5; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; and 84.929; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 3.736, subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss incurred by a user within the boundaries of the outdoor recreation system and arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, or for any other loss arising from construction on, or the operation, maintenance, or administration of lands administered by the commissioner of natural resources, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the iron range resources and rehabilitation board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(i) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) a loss for which recovery is prohibited by section 169.121, subdivision 9; and

(n) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources.

The state will not pay punitive damages.

Sec. 2. Minnesota Statutes 1988, section 84.92, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 84.92 to 84.929 and Laws 1984, chapter 647, section 9 84.9291.

Sec. 3. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1b. [ACCOMPANIED.] "Accompanied" means being subject to continuous direction or control.

Sec. 4. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1c. [AGRICULTURAL PURPOSE.] "Agricultural purpose" means used exclusively for an agricultural use as defined in subdivision 1d.

Sec. 5. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1d. [AGRICULTURAL USE.] "Agricultural use" means use in agricultural production or growing activities described in section 17.53, subdivision 13, or harvesting of wood for commercial or firewood purposes, by any person, whether or not a producer or harvester.

Sec. 6. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 1e. [CITY.] "City" means a home rule charter or statutory city.

Sec. 7. Minnesota Statutes 1988, section 84.92, is amended by adding a subdivision to read:

Subd. 6a. [PUBLIC ROAD RIGHT-OF-WAY.] "Public road right-of-way" means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway that is not privately owned.

Sec. 8. Minnesota Statutes 1988, section 84.922, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted in subdivision 8 1a, after January 1, 1985, a person may not operate and an owner may not give permission for another to operate an all-terrain vehicle within the state unless the vehicle has been registered. After January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by

the commissioner with the commissioner of natural resources, or is exempt from registration.

Sec. 9. Minnesota Statutes 1988, section 84.922, is amended by adding a subdivision to read:

Subd. 1a. [EXEMPTIONS.] All-terrain vehicles exempt from registration are:

(1) vehicles owned and used by the United States, the state, another state, or a political subdivision;

(2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days; and

(3) vehicles used exclusively in organized track racing events.

Sec. 10. Minnesota Statutes 1988, section 84.922, is amended by adding a subdivision to read:

Subd. 2a. [PRIVATE USE REGISTRATION.] All-terrain vehicles may be registered for private use that are used exclusively for private or agricultural use or used exclusively on private property. Private use registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Private or agricultural use registrations are not transferable.

Sec. 11. Minnesota Statutes 1988, section 84.922, subdivision 5, is amended to read:

Subd. 5. [FEES FOR REGISTRATION.] (a) The fee for a three-year registration of each an all-terrain vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is:

(1) for public use, \$18 for three years;

(2) for private use, \$6; and \$4

(3) for a duplicate or transfer, \$4.

(b) The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision must be credited to the all-terrain vehicle account.

Sec. 12. Minnesota Statutes 1988, section 84.924, subdivision 3, is amended to read:

Subd. 3. [ACCIDENT REPORT; REQUIREMENT AND FORM.]
The operator and an officer investigating an accident of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of ~~\$100~~ \$300 or more shall promptly within ten days forward a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner of natural resources or by the commissioner of public safety.

Sec. 13. Minnesota Statutes 1988, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.]

(a) ~~Despite section 84.928 to the contrary, Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.~~

(b) A person under 12 years of age shall not make a direct crossing of a trunk, county state-aid, or county highway as the operator of an all-terrain vehicle, or operate the vehicle upon a street or highway within a municipality, or operate an all-terrain vehicle on a public road right-of-way in the state, or operate an all-terrain vehicle on public lands or waters.

(b) (c) ~~Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 14 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person over 18 years of age or holding older who holds a valid driver's license. A person under the age of 14 years shall not operate an all-terrain vehicle on public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same vehicle, if designed for more than one person, or an accompanying all-terrain vehicle: the person's parent, legal guardian, or other person 18 years of age or older or holding a valid driver's license.~~

However, a person 12 years of age or older may operate an all-terrain vehicle on public lands and waters under the jurisdiction of the commissioner if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner.

(c) A person 14 years of age or older, but less than 16 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner or a valid motor vehicle operator's license.

(d) All-terrain vehicle safety certificates issued by the commissioner to persons 12 years old, but less than 16 years old, are not valid for machines in excess of 90cc engine capacity.

Sec. 14. Minnesota Statutes 1988, section 84.9256, subdivision 2, is amended to read:

Subd. 2. [HELMET REQUIRED.] A person less than 16 18 years of age shall not operate an all-terrain vehicle on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

Sec. 15. Minnesota Statutes 1988, section 84.9256, subdivision 3, is amended to read:

Subd. 3. [PROHIBITIONS ON OWNER.] It is unlawful for the An owner of an all-terrain vehicle to permit may not knowingly allow it to be operated contrary to this section.

Sec. 16. Minnesota Statutes 1988, section 84.928, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS ROADS AND RIGHTS-OF-WAY.] (a) A person shall not operate an all-terrain vehicle ~~upon~~ along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided unless otherwise allowed in sections 84.92 to 84.929.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state, if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Subd. 1a. [CROSSINGS OF A PUBLIC ROAD RIGHT OF WAY.]

~~(b)~~ (a) An all-terrain vehicle may make a direct crossing of a street or highway public road right-of-way provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway road and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway road;

(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided highway road, the crossing is made only at an intersection of the highway road with another public street or highway road; and

(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

~~(e)~~ (b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge or obstacle, and the crossing is made without undue delay.

~~(d)~~ (c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, with reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

(e) (d) An all-terrain vehicle may be operated upon a public street or highway road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(f) (e) Chapter 169 applies to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(g) (f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way, if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.

(h) A road authority as defined in section 160.02, subdivision 9, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

Sec. 17. Minnesota Statutes 1988, section 84.928, subdivision 2, is amended to read:

Subd. 2. [OPERATION GENERALLY.] It is unlawful for A person to may not drive or operate an all-terrain vehicle:

(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;

(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;

(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;

(4) without a functioning stoplight if so equipped; or

(5) in a tree nursery or planting in a manner which that damages or destroys growing stock;

(6) without a brake operational by either hand or foot;

(7) with more persons on the vehicle than it was designed for;

(8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

(9) in a manner that violates operation rules adopted by the commissioner.

Sec. 18. Minnesota Statutes 1988, section 84.928, subdivision 6, is amended to read:

Subd. 6. [REGULATIONS BY POLITICAL SUBDIVISIONS.] ~~Despite any provision in this section~~ (a) Notwithstanding any law to the contrary, a county board, by resolution, may permit the operation of all-terrain vehicles upon the roadway, shoulder, or inside bank or slope of a county highway or county state-aid highway if the roadway is in the agricultural zone or if safe operation in the ditch or outside bank or slope of the highway is impossible, in which case the county board shall provide appropriate notice city or town, acting through its governing body, may by resolution or ordinance prohibit the operation of all-terrain vehicles on city streets or town roads in its jurisdiction provided the regulations are otherwise consistent with sections 84.92 to 84.929.

(b) A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction ~~and on streets and highways other than public road rights-of-way~~ within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided:

(1) the regulations are must be consistent with sections 84.92 to 84.929 and rules adopted under section 84.924. However, the local governmental unit may not adopt;

(2) an ordinance which (1) imposes may not impose a fee for the use of public land or water under the jurisdiction of either the department of natural resources or other agency of the state, or for the use of an access to it owned by the state or a county or a city, or (2) requires; and

(3) an ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

(c) Notwithstanding any law to the contrary, a county board by ordinance may allow the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state-aid highway, if:

(1) the highway is in the agricultural zone; or

(2) safe operation in the ditch or outside slope is impossible, and the county posts the appropriate notice.

Sec. 19. Minnesota Statutes 1988, section 84.929, is amended to read:

84.929 [PENALTIES.]

Any person who violates any provision of sections ~~84.922, 84.923, and 84.925~~ 84.92 to 84.928 or rules of the commissioner is guilty of a petty misdemeanor.

Sec. 20. [84.9291] [COSTS AND FEES.]

The court shall award direct legal costs resulting from a lawsuit, including reasonable attorney's fees, to a public or private owner, lessee, permittee, or occupant, who is determined not to be liable for injury to a person or property arising from operation of a vehicle that is subject to sections 84.92 to 84.929.

Sec. 21. Minnesota Statutes 1988, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) Any person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government;

(2) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision 8, is not an implement of husbandry;

(3) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(5) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(6) Any person operating a snowmobile, as defined in section 84.81.

Sec. 22. [REPEALER.]

Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7 are repealed."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; revising liability provisions; imposing a penalty; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; 84.92, subdivision 1, and by adding subdivisions; 84.922, subdivisions 1 and 5, and by adding subdivisions; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; 84.929; and 171.03; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 386, A bill for an act relating to health; permitting various public hospitals to hold closed meetings on certain facility business; permitting certain data to be treated as trade secret information; amending Minnesota Statutes 1988, section 144.581, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 144.581, is amended by adding a subdivision to read:

Subd. 5. [CLOSED MEETINGS; RECORDING.] (a) Notwithstanding the provisions of subdivision 4 or section 471.705, a public hospital or an organization established under this section may hold a closed meeting to discuss specific marketing activity and contracts that might be entered into pursuant to the marketing activity in cases where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. No contracts referred to in this paragraph may be entered into earlier than 15 days after the proposed contract has been described at a public meeting and the description entered in the minutes, except for contracts for consulting services or with individuals for personal services.

(b) A meeting may not be closed under paragraph (a) except by a majority vote of the board of directors in a public meeting. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded and preserved by the board of directors for two years. The data on the tape are nonpublic data under section 13.02, subdivision 9. However, the data become public data under section 13.02, subdivision 14, two years after the meeting, or when the hospital or organization takes action on matters referred to in paragraph (a). For entities subject to section 471.345, a contract entered into by the board is subject to the requirements of section 471.345.

(c) The board of directors may not discuss a tax levy at a closed meeting."

Amend the title as follows:

Page 1, lines 4 and 5, delete "permitting certain data to be treated as trade secret information;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 400, A bill for an act relating to natural resources; requiring written notice to the commissioner of natural resources of the vacation of roads, highways, streets, alleys, and similar public grounds that terminate at or abut upon any public water; amending Minnesota Statutes 1988, sections 161.16, subdivision 6; 163.11, by

adding a subdivision; 164.07, subdivision 2; 412.851; 440.13; 440.135, subdivision 2; and 505.14.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 417, A bill for an act relating to solid waste; establishing plans and programs to reduce waste generated, recycle waste, develop markets for recyclables, address materials that cause special problems in the waste stream, prevent, control, and abate litter, inform and educate the public on proper waste management; appropriating money; amending Minnesota Statutes 1988, sections 18B.01, by adding a subdivision; 115A.03, by adding subdivisions; 115A.072; 115A.12, subdivision 1; 115A.15, subdivision 5, and by adding subdivisions; 115A.46, subdivision 2, and by adding a subdivision; 115A.48, subdivision 3, and by adding subdivisions; 115A.96, subdivision 2, and by adding a subdivision; 116.07, by adding a subdivision; 116K.04, by adding a subdivision; 275.51, subdivision 1; 297A.01, subdivision 3; 297A.44, subdivision 1; 325E.115, subdivision 1; 400.08, by adding a subdivision; 473.149, subdivision 1; and 473.803, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 18B; 115A; 116C; 116J; 173; 297A; and 473.

Reported the same back with the following amendments:

Page 5, line 11, after "government" insert ", other than a school district,"

Page 27, line 6, delete "persons" and insert "school districts, education districts, or ECSU's"

Page 27, line 7, after "information" insert "to students in kindergarten through grade 12"

Page 27, line 9, delete "formal and informal education facilities" and insert "school districts, education districts, or ECSU's"

Page 27, line 12, delete "educational operations" and insert "the education curriculum"

Page 27, lines 13 and 14, delete "formal and informal education facilities" and insert "school districts, education districts, or ECSU's"

Page 27, line 19, delete the first comma and after "service" insert ", and other post-secondary institutions,"

Page 27, delete lines 22 to 29 and insert:

"The state board of education and the department of education shall include waste education components in the model learner outcomes and essential learner outcomes developed for environmental education under section 126.663, subdivisions 2 and 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 530, A bill for an act relating to health; establishing an insurance information program for seniors to be financed by a surcharge on license fees for insurance agents; appropriating money; amending Minnesota Statutes 1988, section 60A.14, subdivision 1, and by adding a subdivision; and 256.9742, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

(1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

(2) for filing annual statements, \$15;

(3) for each annual certificate of authority, \$15;

(4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

(1) for filing certified copy of certificate of articles of incorporation, \$100;

(2) for filing annual statement, \$225;

(3) for filing certified copy of amendment to certificate or articles of incorporation, \$100;

(4) for filing bylaws, \$75 or amendments thereto, \$75;

(5) for each company's certificate of authority, \$575, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$15;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, \$575;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing an initial license to an individual agent, ~~\$20~~ \$22 per license, for issuing an initial agent's license to a partnership or corporation, ~~\$50~~ \$55, and for issuing an amendment (variable annuity) to a license, \$20, and for renewal of amendment, \$20;

(8) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

(9) for renewing an individual agent's license, ~~\$20~~ \$22 per year per license, and for renewing a license issued to a corporation or partnership, ~~\$50~~ \$55 per year;

(10) for issuing and renewing a surplus lines agent's license, \$150;

(11) for issuing duplicate licenses, \$5;

(12) for issuing licensing histories, \$10;

(13) for filing forms and rates, \$50 per filing;

(14) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 2. Minnesota Statutes 1988, section 60A.14, is amended by adding a subdivision to read:

Subd. 3. [SURCHARGE FOR INSURANCE INFORMATION PROGRAMS FOR SENIORS.] Of the fees collected under subdivision 1, paragraph (c), clauses (7) and (9), \$2 of the amount collected for issuing or renewing an individual agent's license and \$5 of the amount collected for issuing or renewing a partnership's or corporation's license must be deposited in the special revenue account and are appropriated to the board on aging for insurance information programs for seniors under section 256.975, subdivision 2a.

Sec. 3. Minnesota Statutes 1988, section 256.975, is amended by adding a subdivision to read:

Subd. 2a. [INSURANCE INFORMATION PROGRAMS FOR SENIORS.] (a) The board shall establish directly or by contract a statewide insurance information program for seniors to provide information and advocacy to seniors who are having difficulty understanding or purchasing insurance policies or submitting claims. The program must make available to seniors information to enable them to compare policies and determine which types of insurance policies meet their insurance needs. The program shall provide advocacy services for seniors experiencing difficulty submitting claims or obtaining payment for covered services. The program must include a toll-free insurance information telephone number and training programs for volunteers.

(b) The board may make grants to consumer-sponsored, nonprofit agencies or legal services offices to provide insurance information and advocacy in county or multicounty areas. These agencies or offices must provide telephone information, conduct regional information seminars, and provide advocacy services for seniors.

Amend the title as follows:

Page 1, line 7, delete "256.9742" and insert "256.975"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 555, A bill for an act relating to charitable gambling; including within the definition of "lawful purpose" certain expenditures for the erection, acquisition, maintenance and repair of real property; amending Minnesota Statutes 1988, section 349.12, subdivision 11.

Reported the same back with the following amendments:

Page 2, line 3, after "board" insert "has first" and strike "authorizes" and insert "authorized"

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes 1988, section 349.50, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER BOARD.] "Commissioner" means the commissioner of public safety "Board" means the charitable gambling control board.

Sec. 3. Minnesota Statutes 1988, section 349.51, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] No person shall engage in the business of a distributor or operator of video games of chance at any place of business without first having received a license from the department board to engage in that business at that location.

Sec. 4. Minnesota Statutes 1988, section 349.51, subdivision 2, is amended to read:

Subd. 2. [APPLICATION; REQUIREMENTS.] (a) Every application for a license must be made on a form prescribed by the department board and must state the name and address of the applicant. If the applicant is a firm, partnership, or association, the application must state the name and address of each of its members. If the applicant is a corporation, the application must state the name and address of each of its officers, the date of incorporation, the address of its principle place of business, the place where the business is to be licensed and business conducted, and information concerning whether or not any officer, director, resident manager, or direct salesperson of the applicant has been convicted of a felony or convicted for a gambling offense within the past five years. The application may contain other information the department board requires for licensing purposes.

(b) Every applicant for a license shall be a legal resident or be incorporated within the state of Minnesota prior to the date of application for a distributor or operator license.

(c) Every applicant shall disclose under oath to the commissioner board whether or not the applicant has any financial, legal, or other interests in a licensed wholesale liquor or alcoholic beverage distributorship or video game of chance distributorship in another state.

(d) No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

(e) No distributor in this state may also be a distributor in another state, unless the distributor adequately demonstrates that the distributor does not manufacture video games of chance outside of this state for use, sale, or distribution within this state.

Sec. 5. Minnesota Statutes 1988, section 349.51, subdivision 5, is amended to read:

Subd. 5. [LICENSE ISSUED.] Upon receipt of the application, the bond in proper form, and payment of the license fee required by subdivision 3, the department board shall issue a license in form as prescribed by the department to the applicant, unless it determines that the applicant is otherwise unqualified. The license permits the applicant to whom it is issued to engage in business as a distributor or operator at the place of business shown in the application. The department board must assign a license number to each person licensed at the time the initial license is issued. The license number must be inscribed upon all licenses issued to that distributor or operator.

Sec. 6. Minnesota Statutes 1988, section 349.52, is amended to read:

349.52 [VIDEO GAME OF CHANCE LICENSES.]

Subdivision 1. [REQUIREMENTS.] In addition to a license, an operator must obtain from the ~~commissioner~~ board an annual nontransferable license for each video game of chance. The license fee is \$120 per game. The fee must be prorated according to the number of months remaining in the calendar year at the time of the license application.

Subd. 2. [COLLECTION.] At the time a video game of chance is sold to an operator, the distributor must collect the license fee specified in subdivision 1. The distributor must affix to each game a stamp containing the operator's license number. All license fees must be given to the ~~commissioner~~ board for distribution under subdivision 3.

Subd. 3. [VIDEO GAMING LICENSE ACCOUNT.] (a) Fees collected by the ~~commissioner~~ board under sections 349.50 to 349.60 must be deposited in the state treasury in a special account to be known as the "video gaming license account." Money in the account is appropriated to the ~~commissioner~~ board for distribution under paragraph (b).

(b) The operator shall, by January 31 of each year, certify to the ~~commissioner~~ board the number of video games of chance located in each city, and in each county outside of incorporated areas, on December 31 of the previous year. Within 15 days of receiving this certification the ~~commissioner~~ board shall pay from the video gaming license account to each city and county \$30 for each video game of chance located in the city or in the county outside city limits. After making these payments the ~~commissioner~~ board shall transfer the unexpended balance in the account to the general fund.

Subd. 4. [LOCAL FEES PROHIBITED.] A municipality may not impose a fee or tax of any kind on video games of chance.

Sec. 7. Minnesota Statutes 1988, section 349.53, is amended to read:

349.53 [RECORD-KEEPING DUTIES OF DISTRIBUTORS.]

A distributor shall keep at each licensed place of business complete and accurate records for that place of business, including invoices of video games of chance held, purchased, manufactured, brought in or caused to be brought in from outside the state, or shipped or transported to operators in this state, and of all sales of video games of chance made. The distributor must also keep adequate records of the names, addresses, and license numbers of operators to whom video games of chance are sold. All books, records, and other papers and documents required by this section to

be kept must be preserved for a period of at least one year after the date of the documents, or the date of their entries as they appear in the records, unless the department board, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours, the commissioner board or designated representatives may enter any place of business of a distributor without a search warrant and inspect the premises and the records required to be kept under this section, to determine whether or not all the provisions of this chapter are being fully complied with. If the commissioner board or any representative is denied free access or is hindered or interfered with in making an examination, the license of the distributor at the premises is subject to revocation.

Sec. 8. Minnesota Statutes 1988, section 349.54, is amended to read:

349.54 [ACCESS TO GAMES.]

The commissioner board and designated representatives must be given access to all video games of chance, whether the games are in the possession of distributors, operators, or owners, upon reasonable notice.

Sec. 9. Minnesota Statutes 1988, section 349.56, is amended to read:

349.56 [LOCATION AGREEMENTS.]

An operator is required to have a location agreement with the owner where the game is placed for use by the public. The location agreement must show that the game is to be placed only in locations permitted by law. The location agreements, together with the other records of the operator, must be accessible to the commissioner board and designated representatives. The operator is required to certify under oath to the department board annually the name and address of the location in which each game has been placed and that the games have been placed only in locations permitted by law. Placing a game in an illegal location is grounds for suspension or revocation of the operator's license.

Sec. 10. Minnesota Statutes 1988, section 349.59, is amended to read:

349.59 [CONTRABAND.]

Subdivision 1. [PACKAGES DECLARED TO BE CONTRABAND.] The following are declared to be contraband:

- (1) all video games of chance which do not have a licensing stamp

affixed to them and all containers that contain contraband video games of chance;

(2) all video games of chance to which the commissioner board or designated representatives have been denied access for the inspection of contents. In lieu of seizure, the commissioner board or designated representatives may seal the game to prevent its use until inspection of contents is permitted;

(3) all video games of chance at a location at which there is no location agreement in force; and

(4) all video games of chance illegally brought into the state.

Subd. 2. [SEIZURE.] Contraband may be seized by the commissioner or designated representatives of the board or by any sheriff or other police officer, with or without process, and is subject to forfeiture as provided in subdivision 3.

Subd. 3. [DISPOSITION OF SEIZED PROPERTY.] The person who has seized the property must follow the procedure set forth under section 297A.15, subdivision 4. Whenever the commissioner board is satisfied that any person from whom property is seized under this section acting in good faith and without intent to evade the tax imposed by those sections, the commissioner board shall release the property seized without further legal proceedings.

Sec. 11. [REPEALER.]

Minnesota Statutes 1988, section 349.50, subdivision 3, is repealed.

Amend the title as follows:

Page 1, line 5, after the semicolon insert "transferring authority to license video games of chance from the department of public safety to the charitable gambling control board;"

Page 1, line 6, delete "section" and insert "sections" and before the period insert "; 349.50, subdivision 2; 349.51, subdivisions 1, 2, and 5; 349.52; 349.53; 349.54; 349.56; and 349.59; repealing Minnesota Statutes 1988, section 349.50, subdivision 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 615, A bill for an act relating to child maltreatment; authorizing the commissioner of human services to provide for the establishment of a statewide 24-hour toll-free telephone helpline; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 624, A bill for an act relating to commerce; regulating real estate appraisers; creating the real estate appraiser advisory board; providing for membership, compensation, powers, and duties; providing licensing and education requirements; regulating the issuance, renewal, suspension, and revocation of licenses; providing fees; prescribing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 82B.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 637, A bill for an act relating to the military; enacting financial incentives for members of the national guard; creating cash bonus and tuition reimbursement programs; appropriating money; providing that the appropriations for the national guard cash bonus and tuition assistance programs are available until expended and that the appropriation for one program may be used for the other; amending Laws 1988, chapter 686, section 21.

Reported the same back with the following amendments:

Page 1, line 11, after the period insert "[192.501]"

Page 1, line 14, delete "\$100" and insert "\$300"

Page 3, line 17, delete "\$2,320,000" and insert "\$6,960,000"

Page 6, delete lines 4 and 5

Amend the title as follows:

Page 1, line 9, after the semicolon insert "proposing coding for new law in Minnesota Statutes, chapter 192;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 649, A bill for an act relating to human services; authorizing the commissioner of human services to award a grant to a statewide parent self-help child abuse prevention organization; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 655, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Anoka county.

Reported the same back with the following amendments:

Page 1, line 17, after the period insert "With regard to clause (3), the conservation easement shall apply only to the north 360 feet of the described parcel."

Page 2, line 12, after the second "the" insert "west"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 660, A bill for an act relating to natural resources; changing certain provisions relating to the acquisition, disposition, and exchange of state lands; amending Minnesota Statutes 1988, sections 84.0272; 84.0274, by adding a subdivision; 94.09, subdivision 2; and 94.342, subdivision 3.

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

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 661, A bill for an act relating to pollution; regulating the disposal of infectious and pathological wastes; providing for penalties for violation; appropriating money; amending Minnesota Statutes, section 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Page 4, line 5, delete "disposed of" and insert "managed"

Page 6, lines 12 and 25, delete "may" and insert "shall"

Page 7, line 20, delete "may" and insert "shall"

Page 8, line 29, delete "6" and insert "11"

Page 8, lines 30 and 31, delete "or pathological"

Page 8, line 32, delete "6" and insert "11"

Page 8, line 34, delete "or pathological"

Page 9, line 1, delete "or pathological waste"

Amend the title as follows:

Page 1, line 5, after "Statutes" insert "1988"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 788, A bill for an act relating to human services; establishing state child mortality review panel; authorizing the state to require local reviews; protecting data generated by the review panel as confidential and nondiscoverable; clarifying neglect or endangerment of a child; amending Minnesota Statutes 1988, sections 256.01, by adding a subdivision; 609.378; 626.556, subdivision 2; and 626.558.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [145.898] [SUDDEN INFANT DEATH.]

The department of health shall develop uniform investigative guidelines and protocols for coroners and medical examiners conducting death investigations and autopsies of children under two years of age.

Sec. 2. Minnesota Statutes 1988, section 256.01, is amended by adding a subdivision to read:

Subd. 12. [CHILD MORTALITY REVIEW PANEL.] (a) The commissioner shall establish a child mortality review panel for reviewing deaths of children in Minnesota, including deaths attributed to maltreatment or in which maltreatment may be a contributing cause. The commissioners of health, education, and public safety and the attorney general shall each designate a representative to the child mortality review panel. Other panel members shall be appointed by the commissioner. The purpose of the panel shall be to make recommendations to the state and to local agencies for improving the child protection system, including modifications in statute, rule, policy, and procedure.

(b) The commissioner may require a local agency to establish a local child mortality review panel. The commissioner may establish procedures for conducting local reviews and may require that all professionals with knowledge of a child mortality case participate in the local review. In this section, “professional” means a person licensed to perform or a person performing a specific service in the child protective service system. “Professional” includes law enforce-

ment personnel, social service agency attorneys, educators, and social service, health care, and mental health care providers.

(c) In order to monitor and develop services to protect children from death caused by maltreatment or in which maltreatment may be a contributing cause, the commissioner of human services may request data defined as not public under sections 13.02, subdivision 8a and 13.10, from the records of all state agencies, statewide systems, or political subdivisions that have records relating to a child who has died or the child's family. All state agencies, statewide systems, and political subdivisions shall provide the data the commissioner requests under this paragraph. Not public data as defined by sections 13.02, subdivision 8a and 13.10 may be shared with members of the state or local child mortality review panel in connection with an individual case.

(d) Notwithstanding its classification in the possession of any other agency, data acquired by the state child mortality review panel or a local child mortality review panel in the exercise of its duties is protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data is not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but shall not disclose data that was classified as confidential or private data on decedents, under section 13.10, or private, confidential, or protected nonpublic data in the disseminating agency.

(e) A person attending a child mortality review panel meeting shall not disclose what transpired at the meeting, except to carry out the purposes of the mortality review panel. The proceedings and records of the mortality review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a local agency, arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review panel. A person who presented information before the review panel or who is a member of the panel shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review meetings.

Sec. 3. Minnesota Statutes 1988, section 609.378, is amended to read:

609.378 [NEGLECT OR ENDANGERMENT OF A CHILD.]

Subdivision 1. [NEGLECT.] (a) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and which the deprivation substantially harms the child's physical or emotional health, or is guilty of neglect of a child and may be sentenced as provided in subdivision 3. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care" as used in this paragraph.

(b) A parent, legal guardian, or foster parent caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both as provided in subdivision 3. It is a defense to a prosecution under ~~clause (b) this paragraph~~ that at the time of the neglect there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect would result in substantial bodily harm to the defendant or the child in retaliation.

If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care" as used in clause (a).

Subd. 2. [ENDANGERMENT.] A parent, legal guardian, or caretaker who endangers a child's person or health by willfully causing or permitting the child to be placed in a situation likely to produce bodily or emotional harm or death is guilty of child endangerment and may be sentenced as provided in subdivision 3.

Subd. 3. [PENALTY.] A person who is convicted of neglect of a child or child endangerment may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 4. Minnesota Statutes 1988, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321, to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (1) mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child; ~~or (2) in lieu of medical care;~~ except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. Nothing in this section shall be construed to impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. Neglect also means "medical neglect" as defined in section 260.015, subdivision 10, clause (e).

(d) "Physical abuse" means any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or

neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

Sec. 5. Minnesota Statutes 1988, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. [DETERMINATIONS.] Upon the conclusion of every assessment or investigation it conducts, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(a) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions committed by a person responsible for the child's care:

(1) an assault, as defined in section 609.02, subdivision 10, or any physical contact not exempted by section 609.379, where the assault or physical contact is either severe or recurring and causes either injury or significant risk of injury to the child;

(2) neglect as defined in subdivision 2, paragraph (c); or

(3) sexual abuse as defined in subdivision 2, paragraph (a).

(b) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(c) This subdivision shall not be construed to mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in imminent and serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

Sec. 6. Minnesota Statutes 1988, section 626.558, is amended to read:

626.558 [MULTIDISCIPLINARY CHILD PROTECTION TEAM.]

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county may establish a multidisciplinary child protection team comprised of that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health and education. In addition, representatives of mental health or other appropriate human service agencies, and parent groups may be added to the child protection team.

Subd. 2. [DUTIES OF TEAM.] A multidisciplinary child protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its child protection functions under section 626.556 and the community social services act. As used in this section, "case consultation" means a case review process in which recommendations are made concerning services to be provided to the identified children and family. Case consultation must may be performed by a committee or subcommittee of the team composed of the team members representing social human services, including mental health and chemical dependency; law enforcement, including probation and parole; the county attorney; health care; education; and other necessary agencies; and persons directly involved in an individual case as determined designated by the case consultation committee. Case consultation is a case review process that results in recommendations about services to be provided to the identified children and family other members performing case consultation.

Subd. 2a. [JUVENILE PROSTITUTION OUTREACH PROGRAM.] A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for juveniles who are engaging in prostitution. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. The county may finance these services by means of the penalty assessment authorized by section 609.3241. A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

Subd. 3. [INFORMATION SHARING.] The local welfare agency may make available to the case consultation committee of the team or subcommittee, all records collected and maintained by the agency

under section 626.556 and in connection with case consultation. Any member of the A case consultation committee or subcommittee member may share information acquired in the member's professional capacity with the committee or subcommittee to assist the committee in its function case consultation.

Case consultation committee or subcommittee members must annually sign a data sharing agreement, approved by the commissioner of human services, assuring compliance with chapter 13. Not public data, as defined by section 13.02, subdivision 8a, may be shared with members appointed to the committee or subcommittee in connection with an individual case when such members have signed the data sharing agreement.

All data acquired by the case consultation committee or subcommittee in exercising case consultation duties, is confidential as defined in section 13.02, subdivision 3, shall not be disclosed except to the extent necessary to perform case consultation, and shall not be subject to subpoena or discovery.

No members of a case consultation committee or subcommittee meeting shall disclose what transpired at a case consultation meeting, except to the extent necessary to carry out the case consultation plan. The proceedings and records of the case consultation meeting are not subject to discovery, and may not be introduced into evidence in any civil or criminal action against a professional or local welfare agency, arising out of the matter or matters which are the subject of consideration of the case consultation meeting. Information, documents, or records otherwise available from original sources are not immune from discovery or use in any civil or criminal action solely because they were presented during a case consultation meeting. Any person who presented information before the consultation committee or subcommittee or who is a member of it is not prevented from testifying as to matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information before the case consultation committee or subcommittee or about opinions formed as a result of the case consultation meetings.

A person who violates this subdivision is subject to the civil remedies and penalties provided under chapter 13.

Sec. 7. [626.5593] [PEER REVIEW OF LOCAL AGENCY RESPONSE.]

Subdivision 1. [ESTABLISHMENT.] By January 1, 1990, the commissioner of human services shall establish a pilot program for peer review of local agency responses to child maltreatment reports made under section 626.556. The peer review program shall examine agency assessments of maltreatment reports and delivery of

child protection services in at least two counties. The commissioner shall designate the local agencies to be reviewed, and shall appoint a peer review panel composed of child protection workers, as defined in section 626.559, and law enforcement personnel who are responsible for investigating reports of child maltreatment under section 626.556, subdivision 10, within the designated counties.

Subd. 2. [DUTIES.] The peer review panel shall meet at least quarterly to review case files representative of child maltreatment reports that were investigated or assessed by the local agency. These cases shall be selected randomly from local welfare agency files by the commissioner. Not public data, as defined in section 13.02, subdivision 8, may be shared with panel members in connection with a case review.

The panel shall review each case for compliance with relevant laws, rules, agency policies, appropriateness of agency actions, and case determinations. The panel shall issue a report to the designated agencies after each meeting which includes findings regarding the agency's compliance with relevant laws, rules, policies, case practice, and any recommendations to be considered by the agency. The panel shall also issue a semi-annual report concerning its activities. This semi-annual report shall be available to the public, but may not include any information that is classified as not public data.

Subd. 3. [REPORT TO LEGISLATURE.] By January 1, 1991, the commissioner shall report to the legislature regarding the activities of the peer review panel, compliance findings, barriers to the effective delivery of child protection services, and recommendations for the establishment of a permanent peer review system for child protection services.

Subd. 4. [FUNDS.] The commissioner may use funds allocated for child protection services, training, and grants to pay administrative expenses associated with the peer review panel pilot program created by this section.

Sec. 8. [REPORT ON UNIFORM GUIDELINES.]

The child mortality review panel, established by the commissioner of human services in section 2, shall review the development and use of the uniform investigative guidelines and protocols required under section 1 and submit a written report with the legislature on or before February 1, 1991, containing its findings and recommendations, if any."

Delete the title and insert:

"A bill for an act relating to human services; establishing state child mortality review panel; authorizing the state to require local

reviews; protecting data generated by the review panel as confidential and nondiscoverable; clarifying neglect or endangerment of a child; authorizing a pilot project for peer review of child protection cases; amending Minnesota Statutes 1988, sections 256.01, by adding a subdivision; 609.378; 626.556, subdivisions 2 and 10e; and 626.558; proposing coding for new law in Minnesota Statutes, chapters 145 and 626."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 796, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine county.

Reported the same back with the following amendments:

Page 2, after line 36, insert:

"Sec. 2. [SALE OF TAX-FORFEITED LAND; FILLMORE COUNTY.]

(a) Notwithstanding the provisions of Minnesota Statutes, section 282.018, Fillmore county may sell the tax-forfeited land bordering public waters that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The lands that may be conveyed are located in Fillmore county and are described as follows:

(1) Lot 6 and Lot 7 of Block 4 of the original town of Preston;

(2) Lot 3 and the easterly two feet of the north 60 feet of Lot 2 Block 1, Barbara Kaercher's addition; and

(3) That part of the Southeast Quarter of the Northwest Quarter of Section 6, Township 102N, Range 10W, lying south of Lot 3, Block 1, Barbara Kaercher's addition.

(d) These lots are not required for natural resources purposes and it will best serve the public if these lots are sold."

Page 3, line 1, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 4, delete "county" and insert "and Fillmore counties"

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 812, A bill for an act relating to insurance; life; allowing insurance policies to contain a rider providing for early payment of benefits to recipients of long-term care; amending Minnesota Statutes 1988, sections 60A.06, subdivisions 1 and 3; and 62A.46, subdivision 2.

Reported the same back with the following amendments:

Page 3, lines 10 and 11, delete the new language

Page 5, line 4, delete "solely if the" and insert a period

Page 5, delete lines 5 and 6

Page 5, delete section 3 and insert:

"Sec. 3. [61A.072] [POLICIES WITH ACCELERATED BENEFITS.]

Subdivision 1. [DISCLOSURE.] A life insurance contract or supplemental contract that contains a provision to permit the accelerated payment of benefits as authorized under section 60A.06, subdivision 1, clause (4), must contain the following disclosure: "This is a life insurance policy which pays accelerated death benefits at your option under conditions specified in the policy. This policy is not a long-term care policy meeting the requirements of section 62A.56."

Subd. 2. [ADVERTISEMENTS.] Any advertisement related to a contract or supplemental contract providing for the payment of accelerated benefits must be approved by the commissioner prior to its use. The commissioner shall not approve the advertisement if it is likely to lead a prospective purchaser to believe that it is a long-term care policy.

Subd. 3. [LONG-TERM CARE EXPENSES.] If the right to receive accelerated benefits is contingent upon the insured receiving long-

term care services, the contract or supplemental contract shall include the following provisions:

(1) the minimum accelerated benefit shall be \$1,200 per month if the insured is receiving nursing facility services and \$750 per month if the insured is receiving home care services with a minimum lifetime benefit limit of \$50,000;

(2) coverage is effective immediately and benefits shall commence with the receipt of services as defined in section 62A.46, subdivision 3, 4, or 5, but may include a waiting period of not more than 90 days, provided that no more than one waiting period may be required per benefit period as defined in section 62A.46, subdivision 11;

(3) premiums shall be waived during any period in which benefits are being paid to the insured during confinement to a nursing home facility;

(4) coverage may not be canceled or renewal refused except on the grounds of nonpayment of premium;

(5) coverage must include preexisting conditions during the first six months of coverage if the insured was not diagnosed or treated for the particular condition during the 90 days immediately preceding the effective date of coverage;

(6) the contract or supplemental contract shall contain the following disclosure:

"THE ACCELERATED LIFE INSURANCE BENEFITS PROVIDED UNDER THIS CONTRACT MAY NOT COVER ALL NURSING HOME, HOME CARE, OR ADULT DAY CARE EXPENSES. BENEFITS ARE NOT PAYABLE UPON RECEIPT OF RESIDENTIAL CARE. READ YOUR POLICY CAREFULLY TO DETERMINE YOUR BENEFIT AMOUNT.";

(7) coverage must include mental or nervous disorders which have a demonstrable organic cause such as Alzheimer's and related dementias;

(8) no prior hospitalization requirement shall be allowed unless a similar requirement is allowed by section 62A.48, subdivision 1; and

(9) the contract shall include a cancellation provision that meets the requirements of section 62A.50, subdivision 2."

Amend the title as follows:

Page 1, line 6, delete "and 62A.46, subdivision 2" and insert "proposing coding for new law in Minnesota Statutes, chapter 61A"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 843, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Aitkin county.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 881, A bill for an act relating to workers' compensation; requiring a report on recodification and simplification of the workers' compensation law; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, delete "nationally recognized and"

Page 4, after line 3, insert:

"(e) The commissioner may use staff of the department of labor and industry or legislative staff to perform this project in whole or in part if the commissioner determines such use of staff is feasible and in the best interest of the project."

Page 4, after line 9, insert:

"The commissioner may spend some or all of the money appropriated under this section to support work on this project by staff of the department of labor and industry or by legislative staff."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 895, A bill for an act relating to state lands; authorizing the commissioner of transportation to convey certain surplus property to Stevens county for other than public purposes; authorizing the county to sell the property for other than public purposes through a negotiated sale.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [LAND TRANSFER.]

Notwithstanding Minnesota Statutes, sections 161.44, subdivision 1, and 373.01, subdivision 1, the commissioner of transportation may convey and quitclaim to Stevens county for other than public purposes, and Stevens county may sell for other than public purposes, by public sale for a price not less than its appraised value, the following described land, including improvements on the land:

That part of tracts A and B described below:

Tract A:

That part of Lot 18, Garden Lots Addition to Morris, according to the plat thereof on file and of record in the office of the county recorder in and for Stevens county, Minnesota, described as follows: Beginning at the most southerly corner of said lot; thence northeasterly along the easterly boundary of said lot 294.8 feet to a monument; thence northwesterly at right angles to last course for 170 feet; thence southwesterly at right angles to last course for 50 feet; thence northwesterly at right angles to last course for 200 feet to a point on the east boundary of South Street, 325.2 feet south of the most northerly corner of said Lot 18; thence southwesterly along the easterly boundary of said South Street for 135.8 feet; thence South 5 degrees 00 minutes 00 seconds East along the northeasterly boundary of Trunk Highway No. 9 for 216 feet; thence southeasterly along the easterly boundary of said Trunk Highway No. 9 to the point of beginning;

Tract B:

Lots 19 and 20, Garden Lots Addition to Morris, according to the plat thereof on file and of record in the office of the county recorder in and for Stevens county, Minnesota; excepting therefrom the northeasterly 275.2 feet thereof;

which lies northeasterly of a line run parallel with and distant 75 feet northeasterly of Line 1 described below:

Line 1:

Beginning at a point on the east and west quarter line of Section 2, Township 124 North, Range 42 West, distant 1345 feet westerly of the center section thereof; thence run northwesterly at an angle of 55 degrees 26 minutes 00 seconds from said east and west quarter line (measured from west to north) for 872.2 feet; thence deflect to the right on a 02 degree 30 minute 00 second curve (delta angle 10 degrees 31 minutes 00 seconds) for 420.7 feet; thence on tangent to said curve for 100 feet and there terminating;

containing 6.13 acres, more or less, including all improvements presently on the property.

The land and improvements to be sold are appropriate for private commercial development and are not needed by the county for any other purpose.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; authorizing the commissioner of transportation to convey certain surplus property to Stevens county for other than public purposes; authorizing the county to sell the property for other than public purposes through a public sale."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 994, A bill for an act relating to human services; requiring a pilot project for subsidies to certain persons with case management training; appropriating money; amending Minnesota Statutes 1988, section 252.32, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, after "services" insert "agreed upon by the team"

Page 1, line 19, delete "needed"

Page 1, line 21, after the period insert "The subsidy shall not be used to supplant existing funding sources."

Page 1, line 23, delete "monthly" and insert "yearly"

Page 1, line 24, delete "\$250" and insert "\$3,000" and delete "family" and insert "eligible person"

Page 2, after line 4, insert:

"(e) In establishing the pilot project the commissioner shall review the results of the consumer case management project funded by the state planning agency between 1986 and 1989.

(f) The commissioner shall report to the legislature by February 1, 1991, on the effectiveness of the project in terms of cost and in meeting the goals of the individual service plan."

Page 2, line 5, delete "(e)" and insert "(g)"

Page 2, after line 7, insert:

"(h) At least one of the counties participating in the pilot project shall be from rural Minnesota, so long as that county agrees to comply with the requirements of this section."

Page 2, line 11, after the period insert "Funds under this section shall be distributed beginning October 1, 1989."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1046, A bill for an act relating to motor vehicles; setting fee for inspection of certain motor vehicles for which salvage certificate of title has been issued; amending Minnesota Statutes 1988, section 168A.152.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1072, A bill for an act relating to economic development; establishing the community and neighborhood development organization program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 5, line 9, delete "may" and insert "shall"

Page 5, line 10, delete "as necessary"

Page 5, after line 17, insert:

"Sec. 4. [116J.985] [COUSIN COMMUNITY PROGRAM.]

The commissioner may develop and administer a cousin community program to facilitate the transfer of information relating to successful local community development programs. The purpose of the program is to assist communities planning community development programs by sharing and demonstrating the experience of communities that have already undertaken successful programs in the areas of economic development, housing, recreation, and public facilities. The commissioner must:

(1) identify communities of various sizes and from various regions of the state that have undertaken successful community development programs and those communities that are planning for or are in need of local community development programs;

(2) organize regional meetings to encourage dialogue between the two types of communities described in clause (1);

(3) assist communities in establishing ongoing relationships to share their experiences and successful programs;

(4) establish an ongoing evaluation mechanism to measure the success of this program; and

(5) market the program statewide to cities, towns, counties, neighborhood groups, and other entities."

Page 5, line 18, after "APPROPRIATION" insert "COMMUNITY AND NEIGHBORHOOD DEVELOPMENT ORGANIZATION PROGRAM"

Page 5, after line 29, insert:

"Sec. 6. [APPROPRIATION.]

\$ is appropriated from the general fund for the biennium ending June 30, 1991, to the commissioner of trade and economic development for the cousin community program under section 4."

Re-number the sections in sequence

Correct internal cross references

Amend the title as follows:

Page 1, line 4, after the first semicolon insert "establishing the cousin community program;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 1085, A bill for an act relating to human services; exempting certain nursing homes from other operating cost limits; amending Minnesota Statutes 1988, section 256B.431, subdivision 2b.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1146, A bill for an act relating to traffic regulations; dedicating seat belt violation fines to emergency medical services relief account; amending Minnesota Statutes 1988, section 169.686, subdivision 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 1149, A bill for an act relating to state lands; providing for exceptions to usual conveyance procedures; amending Minnesota Statutes 1988, sections 94.10, by adding a subdivision; and 282.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 92; 94; and 282.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 94.10, is amended by adding a subdivision to read:

Subd. 1a. [CONVEYANCE WITHOUT CONSIDERATION TO LOCAL GOVERNMENT.] Notwithstanding subdivision 1, the commissioner may convey surplus state land or an interest in the land to a political subdivision in which the lands are situated for less than the estimated or appraised value under the following conditions:

(a) The executive council must approve the conveyance.

(b) The conveyance must be conditioned upon use of the land for a public purpose stated in an application to the commissioner. If the governing body of the political subdivision seeks to make another public use of the land, the commissioner may approve the other use without the governing body conveying the lands back to the state and securing a new conveyance from the state.

(c) The conveyance may not permit the political subdivision to reconvey the land or an interest in it without approval of the commissioner of administration.

(d) The conveyance must provide that if the political subdivision does not use the land in the manner approved by the commissioner, the subdivision must convey the portion of the land not used in an approved manner back to the state. The state may agree that if the land is conveyed back to the state, the state will pay the political subdivision for the value of improvements the subdivision made to the land.

Sec. 2. [94.105] [EXCEPTIONS TO USUAL CONVEYANCE PROCEDURES.]

The commissioner of administration or the commissioner of natural resources may convey surplus state land other than school or other trust land without complying with section 94.10 if:

(1) the conveyance is to the owner of land adjacent to the surplus state land and the executive council determines that the owner of the adjacent land built improvements on the state land without intent to occupy the state land; or

(2) the executive council determines that the only purpose of the conveyance is to correct an error in a legal description or other boundary or survey problem affecting the ownership interest of the state or the adjacent landowner.

The price for a conveyance under this section must be at least the value of the land, excluding the improvements built by the proposed purchaser, as determined by the commissioner or the appraisers if appraisal is required.

Sec. 3. Minnesota Statutes 1988, section 282.01, is amended by adding a subdivision to read:

Subd. 7b. [EXCEPTIONS TO USUAL CONVEYANCE PROCEDURES.] A county board may convey tax-forfeited land without complying with the public sale requirements of subdivision 4, 7, or 7a if:

(1) the conveyance is to the owner of land adjacent to the tax-forfeited land and the county board determines that the owner of the adjacent land built improvements on the tax-forfeited land without intent to occupy the tax-forfeited land; or

(2) the county board determines that the only purpose of the conveyance is to correct an error in a legal description or other boundary or survey problem affecting the ownership interest of the county, state, or adjacent landowner.

The price for a conveyance under this section must be at least the appraised value of the property, excluding the improvements built by the proposed purchaser. The county board must notify the commissioner of natural resources at least 30 days before taking action on a conveyance proposed under this section and the commissioner may make a recommendation to the board."

Delete the title and insert:

"A bill for an act relating to state lands; providing for exceptions

to usual conveyance procedures; amending Minnesota Statutes 1988, sections 94.10, by adding a subdivision; and 282.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 94."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1160, A bill for an act relating to education; authorizing school district participation in certain energy efficiency projects; proposing coding for new law in Minnesota Statutes, chapter 124.

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

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 1225, A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; amending Minnesota Statutes 1988, section 60A.172.

Reported the same back with the following amendments:

Page 1, line 23, delete "50" and insert "80"

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1988, section 72A.20, is amended by adding a subdivision to read:

Subd. 20. [CONTACT WITH DEPARTMENT.] An insurance company may not terminate or otherwise penalize an insurance agent solely because the agent contacted any government branch or agency regarding a problem that the agent or an insured may be having with an insurance company.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "of"

Page 1, line 3; delete everything before the semicolon and insert "and terminations of agents"

Page 1, line 4, delete everything after the comma and insert "sections 60A.172; and 72A.20, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1287, A bill for an act relating to commerce; securities; exempting nonissuer sales of securities issued by the state, its subdivisions, or instrumentalities from regulation; amending Minnesota Statutes 1988, section 80A.15, subdivision 2.

Reported the same back with the following amendments:

Page 5, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1290, A bill for an act relating to commerce; providing for the regulation of real estate closing agents; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivisions 7, 9, and 10; 82.18; 82.19, subdivisions 1, 2, 3, and 4; 82.20, subdivisions 1, 2, 3, 4, 5, 8, and 12; 82.21, subdivision 1; 82.22, subdivisions 1, 5, 6, 10, and 11; 82.23, subdivisions 2 and 3; 82.24, subdivisions 1, 2, 3, 4, 5, 6, and 7; 82.27, subdivisions 1 and 2; 82.30, subdivision 1; 82.31, subdivision 1; 82.33, subdivision 1; 82.34, subdivisions 3, 4, 6, 7, 13, and 14; and 609.52, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, section 82.34, subdivision 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 82.17, subdivision 7, is amended to read:

Subd. 7. "Trust funds" means funds received by a broker or salesperson, or closing agent in a fiduciary capacity as a part of a real estate or business opportunity transaction, pending the consummation or termination of a transaction, and includes all down payments, earnest money deposits, rents for clients, tax and insurance escrow payments, damage deposits, and any funds received on behalf of any person.

Sec. 2. Minnesota Statutes 1988, section 82.17, subdivision 9, is amended to read:

Subd. 9. "Public member" means a person who is not, or never was, a real estate broker or real estate salesperson, or a closing agent or the spouse of such person, or a person who has no, or never has had a material financial interest in acting as a real estate broker or real estate salesperson, or a closing agent or a directly related activity.

Sec. 3. Minnesota Statutes 1988, section 82.17, subdivision 10, is amended to read:

Subd. 10. "Closing agent" or "real estate closing agent" means any person whether or not acting as an agent for a title company, a licensed attorney, real estate broker, or real estate salesperson, who for another and with or without a commission, fee, or other valuable consideration or with or without the intention or expectation of receiving a commission, fee, or other valuable consideration, directly or indirectly provides closing services incident to the sale, trade, lease, or loan of residential real estate, including drawing or assisting in drawing papers incident to the sale, trade, lease, or loan, or advertises or claims to be engaged in these activities.

Sec. 4. Minnesota Statutes 1988, section 82.18, is amended to read:

82.18 [EXCEPTIONS.]

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) a licensed practicing attorney acting solely as an incident to the practice of law if the attorney complies in all respects with the trust account provisions of this chapter;

(b) a receiver, trustee, administrator, guardian, executor, or other

person appointed by or acting under the judgment or order of any court;

(c) any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in the building;

(e) any bank, trust company, savings and loan association, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) public officers while performing their official duties;

(g) employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) any person who acts as an auctioneer bonded in conformity with section 330.02, when that person is engaged in the specific performance of duties as an auctioneer, and when that person has been employed to auction real estate by a person licensed under this chapter or when the auctioneer has engaged a licensed attorney to supervise the real estate transaction;

(i) any person who acquires real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial buildings for the purpose of resale if no more than 25 such transactions occur in any 12-month period and the person complies with section 82.24;

(j) any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of these securities;

(k) any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise;

(l) any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility, pursuant to the Continuing Care Facility Disclosure and Rehabilitation Act (chapter 80D), when acting solely as incident to the contract;

(m) any broker-dealer or agent of a broker-dealer when participating in a transaction in which all or part of a business opportunity

or business, including any interest therein, is conveyed or acquired pursuant to an asset purchase, merger, exchange of securities or other business combination, if the agent or broker-dealer is licensed pursuant to chapter 80A;

(n) an accountant acting incident to the practice of the accounting profession if the accountant complies in all respects with the trust account provisions of this chapter.

Sec. 5. Minnesota Statutes 1988, section 82.19, subdivision 1, is amended to read:

Subdivision 1. No person shall act as a real estate broker or salesperson, or real estate closing agent unless licensed as herein provided.

Sec. 6. Minnesota Statutes 1988, section 82.19, subdivision 2, is amended to read:

Subd. 2. No persons shall advertise or represent themselves to be real estate brokers or salespeople, or closing agents unless licensed as herein provided.

Sec. 7. Minnesota Statutes 1988, section 82.19, subdivision 3, is amended to read:

Subd. 3. No real estate broker or salesperson, or closing agents shall offer, pay or give, and no person shall accept, any compensation or other thing of value from any real estate broker or salesperson, or closing agents by way of commission-splitting, rebate, finder's fees or otherwise, in connection with any real estate or business opportunity transaction; provided this subdivision does not apply to transactions (1) between a licensed real estate broker or salesperson and the person by whom the broker or salesperson is engaged to purchase or sell real estate or business opportunity, (2) among persons licensed as provided herein, (3) between a licensed real estate broker or salesperson and persons from other jurisdictions similarly licensed in that jurisdiction, and (4) involving timeshare or other recreational lands where the amount offered or paid does not exceed \$150, and payment is not conditioned upon any sale but is made merely for providing the referral and the person paying the fee is bound by any representations the person receiving the fee makes. A licensed real estate broker or salesperson may assign or direct that commissions or other compensation earned in connection with any real estate or business opportunity transaction be paid to a corporation of which the licensed real estate broker or salesperson is the sole owner.

Sec. 8. Minnesota Statutes 1988, section 82.19, subdivision 4, is amended to read:

Subd. 4. No real estate broker or salesperson, or closing agent shall engage or authorize any person, except one licensed as provided herein, to act as a real estate broker or salesperson, or closing agent on the engager's or authorizer's behalf.

Sec. 9. Minnesota Statutes 1988, section 82.20, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall issue a license as a real estate broker or real estate salesperson, or closing agent to any person who qualifies for such license under the terms of this chapter;

(b) The commissioner is authorized to establish by rule a special license for real estate brokers and real estate salespeople engaged solely in the rental or management of an interest or estate in real estate, to prescribe qualifications for the license, and to issue the license consistent with the terms of this chapter. This clause shall not be construed to require those owners or managers or their agents or employees who are excluded by section 82.18, clause (d) from the definition of real estate broker, to obtain the special license.

Sec. 10. Minnesota Statutes 1988, section 82.20, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATION OF APPLICANTS.] Every applicant for a real estate broker or real estate salesperson, or real estate closing agent license shall be at least 18 years of age at the time of making application for said license.

Sec. 11. Minnesota Statutes 1988, section 82.20, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FOR LICENSE; CONTENTS.] (a) Every applicant for a license as a real estate broker or real estate salesperson, or closing agent shall make an application in writing upon forms prepared and furnished by the commissioner. Each application shall be signed and sworn to by the applicant and shall be accompanied by the license fee required by this chapter;

(b) Each application for a real estate broker license and real estate salesperson license, or real estate closing agent license shall contain such information as required by the commissioner consistent with the administration of the provisions and purposes of this chapter;

(c) Each application for a real estate salesperson license shall give the applicant's name, age, residence address and the name and place of business of the real estate broker on whose behalf said the salesperson is to be acting;

(d) Each application for a real estate closing agent license shall give the applicant's name, age, residence address, and the name and place of business of the closing agent;

(e) The commissioner may require such further information as the commissioner deems appropriate to administer the provisions and further the purposes of this chapter.

Sec. 12. Minnesota Statutes 1988, section 82.20, subdivision 5, is amended to read:

Subd. 5. [RESPONSIBILITY.] Each broker shall be responsible for the acts of any and all of the broker's sales people and closing agents while acting as agents on the broker's behalf. Each officer of a corporation or partner in a partnership licensed as a broker shall have the same responsibility under this chapter as a corporate or partnership broker with regard to the acts of the salespeople and closing agents acting on behalf of the corporation or partnership.

Sec. 13. Minnesota Statutes 1988, section 82.20, subdivision 8, is amended to read:

Subd. 8. [RENEWALS.] (a) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are deemed to have been approved for renewal and may continue to transact business either as a real estate broker or salesperson, or closing agent whether or not the renewed license has been received on or before July 1. Application for renewal of a license shall be deemed to have been timely filed if received by the commissioner by, or mailed with proper postage and postmarked by, June 15 in each year. Applications for renewal shall be deemed properly filed if made upon forms duly executed and sworn to, accompanied by fees prescribed by this chapter and contain any information which the commissioner may require.

(b) Persons who have failed to make a timely application for renewal of a license and who have not received the renewal license as of July 1, shall be unlicensed until such time as the license has been issued by the commissioner and is received.

Sec. 14. Minnesota Statutes 1988, section 82.20, subdivision 12, is amended to read:

Subd. 12. [NONRESIDENTS.] A nonresident of Minnesota may be licensed as a real estate broker or, real estate salesperson, or a real estate closing agent upon compliance with all provisions of this chapter.

Sec. 15. Minnesota Statutes 1988, section 82.20, is amended by adding a subdivision to read:

Subd. 15. [EXEMPTION.] The following closing agents are exempt from the requirements of sections 82.19 and 82.24 unless otherwise required in this section or chapter:

(1) a direct employee of a title company, or a person who has an exclusive agency agreement with a title company in which the agent agrees to perform closing services on the title company's behalf and the title company assumes responsibility for the actions of the agent as if the agent were a direct employee of the title company;

(2) a licensed attorney;

(3) a licensed real estate broker or salesperson;

(4) a direct employee of a licensed real estate broker if the broker maintains all funds received in connection with the closing services in the broker's trust account; and

(5) any bank, trust company, savings and loan association, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of businesses within the scope of its corporate powers as provided by law.

Sec. 16. Minnesota Statutes 1988, section 82.21, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] The following fees shall be paid to the commissioner:

(a) A fee of \$50 for each initial individual broker's license, and a fee of \$25 for each annual renewal thereof;

(b) A fee of \$25 for each initial salesperson's license, and a fee of \$10 for each annual renewal thereof;

(c) A fee of \$25 for each initial real estate closing agent license, and a fee of \$10 for each annual renewal;

(d) A fee of \$50 for each initial corporate or partnership license, and a fee of \$25 for each annual renewal thereof;

~~(d)~~ (e) A fee not to exceed \$40 per year for payment to the education, research and recovery fund in accordance with section 82.34;

~~(e)~~ (f) A fee of \$10 for each transfer;

~~(f)~~ (g) A fee of \$25 for a corporation or partnership name change;

- (g) (h) A fee of \$5 for an agent name change;
- (h) (i) A fee of \$10 for a license history;
- (i) (j) A fee of \$5 for a duplicate license; and
- (j) (k) A fee of \$5 for each hour or fraction of one hour of course approval sought.

Sec. 17. Minnesota Statutes 1988, section 82.22, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Each applicant for a license must pass an examination conducted by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to act as a real estate broker or, as a real estate salesperson, or as a real estate closing agent.

Sec. 18. Minnesota Statutes 1988, section 82.22, subdivision 5, is amended to read:

Subd. 5. [PERIOD FOR APPLICATION.] An applicant who obtains an acceptable score on a salesperson's or closing agent's examination must file an application and obtain the license within one year of the date of successful completion of the examination or a second examination must be taken to qualify for the license. If a new examination is required, prelicense education must be completed in accordance with subdivision 6.

Sec. 19. Minnesota Statutes 1988, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) After January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. After January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after January 1, 1987, shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(b) After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the

examination specified in subdivision 1. After December 31, 1983, and before January 1, 1987, every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before filing an application for the license. Every salesperson licensed after December 31, 1983, and before January 1, 1987, shall, within one year of the date a license was first issued, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(c) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(d) After January 1, 1988, an applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner. The course must have been completed within six months prior to the date of application for the broker's license.

(e) After the effective date of this section, an applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 20. Minnesota Statutes 1988, section 82.22, subdivision 10, is amended to read:

Subd. 10. [RENEWAL; EXAMINATION.] Except as provided in subdivisions 3 and 7, no examination shall be required for the renewal of any license, provided, however, any licensee having been licensed as a broker or salesperson, or closing agent in the state of Minnesota and who shall fail to renew the license for a period of two years shall be required by the commissioner to again take an examination.

Sec. 21. Minnesota Statutes 1988, section 82.22, subdivision 11, is amended to read:

Subd. 11. [EXAMINATION ELIGIBILITY; REVOCATION.] No applicant shall be eligible to take any examination if a license as a real estate broker or salesperson, or closing agent has been revoked in this or any other state within two years of the date of the application.

Sec. 22. Minnesota Statutes 1988, section 82.23, subdivision 2, is amended to read:

Subd. 2. [DELIVERY.] Each real estate broker or real estate salesperson, or closing agent shall furnish parties to a transaction a true and accurate copy of any document pertaining to their interests as the commissioner through appropriate rules may require.

Sec. 23. Minnesota Statutes 1988, section 82.23, subdivision 3, is amended to read:

Subd. 3. [EXAMINATION OF RECORDS.] The commissioner may make examinations within or without this state of each broker's or closing agent's records at such reasonable time and in such scope as is necessary to enforce the provisions of this chapter.

Sec. 24. Minnesota Statutes 1988, section 82.24, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] All trust funds received by a broker or the broker's salespeople or closing agents shall be deposited forthwith upon receipt in a trust account, maintained by the broker for such purpose in a bank, savings and loan association, credit union, or an industrial loan and thrift company with deposit liabilities designated by the broker or closing agent, except as such money may be paid to one of the parties pursuant to express written agreement between the parties to a transaction. The depository bank shall be a Minnesota bank or trust company or any foreign bank and shall authorize the commissioner to examine its records of such deposits upon demand by the commissioner. The industrial loan and thrift company shall be organized under chapter 53. The savings and loan association or credit union shall be organized under the laws of any state or the United States.

Sec. 25. Minnesota Statutes 1988, section 82.24, subdivision 2, is amended to read:

Subd. 2. [LICENSEE ACTING AS PRINCIPAL.] A real estate licensee acting in the capacity of principal in a real estate transaction where the seller retains any liability, contingent or otherwise, for the payment of an obligation on the property shall deposit in a Minnesota bank or trust company, any foreign bank which authorizes the commissioner to examine its records of the deposits, a savings and loan association, credit union, or an industrial loan and thrift company organized under chapter 53 with deposit liabilities, in a trust account, those parts of all payments received on contracts that are necessary to meet any amounts concurrently due and payable on any existing mortgages, contracts for deed or other conveyancing instruments, and reserve for taxes and insurance or any other encumbrance on the receipts. The deposits must be maintained until disbursement is made under the terms of the

encumbrance and proper accounting on the property made to the parties entitled to an accounting. The provisions of this subdivision relating to rental of interests in real estate apply only to single-family residential property.

Sec. 26. Minnesota Statutes 1988, section 82.24, subdivision 3, is amended to read:

Subd. 3. [NONDEPOSITABLE ITEMS.] Any instrument or equity or thing of value received by a broker ~~or~~, salesperson, or closing agent in lieu of cash as earnest money or down payment in a real estate transaction shall be held by an authorized escrow agent, whose authority is evidenced by a written agreement executed by the offeror and the escrow agent.

Sec. 27. Minnesota Statutes 1988, section 82.24, subdivision 4, is amended to read:

Subd. 4. [COMMINGLING FUNDS.] A broker ~~or~~, salesperson, or closing agent shall deposit only trust funds in a trust account and shall not commingle personal funds or other funds in a trust account, except that a broker ~~or~~, salesperson, or closing agent may deposit and maintain a sum ~~not to exceed \$500~~ in a trust account from personal funds, which sum shall be specifically identified and used to pay service charges or satisfy the minimum balance requirements relating to the trust account.

Sec. 28. Minnesota Statutes 1988, section 82.24, subdivision 5, is amended to read:

Subd. 5. [TRUST ACCOUNT RECORDS.] Each broker or closing agent shall maintain and retain records of all trust funds and trust accounts. The commissioner may prescribe information to be included in the records by appropriate rules.

Sec. 29. Minnesota Statutes 1988, section 82.24, subdivision 6, is amended to read:

Subd. 6. [NOTICE OF TRUST ACCOUNT STATUS.] The names of the banks, savings and loan associations, credit unions, and industrial loan and thrift companies and the trust account numbers used by a broker or closing agent shall be provided to the commissioner at the time of application for the broker's or closing agent's license. The broker shall immediately report to the commissioner any change of trust account status including changes in banks, savings and loan associations, credit unions, and industrial loan and thrift companies, account numbers, or additional accounts in the same or other banks, savings and loan associations, credit unions, and industrial loan and thrift companies. A broker or closing agent shall not close

an existing trust account without giving ten days written notice to the commissioner.

Sec. 30. Minnesota Statutes 1988, section 82.27, subdivision 1, is amended to read:

Subdivision 1. The commissioner may by order deny, suspend or revoke any license or may censure a licensee if the commissioner finds (1) that the order is in the public interest, and (2) that the applicant or licensee or, in the case of a broker, any officer, director, partner, employee or agent or any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker or closing agent or controlled by the broker or closing agent:

(a) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) has engaged in a fraudulent, deceptive or dishonest practice;

(c) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) has failed to reasonably supervise brokers or salesperson, salespersons, or closing agents so as to cause injury or harm to the public;

(e) has violated or failed to comply with any provision of this chapter or any rule or order under this chapter; or

(f) has, in the conduct of the licensee's affairs under the license, been shown to be incompetent, untrustworthy, or financially irresponsible.

Sec. 31. Minnesota Statutes 1988, section 82.27, subdivision 2, is amended to read:

Subd. 2. The commissioner may promulgate rules further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for real estate brokers and, salespeople, or closing agents.

Sec. 32. Minnesota Statutes 1988, section 82.30, subdivision 1, is amended to read:

Subdivision 1. The commissioner of commerce shall appoint a real estate advisory task force. The task force shall include real estate brokers licensees with at least five years experience as licensed real estate brokers in Minnesota and public members. The task force may advise the commissioner on all matters relating to education of licensees, prelicensing requirements, and other policy matters relating to the administration of sections 82.17 to 82.34. The task force shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059. No member of the real estate advisory task force may establish, own, operate, invest in a course designed to fulfill any requirement of Minnesota law pertaining to licenses for real estate salespersons or, brokers, or closing agents.

Sec. 33. Minnesota Statutes 1988, section 82.31, subdivision 1, is amended to read:

Subdivision 1. Every nonresident, before being licensed as a real estate broker or, real estate salesperson, or real estate closing agent shall appoint the commissioner and a successor or successors in office as true and lawful attorney, upon whom may be served all legal process in any action or proceedings against such person, or in which such person may be a party, in relation to or involving any transaction covered by this chapter or any rule or order hereunder, which appointment shall be irrevocable. Service upon such attorney shall be as valid and binding as if due and personal service had been made upon such person. Any such appointment shall be effective upon the issuance of the license in connection with which the appointment was filed.

Sec. 34. Minnesota Statutes 1988, section 82.33, subdivision 1, is amended to read:

Subdivision 1. No person shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts for which a license is required under this chapter without alleging and proving that the person was a duly licensed real estate broker or, salesperson, or closing agent at the time the alleged cause of action arose.

Sec. 35. Minnesota Statutes 1988, section 82.34, subdivision 3, is amended to read:

Subd. 3. Each real estate broker and, real estate salesperson, and real estate closing agent entitled under this chapter to renew a license, when renewing for the first time after July 1, 1973, shall pay in addition to the appropriate renewal fee a further fee of \$20 \$5 which shall be credited to the real estate education, research and recovery fund. Any person who receives a new real estate broker's or real estate salesperson's license after July 1, 1973 shall pay said the fee of \$20 \$40 in addition to all other fees payable, provided that in no case shall any real estate broker or real estate salesperson be

required under this subdivision to pay said fee of \$20 more than once. The one time fee shall increase to \$40 for any person who receives a new real estate broker's or real estate salesperson's license after July 1, 1980. In addition each real estate broker or real estate salesperson when renewing a license after July 1, 1980, shall each time pay a fee of \$5 to be credited to the real estate education, research and recovery fund.

Sec. 36. Minnesota Statutes 1988, section 82.34, subdivision 4, is amended to read:

Subd. 4. If at the end of any fiscal year prior to calendar year 1981 following the establishment of the real estate education, research and recovery fund, the amount remaining in the fund is less than \$200,000, every licensed real estate broker and real estate salesperson, when renewing a license, shall pay in addition to the annual renewal fee, a sum not to exceed \$20 said sum having been determined by the commissioner to be sufficient to restore the balance in the fund to at least \$200,000.

Commencing with calendar year 1981, not to exceed No less than \$400,000 of the fund shall be available for recovery purposes to satisfy all claims authorized for payment each calendar year. This shall be designated as the recovery portion of the fund. ~~Commencing in calendar year 1981,~~ If the amount remaining in the fund after payment of all amounts authorized during the preceding calendar year for payment to claimants is less than \$400,000 plus the amount appropriated pursuant to subdivision 6, every licensed real estate broker and real estate salesperson licensee, when renewing a license, shall pay, in addition to the annual renewal fee and the \$5 fee set forth in subdivision 3, a sum not to exceed ~~\$35~~ \$50, said sum having been reasonably determined by the commissioner to be necessary to restore the balance in the fund.

Sec. 37. Minnesota Statutes 1988, section 82.34, subdivision 6, is amended to read:

Subd. 6. The commissioner may expend money as appropriated for the following purposes:

(a) To promote the advancement of education and research in the field of real estate for the benefit of those licensed under this chapter;

(b) To underwrite educational seminars and other forms of educational projects for the benefit of real estate licensees;

(c) To establish a real estate chair or courses at Minnesota state institutions of higher learning for the purpose of making such courses available to licensees and the general public;

(d) To contract for a particular educational or research project in the field of real estate to further the purposes of this chapter;

(e) To pay the costs of the real estate advisory council established under section 82.30;

(f) To pay any reasonable costs and disbursements, excluding attorney's fees, incurred in defending actions against the real estate education, research and recovery fund including the cost of mailing or publication of notice pursuant to subdivisions 12 and subdivision 14; and

(g) To provide information to the public on housing issues, including but not limited to, environmental safety and housing affordability.

Sec. 38. Minnesota Statutes 1988, section 82.34, subdivision 7, is amended to read:

Subd. 7. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against an individual licensed under this chapter, on grounds of fraudulent, deceptive or dishonest practices, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this chapter, or performed acts permitted by section 327B.04, subdivision 5, and which cause of action occurred on or after July 1, 1973, the aggrieved person may, upon the judgment becoming final, and upon termination of all proceedings, including reviews and appeals, file a verified application in the court in which the judgment was entered for an order directing payment out of the recovery portion of the fund of the amount of actual and direct out of pocket loss in the transaction, but excluding any attorney's fees, interest on the loss and on any judgment obtained as a result of the loss, up to the sum of ~~\$20,000~~ \$150,000 of the amount unpaid upon the judgment, provided that nothing in this chapter shall be construed to obligate the fund for more than ~~\$20,000~~ \$150,000 per party per transaction, subject to the limitations set forth in subdivisions 12 and subdivision 14, regardless of the number of persons aggrieved or parcels of real estate involved in the transaction. A copy of the verified application shall be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of service filed with the court. For the purpose of this section "aggrieved person" shall not include a real estate licensee unless (1) the licensee is acting in the capacity of principal in the sale of interests in real property owned by the licensee; or (2) the licensee is acting in the capacity of principal in the purchase of interests in real property to be owned by the licensee. Under no circumstances shall a real estate licensee be entitled to payment under this section for the loss of a commission or similar fee.

Sec. 39. Minnesota Statutes 1988, section 82.34, subdivision 13, is amended to read:

Subd. 13. Should the commissioner pay from the recovery portion of the fund any amount in settlement of a claim or toward satisfaction of a judgment against a ~~licensed broker or salesperson~~ licensee, the license of the ~~broker or salesperson~~ shall be automatically suspended upon the effective date of an order by the court as set forth herein authorizing payment from the recovery portion of the fund. No ~~such broker or, salesperson, or closing agent~~ shall be granted reinstatement until the person has repaid in full, plus interest at the rate of 12 percent a year, twice the amount paid from the recovery portion of the fund on the person's account, and has obtained a surety bond issued by an insurer authorized to transact business in this state in the amount of \$40,000. The bond shall be filed with the commissioner, with the state of Minnesota as obligee, conditioned for the prompt payment to any aggrieved person entitled thereto, of any amounts received by the real estate broker ~~or, salesperson, or closing agent~~ or to protect any aggrieved person from loss resulting from fraudulent, deceptive or dishonest practices or conversion of trust funds arising out of any transaction when the real estate broker or salesperson was licensed and performed acts for which a license is required under this chapter. The bond shall remain operative for as long as that real estate broker ~~or, salesperson, or closing agent~~ is licensed. No payment shall be made from the recovery portion of the fund based upon claims against any broker ~~or, salesperson, or closing agent~~ who is granted reinstatement pursuant to this subdivision. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this section.

Sec. 40. Minnesota Statutes 1988, section 82.34, subdivision 14, is amended to read:

Subd. 14. The commissioner shall satisfy all claims against licensees for which an order pursuant to subdivision 11 directing payment from the recovery portion of the fund has become final during the calendar year. Each claim shall be satisfied by the commissioner in not less than 30 and not more than 90 days following the end of the calendar year in which the order directing payment of the claim becomes final, commencing with calendar year 1981. If, at the end of any calendar year, the commissioner determines that the courts have issued orders that have become final during the year directing payment out of the recovery portion of the fund in a total amount in excess of \$400,000 the funds available for recovery purposes, the commissioner shall allocate the \$400,000 funds available for recovery purposes among all claimants in the ratio that the amount ordered paid to each claimant bears to the aggregate of all amounts ordered paid. The commissioner shall mail notice of the allocation to all claimants not less than 45 days following the end of the calendar year. Any claimant who objects to

the plan of allocation shall file a petition in the district court of Ramsey or Hennepin county within 20 days of the mailing of notice setting forth the grounds for objection. Upon motion of the commissioner the court shall summarily dismiss the petition and order distribution in accordance with the proposed plan of allocation unless it finds substantial reason to believe that the distribution would be in violation of the provisions of this section. If a petition is filed, no distribution shall be made except in accordance with a final order of the court. In the event no petition is filed within 20 days of the mailing of notice, the commissioner shall make a distribution in accordance with the plan of allocation. Any distribution made by the commissioner in accordance with this subdivision shall be deemed to satisfy and extinguish the claims of any claimant receiving a distribution against the recovery portion of the fund.

Sec. 41. Minnesota Statutes 1988, section 507.45, subdivision 2, is amended to read:

Subd. 2. No charge, except a charge required to be disclosed by Regulation Z X, Code of Federal Regulations, title 12 24, section 226 3500, may be made by a closing agent unless the party to be charged is informed of the charge in writing at least five business days before the closing by the party charging for the closing services.

Sec. 42. [RULEMAKING EXEMPTION.]

The commissioner shall adopt amendments to Minnesota Rules, chapter 2800, as necessary to reflect the intent of the legislature in this act to regulate real estate closing agents in the same manner and to the same extent as licensed real estate brokers and salespersons. This exemption may not be used to support the adoption of rules that establish new or different requirements or obligations on real estate closing agents.

These rules are exempt from the rulemaking provisions of chapter 14. The commissioner must comply with section 14.38, subdivision 7, when adopting these rule amendments.

Sec. 43. [REPEALER.]

Minnesota Statutes 1988, section 82.34, subdivision 12, is repealed.

Sec. 44. [EFFECTIVE DATES.]

Sections 35 to 40 and 43 are effective for claims submitted after January 1, 1990.

Delete the title and insert:

"A bill for an act relating to commerce; providing for the regulation of real estate closing agents; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivisions 7, 9, and 10; 82.18; 82.19, subdivisions 1, 2, 3, and 4; 82.20, subdivisions 1, 2, 3, 5, 8, 12, and by adding a subdivision; 82.21, subdivision 1; 82.22, subdivisions 1, 5, 6, 10, and 11; 82.23, subdivisions 2 and 3; 82.24, subdivisions 1, 2, 3, 4, 5, and 6; 82.27, subdivisions 1 and 2; 82.30, subdivision 1; 82.31, subdivision 1; 82.33, subdivision 1; 82.34, subdivisions 3, 4, 6, 7, 13, and 14; and 507.45, subdivision 2; repealing Minnesota Statutes 1988, section 82.34, subdivision 12."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1336, A bill for an act relating to metropolitan airport planning; requiring various actions, plans, and reports by the metropolitan council and the metropolitan airports commission; establishing a state advisory council on metropolitan airport planning; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [473.155] [AVIATION PLANNING.]

Subdivision 1. [AVIATION PLANNING ASSESSMENT.] By January 1 of each year, the council shall prepare an assessment of air transportation trends and factors that may affect major airport development in the metropolitan area for a prospective 30-year period.

Subd. 2. [AVIATION PLAN.] By February 1, 1990, the council shall amend the aviation chapter of the metropolitan development guide to incorporate policies and strategies that will ensure a comprehensive, coordinated, continuing, thorough, and timely investigation and evaluation of alternatives for major airport development in the metropolitan area for a prospective 30-year period. The alternatives to be examined must include both the airport improvements and enhancements of capacity that may be necessary at the existing airport and the location and development of a new airport.

Subd. 3. [SEARCH AREA.] By January 1, 1992, the council, in

consultation with the airports commission, shall designate an area within the metropolitan area as a search area for a major new airport.

Subd. 4. [LEGISLATIVE REPORTS.] (a) Until the activities required by section 3, subdivision 3, and section 4 are completed, the council shall report to the legislature by January 1 of each year on the results of the aviation planning activities of the council under this section.

(b) By February 1, 1990, after consulting further with the airports commission, the Federal Aviation Administration, industry representatives, and other persons, the council shall report to the legislature on assumptions and methods that will be used by the council to forecast demand for air travel and capacity needs at major airport facilities in the metropolitan area.

(c) By February 1, 1990, the council shall report to the legislature recommending methods and legislative actions that would be necessary to protect a new airport search area from conflicting development, to protect and control development on land at and around a site for a major new airport, and to inhibit land speculation and reduce incentives for land speculation in the airport area.

(d) By February 1, 1990, the council shall report to the legislature analyzing and making recommendations on aviation goals for the major airport facility in the metropolitan area. The report must address goals for safety, environmental impact, and service, including ground access and the airport capacity required to maintain and enhance service levels to other states and countries and to nonmetropolitan areas of the state.

(e) By January 1, 1993, the council shall report to the legislature on policies for the reuse of the existing major airport site should a new major airport be developed.

(f) At least 60 days before submitting a report to the legislature, the council shall submit a draft of the report to the state advisory council created by section 7, for review and comment. This requirement does not apply to the report under paragraph (a).

Sec. 2. Minnesota Statutes 1988, section 473.604, subdivision 1, is amended to read:

Subdivision 1. The commission consists of:

(1) the mayor of each of the cities, or a qualified voter appointed by the mayor, for the term of office as mayor;

(2) a number of members appointed from precincts equal or

nearest to but not exceeding half the number of districts which are provided by law for the selection of members of the metropolitan council in section 473.123. Each member shall be a resident of the precinct represented. The members shall be appointed by the governor as follows: a number as near as possible to one-fourth, for a term of one year; a similar number for a term of two years; a similar number for a term of three years; and a similar number for a term of four years, all of which terms shall commence on July 1, 1981. The successors of each member shall be appointed for four-year terms commencing in July of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult with each member of the legislature from the precinct for which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

(3) four members appointed from outside of the metropolitan area to reflect fairly the various regions and interests throughout the state that are affected by the operation of the commission's major airport and airport system. Two of these members must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as a key airport. The other two must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as an intermediate airport. The members must be appointed by the governor as follows: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. All of the terms start on July 1, 1989. The successors of each member must be appointed to four-year terms commencing on July 1 of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult each member of the legislature representing the municipality or county from which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

(4) a chair appointed by the governor for a term of four years. The chair may be removed at the pleasure of the governor.

Sec. 3. [473.616] [COMPREHENSIVE AIRPORT PLANNING.]

Subdivision 1. [WOLD-CHAMBERLAIN PLAN.] (a) By January 1, 1991, the commission shall adopt a long-term comprehensive plan for the international airport at its existing location. The plan must describe:

- (1) aviation demand;
- (2) airport capacity limits and potential;
- (3) facilities requirements;

(4) a plan for physical development, including financial estimates and a tentative development schedule;

(5) airport operational characteristics;

(6) compatibility with metropolitan and local physical facility systems;

(7) environmental effects;

(8) safety; and

(9) the effect on the neighboring communities.

The plan must satisfy air transportation needs, as projected by the council, for a prospective 20-year period. At the same time, the commission shall prepare a concept plan for the airport, including an estimate of facilities requirements, to satisfy air transportation needs, as projected by the council, for an additional ten-year period. The plans must be updated at least every five years. The plans must be amended as necessary to reflect changes in trends and conditions, facilities requirements, and development plans and schedules. The plans are subject to sections 473.165 and 473.611.

(b) Until January 1, 1996, or until the commission has completed the activities required by subdivision 3 and section 4, whichever occurs first, the commission may construct a new runway or a new, expanded, or relocated terminal facility if the commission determines, by resolution containing findings of fact and conclusions, following a public hearing on the project, that construction of the runway or facility is: (1) necessary and prudent, considering the current and projected demand for service and related capacity requirements, and (2) consistent with a potential legislative decision, made promptly after the legislature receives the reports required under subdivision 3 and section 4, that the commission should proceed as expeditiously as is practicable to acquire and construct a new airport.

The commission shall contract with the state office of administrative hearings for the services of an administrative law judge to conduct and report on the hearing. The report of the administrative law judge to the commission shall contain findings of fact and conclusions. The report must be completed within 90 days of the day that the commission enters the contract for services with the state office of administrative hearings.

Subd. 2. [NEW AIRPORT, CONCEPTUAL DESIGN STUDY AND PLAN.] By February 1, 1990, the commission, in consultation with the council, shall complete a study of facilities requirements, airport functioning, and conceptual design for a major new airport in the

metropolitan area. By January 1, 1991, the commission shall complete a conceptual design plan for a major new airport. The council shall use the study and design plan in evaluating areas for locating a new airport under section 1, subdivision 3.

Subd. 3. [NEW AIRPORT; SITE SELECTION; COMPREHENSIVE PLAN.] Within four years following the council's designation of a search area under section 1, the commission shall: (1) select a site for a major new airport in the search area designated by the council; (2) prepare a comprehensive plan and schedule for the development of a major airport at that site, for a prospective 20-year period following a decision to develop a new airport; (3) prepare an estimate of facilities requirements and a concept plan for development of the airport for an additional ten years; and (4) prepare and submit for administrative review the environmental documents that are required for site acquisition.

Subd. 4. [LEGISLATIVE REPORTS.] (a) Until the activities required by subdivision 3 and section 4 are completed, the commission shall report to the legislature by January 1 of each year on the results of the airport planning activities of the commission under this section.

(b) By January 1, 1991, the commission shall report to the legislature on financial planning for a major new airport. The report shall address:

- (1) cost;
- (2) financing methods;
- (3) cost allocation issues;
- (4) methods of ensuring full amortization of major improvements at the existing airport before a transfer of operations;
- (5) lease agreements and user charges at a new airport;
- (6) the availability for new airport planning and development of public funds raised through user charges at the current airport;
- (7) methods of capturing for public uses a portion of the revenue from development around a new airport; and
- (8) other similar matters.

By February 1, 1990, the commission shall submit to the legislature a progress report on the report required by this paragraph.

(c) By February 1, 1990, the commission shall report to the legislature on the conceptual design study for a major new airport, prepared under subdivision 2. By January 1, 1991, the commission shall report to the legislature on the conceptual design plan prepared under subdivision 2.

(d) At least 60 days before submitting a report to the legislature, the commission shall submit a draft of the report to the advisory council created by section 7, for review and comment. This requirement does not apply to the report under paragraph (a).

Sec. 4. [473.618] [AIRPORT PLANNING AND DEVELOPMENT REPORT.]

By January 1, 1996, the metropolitan council and the airports commission shall report to the legislature on the long-range planning and development of major airport facilities in the metropolitan area. The report must include the recommendations of the agencies on acquiring a site for a major new airport and on major airport development in the metropolitan area for a prospective 30-year period. At least 60 days before submitting the report to the legislature, the agencies shall submit the report to the advisory council created by section 7 for review and comment.

Sec. 5. [473.619] [PLANNING ADMINISTRATION.]

Subdivision 1. [INTERAGENCY AGREEMENT.] The metropolitan council and the airports commission shall enter into an intergovernmental agreement by July 1, 1989. The agreement must establish a process and agency responsibilities for comprehensive and coordinated planning for major airport development, consistent with the requirements of this section and sections 1 to 4. The agreement must establish a joint committee composed of board members of the two agencies to oversee implementation of the agreement.

Subd. 2. [SCOPE OF WORK REPORT.] The metropolitan council and the airports commission shall prepare a scope of work report that describes the general scope and schedule of work and the topics to be addressed in the planning and study tasks required of the agencies under sections 1 to 4. By July 1, 1989, the report must be submitted to the advisory council created by section 7 for review and comment. The advisory council has 90 days to complete its review.

Subd. 3. [FEDERAL PARTICIPATION.] The metropolitan council and the airports commission shall apply for and make maximum use of available federal funding for their activities under sections 1 to 4.

Subd. 4. [CONSULTATION.] The metropolitan council and the airports commission shall prepare the plans and reports under

sections 1 to 4 in consultation with each other, the commissioner of transportation, the federal aviation administration, industry representatives, and other interested persons.

Subd. 5. [COMMENCEMENT.] In order to meet the planning deadlines, the agencies may begin preparing plans and studies immediately without waiting for the completion and review of the interagency agreement.

Sec. 6. Minnesota Statutes 1988, section 473.621, subdivision 1a, is amended to read:

Subd. 1a. [RELATIONSHIP TO LEGISLATURE.] The commission shall be held accountable to the legislature in its activities, plans, policies, and programs. It shall report each session to appropriate committees of the legislature as to its activities, plans, policies, and programs and shall make other reports and recommendations which the legislature or its committees deem appropriate. ~~The commission shall adopt a long-term comprehensive plan for the Minneapolis-St. Paul International Airport. The plan must describe, in the degree of detail that the commission deems appropriate for at least a prospective ten-year period, the following:~~

- (1) aviation demand;
- (2) airport capacity, including environmental, runway, terminal, and other factors relevant to capacity;
- (3) a plan and financial estimates for physical development;
- (4) airport operational characteristics;
- (5) compatibility with the capacity of metropolitan and local physical facility systems;
- (6) environmental effects; and
- (7) the effect on the neighboring communities.

~~The plan must be submitted to the legislature by December 31, 1988, and be updated at least every five years thereafter. The plan is subject to sections 473.165 and 473.611.~~

Sec. 7. [STATE ADVISORY COUNCIL.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A state of Minnesota advisory council on metropolitan airport planning is established to provide a forum at the state level for education, discussion, and advice on the reports prepared for the legislature by the metropolitan council and metropolitan airports commission.

Subd. 2. [AUTHORITY; DUTIES.] (a) The advisory council shall review and comment on the scope of work report required by section 5, subdivision 2.

(b) The advisory council shall review and comment on the reports to the legislature required by section 1, subdivision 4, section 3, subdivision 4, and section 4.

(c) The advisory council may conduct public meetings on the reports to inform the public and solicit opinion.

(d) The advisory council may request interim briefings on work in progress.

Subd. 3. [MEMBERSHIP.] The members of the advisory council are:

(1) six legislators, three members of the senate and three members of the house of representatives, appointed by the customary appointing authority of each house;

(2) the commissioners of transportation, planning, the pollution control agency, and trade and economic development, or their designees;

(3) two metropolitan council members, appointed by the metropolitan council, at least one from a district directly affected by the international airport;

(4) two members of the metropolitan airports commission, appointed by the airports commission, at least one from a district directly affected by the international airport;

(5) two representatives of the aviation industry, appointed by the metropolitan council;

(6) four persons who are not eligible for selection under other clauses appointed as follows: two persons appointed by the customary appointing authority of each house of the legislature, one from the metropolitan area and the other from elsewhere in the state; and

(7) a representative of the federal aviation administration and persons representing members of Congress from the state, serving ex officio.

Members serve at the pleasure of the appointing authority.

Subd. 4. [CHAIRS.] The legislative appointing authorities shall each designate a legislative appointee to serve as a co-chair of the advisory council.

Subd. 5. [ADMINISTRATION.] On the request of the advisory council, legislative staff offices and the state and metropolitan agencies represented on the advisory council shall provide administrative and staff assistance.

Subd. 6. [TERMINATION.] The advisory council ceases to exist when the actions required by section 3, subdivision 3, and section 4 are completed.

Sec. 8. [COMPLIANCE WITH OTHER LAWS.]

Nothing in sections 1 to 9 relieves the commission or the council from any duties or responsibilities otherwise imposed by law.

Sec. 9. [APPLICATION.]

Sections 1 to 6 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan airport planning; requiring various actions, plans, and reports by the metropolitan council and the metropolitan airports commission; expanding the membership of the commission; establishing a state advisory council on metropolitan airport planning; amending Minnesota Statutes 1988, sections 473.604, subdivision 1; and 473.621, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 473."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1351, A bill for an act relating to local government; permitting the Dakota and Washington county housing and redevelopment authorities to waive performance bonds for single family housing construction; amending Laws 1971, chapter 333; and Laws 1974, chapter 475.

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

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1356, A bill for an act relating to economic development; designating a medical enterprise park opportunity zone in the city of Coon Rapids; providing tax benefits for the zone; appropriating money.

Reported the same back with the following amendments:

Page 1, lines 16 and 17, delete "Minnesota medical enterprise park" and insert "zone"

Page 2, line 23, after "zone" insert "designated under section 2"

Page 3, line 1, delete "shall" and insert "may,"

Page 3, line 2, after "resolution" insert a comma

Page 3, delete line 6 and insert "prescribed by the city council and approved by the commissioner"

Page 3, line 7, delete "the city council"

Page 3, line 12, delete "probable" and insert "proposed"

Page 4, line 36, delete "may have been allowed" and insert "was stated in the approving resolution; or"

Page 5, delete lines 1 to 3

Page 5, line 21, delete "an enterprise" and insert "the"

Page 5, lines 24 and 25, delete "if the purchase was made after January 1, 1988"

Page 5, line 32, after the semicolon insert "and"

Page 5, line 36, delete "; and" and insert a period

Page 6, delete lines 1 to 4

Page 6, line 22, delete "\$10,000,000" and insert "\$2,500,000"

Page 7, line 22, delete "Notwithstanding any other law or charter provision,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 1379, A bill for an act relating to health; establishing notice requirements for emergency medical services personnel who are first responders; providing safeguards for first responders against exposure to infectious diseases; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 2, line 4, delete "reserve" and insert "rescue"

Page 2, line 7, delete "and"

Page 2, line 9, before the period insert "; and

(5) correctional guards including security guards at the Minnesota Security Hospital employed by the state or a local unit of government who experience a significant exposure to an inmate who is transported to a facility for emergency medical care"

Page 3, after line 26, insert:

"Subd. 3. [IMMUNITY.] A facility is not civilly or criminally liable for actions relating to the notification of emergency medical services personnel if the facility has made a good faith effort to adopt and follow a notification protocol."

Page 4, line 14, delete everything after the period

Page 4, delete lines 15 to 17

Page 5, line 13, after "release" insert ", by an individual or agency described in section 1, subdivision 4 or 5," and before "information" insert "personally identifying"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1406, A bill for an act relating to capital improvements; providing money to acquire open space in the city of Maplewood; authorizing sale of state bonds; appropriating money.

Reported the same back with the following amendments:

Page 1, line 10, after the period insert "The grant made under this section must be repaid by the city of Maplewood and the money credited to the state building fund upon conditions agreed upon by the commissioner of trade and economic development and the city of Maplewood."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1408, A bill for an act relating to metropolitan government; restructuring the regional transit board and the metropolitan transit commission; directing the board to plan and coordinate light rail transit systems in the metropolitan area; directing the commission to operate any light rail transit systems; transferring responsibility for distribution of the transit assistance fund and for receipt of federal grants to the board; amending Minnesota Statutes 1988, sections 174.32, subdivision 2; 473.169, subdivisions 3, 4, 5, and by adding subdivisions; 473.373, by adding a subdivision; 473.375, subdivision 8, and by adding a subdivision; 473.404, subdivisions 2 and 3; and 473.4051; repealing Minnesota Statutes 1988, sections 473.1691; 473.17; 473.373, subdivision 4; and 473.398.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [473.1685] [REGIONAL RAILROAD AUTHORITIES; JOINT PLANNING.]

Subdivision 1. [JOINT PLANNING BOARD; CREATION; PURPOSE.] There is established a joint planning board for light rail transit, to:

(1) coordinate the activities of individual county regional railroad

authorities in planning light rail transit facilities in the metropolitan area; and

(2) ensure that the facilities are acquired, developed, and capable of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

Subd. 2. [MEMBERSHIP.] The joint planning board consists of:

(1) two members of the governing board of each regional railroad authority that applies for and receives state funding for preliminary engineering of light rail transit facilities;

(2) one member, in addition to those under clause (1), of the governing board of each regional railroad authority that applies for and receives state funding for final design of light rail transit facilities;

(3) one member of the governing board of each regional railroad authority not represented under clause (1) that applies for and receives state funding for planning of light rail transit facilities; and

(4) two members of the metropolitan transit commission.

Appointments under clauses (1) to (3) are made by the respective authorities, and appointments under clause (4) are made by the commission. The regional transit board shall make the appointment for any appointing authority that fails to make the required appointments by August 1, 1989. Members serve at the pleasure of the agency making the appointment.

Subd. 3. [CHAIR.] The joint planning board shall annually elect a chair from among its members.

Subd. 4. [ADMINISTRATION.] Staff and administrative services for the board must be provided by the organizations represented. The board may apply for financial assistance from the state or the regional transit board. The joint planning board may create technical and staff advisory committees as it deems appropriate to assist the board in fulfilling its responsibilities.

Sec. 2. [473.1686] [LIGHT RAIL TRANSIT; REGIONAL MANAGEMENT PLAN.]

Subdivision 1. [REQUIREMENT; PURPOSE.] (a) By January 1, 1990, the joint planning board established under section 1 shall prepare a regional management plan for light rail transit.

(b) Nothing in this section should be interpreted to require the elimination of regional railroad authorities or to forbid one or more authorities to act independently, so long as their activities are consistent with the regional management plan.

(c) The plan must ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities. The management plan must include at least the following:

(1) specifications and standards to ensure joint or coordinated procurement of vehicles, electrification, communications and ticketing facilities, yards and shops, and other facilities that must be or should be operated on a systemwide basis;

(2) systemwide operating and performance specifications and standards;

(3) a method of organizing and coordinating acquisition, construction, ownership, and operation of the system, including in particular, provision for a single light rail transit operator and the organization and coordination method required if a turn-key approach to facility acquisition is used by a regional rail authority;

(4) bus and park-and-ride coordination policies, standards, and plans;

(5) a staged systemwide development plan for a prospective ten-year period, together with a financial plan showing anticipated and recommended sources and amounts of funds for (i) capital expenditures and debt service requirements for each stage of development, and (ii) annual operating costs and operating subsidies required;

(6) a method for ensuring ongoing coordination of development, design, and operational plans; and

(7) other matters that the joint planning board deems prudent and necessary to ensure that light rail transit facilities are acquired, developed, and capable of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

(d) The plan must provide for the operation of light rail transit by the metropolitan transit commission.

Subd. 2. [APPROVAL BY REGIONAL TRANSIT BOARD.] The joint planning board shall submit the management plan prepared

under subdivision 1 to the regional transit board by January 1, 1990. The transit board shall determine whether the plan satisfies the requirements specified in subdivision 1. The transit board shall either approve the plan or, if it determines that the plan does not satisfy the requirements, disapprove the plan, in whole or in part, and recommend modifications in the plan that are necessary in order to secure approval. The transit board may not require that the first priority of the metropolitan system plan be the first route constructed. Before completing its review, the transit board shall:

(1) submit the plan to the council and the commissioner of transportation for review and comment;

(2) assemble a peer review panel of transit and light rail transit experts of national stature to review and comment on the plan; and

(3) hold a public hearing on the plan to receive the comments and suggestions of the public.

The transit board has 120 days from the date of submission to complete its review of the plan or plan modifications required for approval. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the transit board and the joint planning board.

Subd. 3. [APPROVAL REQUIRED.] The regional management plan must be prepared, reviewed, and approved as required by this section before any regional railroad authority may begin construction of light rail transit facilities and before any authority is eligible for state financial assistance for constructing light rail transit facilities.

Subd. 4. [IMPLEMENTATION; CONFORMITY WITH PLAN.] Each regional railroad authority or other developer of light rail transit in the metropolitan area shall act in conformity with the approved regional management plan required by this section. To the extent and in the manner prescribed in the regional management plan, each authority or proposer shall prepare or amend its light rail transit plans as necessary to make the local plans consistent with the approved regional management plan. Each authority shall submit its plans to the joint planning board for review for consistency with the regional management plan. The joint board shall approve the local plans if it determines that they are consistent with the management plan; otherwise the joint board shall disapprove the plans, in whole or in part, and recommend modifications in the plans that are necessary in order to secure approval. The joint board has 60 days to complete its review.

Subd. 5. [PLAN AMENDMENT.] Amendments to the regional management plan must be adopted and submitted for review and approval or disapproval by the regional transit board.

Sec. 3. Minnesota Statutes 1988, section 473.169, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT DEFINITIONS AND REQUIREMENTS.] Before constructing a light rail transit facility, the political subdivision proposing the facility must hold a public hearing on the preliminary design plans as provided in subdivision 2, and submit the preliminary and final design plans for review as provided in subdivisions 3 to 5. (a) "Preliminary design plan" means a plan that identifies the following: location, length, and termini of routes; general dimension, elevation, alignment, and character of routes and crossings; approximate station locations; standards and specifications for facilities and equipment; environmental impacts and mitigation measures; intermodal coordination, with bus operations and routes and park and ride, parking, and other transportation facilities; an acquisition and implementation strategy; ridership; capital costs; operating costs and revenues; and funding for final design, construction, and operation.

(b) "Final design plan" means a plan that includes: the right-of-way definition; civil engineering; engineering plans for vehicles, track, stations, parking, access, electrification, communication, and other facilities; operational rules, procedures and strategies; financing; and other similar matters, all stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities.

(c) The design plans must include a plan for handicapped accessibility.

Sec. 4. Minnesota Statutes 1988, section 473.169, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.] At least 30 days before the hearing under subdivision 2, the proposer must shall submit the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town must shall hold a public hearing, except that a county board need not hold a hearing if the county board membership is identical to the membership of the regional rail authority submitting the plan for review. Within 45 days after the hearing under subdivision 2, the city, county, or town must shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the proposer. If the preliminary design plans are approved by each city, county, and town in which the route is

proposed to be located, the proposer may proceed with final design plans under subdivision 5.

Sec. 5. Minnesota Statutes 1988, section 473.169, subdivision 4, is amended to read:

Subd. 4. [PRELIMINARY DESIGN PLANS; METROPOLITAN COUNCIL REFERRAL APPROVAL BY REGIONAL TRANSIT BOARD.] If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed (a) After review under subdivision 3, the proposer may refer shall submit the plans, along with any comments of local jurisdictions, to the metropolitan council regional transit board.

(b) The council must board shall hold a hearing on the plan, giving the proposer and the, any disapproving local governmental units, and other persons an opportunity to present the case for or against approval of their views on the plans. The council board may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council must either approve the plans as submitted by the proposer or recommend amended plans to accommodate the objections presented by the disapproving local governmental units.

(c) The board shall review the preliminary design plans to determine the compatibility of the plans with other light rail transit plans and facilities in the metropolitan area and the conformity of the plans with metropolitan transportation system plans. The board may comment on any aspect of the plans. The board shall either approve the plans or, if it determines that the plans do not satisfy the standard stated in this paragraph, disapprove the plans, in whole or in part, and recommend modifications in the plans that are necessary in order to secure approval. The board may not disapprove the first route proposed for construction solely because the route is not the first priority of metropolitan system plans.

(d) The board has 120 days from the date of submission to complete its review of plans or plan modifications required for approval. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the council board and the proposer.

(e) Following approval or recommendation of preliminary design plans by the council board, the proposer may proceed with final design plans under subdivision 5. A proposer may not proceed with final design plans unless its preliminary design plans have been approved by the board.

Sec. 6. Minnesota Statutes 1988, section 473.169, subdivision 5, is amended to read:

Subd. 5. [FINAL DESIGN PLANS.] (a) After the approval local review of preliminary design plans under subdivision 3 or review and approval of the plans by the council following referral to the council board under subdivision 4, the proposer may prepare final design plans.

(b) Before proceeding with construction, the proposer ~~must~~ shall submit the final design plans to the governing body of each statutory and home rule city, county, and town in which the route is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town ~~must~~ shall review and approve or disapprove the plans for the route located in the city, county, or town. A local unit of government that disapproves the plan shall describe specific amendments to the plan that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the proposer. If the final design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with construction on that route.

(c) If the governing body of one or more cities, counties, or towns disapproves the final design plans within the period allowed After review under paragraph (b), the proposer may refer shall submit the final design plans, along with any comments of local jurisdictions, to the metropolitan council regional transit board. The council must board shall review the final design plans under the same procedure, according to the same standards, and with the same effect as provided in subdivision 4 for preliminary design plans, except that the board shall also review the final design plans to determine whether the plans conform to the approved regional management plan required by section 2.

(d) Following approval or recommendation of final design plans by the council board, the proposer may proceed with construction. A proposer may not proceed with construction unless its design plans have been approved by the board.

Sec. 7. Minnesota Statutes 1988, section 473.17, is amended to read:

473.17 [COOPERATION AND COORDINATION IN LIGHT RAIL TRANSIT.]

~~Notwithstanding section 473.398, Subdivision 1. [REGIONAL AGENCIES.]~~ The metropolitan council and the regional transit board shall cooperate with regional rail authorities in the study, planning, and design of regional rail authority light rail transit systems, and the metropolitan transit commission shall cooperate with regional rail authorities in the operational planning and operation of regional rail authority light rail transit systems.

Subd. 2. [COORDINATION BY REGIONAL TRANSIT BOARD.] The transit board shall ensure coordination of the activities of individual regional railroad authorities and shall ensure that light rail transit facilities in the metropolitan area are acquired, developed, owned, and operated in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

Subd. 3. [LIMITATION.] Nothing in this section should be interpreted to require the elimination of regional rail authorities or to forbid one or more authorities to act independently, so long as the activities are consistent with the coordination required by this section.

Sec. 8. Minnesota Statutes 1988, section 473.373, subdivision 1a, is amended to read:

Subd. 1a. [PURPOSE.] (a) The purposes of the board are:

(1) to foster effective delivery of existing transit services and encourage innovation in transit service;

(2) to increase transit service in suburban areas;

(3) to prepare implementation and financial plans for the metropolitan transit system;

~~(3)~~ (4) to set policies and standards for implementing the transit policies and programs of the state and the transit policies of the metropolitan council in the metropolitan area;

(5) to advise and work cooperatively with local governments, regional rail authorities, and other public agencies, transit providers, developers, and other persons in order to coordinate all modes of transit and to increase the availability of transit services;

~~(4)~~ (6) to conduct transit research and evaluation; and

~~(5)~~ (7) to administer state and metropolitan transit subsidies.

(b) The board shall arrange with others for the delivery and provision of transit services and facilities. The board shall avoid, to the greatest extent possible, direct operational planning, administration, and management of specific transit services and facilities.

(c) The board shall advise the council, the council's transportation advisory board, the department of transportation, local political subdivisions, and private developers on the transit aspects and effects of proposed transportation plans and development projects and on methods of improving the coordination, availability, and use

of transit services as part of an efficient and effective overall transportation system.

Sec. 9. Minnesota Statutes 1988, section 473.373, is amended by adding a subdivision to read:

Subd. 2a. [MEMBERS.] (a) The board consists of 11 members appointed by the council.

(b) Eight members are appointed from each of the following agency districts:

- (1) district A, consisting of council districts 1 and 2;
- (2) district B, consisting of council districts 3 and 6;
- (3) district C, consisting of council districts 4 and 5;
- (4) district D, consisting of council districts 7 and 9;
- (5) district E, consisting of council districts 8 and 10;
- (6) district F, consisting of council districts 11 and 12;
- (7) district G, consisting of council districts 13 and 14;
- (8) district H, consisting of council districts 15 and 16.

The members must be residents of the districts for which they are appointed and must be elected officials of statutory or home rule charter cities, towns, or counties. At least two of the members must be county board members, each from a different county. At least 30 days before the expiration of a term, or upon the occurrence of a vacancy, the council shall request nominations for the position from relevant organizations of local elected officials, such as the association of metropolitan municipalities, the metropolitan intercounty association, the association of urban counties, and the association of townships. A local unit of government that is not a member of an association of local elected officials may submit a nomination independently. The council shall make the appointment from the nominees submitted to it, to the extent possible consistent with the other requirements of this paragraph and with a fair representation of the diverse areas and constituencies affected by transit.

(c) Three citizen members with governmental or management experience are appointed to represent the interests of the metropolitan area at large. In making these appointments, the council shall follow the procedures required by section 473.141, subdivision 2.

(d) No single city or town may have more than three of its residents on the board at once.

(e) Appointments are subject to the advice and consent of the senate as provided in section 15.066.

Sec. 10. Minnesota Statutes 1988, section 473.373, subdivision 4, is amended to read:

Subd. 4. [TERMS.] The initial terms of members and the chair appointed under Laws 1984, chapter 654, article 3, section 116, section 10 commence on the first day after July 1, 1984, that the chair and at least seven other members have been appointed and qualified and July 1, 1989. The terms of members and the chair serving on the effective date of this section expire on the first day that the chair and eight members appointed under section 473.141 and this section 10 are appointed and qualified under section 473.141, subdivision 4. By August 1, 1985, the appointing authorities shall appoint a chair and eight members from the districts defined in section 473.141. The initial terms of members and the chair appointed in 1985 are as follows: members representing commission districts A, B, C, and D and the chair of the board, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H for terms ending the first Monday in January of the year ending in the numeral "9." At least one of the members appointed by the council must be 65 years of age or older at the time of the appointment. The council shall appoint half of the members initially appointed under subdivision 2a, paragraph (b), to terms of two years and half to terms of four years. Thereafter the term of each member and the chair appointed under subdivision 2a, paragraph (b), is four years, subject to the provisions on apportionment, successor qualification, removal, and vacancy of section 473.141, subdivisions 4a, 5, and 6. The council shall appoint two of the members initially appointed under subdivision 2a, paragraph (c), to a term of two years and one to a term of four years. Thereafter the term of each member appointed under subdivision 2a, paragraph (c), is four years, subject to the provisions on successor qualification, removal, and vacancy of section 473.141.

Sec. 11. Minnesota Statutes 1988, section 473.373, subdivision 5, is amended to read:

Subd. 5. [CHAIR.] (a) The board shall elect a member to serve as the chair of the board for a term of two years.

(b) The chair is paid a per diem compensation for each meeting and other services as authorized by the board and is reimbursed for expenses as provided in section 473.141, subdivision 7, except that the chair's per diem is 1½ times the per diem paid to members.

(c) The duties of the chair are:

(a) (1) to preside over all board meetings attended;

(b) (2) to serve as the principal a transit spokesperson within the metropolitan area before the legislature, other state and regional agencies, local units of government, and the general public;

(c) (3) to present to the governor and the legislature, after approval by the council, the board's financial plan for public transit in the metropolitan area;

(d) (4) to convene and preside at an annual regional transit conference of transit providers, operators, and users; and

(e) (5) to perform other duties assigned by law or by the board.

Sec. 12. Minnesota Statutes 1988, 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. The board may not be a recipient of federal operating or capital assistance 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. 13. Minnesota Statutes 1988, section 473.375, subdivision 13, is amended to read:

Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide financial assistance to the commission and other providers as provided in sections 473.371 to 473.449 in furtherance of and in conformance with the implementation plan of the board. The board may not use the proceeds of bonds issued by the council under section 473.39 to provide capital assistance to private, for-profit operators of public transit.

Sec. 14. Minnesota Statutes 1988, section 473.404, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The transit commission consists of ~~three~~ five members appointed by the transit board. One member must be a resident of the city of Minneapolis, one must be a resident of the city of St. Paul, and one two must reside in the service area of the commission outside of Minneapolis and St. Paul, and one may reside anywhere in the metropolitan area. At least one of the two members appointed as residents of the service area outside of the two cities must reside in the commission's full-peak and off-peak service area, as defined for tax purposes in section 473.446. Appointments are ~~not~~ subject to the advice and consent of the senate as provided in section 15.066. Appointments are not subject to the advice and consent of the senate.

Sec. 15. Minnesota Statutes 1988, section 473.404, subdivision 3, is amended to read:

Subd. 3. [TERMS.] (a) The term of each member of the commission is three years and until a successor is appointed and qualified.

(b) The initial terms of members authorized in 1984 commence on the first day after August 1, 1984, that all three members have been appointed and qualified. One member must be appointed to an initial term of one year, one to an initial term of two years, and one to an initial term of three years. The terms of members of the transit commission appointed and serving on August 1, 1984, pursuant to Minnesota Statutes 1982, section 473.141, expire on the day that the terms of members appointed pursuant to this section commence.

(c) The initial terms of the two added members, first appointed in 1989, commence August 1, 1989. One member must be appointed to an initial term of two years and one to an initial term of three years.

Sec. 16. Minnesota Statutes 1988, section 473.404, subdivision 5, is amended to read:

Subd. 5. [QUALIFICATION.] Each member of the commission must have transit, governmental, or management experience. A member shall not during a term of office be a member of the metropolitan council, the regional transit board, the metropolitan waste control commission, the metropolitan airports commission, the metropolitan sports facilities commission, or any other independent regional commission, board, or agency, or hold any judicial office. Each member shall qualify by taking and subscribing to the oath of office prescribed by the Minnesota Constitution, article 5, section 5. The oath, duly certified by the official administering it, must be filed with the metropolitan council.

Sec. 17. [TRANSIT COMMISSION; LIGHT RAIL.]

The transit commission shall be the operator of a light rail transit

system upon completion of construction of a light rail transit facility, shops, yards, or line segment by a regional rail authority.

Sec. 18. [APPLICATION.]

Sections 2 to 17 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 19. [REPEALER.]

Minnesota Statutes 1988, sections 473.1691 and 473.398, are repealed."

Delete the title and insert:

"A bill for an act relating to metropolitan transit; requiring joint planning for light rail transit; establishing a joint planning board; requiring approval of light rail transit plans by the regional transit board; specifying the composition of the regional transit board and the metropolitan transit commission; changing various provisions relating to metropolitan transit programs and authorities; amending Minnesota Statutes 1988, sections 473.169, subdivisions 1, 3, 4, and 5; 473.17; 473.373, subdivisions 1a, 4, 5, and by adding a subdivision; 473.375, subdivisions 8 and 13; 473.404, subdivisions 2, 3, and 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1988, sections 473.1691 and 473.398."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1411, A bill for an act relating to cooperatives; recodifying and clarifying certain provisions on cooperative businesses; amending certain provisions of cooperative business law; requiring a registered officer or agent for cooperatives; authorizing cooperatives to provide greater approval proportions than provided in statute for certain cooperative actions; providing corporate existence of cooperative begins with filing of articles; authorizing loans to and fiduciary powers with members; specifying how vacancies in unexpired directors' terms may be filled; authorizing the board to rescind membership for member violations; eliminating certain filings with county recorders; eliminating attorney general approval of articles of merger or consolidation; prescribing a fee for filing articles of consolidation; prescribing a procedure for dissolution of coopera-

tives; deeming certain organized cooperatives to be organized under and subject to this act; amending Minnesota Statutes 1988, sections 47.20, subdivision 2; 117.232, subdivision 1; 216B.027, subdivision 5; 237.075, subdivision 9; 273.124, subdivisions 3 and 6; 273.132, subdivision 5; 363.01, subdivision 32; and 500.20, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 308A; repealing Minnesota Statutes 1988, sections 308.01 to 308.92.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1447, A bill for an act relating to motor vehicles; defining the effect of certain leases; amending Minnesota Statutes 1988, section 168A.17, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1469, A bill for an act relating to Roseau county; providing increased bonding authority for hospital districts in the county; amending Laws 1961, chapter 115, section 4, as amended.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1517, A bill for an act relating to local government; authorizing the city of St. Louis Park to change the name of the housing and redevelopment authority; permitting the recording of certain deeds.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 390, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Todd county.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 478, A bill for an act relating to education; providing for donations to the permanent school fund; amending Minnesota Statutes 1988, sections 84.085 and 124.08.

Reported the same back with the following amendments:

Page 1, line 25, strike "this" and insert "a school endowment"

Page 2, line 1, strike the colon and insert a period

Page 2, line 2, strike ", which"

Page 2, line 8, after the period insert "Marketable securities may be disposed of at the discretion of the state board of investment consistent with sections 11A.16 and 11A.24."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 13, 386, 400, 655, 660, 796, 812, 843, 881, 895, 1149, 1160, 1225, 1287, 1290, 1351, 1411, 1447 and 1517 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 358, 699, 112, 390 and 478 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Pugh and Seaberg introduced:

H. F. No. 1587, A bill for an act relating to education; providing aid to repair damage due to vandalism at Sibley High School; appropriating money.

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

Segal and Carlson, L., introduced:

H. F. No. 1588, A bill for an act relating to human services; establishing a public/academic liaison initiative for mental health; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

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

Kahn introduced:

H. F. No. 1589, A bill for an act relating to the city of Minneapolis; giving the city certain powers pertaining to the delivery of energy and environmental services.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Omamm introduced:

H. F. No. 1590, A bill for an act relating to state lands; permitting land exchange in Benton county.

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

Clark, Price, Beard and Otis introduced:

H. F. No. 1591, A resolution memorializing the Congress of the United States to continue to limit the scope of commercial aircraft maintenance performed outside the United States.

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

Olson, K.; Olson, E.; McEachern; Vanasek and Dawkins introduced:

H. F. No. 1592, A bill for an act relating to education; providing for stable natural gas supply to schools; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Dorn, Orenstein, Jefferson, Trimble and Vanasek introduced:

H. F. No. 1593, A bill for an act relating to economic development; appropriating money to the Minnesota Music Academy.

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

Morrison, Limmer, Scheid, Seaberg and Frerichs introduced:

H. F. No. 1594, A bill for an act relating to the legislature; requiring the legislature to conform to the standards of the open meeting law; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sviggum introduced:

H. F. No. 1595, A bill for an act relating to state lands; authorizing commissioner of natural resources to convey certain land in Frontenac State Park to adjoining property owners.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh, Janezich, Pappas and Greenfield introduced:

H. F. No. 1596, A bill for an act relating to secured transactions; requiring the secured party to provide certain notices before collateral is disposed of after default; amending Minnesota Statutes 1988, section 336.9-504.

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

Stanisus introduced:

H. F. No. 1597, A bill for an act relating to retirement; volunteer firefighters; excluding volunteer firefighters serving with the White Bear Lake fire department from the definition of public employee.

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

Runbeck, Vellenga, Carruthers, Macklin and Swenson introduced:

H. F. No. 1598, A bill for an act relating to traffic safety; authorizing the commissioner of public safety to establish a model victim panel program for first time DWI offenders; authorizing the commissioner to award a grant-in-aid to a volunteer citizen organization to administer the program; appropriating money; amending Minnesota Statutes 1988, section 169.121, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Bertram introduced:

H. F. No. 1599, A bill for an act relating to agriculture; authorizing townships to suspend certain noxious weed laws during drought; proposing coding for new law in Minnesota Statutes, chapter 18.

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

Bertram introduced:

H. F. No. 1600, A bill for an act relating to game and fish; allowing previously licensed shooting preserves to be exempt from certain pheasant release provisions; amending Minnesota Statutes 1988, section 97A.121, subdivision 4a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, Trimble, Pappas, McGuire and Bennett introduced:

H. F. No. 1601, A bill for an act relating to state government; adding members to the council on Asian-Pacific Minnesotans; amending Minnesota Statutes 1988, section 3.9226, subdivision 1.

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

Lynch introduced:

H. F. No. 1602, A bill for an act relating to health; appropriating money for a study of radium in public water supplies.

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

Omann introduced:

H. F. No. 1603, A bill for an act relating to taxation; sales and use; exempting sales of farm machinery; including repair and replacement parts in the definition of farm machinery; amending Minnesota Statutes 1988, sections 297A.01, subdivision 15; 297A.02, subdivision 2; and 297A.25, by adding a subdivision.

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

Otis introduced:

H. F. No. 1604, A bill for an act relating to economic development; clarifying the powers and duties of the Greater Minnesota Corporation; expanding auditing and reporting requirements; amending Minnesota Statutes 1988, sections 116O.02, by adding a subdivision; 116O.03, subdivision 1, and by adding a subdivision; 116O.04, by adding a subdivision; 116O.05; 116O.06, subdivisions 1 and 5; 116O.08, subdivision 2; 116O.12; 116O.14; and 116O.15.

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

Kinkel; Johnson, R.; Hasskamp; Peterson and Anderson, R., introduced:

H. F. No. 1605, A bill for an act relating to taxation; sales; providing an exemption for construction materials on homesteaded resorts; amending Minnesota Statutes 1988, section 297A.25, by adding a subdivision.

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

Kinkel; Wenzel; Cooper; Olson, E., and Uphus introduced:

H. F. No. 1606, A bill for an act relating to agriculture; increasing the value for destroyed livestock; amending Minnesota Statutes 1988, section 3.737, subdivision 1.

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

Milbert introduced:

H. F. No. 1607, A bill for an act relating to education; modifying the eligibility for exceptional need revenue; amending Minnesota Statutes 1988, section 124.217, subdivision 1.

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

Schreiber, Battaglia, Carruthers, Jennings and Runbeck introduced:

H. F. No. 1608, A bill for an act relating to local government; planning and zoning; permitting limited duration for conditional use permits; making explicit the scope of certain statutes; amending Minnesota Statutes 1988, sections 462.358, subdivision 2a; and 462.3595, subdivision 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Kinkel introduced:

H. F. No. 1609, A bill for an act relating to libraries; providing funds for library construction in Kitchigami Regional Library system; authorizing the sale of state bonds; appropriating money.

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

Kinkel and Olson, E., introduced:

H. F. No. 1610, A bill for an act relating to natural resources; authorizing the commissioner to appoint Indians as special enforcement officers under certain conditions; amending Minnesota Statutes 1988, section 97A.241.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Neuenschwander; Carlson, D.; Begich; Miller and Pugh introduced:

H. F. No. 1611, A bill for an act relating to crimes; enhancing penalties for theft and receiving stolen property offenses when the property stolen is a firearm; amending Minnesota Statutes 1988, sections 609.52, subdivision 3; and 609.53, subdivision 1.

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

Osthoff; Carlson, L.; Segal; Kahn and Heap introduced:

H. F. No. 1612, A bill for an act relating to economic development; regulating the job skills partnership program; amending Minnesota Statutes 1988, sections 116L.02; and 116L.04, subdivision 1; repealing Laws 1983, chapter 334, section 7, as amended.

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

Kostohryz, O'Connor, Rice, Begich and Ogren introduced:

H. F. No. 1613, A bill for an act relating to employment; regulating employee inventions; amending Minnesota Statutes 1988, section 181.78, by adding a subdivision.

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

Rukavina, Jaros, Begich, Stanius and O'Connor introduced:

H. F. No. 1614, A bill for an act relating to alcoholic beverages;

eliminating nonintoxicating malt liquor licenses; authorizing the issuance of malt liquor licenses; providing for restrictions on the issuance of malt liquor licenses; amending Minnesota Statutes 1988, sections 28A.16; 182.651, subdivision 18; 297A.02, subdivision 3; 340A.101, subdivisions 10 and 14; 340A.301, subdivisions 1, 6, and 7; 340A.308; 340A.310; 340A.311; 340A.402; 340A.403, subdivisions 1 and 2; 340A.404, subdivision 5; 340A.4055; 340A.407; 340A.408, subdivisions 1, 4, and 5; 340A.409, subdivision 4; 340A.410, subdivision 8; 340A.411; 340A.412, subdivision 6; 340A.413, subdivision 4; 340A.414, subdivision 2; 340A.503, subdivision 1; 340A.504, subdivisions 1 and 6; 340A.508, subdivision 2; 340A.601, subdivision 1; 340A.903; 624.701, subdivision 1; and 624.731, subdivision 5; repealing Minnesota Statutes 1988, sections 340A.101, subdivision 19; and 340A.403, subdivision 3.

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

Osthoff; Carlson, D.; Anderson, G.; Solberg and Bishop introduced:

H. F. No. 1615, A bill for an act relating to appropriations; appropriating funds for programs to identify, protect and manage endangered natural resources, and the county biological survey.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Bishop, Kelly, Pugh and Rest introduced:

H. F. No. 1616, A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1988, section 124.43, subdivision 1, as amended.

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

Kahn, Trimble, Rukavina, Wagenius and Pauly introduced:

H. F. No. 1617, A bill for an act relating to the environment; providing for mitigation of the greenhouse effect by imposing a surcharge on motor vehicles and on facilities permitted by the pollution control agency; establishing a carbon dioxide tree planting account; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sarna introduced:

H. F. No. 1618, A bill for an act relating to commerce; securities; authorizing the issuance of stop orders on certain registration statements; amending Minnesota Statutes 1988, section 80A.13, subdivision 1.

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

Neuenschwander, Schreiber, Ogren, Valento and Welle introduced:

H. F. No. 1619, A bill for an act relating to taxation; sales; phasing out the accelerated June sales tax payment; amending Minnesota Statutes 1988, section 297A.275; repealing Minnesota Statutes 1988, section 297A.275.

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

Battaglia; Carlson, D.; Neuenschwander; Trimble and Winter introduced:

H. F. No. 1620, A bill for an act relating to natural resources; reallocating costs assessed against the game and fish fund; appropriating money; amending Minnesota Statutes 1988, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; and 97A.165; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia, Neuenschwander and Rukavina introduced:

H. F. No. 1621, A bill for an act relating to state government; extending the term of the citizens council on Voyageurs National Park; amending Minnesota Statutes 1988, section 84B.11, subdivision 4.

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

Welle, Peterson, Bauerly, McGuire and Ozment introduced:

H. F. No. 1622, A bill for an act relating to education; making school attendance a condition of obtaining a driver's license; amending Minnesota Statutes 1988, sections 171.04 and 171.18.

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

Hartle introduced:

H. F. No. 1623, A bill for an act relating to taxation; requiring payment of full six percent excise tax by buyer of collector vehicle who reregisters the vehicle for street use within one year of the sale; amending Minnesota Statutes 1988, section 297B.025, subdivision 2.

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

Kostohryz, Vanasek, Long, Schreiber and McDonald introduced:

H. F. No. 1624, A bill for an act relating to taxation; repealing the prohibition against importation of certain amounts of alcoholic beverages by individuals; amending Minnesota Statutes 1988, section 297C.09.

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

Uphus and Bauerly introduced:

H. F. No. 1625, A bill for an act relating to traffic regulations; prohibiting sales of certain trailers without service brakes; amending Minnesota Statutes 1988, section 169.67, subdivision 4, and by adding a subdivision.

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

Lasley introduced:

H. F. No. 1626, A bill for an act relating to state lands; conveying easement for sanitary sewer to city of Cambridge.

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

Welle introduced:

H. F. No. 1627, A bill for an act relating to taxation; income; providing an exception to partnership withholding provisions; amending Minnesota Statutes 1988, section 290.92, subdivision 4b, as added.

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

Rest, Skoglund, Pauly and Morrison introduced:

H. F. No. 1628, A bill for an act relating to taxation; property; modifying the metropolitan revenue distribution system; phasing out certain exemptions; decreasing the contribution percentage; changing certain definitions; prohibiting use of proceeds for special purposes; amending Minnesota Statutes 1988, sections 473F.01; 473F.02, subdivisions 3 and 12; 473F.06; 473F.07, subdivisions 1 and 3; 473F.08, subdivisions 2 and 6; and 473F.13, subdivision 1; repealing Minnesota Statutes 1988, sections 473F.02, subdivisions 9, 11, 16, 17, 18, 19, and 20; 473F.12; and 473F.13, subdivisions 2 and 3.

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

Simoneau introduced:

H. F. No. 1629, A bill for an act relating to local government; amending provisions relating to group insurance contracts; amending Minnesota Statutes 1988, section 471.616, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Reding introduced:

H. F. No. 1630, A bill for an act relating to the city of Austin; providing for the service of the police and fire chiefs.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Clark, Simoneau and Johnson, R., introduced:

H. F. No. 1631, A bill for an act relating to retirement; Minnesota state retirement system; permitting payments toward the cost of

Medicare Plan B medical coverage for retirees receiving annuities from the system; proposing coding for new law in Minnesota Statutes, chapter 352.

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

Segal introduced:

H. F. No. 1632, A bill for an act relating to education; providing for cost of living differential aid; appropriating money; amending Minnesota Statutes 1988, section 124A.24; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Sparby introduced:

H. F. No. 1633, A bill for an act relating to agriculture; providing coordination of aquiculture programs; requiring reporting to the commissioner of agriculture on aquiculture projects with state funding; defining aquiculture; declaring aquiculture an agricultural pursuit; amending Minnesota Statutes 1988, section 17.49; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Wenzel introduced:

H. F. No. 1634, A bill for an act relating to veterans; designating certain state land in Morrison county as the state veterans memorial park; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

HOUSE ADVISORIES

The following House Advisory was introduced:

Simoneau, Haukoos, Knickerbocker, Scheid and Anderson, G., introduced:

H. A. No. 6, A proposal to study issues relating to classified and unclassified positions in the executive branch.

The advisory was referred to the Committee on Governmental Operations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 106, A bill for an act relating to game and fish; selection process for wild turkey license holders; proposing coding for new law in Minnesota Statutes, chapter 97B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 508, A bill for an act relating to local government; permitting statutory cities to have seven member councils; amending Minnesota Statutes 1988, sections 412.02, subdivision 1, and by adding a subdivision; 412.021, subdivision 2; 412.191, subdivisions 1 and 2; 412.541, subdivision 4; 412.571, subdivisions 1 and 4; 412.581; and 412.631.

H. F. No. 937, A bill for an act relating to commerce; uniform commercial code; providing a 20-day notice period for certain fixture filings; amending Minnesota Statutes 1988, section 336.9-313.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 322, A bill for an act relating to consumer protection; regulating the sale of used motor vehicles; modifying certain definitions; amending Minnesota Statutes 1988, section 325F.662, subdivisions 1 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 322 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 322, A bill for an act relating to consumer protection; regulating the sale of used motor vehicles; modifying certain definitions; amending Minnesota Statutes 1988, section 325F.662, subdivisions 1 and 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kostohryz	Onnen	Seaberg
Anderson, G.	Frerichs	Krueger	Orenstein	Segal
Anderson, R.	Girard	Lasley	Osthoff	Simoneau
Battaglia	Greenfield	Lieder	Ostrom	Skoglund
Bauerly	Gruenes	Limmer	Otis	Solberg
Beard	Gutknecht	Long	Ozment	Sparby
Begich	Hartle	Lynch	Pauly	Stanius
Bennett	Hasskamp	Macklin	Pellow	Steensma
Bertram	Haukoos	Marsh	Pelowski	Sviggrum
Bishop	Heap	McDonald	Peterson	Swenson
Blatz	Henry	McEachern	Poppenhagen	Tjornhom
Boo	Himle	McGuire	Price	Tompkins
Brown	Hugoson	McLaughlin	Pugh	Trimble
Burger	Jacobs	McPherson	Quinn	Tunheim
Carlson, D.	Janezich	Milbert	Redalen	Uphus
Carlson, L.	Jaros	Miller	Reding	Valento
Carruthers	Jefferson	Morrison	Rest	Vellenga
Clark	Jennings	Munger	Rice	Wagenius
Conway	Johnson, A.	Murphy	Richter	Waltman
Cooper	Johnson, R.	Nelson, C.	Rodosovich	Weaver
Dauner	Johnson, V.	Nelson, K.	Rukavina	Welle
Dawkins	Kalis	Neuenschwander	Runbeck	Wenzel
Dempsey	Kelly	Ogren	Sarna	Williams
Dille	Kelso	Olson, E.	Schafer	Winter
Dorn	Kinkel	Olson, K.	Scheid	Wynia
Forsythe	Knickerbocker	Omann	Schreiber	Spk. Vanasek

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

Mr. Speaker:

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

H. F. No. 321, A bill for an act relating to consumer protection; regulating new motor vehicle sales; limiting a dealer's liability due to the manufacturer's failure to repair, refund, or replace nonconforming vehicles; amending Minnesota Statutes 1988, section 325F.665, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 321 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 321, A bill for an act relating to consumer protection; regulating new motor vehicle sales; limiting a dealer's liability due to the manufacturer's failure to repair, refund, or replace nonconforming vehicles; amending Minnesota Statutes 1988, section 325F.665, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Abrams	Forsythe	Kinkel	Olson, K.	Schafer
Anderson, G.	Frederick	Knickerbocker	Omman	Scheid
Anderson, R.	Frerichs	Kostohryz	Onnen	Seaberg
Battaglia	Girard	Krueger	Orenstein	Segal
Bauerly	Greenfield	Lasley	Osthoff	Simoneau
Beard	Gruenes	Lieder	Ostrom	Skoglund
Begich	Gutknecht	Limmer	Otis	Solberg
Bennett	Hartle	Long	Ozment	Stanius
Bertram	Hasskamp	Lynch	Pauly	Steensma
Bishop	Haukoos	Macklin	Pellow	Sviggum
Blatz	Heap	Marsh	Pelowski	Swenson
Boo	Henry	McDonald	Peterson	Tjornhom
Brown	Himle	McEachern	Poppenhagen	Tompkins
Burger	Hugoson	McGuire	Price	Trimble
Carlson, D.	Jacobs	McPherson	Pugh	Tunheim
Carlson, L.	Janezich	Milbert	Quinn	Uphus
Carruthers	Jaros	Miller	Redalen	Valento
Clark	Jefferson	Morrison	Reding	Vellenga
Conway	Jennings	Munger	Rest	Wagenius
Cooper	Johnson, A.	Murphy	Rice	Waltman
Dauner	Johnson, R.	Nelson, C.	Richter	Weaver
Dawkins	Johnson, V.	Nelson, K.	Rodosovich	Welle
Dempsey	Kalis	Neuenschwander	Rukavina	Wenzel
Dille	Kelly	Ogren	Runbeck	Williams
Dorn	Kelso	Olson, E.	Sarna	Winter
				Wynia
				Spk. Vanasek

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

Mr. Speaker:

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

H. F. No. 481, A bill for an act relating to the city of Mora; authorizing the city to negotiate certain contracts.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Peterson moved that the House concur in the Senate amendments to H. F. No. 481 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 481, A bill for an act relating to the city of Mora; authorizing the city to negotiate certain contracts without competitive bids.

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

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

Those who voted in the affirmative were:

Abrams	Dawkins	Jennings	McLaughlin	Pellow
Anderson, G.	Dempsey	Johnson, A.	McPherson	Pelowski
Anderson, R.	Dille	Johnson, R.	Milbert	Peterson
Battaglia	Dorn	Johnson, V.	Miller	Poppenhagen
Bauerly	Forsythe	Kalis	Morrison	Price
Beard	Frederick	Kelly	Munger	Pugh
Begich	Frerichs	Kelso	Murphy	Quinn
Bennett	Girard	Kinkel	Nelson, C.	Redalen
Bertram	Greenfield	Knickerbocker	Nelson, K.	Reding
Bishop	Gruenes	Kostohryz	Neuenschwander	Rest
Blatz	Gutknecht	Krueger	Ogren	Rice
Boo	Hartle	Lasley	Olson, E.	Richter
Brown	Hasskamp	Lieder	Olson, K.	Rodosovich
Burger	Haukoos	Limmer	Omann	Rukavina
Carlson, D.	Heap	Long	Onnen	Runbeck
Carlson, L.	Henry	Lynch	Orenstein	Sarna
Carruthers	Hugoson	Macklin	Osthoff	Schafer
Clark	Jacobs	Marsh	Ostrom	Scheid
Conway	Janezich	McDonald	Otis	Schreiber
Cooper	Jaros	McEachern	Ozment	Seaberg
Dauner	Jefferson	McGuire	Pauly	Segal

Simoneau	Steensma	Trimble	Wagenius	Williams
Skoglund	Sviggum	Tunheim	Waltman	Winter
Solberg	Swenson	Uphus	Weaver	Wynia
Sparby	Tjornhom	Valento	Welle	Spk. Vanasek
Stanius	Tompkins	Vellenga	Wenzel	

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

Mr. Speaker:

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

S. F. Nos. 911, 69 and 717.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 911, A bill for an act relating to counties; making explicit that the laws and rules that pertain to deputy registrars of motor vehicles also apply to county license bureaus; amending Minnesota Statutes 1988, section 373.35, subdivision 1.

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

S. F. No. 69, A bill for an act relating to education; requiring a school district to make reasonable efforts to accommodate a pupil who wishes to be absent from school for religious observances; proposing coding for new law in Minnesota Statutes, chapter 120.

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

S. F. No. 717, A bill for an act relating to financial institutions; permitting banks to perform clerical services at off-premises data processing and storage centers; proposing coding for new law in Minnesota Statutes, chapter 48.

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

CONSENT CALENDAR

H. F. No. 212, A bill for an act relating to the city of Hibbing; authorizing two additional on-sale liquor licenses.

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:

Abrams	Frederick	Kostohryz	Onnen	Segal
Anderson, G.	Frerichs	Krueger	Orenstein	Simoneau
Anderson, R.	Girard	Lasley	Osthoff	Skoglund
Battaglia	Greenfield	Lieder	Ostrom	Solberg
Bauerly	Gruenes	Limmer	Otis	Sparby
Beard	Gutknecht	Long	Ozment	Stanius
Begich	Hartle	Lynch	Pauly	Steensma
Bennett	Hasskamp	Macklin	Pellow	Sviggum
Bertram	Haukoos	Marsh	Pelowski	Swenson
Bishop	Heap	McDonald	Peterson	Tjornhom
Blatz	Henry	McEachern	Poppenhagen	Trimble
Boo	Himle	McGuire	Price	Tunheim
Brown	Hugoson	McLaughlin	Pugh	Uphus
Burger	Jacobs	McPherson	Quinn	Valento
Carlson, D.	Janezich	Milbert	Redalen	Vellenga
Carlson, L.	Jaros	Miller	Reding	Wagenius
Carruthers	Jefferson	Morrison	Rest	Waltman
Clark	Jennings	Munger	Richter	Weaver
Conway	Johnson, A.	Murphy	Rodosovich	Welle
Cooper	Johnson, R.	Nelson, C.	Rukavina	Wenzel
Dauner	Johnson, V.	Nelson, K.	Runbeck	Williams
Dawkins	Kalis	Neuenschwander	Sarna	Winter
Dempsey	Kelly	Ogren	Schafer	Wynia
Dille	Kelso	Olson, E.	Scheid	Spk. Vanasek
Dorn	Kinkel	Olson, K.	Schreiber	
Forsythe	Knickerbocker	Omann	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 501, A bill for an act relating to education; vocational technical; allowing purchase of real property by independent school district No. 347.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Conway	Frerichs	Henry
Anderson, G.	Blatz	Cooper	Girard	Himle
Anderson, R.	Boo	Dauner	Greenfield	Hugoson
Battaglia	Brown	Dawkins	Gruenes	Jacobs
Bauerly	Burger	Dempsey	Gutknecht	Janezich
Beard	Carlson, D.	Dille	Hartle	Jaros
Begich	Carlson, L.	Dorn	Hasskamp	Jefferson
Bennett	Carruthers	Forsythe	Haukoos	Jennings
Bertram	Clark	Frederick	Heap	Johnson, A.

Johnson, R.	McEachern	Orenstein	Richter	Swenson
Johnson, V.	McGuire	Osthoff	Rodosovich	Tjornhom
Kalis	McLaughlin	Ostrom	Rukavina	Tompkins
Kelly	McPherson	Otis	Runbeck	Trimble
Kelso	Milbert	Ozment	Sarna	Tunheim
Kinkel	Miller	Pauly	Schafer	Uphus
Knickerbocker	Morrison	Pellow	Scheid	Valento
Kostohryz	Munger	Pelowski	Schreiber	Vellenga
Krueger	Murphy	Peterson	Seaberg	Wagenius
Lasley	Nelson, C.	Poppenhagen	Segal	Waltman
Lieder	Nelson, K.	Price	Simoneau	Weaver
Limmer	Neuenschwander	Pugh	Skoglund	Welle
Long	Ogren	Quinn	Solberg	Wenzel
Lynch	Olson, E.	Redalen	Sparby	Williams
Macklin	Olson, K.	Reding	Stanius	Winter
Marsh	Omann	Rest	Steensma	Wynia
McDonald	Onnen	Rice	Swiggum	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 740, A bill for an act relating to education; changing the name of technical institutes to technical colleges; amending Minnesota Statutes 1988, section 136C.02, 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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Forsythe	Knickerbocker	Omann	Schreiber
Anderson, G.	Frederick	Kostohryz	Onnen	Seaberg
Anderson, R.	Girard	Krueger	Orenstein	Segal
Battaglia	Greenfield	Lasley	Ostrom	Simoneau
Bauerly	Gruenes	Limmer	Otis	Skoglund
Beard	Gutknecht	Long	Ozment	Solberg
Begich	Hartle	Lynch	Pauly	Sparby
Bennett	Hasskamp	Macklin	Pellow	Stanius
Bertram	Haukoos	Marsh	Pelowski	Steensma
Bishop	Heap	McDonald	Peterson	Swiggum
Blatz	Henry	McEachern	Poppenhagen	Swenson
Boo	Himle	McGuire	Price	Tjornhom
Brown	Hugoson	McLaughlin	Pugh	Tompkins
Burger	Jacobs	McPherson	Quinn	Trimble
Carlson, D.	Janezich	Milbert	Redalen	Tunheim
Carlson, L.	Jaros	Miller	Reding	Uphus
Carruthers	Jefferson	Morrison	Rest	Valento
Clark	Jennings	Munger	Rice	Vellenga
Conway	Johnson, A.	Murphy	Richter	Wagenius
Cooper	Johnson, R.	Nelson, C.	Rodosovich	Waltman
Dauner	Johnson, V.	Nelson, K.	Rukavina	Weaver
Dawkins	Kalis	Neuenschwander	Runbeck	Welle
Dempsey	Kelly	Ogren	Sarna	Wenzel
Dille	Kelso	Olson, E.	Schafer	Williams
Dorn	Kinkel	Olson, K.	Scheid	Winter
				Wynia

Those who voted in the negative were:

Frerichs Osthoff Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 832, A bill for an act relating to Ramsey county; authorizing the use of certain property for public purposes.

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:

Abrams	Frerichs	Krueger	Orenstein	Segal
Anderson, G.	Girard	Lasley	Osthoff	Simoneau
Anderson, R.	Greenfield	Lieder	Ostrom	Skoglund
Battaglia	Gruenes	Limmer	Otis	Solberg
Bauerly	Gutknecht	Long	Ozment	Sparby
Beard	Hartle	Lynch	Pauly	Stanius
Begich	Hasskamp	Macklin	Pellow	Steensma
Bennett	Haukoos	Marsh	Pelowski	Svigsum
Bertram	Heap	McDonald	Peterson	Swenson
Bishop	Henry	McEachern	Poppenhagen	Tjornhom
Blatz	Himle	McGuire	Price	Tompkins
Boo	Hugoson	McLaughlin	Pugh	Trimble
Burger	Jacobs	McPherson	Quinn	Tunheim
Carlson, D.	Janezich	Milbert	Redalen	Uphus
Carlson, L.	Jaros	Miller	Reding	Valento
Carruthers	Jefferson	Morrison	Rest	Vellenga
Clark	Jennings	Munger	Rice	Wagenius
Conway	Johnson, A.	Murphy	Richter	Waltman
Cooper	Johnson, R.	Nelson, C.	Rodosovich	Weaver
Dauner	Johnson, V.	Nelson, K.	Rukavina	Welle
Dawkins	Kalis	Neuenschwander	Runbeck	Wenzel
Dempsey	Kelly	Ogren	Sarna	Williams
Dille	Kelso	Olson, E.	Schafer	Winter
Dorn	Kinkel	Olson, K.	Scheid	Wynia
Forsythe	Knickerbocker	Omam	Schreiber	Spk. Vanasek
Frederick	Kostohryz	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1061, A bill for an act relating to state lands; authorizing conveyance of surplus state real property to Leo A. Hoffmann Center, Inc.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kostohryz	Onnen	Seaberg
Anderson, G.	Frerichs	Krueger	Orenstein	Segal
Anderson, R.	Girard	Lasley	Osthoff	Simoneau
Battaglia	Greenfield	Lieder	Ostrom	Skoglund
Bauerly	Gruenes	Limmer	Otis	Solberg
Beard	Gutknecht	Long	Ozment	Sparby
Begich	Hartle	Lynch	Pauly	Stanius
Bennett	Hasskamp	Macklin	Pellow	Steensma
Bertram	Haukoos	Marsh	Pelowski	Swiggum
Bishop	Heap	McDonald	Peterson	Swenson
Blatz	Henry	McEachern	Poppenhagen	Tjornhom
Boo	Himle	McGuire	Price	Tompkins
Brown	Hugoson	McLaughlin	Pugh	Trimble
Burger	Jacobs	McPherson	Quinn	Tunheim
Carlson, D.	Janezich	Milbert	Redalen	Uphus
Carlson, L.	Jaros	Miller	Reding	Valento
Carruthers	Jefferson	Morrison	Rest	Vellenga
Clark	Jennings	Munger	Rice	Wagenius
Conway	Johnson, A.	Murphy	Richter	Waltman
Cooper	Johnson, R.	Nelson, C.	Rodosovich	Weaver
Dauner	Johnson, V.	Nelson, K.	Rukavina	Welle
Dawkins	Kalis	Neuenschwander	Runbeck	Wenzel
Dempsey	Kelly	Ogren	Sarna	Williams
Dille	Kelso	Olson, E.	Schafer	Winter
Dorn	Kinkel	Olson, K.	Schield	Wynia
Forsythe	Knickerbocker	Omann	Schreiber	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1216 was reported to the House.

Marsh moved that H. F. No. 1216 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 1352, A bill for an act relating to intoxicating liquor; authorizing the city of Blaine to issue one additional on-sale license.

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

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

Those who voted in the affirmative were:

Abrams	Boo	Dempsey	Hasskamp	Johnson, A.
Anderson, G.	Brown	Dille	Haukoos	Johnson, R.
Anderson, R.	Burger	Dorn	Heap	Johnson, V.
Battaglia	Carlson, D.	Forsythe	Henry	Kalis
Bauerly	Carlson, L.	Frederick	Himle	Kelly
Beard	Carruthers	Frerichs	Hugoson	Kelso
Begich	Clark	Girard	Jacobs	Kinkel
Bennett	Conway	Greenfield	Janezich	Knickerbocker
Bertram	Cooper	Gruenes	Jaros	Kostohryz
Bishop	Dauner	Gutknecht	Jefferson	Krueger
Blatz	Dawkins	Hartle	Jennings	Lasley

Lieder	Nelson, C.	Peterson	Scheid	Uphus
Limmer	Nelson, K.	Poppenhagen	Schreiber	Valento
Long	Neuenschwander	Price	Seaberg	Vellenga
Lynch	Ogren	Pugh	Segal	Wagenius
Macklin	Olson, K.	Quinn	Simoneau	Waltman
Marsh	Omann	Redalen	Solberg	Weaver
McEachern	Onnen	Reding	Sparby	Welle
McGuire	Orenstein	Rest	Stanius	Wenzel
McLaughlin	Osthoff	Rice	Steensma	Williams
McPherson	Ostrom	Richter	Swiggum	Winter
Milbert	Otis	Rodosovich	Swenson	Wynia
Miller	Ozment	Rukavina	Tjornhom	Spk. Vanasek
Morrison	Pauly	Runbeck	Tompkins	
Munger	Pellow	Sarna	Trimble	
Murphy	Pelowski	Schafer	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 1421, A bill for an act relating to surplus United States government property; directing the commissioner of natural resources to seek acquisition of certain surplus property of the United States government; directing the commissioner to lease the property to a nonprofit organization for development as housing for certain homeless veterans and their families.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Onnen	Seaberg
Anderson, G.	Girard	Lasley	Orenstein	Segal
Anderson, R.	Greenfield	Lieder	Osthoff	Simoneau
Battaglia	Gruenes	Limmer	Ostrom	Skoglund
Beard	Gutknecht	Long	Otis	Solberg
Begich	Hartle	Lynch	Ozment	Sparby
Bennett	Hasskamp	Macklin	Pauly	Stanius
Bertram	Haukoos	Marsh	Pellow	Steensma
Bishop	Heap	McDonald	Pelowski	Swiggum
Blatz	Henry	McEachern	Peterson	Swenson
Boo	Hugoson	McGuire	Poppenhagen	Tjornhom
Burger	Jacobs	McLaughlin	Price	Tompkins
Carlson, D.	Janezich	McPherson	Pugh	Trimble
Carlson, L.	Jaros	Milbert	Quinn	Tunheim
Carruthers	Jefferson	Miller	Redalen	Uphus
Clark	Jennings	Morrison	Reding	Valento
Conway	Johnson, A.	Munger	Rest	Vellenga
Cooper	Johnson, R.	Murphy	Rice	Wagenius
Dauner	Johnson, V.	Nelson, C.	Richter	Waltman
Dawkins	Kalis	Nelson, K.	Rodosovich	Weaver
Dempsey	Kelly	Neuenschwander	Rukavina	Welle
Dille	Kelso	Ogren	Sarna	Wenzel
Dorn	Kinkel	Olson, E.	Schafer	Williams
Forsythe	Knickerbocker	Olson, K.	Scheid	Winter
Frederick	Kostohryz	Omann	Schreiber	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1435, A bill for an act relating to liquor; authorizing issuance of a certain on-sale license in Todd county.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Forsythe	Kinkel	Olson, K.	Scheid
Anderson, G.	Frederick	Knickerbocker	Omann	Schreiber
Anderson, R.	Frerichs	Kostohryz	Onnen	Seaberg
Battaglia	Girard	Krueger	Orenstein	Segal
Bauerly	Greenfield	Lasley	Osthoff	Simoneau
Beard	Gruenes	Lieder	Ostrom	Solberg
Begich	Gutknecht	Limmer	Otis	Sparby
Bennett	Hartle	Long	Ozment	Stanius
Bertram	Hasskamp	Lynch	Pauly	Steensma
Bishop	Haukoos	Macklin	Pellow	Sviggum
Blatz	Heap	Marsh	Pelowski	Swenson
Boo	Henry	McDonald	Peterson	Tjornhom
Brown	Himle	McGuire	Poppenhagen	Tompkins
Burger	Hugoson	McLaughlin	Price	Trimble
Carlson, D.	Jacobs	McPherson	Pugh	Tunheim
Carlson, L.	Janezich	Milbert	Quinn	Uphus
Carruthers	Jaros	Miller	Redalen	Valento
Clark	Jefferson	Morrison	Reding	Wagenius
Conway	Jennings	Munger	Rest	Waltman
Cooper	Johnson, A.	Murphy	Rice	Weaver
Dauner	Johnson, R.	Nelson, C.	Richter	Welle
Dawkins	Johnson, V.	Nelson, K.	Rodosovich	Wenzel
Dempsey	Kalis	Neuenschwander	Rukavina	Williams
Dille	Kelly	Ogren	Sarna	Winter
Dorn	Kelso	Olson, E.	Schafer	Wynia
				Spk. Vanasek

Those who voted in the negative were:

McEachern Vellenga

The bill was passed and its title agreed to.

H. F. No. 1456, A resolution memorializing the President, Congress, and the director of the United States General Services Administration to arrange for prompt lease of certain surplus United States government properties to a nonprofit organization for use as housing for homeless, near homeless, and displaced veterans and their families.

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:

Abrams	Frederick	Kostohryz	Orenstein	Segal
Anderson, G.	Frerichs	Krueger	Osthoff	Simoneau
Anderson, R.	Girard	Lasley	Ostrom	Skoglund
Battaglia	Greenfield	Lieder	Otis	Solberg
Bauerly	Gruenes	Limmer	Ozment	Sparby
Beard	Gutknecht	Long	Pauly	Stanius
Begich	Hartle	Lynch	Pellow	Steensma
Bennett	Hasskamp	Macklin	Pelowski	Sviggum
Bertram	Haukoos	Marsh	Peterson	Swenson
Bishop	Heap	McDonald	Poppenhagen	Tjornhom
Blatz	Henry	McEachern	Price	Tompkins
Boo	Himle	McGuire	Pugh	Trimble
Brown	Hugoson	McLaughlin	Quinn	Tunheim
Burger	Jacobs	McPherson	Redalen	Uphus
Carlson, D.	Janezich	Milbert	Reding	Valento
Carlson, L.	Jaros	Miller	Rest	Vellenga
Carruthers	Jefferson	Morrison	Rice	Wagenius
Clark	Jennings	Munger	Richter	Waltman
Conway	Johnson, A.	Murphy	Rodosovich	Weaver
Cooper	Johnson, R.	Nelson, C.	Rukavina	Welle
Dauner	Johnson, V.	Neuenschwander	Runbeck	Wenzel
Dawkins	Kalis	Ogren	Sarna	Williams
Dempsey	Kelly	Olson, E.	Schafer	Winter
Dille	Kelso	Olson, K.	Scheid	Wynia
Dorn	Kinkel	Omam	Schreiber	Spk. Vanasek
Forsythe	Knickerbocker	Onnen	Seaberg	

The bill was passed and its title agreed to.

S. F. No. 114, A bill for an act relating to the town of St. Augusta; authorizing the establishment of a detached banking facility under certain conditions.

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

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

Those who voted in the affirmative were:

Abrams	Burger	Frederick	Jacobs	Kostohryz
Anderson, G.	Carlson, D.	Frerichs	Janezich	Krueger
Anderson, R.	Carlson, L.	Girard	Jaros	Lasley
Battaglia	Carruthers	Greenfield	Jefferson	Lieder
Bauerly	Clark	Gruenes	Jennings	Limmer
Beard	Conway	Gutknecht	Johnson, A.	Long
Begich	Cooper	Hartle	Johnson, R.	Lynch
Bennett	Dauner	Hasskamp	Johnson, V.	Macklin
Bertram	Dawkins	Haukoos	Kalis	Marsh
Bishop	Dempsey	Heap	Kelly	McDonald
Blatz	Dille	Henry	Kelso	McEachern
Boo	Dorn	Himle	Kinkel	McGuire
Brown	Forsythe	Hugoson	Knickerbocker	McLaughlin

McPherson	Onnen	Quinn	Seaberg	Uphus
Milbert	Orenstein	Redalen	Simoneau	Valento
Miller	Osthoff	Reding	Skoglund	Vellenga
Morrison	Ostrom	Rest	Solberg	Wagenius
Munger	Otis	Rice	Sparby	Waltman
Murphy	Ozment	Richter	Stanius	Weaver
Nelson, C.	Pauly	Rodosovich	Steensma	Welle
Nelson, K.	Pellow	Rukavina	Sviggun	Wenzel
Neuenschwander	Pelowski	Runbeck	Swenson	Williams
Ogren	Peterson	Sarna	Tjornhom	Winter
Olson, E.	Poppenhagen	Schafer	Tompkins	Wynia
Olson, K.	Price	Scheid	Trimble	Spk. Vanasek
Omann	Pugh	Schreiber	Tunheim	

The bill was passed and its title agreed to.

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

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

Page 1, line 10, before "The" insert "(a)"

Page 1, after line 19, insert:

"(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises' owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision."

Amend the title as follows:

Page 1, line 4, delete "and" and after "theatre" insert "; and a restaurant in the city"

The motion prevailed and the amendment was adopted.

S. F. No. 203, A bill for an act relating to intoxicating liquor; authorizing an on-sale liquor license for the Minneapolis convention center, the Orpheum Theatre, and the State Theatre; amending Minnesota Statutes 1988, section 340A.404, subdivision 2; repealing Laws 1973, chapter 505.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Osthoff	Simoneau
Anderson, G.	Girard	Lasley	Ostrom	Skoglund
Anderson, R.	Greenfield	Lieder	Otis	Solberg
Battaglia	Gruenes	Limmer	Ozment	Sparby
Bauerly	Gutknecht	Long	Pauly	Stanius
Beard	Hartle	Lynch	Pellow	Steensma
Begich	Hasskamp	Macklin	Pelowski	Sviggum
Bennett	Haukoos	Marsh	Peterson	Swenson
Bertram	Heap	McDonald	Poppenhagen	Tjornhom
Bishop	Henry	McEachern	Price	Tompkins
Blatz	Himle	McGuire	Pugh	Trimble
Boo	Hugoson	McLaughlin	Quinn	Tunheim
Brown	Jacobs	McPherson	Redalen	Uphus
Burger	Janezich	Milbert	Reding	Valento
Carlson, D.	Jaros	Miller	Rest	Vellenga
Carlson, L.	Jefferson	Morrison	Rice	Wagenius
Carruthers	Jennings	Munger	Richter	Waltman
Clark	Johnson, A.	Murphy	Rodosovich	Weaver
Conway	Johnson, R.	Nelson, C.	Rukavina	Welle
Cooper	Johnson, V.	Nelson, K.	Runbeck	Wenzel
Dauner	Kahis	Neuenschwander	Sarna	Williams
Dawkins	Kelly	Ogren	Schafer	Winter
Dille	Kelso	Olson, E.	Scheid	Wynia
Dorn	Kinkel	Olson, K.	Schreiber	Spk. Vanasek
Forsythe	Knickerbocker	Omann	Seaberg	
Frederick	Kostohryz	Orenstein	Segal	

Those who voted in the negative were:

Onnen

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

CALENDAR

H. F. No. 245, A bill for an act relating to environment; exempting generators of small amounts of hazardous waste from administrative regulation; amending Minnesota Statutes 1988, section 116.07, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bennett	Carlson, D.	Dawkins	Girard
Anderson, G.	Bertram	Carlson, L.	Dempsey	Greenfield
Anderson, R.	Bishop	Carruthers	Dille	Gruenes
Battaglia	Blatz	Clark	Dorn	Gutknecht
Bauerly	Boo	Conway	Forsythe	Hartle
Beard	Brown	Cooper	Frederick	Hasskamp
Begich	Burger	Dauner	Frerichs	Haukoos

Heap	Krueger	Nelson, K.	Quinn	Stanius
Henry	Lasley	Neuenschwander	Redalen	Steenasma
Himle	Lieder	Ogren	Reding	Sviggum
Hugoson	Limmer	Olson, E.	Rest	Swenson
Jacobs	Long	Olson, K.	Rice	Tjornhom
Janezich	Lynch	Omann	Richter	Tompkins
Jaros	Macklin	Onnen	Rodosovich	Trimble
Jefferson	Marsh	Orenstein	Rukavina	Tunheim
Jennings	McDonald	Osthoff	Runbeck	Uphus
Johnson, A.	McEachern	Ostrom	Sarna	Valento
Johnson, R.	McGuire	Otis	Schafer	Vellenga
Johnson, V.	McLaughlin	Ozment	Scheid	Wagenius
Kahn	McPherson	Pauly	Schreiber	Waltman
Kalis	Milbert	Pellow	Seaberg	Weaver
Kelly	Miller	Pelowski	Segal	Welle
Kelso	Morrison	Peterson	Simoneau	Wenzel
Kinkel	Munger	Poppenhagen	Skoglund	Williams
Knickerbocker	Murphy	Price	Solberg	Winter
Kostohryz	Nelson, C.	Pugh	Sparby	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 493, A bill for an act relating to education; requiring a pupil to identify reasons for enrolling in a nonresident district under the enrollment options program; providing a resident district with notice of a pupil's participation under the program; restricting transfers; restricting participation in extracurricular varsity athletic activities in a nonresident district; amending Minnesota Statutes 1988, section 120.062, subdivisions 4, 6, 9, and by adding a subdivision; repealing Minnesota Statutes 1988, section 120.062, subdivision 8.

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

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Johnson, A.	McGuire	Pellow
Anderson, R.	Dorn	Johnson, R.	McLaughlin	Pelowski
Battaglia	Forsythe	Johnson, V.	McPherson	Peterson
Bauerly	Frederick	Kahn	Milbert	Poppenhagen
Beard	Frerichs	Kalis	Miller	Price
Begich	Greenfield	Kelly	Morrison	Pugh
Bennett	Gutknecht	Kinkel	Munger	Quinn
Bertram	Hartle	Knickerbocker	Nelson, C.	Redalen
Boo	Hasskamp	Kostohryz	Nelson, K.	Reding
Brown	Haukoos	Krueger	Neuenschwander	Rest
Burger	Heap	Lasley	Ogren	Rice
Carlson, D.	Henry	Lieder	Olson, E.	Richter
Carlson, L.	Hugoson	Limmer	Olson, K.	Rodosovich
Carruthers	Jacobs	Long	Omann	Rukavina
Clark	Janezich	Lynch	Orenstein	Runbeck
Conway	Jaros	Macklin	Otis	Sarna
Cooper	Jefferson	McDonald	Ozment	Schafer
Dauner	Jennings	McEachern	Pauly	Scheid

Seaberg	Sparby	Tjornhom	Valento	Welle
Segal	Stanius	Tompkins	Vellenga	Wenzel
Simoneau	Steenasma	Trimble	Wagenius	Williams
Skoglund	Sviggum	Tunheim	Waltman	Winter
Solberg	Swenson	Uphus	Weaver	Spk. Vanasek

Those who voted in the negative were:

Anderson, G.	Dille	Himle	Murphy	Ostrom
Blatz	Girard	Kelso	Onnen	Schreiber
Dempsey	Gruenes	Marsh	Osthoff	Wynia

The bill was passed and its title agreed to.

H. F. No. 529, A bill for an act relating to local government; permitting counties, cities, and towns to contribute to certain hospitals; amending Minnesota Statutes 1988, section 376.09; proposing coding for new law in Minnesota Statutes, chapter 465.

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

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

Those who voted in the affirmative were:

Abrams	Forsythe	Kostohryz	Omann	Scheid
Anderson, G.	Frederick	Krueger	Onnen	Seaberg
Anderson, R.	Frerichs	Lasley	Orenstein	Segal
Battaglia	Girard	Lieder	Osthoff	Simoneau
Bauerly	Greenfield	Limmer	Ostrom	Skoglund
Beard	Gruenes	Long	Otis	Solberg
Begich	Gutknecht	Lynch	Ozment	Sparby
Bennett	Hartle	Macklin	Pauly	Stanius
Bertram	Hasskamp	Marsh	Pellow	Steenasma
Bishop	Haukoos	McDonald	Pelowski	Sviggum
Blatz	Heap	McEachern	Peterson	Swenson
Boo	Henry	McGuire	Poppenhagen	Tjornhom
Brown	Himle	McLaughlin	Price	Tompkins
Burger	Hugoson	McPherson	Pugh	Trimble
Carlson, D.	Jacobs	Milbert	Quinn	Tunheim
Carlson, L.	Janezich	Miller	Redalen	Uphus
Carruthers	Jaros	Morrison	Reding	Valento
Clark	Jennings	Munger	Rest	Vellenga
Conway	Johnson, A.	Murphy	Rice	Wagenius
Cooper	Johnson, R.	Nelson, C.	Richter	Waltman
Dauner	Johnson, V.	Nelson, K.	Rodosovich	Weaver
Dawkins	Kalis	Neuenschwander	Rukavina	Welle
Dempsey	Kelly	Ogren	Runbeck	Wenzel
Dille	Kinkel	Olson, E.	Sarna	Winter
Dorn	Knickerbocker	Olson, K.	Schafer	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

Long and McDonald were excused for the remainder of today's session.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. Anderson, G., and Simoneau presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 593, 989, 1014, 1117, 269, 627, 736, 945 and 951 were recommended to pass.

S. F. Nos. 382 and 831 were recommended to pass.

H. F. No. 956 which it recommended to pass with the following amendment offered by Carruthers:

Page 3, line 20, delete everything after "effective" and insert "August 1, 1989, for all contracts issued, renewed, or in effect on or after that date."

Page 3, delete lines 21 and 22

S. F. No. 916 which it recommended to pass with the following amendment offered by McGuire:

Page 1, line 22, after "(2)" delete "an estimate of"

Page 1, line 24, after "(3)" delete "an estimate of"

Page 2, after line 10, insert:

"Subd. 4. [ANNUAL NOTICE TO PROPERTY OWNER.] If a contract is for more than one year, then the commercial application company shall each year provide written notice to the property owner that the contract remains in effect and that landscape applications will resume according to the terms of the contract. The written notice must be provided to the property owner at least 15 days prior to the first landscape application of the year."

Page 2, line 25, after "or" delete "commodities" and insert "any commodity"

Renumber the subdivisions in Section 1 accordingly

H. F. No. 1155, the first engrossment, which it recommended to pass with the following amendments:

Offered by Skoglund:

Page 3, line 10, delete "or misconduct"

Page 3, line 11, before the period insert "of ethical standards established by the insurer for the protection of its insureds" and delete "and requirements"

Page 3, line 12, before the period insert "must apply to all agents, and must not contravene state law or rule"

Offered by Skoglund:

Page 20, line 4, delete "for each policy period" and insert "for the current policy period and for the two policy periods preceding the current one"

Page 20, after line 12, insert:

"Loss experience for additional years must be provided only if the insured makes a written request for information that is required by another insurer with whom the insured has applied for coverage."

Offered by Scheid:

Page 21, line 11, strike "designate, endorse, or otherwise"

Page 21, line 12, strike "promote" and before "a" insert "cause"

Page 21, line 15, strike "as" and insert "to be"

Page 21, line 19, after "policy" insert "unless the policyholder and the representative of a deceased policyholder remain free to choose a different provider of funeral or burial services or supplies at any time before the services or supplies are provided. The right to choose a different provider must be disclosed in writing to the purchaser of the policy" and delete "No insurance company or"

Page 21, delete lines 20 to 26

Page 22, after line 12, insert:

“Except as specifically provided in this section, this section does not affect the rights a policyholder would otherwise have under a policy.”

Offered by McPherson:

Page 20, line 20, after “solicit” delete “or sell”

S. F. No. 163 which it recommended to pass with the following amendment offered by Bauerly:

Page 5, after line 9, insert:

“Subd. 4a. [REAR-END PROTECTION FOR OTHER VEHICLES.] Vehicles other than private passenger vehicles, collector vehicles, collector military vehicles, and other vehicles specifically exempted by law from such requirements must meet the rear-end protection requirements of federal motor carrier regulations, Code of Federal Regulations, title 49, section 393.86.”

Page 5, after line 11, insert:

“Sec. 5. Minnesota Statutes 1988, section 299A.12, is amended to read:

299A.12 [WHEELCHAIR SECUREMENT DEVICES.]

Subdivision 1. Any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of ~~this subdivision~~ subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Subd. 2. The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

Subd. 3. A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of ~~subdivision~~ subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Sec. 6. Minnesota Statutes 1988, section 299A.13, subdivision 1, is amended to read:

Subdivision 1. Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety."

Amend the title as follows:

Page 1, line 7, before the semicolon insert "and rear-end protection for other vehicles"

Page 1, line 7, after the semicolon insert "providing for strength requirements of wheelchair securement devices;"

Page 1, line 9, delete the second "and"

Page 1, line 10, after "169.73" insert "; 299A.12; and 299A.13, subdivision 1"

On the motion of Wynia the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Jaros moved that the name of Onnen be stricken and the name of Gutknecht be added as an author on H. F. No. 236. The motion prevailed.

Dempsey moved that the name of Valento be stricken and the name of Simoneau be added as an author on H. F. No. 762. The motion prevailed.

Bishop moved that the name of Rest be stricken and the name of

McGuire be added as an author on H. F. No. 941. The motion prevailed.

Vellenga moved that the name of McDonald be added as an author on H. F. No. 1148. The motion prevailed.

Olsen, S., moved that the name of McGuire be stricken as an author on H. F. No. 1301. The motion prevailed.

Greenfield moved that the names of Nelson, C.; Dauner and Bishop be added as authors on H. F. No. 1487. The motion prevailed.

Anderson, G., moved that the name of Uphus be added as an author on H. F. No. 1552. The motion prevailed.

Jacobs moved that H. F. No. 1356 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Scheid moved that H. F. No. 1290, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Omann moved that H. F. No. 1590 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Trimble moved that H. F. No. 144 be recalled from the Committee on Education and be re-referred to the Committee on Taxes. The motion prevailed.

Dorn moved that H. F. No. 1309 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Blatz moved that H. F. No. 198 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Clark moved that H. F. No. 1591 be recalled from the Committee on Transportation and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, April 12, 1989. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, April 12, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

