

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1990

SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 27, 1990

The House of Representatives convened at 1:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Frederick 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. 2478, 2651 and 2199 and S. F. Nos. 2412, 2109, 2026, 2355, 2498, 2068, 2431, 1365, 1971, 394, 1955, 1866, 2445, 2108, 2181, 409, 1743, 1995, 2064, 2360, 2421, 2072, 2349, 2147, 2297, 1681, 1499, 2541, 1937, 1703, 2063, 1976, 1975, 1869, 1675, 1966, 1772, 1946, 2011, 2054 and 1704 have been placed in the members' files.

S. F. No. 394 and H. F. No. 168, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jaros moved that the rules be so far suspended that S. F. No. 394 be substituted for H. F. No. 168 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 409 and H. F. No. 367, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McLaughlin moved that the rules be so far suspended that S. F. No. 409 be substituted for H. F. No. 367 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1365 and H. F. No. 1561, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark moved that the rules be so far suspended that S. F. No. 1365 be substituted for H. F. No. 1561 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1499 and H. F. No. 1234, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 1499 be substituted for H. F. No. 1234 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1703 and H. F. No. 2709, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 1703 be substituted for H. F. No. 2709 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1704 and H. F. No. 2351, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McGuire moved that the rules be so far suspended that S. F. No. 1704 be substituted for H. F. No. 2351 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1743 and H. F. No. 2327, 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. 1743 be substituted for H. F. No. 2327 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1772 and H. F. No. 1879, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tunheim moved that the rules be so far suspended that S. F. No. 1772 be substituted for H. F. No. 1879 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1869 and H. F. No. 2398, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Beard moved that the rules be so far suspended that S. F. No. 1869 be substituted for H. F. No. 2398 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1946 and H. F. No. 2658, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bertram moved that the rules be so far suspended that S. F. No. 1946 be substituted for H. F. No. 2658 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1955 and H. F. No. 1924, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dawkins moved that S. F. No. 1955 be substituted for H. F. No. 1924 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1966 and H. F. No. 2144, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Girard moved that the rules be so far suspended that S. F. No. 1966 be substituted for H. F. No. 2144 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1971 and H. F. No. 2016, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swenson moved that the rules be so far suspended that S. F. No. 1971 be substituted for H. F. No. 2016 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1995 and H. F. No. 1902, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 1995 be substituted for H. F. No. 1902 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2026 and H. F. No. 1930, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bertram moved that the rules be so far suspended that S. F. No. 2026 be substituted for H. F. No. 1930 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2064 and H. F. No. 2243, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Scheid moved that S. F. No. 2064 be substituted for H. F. No. 2243 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2068 and H. F. No. 2249, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carruthers moved that S. F. No. 2068 be substituted for H. F. No. 2249 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2072 and H. F. No. 2220, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Milbert moved that the rules be so far suspended that S. F. No. 2072 be substituted for H. F. No. 2220 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2108 and H. F. No. 2076, 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. 2108 be substituted for H. F. No. 2076 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2109 and H. F. No. 2499, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carruthers moved that S. F. No. 2109 be substituted for H. F. No. 2499 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2147 and H. F. No. 2211, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cooper moved that the rules be so far suspended that S. F. No. 2147 be substituted for H. F. No. 2211 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2181 and H. F. No. 2248, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dawkins moved that the rules be so far suspended that S. F. No. 2181 be substituted for H. F. No. 2248 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2349 and H. F. No. 2735, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 2349 be substituted for H. F. No. 2735 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2355 and H. F. No. 2184, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wagenius moved that S. F. No. 2355 be substituted for H. F. No. 2184 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2360 and H. F. No. 2534, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Otis moved that the rules be so far suspended that S. F. No. 2360 be substituted for H. F. No. 2534 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2412 and H. F. No. 2489, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simoneau moved that S. F. No. 2412 be substituted for H. F. No. 2489 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2421 and H. F. No. 2325, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Scheid moved that the rules be so far suspended that S. F. No. 2421 be substituted for H. F. No. 2325 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2431 and H. F. No. 2105, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bertram moved that the rules be so far suspended that S. F. No. 2431 be substituted for H. F. No. 2105 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2445 and H. F. No. 2628, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sparby moved that the rules be so far suspended that S. F. No. 2445 be substituted for H. F. No. 2628 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2498 and H. F. No. 2252, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelso moved that the rules be so far suspended that S. F. No. 2498 be substituted for H. F. No. 2252 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2541 and H. F. No. 1784, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dempsey moved that S. F. No. 2541 be substituted for H. F. No. 1784 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the

Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1990</i>	<i>Date Filed 1990</i>
1947		357	15:44-March 21	March 22

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 23, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1555, relating to fees; providing for fees charged by county recorder.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of

the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1990</i>	<i>Date Filed 1990</i>
	1555	358	15:31-March 23	March 23
956		359	15:30-March 23	March 23

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 394, 409, 1365, 1499, 1703, 1704, 1743, 1772, 1869, 1946, 1955, 1966, 1971, 1995, 2026, 2064, 2068, 2072, 2108, 2109, 2147, 2181, 2349, 2355, 2360, 2412, 2421, 2431, 2445, 2498 and 2541 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Munger, Marsh, Winter, Redalen and Bauerly introduced:

H. F. No. 2804, A bill for an act relating to finance; appropriating money for wetlands mapping and digitization.

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

Osthoff introduced:

H. F. No. 2805, A bill for an act relating to financial institutions; permitting interstate banking with an additional reciprocating state; amending Minnesota Statutes 1988, section 48.92, subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Housing.

Rice introduced:

H. F. No. 2806, A bill for an act relating to veterans; authorizing certain veterans to receive state educational assistance; amending Minnesota Statutes 1988, section 197.75, subdivision 2.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

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 Files, herewith returned:

H. F. No. 2156, A bill for an act relating to counties; regulating performance bonds; amending Minnesota Statutes 1988, section 375.21, subdivision 1.

H. F. No. 2481, A bill for an act relating to crimes; making preparation of a written presentence investigation report discretionary with the court when a defendant is convicted of a felony for which the court must impose an executed sentence under the sentencing guidelines; amending Minnesota Statutes 1989 Supplement, section 609.115, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 60.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 60

A bill for an act relating to water; recodifying, clarifying, and

relocating provisions relating to water law; amending Minnesota Statutes 1988, sections 9.071; 16B.62, subdivision 1; 18.191; 18B.07, subdivision 6; 40A.13, subdivision 1; 41B.039, subdivision 3; 84.083; by adding subdivisions; 84.91, subdivision 4; 84.911, subdivisions 5 and 6; 84.95, subdivision 2; 85.33, subdivision 3; 86A.05, subdivision 10; 88.43, subdivision 2; 93.335, subdivision 1; 94.343, subdivision 4; 97A.015, subdivision 41; 97A.071, subdivision 4; 97A.101, subdivision 2; 115.097, subdivision 2; 144.95, subdivision 4; 156A.10, subdivision 2; 161.28, subdivision 1; 163.17; 272.02, subdivisions 1 and 6; 273.19, subdivision 5; 295.44, subdivision 1; 357.021, subdivision 2; 375.471; 383A.602, subdivision 5; 383A.604, subdivision 1; 394.25, subdivision 2; 459.20; 462.357, subdivision 1; 465.20; 469.141, subdivision 4; 469.174, subdivision 19; 471.345, subdivision 3; 471.591, subdivision 1; 471.98, subdivision 2; 473.191, subdivision 2; 609.68; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 83A; 97C; 156A; and 383B; proposing coding for new law as Minnesota Statutes, chapters 86B; 103A; 103B; 103C; 103D; 103E; 103F; and 103G; repealing Minnesota Statutes 1988, sections 40.01 to 40.45; 84.031; 84.032; and 84.158; 104.01 to 104.50; 105.37 to 105.81; 106A.005 to 106A.811; 110.13 to 110.72; 110B.01 to 110B.35; 112.34 to 112.89; 114.12 and 114.13; 114B.01 to 114B.07; 116C.41; 361.01 to 361.29; 378.01 to 378.57; 465.18; and 473.875 to 473.883.

March 14, 1990

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 60, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 60 be further amended as follows:

Page 2, line 30, delete "is" and insert "are"

Page 3, line 11, delete "111.72" and insert "110.72"

Page 4, line 2, after "enforce" insert a comma

Page 4, after line 34, insert:

"Subd. 2. [AGENCY.] "Agency" means a state officer, board, commission, bureau, division, or agency, other than a court, exercising duty or authority under laws listed in section 12. [105.73 s. 4]"

Page 4, line 35, delete "2" and insert "3"

Page 5, delete lines 1 to 7

Page 5, line 8, delete "5" and insert "4"

Page 5, after line 10, insert:

"Subd. 5. [PROCEEDING.] "Proceeding" means a procedure under any of the laws listed in section 12 that involves administrative discretion or duty. [105.73 s. 3]"

Page 5, line 26, after "under" insert "section 22;"

Page 5, line 27, delete "26," and insert "22; 25; 27; 28; 29; 32, subdivisions 1 and 2; 33 to 36; 37, subdivisions 1, 10, 11, and 12; 38; 39;"

Page 5, delete line 28

Page 5, line 29; delete everything before "sections"

Page 6, line 30, delete "will" and insert "shall"

Page 11, line 3, delete "agencies"

Page 11, line 6, delete "and"

Page 11, line 7, after "agency" insert "; and

(5) University of Minnesota"

Page 12, line 28, delete "section 26" and insert "sections 11" and after "9" insert "; and 26"

Page 13, line 16, before the semicolon insert "including a new plan and strategy by November 15, 1990, and each five-year interval afterwards"

Page 13, line 19, delete "and"

Page 13, line 20, after "(4)" insert "coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan;

(5) in cooperation with state agencies participating in the monitoring of water resources, develop a plan for monitoring the state's water resources;

(6)”

Page 13, line 21, after “interests” insert “;

(7) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;

(8) identify water resources information and education needs, priorities, and goals and prepare an implementation plan to guide state activities relating to water resources information and education;

(9) coordinate the development and evaluation of water information and education materials and resources; and

(10) coordinate the dissemination of water information and education through existing delivery systems”

Page 13, after line 24, insert:

“Subd. 3. [CONSISTENCY OF STATE INFORMATION ACTIVITIES.] State agency information and education activities must be consistent with the implementation plan required under subdivision 1, clause (8).”

Page 17, line 23, delete “45” and insert “49”

Page 18, after line 30, insert:

“Subd. 4. [APPROPRIATIONS FROM SMALL WATER-COURSES.] (a) This subdivision applies in Hennepin and Ramsey counties to the following public waters:

(1) a public water basin or wetland wholly within the county that is less than 500 acres; or

(2) a protected watercourse that has a drainage area of less than 50 square miles.

(b) An appropriation of water that is below the minimum established in article 7, section 27, subdivision 4, for a nonessential use, as defined under article 7, section 31, is prohibited unless a permit is obtained from the watershed district or watershed management organization having jurisdiction over the public water basin, wetland, or watercourse. The watershed district or watershed management organization may impose a fee to cover the cost of issuing the permit. This subdivision must be enforced by the home rule charter

or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to affected riparian landowners. [473.877 s. 4]

Subd. 5. [APPROPRIATIONS FROM SMALL WATER-COURSES.] This subdivision applies in Hennepin and Ramsey counties to the following public waters:

(1) a public water basin or wetland wholly within the county that is less than 500 acres; or

(2) a protected watercourse that has a drainage area of less than 50 square miles.

An appropriation of water that is below the minimum established in article 7, section 27, subdivision 4, for a nonessential use, as defined in article 7, section 31, is prohibited unless a permit is obtained from the watershed district or watershed management organization having jurisdiction over the public water basin, wetland, or watercourse. The watershed district or watershed management organization may impose a fee to cover the cost of issuing the permit. This subdivision must be enforced by the home rule charter or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to adjoining landowners. [473.877 s. 5]

Page 18, line 35, delete "subdivision" and insert "section"

Page 20, line 27, delete "subdivision" and insert "section"

Page 21, line 35, delete "subdivision" and insert "section"

Page 30, line 31, delete "levied"

Page 30, line 32, delete everything after "exceed"

Page 30, delete line 33

Page 30, line 34, delete everything before "on" and insert "0.02418 percent of market value" and after "on" insert "taxable"

Page 31, line 6, delete everything after the period

Page 31, delete lines 7 and 8

Page 31, line 9, delete the new language

Page 32, line 27, delete "Within" and insert "At least"

Page 34, line 2, delete "an ad valorem" and insert "a"

Page 34, line 14, delete everything after "exceed"

Page 34, delete line 15

Page 34, line 16, delete everything before the comma and insert "0.02418 percent of taxable market value"

Page 38, lines 13 and 35, delete "section 30" and insert "sections 30 and 31"

Page 39, line 10, delete "soil and" and after "water" insert "and soil"

Page 40, line 20, delete "12" and insert "13"

Page 42, line 35, after "quantity" insert ", and sensitive areas, wellhead protection areas,"

Page 46, line 4, delete "the comprehensive" and insert "sections 17 to 28"

Page 46, line 5, delete "local water management act"

Page 46, line 10, delete "Minnesota future resources" and insert "legislative" and after "commission" insert "on Minnesota resources"

Page 46, line 13, delete "the comprehensive local water management act" and insert "sections 17 to 28"

Page 48, line 15, delete "the comprehensive" and insert "sections 17 to 28"

Page 48, line 16, delete "local water management act"

Page 48, line 23, delete "the comprehensive local water management act" and insert "sections 17 to 28"

Page 49, line 9, delete everything after the period

Page 49, delete lines 10 to 12

Page 50, lines 3 and 4, delete "the comprehensive local water management act" and insert "sections 17 to 28" and delete everything after the period

Page 50, delete lines 5 to 7

Page 50, line 8, delete everything before "The" and delete everything after "of" and insert "the levy up to 0.01813 percent of taxable market value"

Page 50, delete lines 9 and 10

Page 50, line 11, delete everything before "is"

Page 50, line 17, delete "the comprehensive local water management act" and insert "sections 17 to 28"

Page 51, line 29, delete "Minnesota future resources" and insert "legislative" and after "commission" insert "on Minnesota resources"

Page 51, lines 30 and 31, delete "the comprehensive local water management act" and insert "sections 17 to 28"

Page 51, line 34, delete "the comprehensive local water management act" and insert "sections 17 to 28"

Page 52, line 5, delete "The comprehensive local water management act does" and insert "Sections 17 to 28 do"

Page 58, line 17, delete "boards" and insert "board"

Page 58, line 24, after "held" insert a comma

Page 61, lines 21 and 24, delete "21" and insert "22"

Page 62, line 19, delete "59 and 62" and insert "60 and 63"

Page 65, line 13, after "terminated" insert "under subdivision 2"

Page 65, line 30, delete "The term"

Page 65, line 31, delete "and" and insert "or" and delete "cities" and insert "city"

Page 65, line 34, delete "and" and insert "or" and after the period insert "[MN L 1967, c 907, sec 1, 12]"

Page 66, line 29, delete everything after "115,"

Page 66, line 30, delete everything before the second "and"

Page 67, line 5, delete "initiation of"

Page 68, line 3, delete "for which" and insert "section 54."

Page 71, line 4, delete everything after "exceed" and insert ".00242 percent of taxable market value"

Page 71, delete line 5

Page 71, line 6, delete everything before "on"

Page 71, line 15, delete "lake"

Page 71, line 16, delete "conservation"

Page 71, line 24, after the period insert "[MN L 1969, c 272, sec 6]"

Page 72, line 4, after the period insert "[MN L 1969, c 272, sec 6]"

Page 72, lines 8 and 15, delete "lake conservation"

Page 73, line 5, after the second comma insert "as amended by Laws 1974, chapter 111, and Laws 1977, chapter 322,"

Page 73, line 27, delete "one member" and insert "two members"

Page 73, line 29, after the second "2" insert "; MN L 1977, c 322, sec 2"

Page 73, line 36, after "(2)" insert "limit the use of motors, including their types and horsepower, on the lake;

(3)"

Renumber the clauses in article 2, section 59, subdivision 2, accordingly

Page 74, line 33, delete "and"

Page 75, line 1, delete "lake conservation" and before the period insert "; and

(14) to require the submission of all plans pertaining to or affecting construction or other lakeshore use on any lot or parcel of land abutting the shoreline including: length of setback from the shoreline, adjoining property, or any street or highway; problems of population density; possible water, air or visual pollution; or height of construction. The board shall have 60 days after submission of plans or any part thereof for review. If, within 60 days of submission the board finds the plan or any part is inconsistent with its plans or

ordinances, it may recommend that the plan or any part be revised and resubmitted"

Page 75, line 2, after "3" insert "; MN L 1974, c 111, sec 1"

Page 75, line 9, delete everything after "membership" and insert "the following officers to serve for a period of one year: chair, vice-chair, secretary, and treasurer. The offices of secretary and treasurer shall be combined unless a resolution is adopted to the contrary by the board prior to the election."

Page 75, delete line 10

Page 75, line 12, after "1" insert "; MN L 1977, c 322, sec 3"

Page 76, line 31, delete "governing" and delete "of the district"

Page 78, lines 1 and 8, delete "lake conservation"

Page 78, line 27, delete everything after "except"

Page 78, line 28, delete everything before "a"

Page 78, line 29, after "4" insert "; MN L 1974, c 111, sec 2"

Page 79, line 12, delete everything after "exceed" and insert ".02418 percent of taxable market value"

Page 79, delete line 13

Page 79, line 14, delete everything before "on"

Page 80, line 15, delete "each" and delete "agency" and insert "agencies" and delete "possesses" and insert "possess"

Page 80, line 17, delete "a"

Page 80, line 18, delete "district" and insert "districts"

Page 81, line 2, after "state" insert "or the United States" and after the comma insert "or"

Page 81, line 3, after "agency" insert "or instrumentality" and delete ", and" and insert "or"

Page 88, line 14, delete "has" and insert "is considered to have"

Page 90, line 34, delete "The" and insert "Only"

Page 92, line 26, after the period insert “[40.14]”

Page 93, line 14, delete “will” and insert “shall”

Page 93, line 17, delete “will” in both places and insert “shall”

Page 94, line 36, delete “the successors of the”

Page 95, line 8, delete everything after “(a)”

Page 95, line 9, delete “before the general election,” and after “shall” insert “immediately”

Page 100, line 31, after “land” insert “specified in section 2”

Page 102, line 21, after “succession” insert “unless terminated as provided in section 10”

Page 104, line 15, delete everything after “offices”

Page 104, line 16, delete everything before the first comma

Page 112, line 2, delete “and 2” and insert “to 3”

Page 114, line 36, delete “subdivision” and insert “section”

Page 118, line 16, delete “sections 24 to 30” and insert “section 26 or 27”

Page 119, line 24, delete the first comma and insert “or” and delete everything after “subdivision”

Page 119, line 25, delete “state” and after the first period insert “Interested party includes the director or any agency of government.”

Page 119, line 30, delete “determined by inquiry” and insert “obtained”

Page 120, line 20, delete “includes” and insert “means”

Page 120, line 25, delete “includes” and insert “mean”

Page 120, line 35, after “authority” insert “after the filing of an establishment petition”

Page 123, line 5, delete “or all”

Page 123, line 31, delete “groundwater” and insert “it”

Page 124, line 20, delete "may" and insert "must"

Page 129, line 12, delete "and a"

Page 129, line 13, delete "public corporation"

Page 129, line 27, after "mailed" insert "immediately"

Page 129, line 33, delete "a"

Page 129, line 34, delete "area" and insert "areas"

Page 136, line 18, after "not" insert "make determinations or"

Page 136, line 19, delete everything before "more" and insert "accept termination petitions for watershed districts"

Page 136, line 34, delete "112.41" and insert "112.411"

Page 136, line 36, delete "that" and insert "who"

Page 137, line 9, delete "be conditioned" and insert "state"

Page 137, line 11, delete everything after "dismissed" and insert "or denied."

Page 137, line 12, delete "not terminated."

Page 137, line 28, delete the second "statement" and insert "petition"

Page 138, line 20, delete "of the state"

Page 143, line 31, delete "; 112.43 s. 1c"

Page 145, line 24, delete "122.44" and insert "112.44"

Page 146, line 25, after "agency" insert a comma and delete the second "or" and delete "or public" and after "corporation" insert "political subdivision."

Page 148, line 34, delete "public corporations" and insert "political subdivisions"

Page 151, line 19, delete "revolving" and insert "general" and delete everything after "fund" and insert "must"

Page 160, line 6, delete "public corporation" and insert "political subdivision"

Page 160, line 9, delete "public corporation's" and insert "political subdivision's"

Page 164, line 36, delete "59" and insert "68"

Page 167, line 19, delete "freeholders" and insert "resident owners"

Page 168, line 23, delete "public corporations" and insert "political subdivisions"

Page 169, line 20, delete "1" and insert "4"

Page 169, line 26, delete "2" and insert "5"

Page 171, line 6, delete "11" and insert "12"

Page 173, line 12, delete "shall" and insert "must"

Page 175, line 33, after "a" insert "new"

Page 175, line 34, delete "11" and insert "12"

Page 176, line 1, before "drainage" insert "new"

Page 176, line 2, delete "11" and insert "12" and delete "resident"

Page 176, line 8, delete "resident"

Page 176, line 22, delete "resident" and delete "or owners"

Page 180, line 12, delete "freeholders" and insert "owners"

Page 184, line 34, delete "shall" and insert "must"

Page 185, line 1, delete "in lieu" and insert "instead"

Page 185, line 10, delete "relative to" and insert "about"

Page 185, line 36, delete everything after "with"

Page 186, line 15, delete the second "section 63" and insert "it"

Page 186, line 27, delete "shall" and insert "must immediately"

Page 186, line 28, delete "shall" and insert "must"

Page 187, line 14, delete everything after “(b)” and insert “Bids must not be considered which in the aggregate exceed by more than 30 percent the total estimated cost of construction.”

Page 187, delete lines 15 and 16

Page 191, line 32, delete everything after “exceed”

Page 191, delete lines 33 and 34

Page 191, line 35, delete everything before “or” and insert “0.01596 percent of taxable market value.”

Page 192, line 19, delete “a gross tax”

Page 192, delete lines 20 to 22

Page 192, line 23, delete “district” and insert “0.02418 percent of taxable market value”

Page 192, line 29, delete everything after “exceed”

Page 192, delete line 30

Page 192, line 31, delete everything before the second “for” and insert “0.00798 percent of taxable market value”

Page 193, line 33, delete “an ad”

Page 193, line 34, delete “valorem levy” and insert “the proceeds of a property tax”

Page 193, line 35, delete everything after “exceed” and insert “0.02418 percent of taxable market value.”

Page 193, delete line 36

Page 194, delete lines 1 and 2

Page 194, line 9, delete “7” and insert “8”

Page 199, line 27, delete “21” and insert “22”

Page 239, line 16, delete “16” and insert “22”

Page 240, line 32, delete “16” and insert “22”

Page 268, lines 23 and 24, delete “wildlife acquisition” and insert “game and fish”

Page 271, line 34, delete "name and address" and insert "names and addresses"

Page 277, line 22, delete "revolving" and insert "general" and delete "of the state"

Page 277, line 23, delete "auditor"

Page 298, lines 17 and 18, delete "the floodplain management law" and insert "sections 2 to 13"

Page 299, lines 2 and 25, delete "the floodplain management law" and insert "sections 2 to 13"

Page 300, lines 29 and 30, delete "the floodplain management law" and insert "sections 2 to 13"

Page 301, line 22, delete "the floodplain management law" and insert "sections 2 to 13"

Page 302, line 14, after "conduct" insert ", whenever possible,"

Page 302, line 21, delete "the floodplain management law" and insert "sections 2 to 13"

Page 303, lines 6 and 7, delete "or not in compliance with"

Page 303, line 10, delete "subdivision" and insert "section"

Page 303, line 11, delete "subdivision" and insert "section"

Page 310, after line 16, insert:

"Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources."

Page 310, line 17, delete "2" and insert "3"

Page 310, line 19, delete "3" and insert "4"

Page 311, line 14, delete "105.482" and insert "105.485"

Page 311, line 27, delete "this" and after "section" insert "27"

Page 315, lines 4 and 5, delete "the Minnesota wild and scenic rivers act" and insert "sections 30 to 39"

Page 319, line 35, delete "the Minnesota wild and scenic rivers act" and insert "sections 30 to 39"

Page 322, line 11, delete "are"

Page 329, lines 13 and 20, delete "project riverbend" and insert "Project Riverbend"

Page 333, line 6, delete "to which" and insert "that"

Page 335, line 14, before the period insert "as provided by sections 57 to 68"

Page 340, line 24, delete "5" and insert "4"

Page 341, line 20, delete "57" and insert "60"

Page 341, after line 25, insert:

"Sec. 69. [103F460] [ENVIRONMENTAL AGRICULTURAL EDUCATION PROGRAM.]

Subdivision 1. [PROGRAM.] An environmental agricultural program is established:

(1) to work with agricultural producers;

(2) to advise and inform agricultural producers on the impact of certain farming practices on water quality;

(3) to promote sustainable agriculture through use of best management practices and integrated pest management;

(4) to demonstrate and evaluate alternative pesticide practices; and

(5) to develop and promote farm profitability through a reduction in farm inputs.

Subd. 2. [CONTRACTS.] Contracts to carry out the program must be awarded by the board of water and soil resources following review by the legislative water commission. [40.31]"

Page 342, line 4, delete "75" and insert "78"

Page 342, line 5, delete "COMMISSIONER" and insert "BOARD" and delete "Commissioner" and insert "Board"

Page 342, line 6, delete "commissioner of agriculture" and insert "board of water and soil resources"

Page 342, line 13, after "Subd. 5." insert "[DRAINED WETLAND.] "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.

Subd. 6."

Page 342, line 14, after the comma insert "family farm partnerships, authorized farm partnerships," and delete "as defined under section"

Page 342, line 15, delete everything before "and"

Page 342, line 17, delete "paragraph (d)," and insert "and estates and testamentary trusts,"

Page 342, line 19, delete "6" and insert "7"

Page 342, line 26, delete "commissioner" and insert "board"

Page 342, after line 26, insert:

"Subd. 8. [PUBLIC WATERS.] "Public waters" means waters and wetlands as defined in article 7, section 2, and inventoried under article 7, section 13. [40.42 s. 8]

Subd. 9. [SENSITIVE GROUNDWATER AREA.] "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the board of water and soil resources. Wellhead protection areas may be designated as a sensitive groundwater area. [40.42 s. 6a, 9]"

Page 342, line 27, delete "7" and insert "10"

Page 342, line 33, delete "8" and insert "11"

Page 343, line 1, after "The" insert "board, in consultation with the"

Page 343, line 2, delete ", in consultation with" and insert "and"

Page 343, line 4, delete "commissioner of"

Page 343, line 5, delete "agriculture shall contract with the" and delete "of water and soil"

Page 343, line 6, delete "resources to" and insert "shall" and delete "75" and insert "77"

Page 343, line 11, delete the colon and insert "meets the requirements of paragraphs (b) and (c)."

Page 343, after line 11, insert:

"(b) Land is eligible if the land:"

Page 343, line 12, delete "or" and insert ";

(2)"

Page 343, line 15, delete everything after "description" and insert ";

(3) consists of a drained wetland;

(4) is land that"

Page 343, line 16, delete the period and insert ";

(5) is land in a sensitive groundwater area;

(6) is cropland adjacent to public waters;

(7) is"

Page 343, line 17, delete "the" and delete "wetland may also be enrolled" and insert "wetlands"

Page 343, after line 19, insert:

"(8) is a woodlot on agricultural land;

(9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; or

(10) is land on a hillside used for pasture.

(c) Eligible land under paragraph (a) must:"

Page 343, line 20, delete "(2) was" and insert "(1) have been" and after "or" delete "was" and insert "be"

Page 343, line 22, delete "three years" and insert "one year"

Page 343, line 24, delete "(3) is" and insert "(2) be" and after the second comma insert "woodlot, or abandoned building site,"

Page 343, line 25, delete "is" and insert "be"

Page 343, line 27, delete "(4) is" and insert "(3)" and after "not" insert "be"

Page 343, line 29, delete "(5) was" and insert "(4) have been"

Page 343, line 30, before the period insert "except drained wetlands, woodlots, abandoned building sites, or land on a hillside used for pasture"

Page 343, delete lines 31 to 36

Page 344, delete lines 1 to 5 and insert:

"(d) The enrolled land of a landowner may not exceed 20 percent of the average farm size in the county where the land is being enrolled according to the average farm size determined by the United States Department of Agriculture, Census of Agriculture.

"(e) In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985."

Page 344, line 6, delete "(d)" and insert "(f)"

Page 344, line 9, delete "commissioner" and insert "board"

Page 344, line 11, after the period insert "An easement acquired on land for windbreak purposes, under subdivision 2, may be only of permanent duration."

Page 344, lines 19 and 21, delete "commissioner" and insert "board"

Page 344, line 22, delete "unless" and insert "except, for agreements entered before the effective date of this act, grazing of livestock may be allowed only if"

Page 344, line 23, delete the first "commissioner" and insert "board"

Page 344, line 36, delete "commissioner" and insert "board"

Page 345, lines 10 and 12, delete "commissioner" and insert "board"

Page 345, line 14, delete "to restore any drained wetland and"

Page 345, line 15, after "wetland" insert "restoration"

Page 345, line 20, after the semicolon insert "and"

Page 345, line 21, delete everything after "(5)"

Page 345, delete lines 22 to 26

Page 345, line 27, delete "(6)"

Page 345, line 28, after "the" insert "board in consultation with the"

Page 345, line 30, delete "to facilitate" and insert "facilitate"

Page 345, line 33, delete "commissioner" and insert "board"

Page 346, line 3, delete "and"

Page 346, line 4, before the semicolon insert ", and 100 percent of the total eligible cost of wetland restoration not to exceed \$300 per acre"

Page 346, line 21, delete "commissioner" and insert "board"

Page 346, line 22, delete everything after "(b)"

Page 346, delete line 23

Page 346, line 24, delete everything before "[40.43 s. 6]" and insert "For hillside pasture conservation easements; the payments to the landowner in paragraph (a) for the conservation easement and agreement must be reduced to reflect the value of similar property."

Page 346, line 28, delete "commissioner" and insert "board"

Page 346, line 29, delete "commissioner" and insert "board"

Page 347, line 1, delete "commissioner" and insert "board"

Page 347, after line 6, insert:

"Subd. 9. [ENFORCEMENT AND DAMAGES.] (a) A landowner who violates the term of a conservation easement or agreement

under this section, or induces, assists, or allows another to do so, is liable to the state for treble damages if the trespass is willful, but liable for double damages only if the trespass is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

(b) Upon the request of the board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney's fees, and any other appropriate relief to enforce sections 71 to 77 in district court in the county where all or part of the violation is alleged to been committed, or where the landowner resides or has a principal place of business. [40.43 s. 9]"

Page 347, line 10, delete "75" and insert "77" and delete "commissioner" and insert "board"

Page 347, line 11, after the first "the" insert "department of agriculture, the"

Page 347, line 18, after "The" insert "board and the"

Page 347, lines 22 and 23, delete "commissioner of agriculture" and insert "board"

Page 347, line 31, delete "commissioners" and insert "board and the commissioner"

Page 347, line 32, delete "agriculture and"

Page 347, line 34, after "The" insert "board and the"

Page 348, line 6, delete "commissioner" and insert "board"

Page 348, line 11, delete "commissioner" and insert "board"

Page 348, after line 13, insert:

"Sec. 76. [103F:526] [FOOD PLOTS IN WINDBREAKS.]

The board, in cooperation with the commissioner of natural resources, may authorize wildlife food plots on land with windbreaks. [40.44 s. 4]"

Page 348, line 15, delete "commissioner" and insert "board" and delete "emergency"

Page 348, delete lines 16 and 17

Page 348, line 18, delete everything before the period and insert "sections 71 to 77"

Page 348, after line 21, insert:

"Sec. 78. [103F.535] [RESERVATION OF MARGINAL LAND AND WETLANDS.]

Subdivision 1. [RESERVATION OF MARGINAL LAND AND WETLANDS.] Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section. This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 73, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

Subd. 2. [DELINEATION OF WETLAND OR MARGINAL LAND.] (a) Before state land is sold, the land must be submitted to the board of water and soil resources to determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation of the reservation or conservation easement need not be by legal description and may be a description in general terms that identifies the marginal land or wetlands.

(b) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 73, subdivision 4, paragraphs (a) and (c), and other restrictions determined necessary by the board of water and soil resources.

Subd. 3. [SCHOOL TRUST LAND.] If the sale of school trust land as defined in section 92.025 is restricted by a conservation easement and the restriction results in a reduction of the amount received from the sale, the commissioner of natural resources must determine the amount of the reduction. The amount of the reduction in sale price must be paid from appropriations to acquire conservation easements and shall be credited to the account to which the proceeds from the sale are credited.

Subd. 4. [RELEASE AND ALTERATION OF CONSERVATION EASEMENT.] The board may alter, release, or terminate a conservation easement created under this section after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines the public interests and general welfare are better served by the alteration, release, or termination. [40.46]

Page 348, line 24, after "commissioner" insert "of natural resources"

Page 351, line 15, delete "115A.091" and insert "115.091"

Page 351, lines 17 and 18, delete "the clean water partnership law" and insert "sections 82 to 94"

Page 354, lines 27 and 28, delete "the comprehensive local water management act" and insert "article 2, sections 17 to 28"

Page 354, line 30, delete "12" and insert "11"

Page 355, line 17, delete "s. 1"

Page 355, line 33, delete "s. 2"

Page 359, line 24, delete "21 and 38" and insert "22 and 39"

Page 360, line 21, delete "21 and 38" and insert "22 and 39"

Page 362, line 6, delete "and" and insert "or"

Page 364, line 4, after "commissioner" insert "as trout streams"

Page 365, line 8, delete "the water law" and insert "this chapter"

Page 366, lines 14 and 22, delete "the water law" and insert "this chapter"

Page 367, line 7, delete "the water law" and insert "this chapter"

Page 367, line 18, delete "for an" and insert ". This section applies"

Page 367, line 19, delete "action" and insert "to actions"

Page 367, line 36, delete "those sections" and insert "this chapter"

Page 368, after line 21, insert:

"Sec. 12. [103G.145] [APPLICATION.]

Nothing in this chapter supersedes or amends section 92.45."

Page 372, line 14, delete the first "subdivision" and insert "subdivisions" and after the first comma insert "11, and 12,"

Page 374, line 28, delete "conservation" and insert "zoning"

Page 375, line 5, delete "this" and after "subdivision" insert "1"

Page 376, line 28, after "for" insert "the consumptive"

Page 376, line 31, after "supply" insert ", and use for power production that meets the contingency planning provisions of section 30, subdivision 6"

Page 376, line 32, delete "any" and insert "a"

Page 376, line 33, delete everything after "day" and insert a semicolon

Page 376, delete lines 34 and 35

Page 376, line 36, after "irrigation," insert "and processing of agricultural products"

Page 377, line 1, delete "a" and insert "per" and delete everything after "day" and insert a semicolon

Page 377, delete line 2

Page 377, line 3, delete ", involving"

Page 377, line 4, delete everything before the semicolon and insert "in excess of the use provided for in the contingency plan developed under section 30, subdivision 6"

Page 377, after line 6, insert:

“(b) For the purposes of this section, “consumption” means water withdrawn from a supply that is lost for immediate further use in the area.”

Page 377, line 7, delete “(b)” and insert “(c)”

Page 377, line 12, delete “(c)” and insert “(d)”

Page 377, after line 13, insert:

“(e) The treatment and reuse of water for nonconsumptive uses shall be discouraged.”

Page 377, line 14, delete “(d)” and insert “(f)”

Page 379, line 27, delete everything after “plans”

Page 379, line 28, delete everything before the period and delete “1a” and insert “1”

Page 379, line 32, after “land” insert “under section 32, subdivision 2,”

Page 379, line 35, delete “1a” and insert “1”

Page 380, line 1, after “(a)” insert “Except for local permits under article 2, section 7, subdivision 4,”

Page 380, line 1, delete “A” and insert “a”

Page 380, after line 10, insert:

“Subd. 5. [CERTAIN COOLING SYSTEM PERMITS PROHIBITED.] (a) The commissioner may not issue a water use permit from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) For purposes of this subdivision, a once-through cooling system means a cooling or heating system for human comfort that draws a continuous stream of water from a groundwater source to remove or add heat for cooling, heating, or refrigeration.”

Page 380, line 11, delete “5” and insert “6” and after “(a)” insert “Except as described in paragraph (b),”

Page 380, line 11, delete “A” and insert “a”

Page 380, line 12, after “fee” insert “not to exceed \$2,000”

Page 380, line 15, delete everything after “(1)” and insert “0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year; and”

Page 380, delete lines 16 and 17

Page 380, line 18, delete everything after “(2)” and insert “0.1 cents per 1,000 gallons for amounts greater than 50,000,000 gallons per year.”

Page 380, delete line 19

Page 380, line 20, delete everything after “(b)” and insert “For once-through cooling systems as defined in subdivision 5, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 5.0 cents per 1,000 gallons until December 31, 1991;

(2) 10.0 cents for 1,000 gallons from January 1, 1992, until December 31, 1996; and

(3) 15.0 cents per 1,000 gallons after January 1, 1997.”

Page 380, line 21, delete “regardless of” and insert “based on”

Page 380, line 22, delete “appropriated” and insert “permitted” and after “and” insert “in no case may the fee be less than \$25.”

(d)”

Page 380, line 23, after the period insert “[105.41 s. 5a]”

Page 380, delete lines 24 to 26

Page 380, line 27, delete “6” and insert “7”

Page 381, line 23, delete “this” and after “section” insert “27 or 28”

Page 382, line 2, after “fee” insert “in section 27”

Page 383, line 33, after “is” insert “adequate”

Page 383, line 34, delete “appropriation” and insert “water use”

Page 385, line 31, delete “156A.07” and insert “103I.205, subdivision 9”

Page 385, line 36, after "of" insert "paragraph (a)," and after "(6)" insert "or paragraph (c)"

Page 395, delete lines 5 to 11

Page 395, line 16, delete everything after the headnote and insert "The commissioner shall make findings of fact on issues necessary for determination of the applications considered. Orders made by the commissioner must be based upon findings of fact made on substantial evidence. The commissioner may have investigations made. The facts disclosed by investigation must be put in evidence at the hearing. [105.45]"

Page 395, delete lines 17 to 22

Page 395, delete lines 23 to 36, and insert:

"Subd. 3. [ISSUANCE OF PERMIT.] If the commissioner concludes that the plans of the applicant are reasonable, practical, and will adequately protect public safety and promote the public welfare, the commissioner shall grant the permit. [105.45]"

Subd. 4. [CONTROL LEVELS.] If they are in issue, the commissioner shall also fix the control levels of public waters accordingly. [105.45]

Subd. 5. [DENIAL; MODIFICATIONS.] Otherwise the commissioner shall reject the application or may require modification of the plan as the commissioner finds proper to protect the public interest. [105.45]

Subd. 6. [BURDEN OF PROOF; CONDITIONS.] (a) In permit applications the applicant has the burden of proving that the proposed project is reasonable, practical, and will adequately protect public safety and promote the public welfare.

(b) In granting a permit, the commissioner may include in it terms and reservations about the amount and manner of the use or appropriation or method of construction or operation of controls as appear reasonably necessary for the safety and welfare of the people of the state. [105.45]"

Page 396, delete lines 1 to 10

Page 396, delete lines 23 to 31 and insert:

"Subd. 8. [NOTICE OF PERMIT ORDER.] Notice of orders made after hearing must be given by publication of the order once a week for two successive weeks in a legal newspaper in the county where

the hearing was held and by mailing copies of the order to parties who entered an appearance at the hearing. [105.45]

Subd. 9. [TIME FOR ISSUANCE OF ORDER.] The commissioner shall make an order within 60 days after the completion of the hearing. [105.45]

Page 399, line 18, after "If" insert "the stipulation is"

Page 400, line 21, delete "department" and insert "Department" and delete "army" and insert "Army"

Page 400, lines 29 and 30, delete "corps of army engineers" and insert "United States Department of the Army Corps of Engineers"

Page 402, line 5, delete "corps of army engineers" and insert "United States Department of the Army Corps of Engineers"

Page 402, line 22, delete "The attorney general" and insert "who"

Page 403, line 7, after "3," insert "paragraph (a),"

Page 404, line 3, delete "1" and insert "3"

Page 405, line 13, delete "4" and insert "3"

Page 408, line 6, delete "commissioner" and insert "commissioners" and after "and" insert "the"

Page 412, line 7, after "agreement" insert "for the development or redevelopment of a hydropower sight"

Page 412, line 10, delete everything after "agreement"

Page 412, line 11, delete "hydropower site"

Page 413, line 13, delete "46" and delete "Statutes" and insert "Code, title 46, section"

Page 414, line 23, delete "Sections 52" and insert "This section" and after "and" insert "section"

Page 415, line 11, after "dam" insert "are considered to"

Page 416, line 19, delete "sections 52" and insert "this section" and after "and" insert "section"

Page 417, line 27, delete "of natural resources may"

Page 417, line 28, after "(1)" insert "shall"

Page 418, line 36, delete "sections" and insert "section" and delete "53" and insert "this section"

Page 419, line 9, after the comma insert "subdivision 2,"

Page 419, line 16, after "52" insert ", subdivision 5"

Page 420, line 35, delete "of natural resources"

Page 421, lines 5, 17, 20, 29, and 33, delete "of natural resources"

Page 421, lines 35 and 36, delete "of natural resources"

Page 422, line 30, delete "\$100" and insert "\$200"

Page 423, after line 8, insert:

"Sec. 62. [103G.617] [EURASIAN WATER MILFOIL EDUCATION AND MANAGEMENT.]

Subdivision 1. [DEFINITION.] For the purpose of this section, "Eurasian water milfoil" means myriophyllum spicatum.

Subd. 2. [INVENTORY.] The commissioner shall inventory and monitor the growth of Eurasian water milfoil on lakes in the state. The commissioner may use volunteers to aid in the inventory effort.

Subd. 3. [EDUCATION.] The commissioner shall publish and distribute informational materials to lakeshore owners and boaters on the control problems of Eurasian water milfoil.

Subd. 4. [MANAGEMENT.] The commissioner shall coordinate a control program to manage the growth of Eurasian water milfoil with appropriate local units of government, special purpose districts, and lakeshore associations. Technical assistance may be provided by the commissioner upon request.

Subd. 5. [RESEARCH.] The commissioner shall initiate cooperative research with the Freshwater Foundation and the University of Minnesota freshwater biological institute to study the use of nonchemical methods, including biological control agents, for control of Eurasian water milfoil. [84.0921]"

Page 423, line 15, delete "of natural resources"

Page 423, lines 24, 29, and 36, delete "111.81" and insert "110.71"

Page 423, line 27, delete "of natural"

Page 423, line 28, delete "resources" and delete "84.092" and insert "61"

Page 423, line 33, delete everything after "exceed"

Page 423, delete line 34

Page 423, line 35, delete everything before "50" and insert "the lesser of (1) 0.01596 percent of taxable market value, or (2)"

Page 424, lines 11, 17, and 23, delete "111.81" and insert "110.71"

Page 424, line 28, delete "105.471" and insert "105.475"

Page 425, delete section 65

Page 426, line 27, before "RELOCATION" insert "RECODIFICATION AND"

Page 427, line 17, delete "51" and insert "52"

Page 429, lines 14, 19, and 23, delete "12" and insert "13"

Page 430, after line 25, insert:

"Sec. 6. Minnesota Statutes 1988, section 41.65, subdivision 3, is amended to read:

Subd. 3. [RESTRICTED AGRICULTURAL USE.] (a) Acquired property that has marginal land as defined in article 6, section 40.42 72, subdivision 6, or wetlands must be restricted from agricultural use on the marginal land or wetlands.

(b) If the commissioner determines that all or a portion of acquired property should be taken out of agricultural use or particular agricultural uses should be restricted, the commissioner shall have the attorney general prepare an easement restricting the agricultural use and file the easement with the county recorder where the property is located."

Page 430, delete section 6

Page 433, line 25, after the first "of" insert "the division of"

Page 433, line 35, delete "8" and insert "9"

Page 435, line 26, delete the second "9" and insert "10"

Page 435, line 28, delete the first "9" and insert "10"

Page 438, line 3, delete "51" and insert "52"

Page 438, line 34, delete "43, subdivisions 1, 2, and 3," and insert "44"

Page 438, after line 35, insert:

"Sec. 24. Minnesota Statutes 1988, section 97A.211, subdivision 1, is amended to read:

Subdivision 1. [NOTICE TO APPEAR IN COURT.] (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws, chapter 84, ~~105, or 106A,~~ or section 609.68 or article 5, article 6, sections 25 to 29 or section 79, or article 7, if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in court. The court must have jurisdiction within the county where the offense is alleged to have been committed.

Sec. 25. Minnesota Statutes 1988, section 97A.211, subdivision 2, is amended to read:

Subd. 2. [RELEASE AFTER ARREST.] A person arrested for a misdemeanor violation of the game and fish laws, chapter 84, ~~105, or 106A~~ or section 609.68 or article 5, article 6, sections 25 to 29 or section 79, or article 7, may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody.

Page 439, delete section 25

Page 440, after line 10, insert:

"Sec. 27. Minnesota Statutes 1988, section 116D.04, subdivision 1a, is amended to read:

Subd. 1a. For the purposes of sections 116D.01 to 116D.07, the following terms have the meanings given to them in this subdivision.

(a) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(b) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

(c) "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

(d) "Governmental action" means activities, including projects wholly or partially conducted, permitted, assisted, financed, regulated or approved by units of government including the federal government.

(e) "Governmental unit" means any state agency and any general or special purpose unit of government in the state including, but not limited to, watershed districts organized under chapter 112 article 4, counties, towns, cities, port authorities, housing authorities, and economic development authorities established under sections 458C.01 to 458C.23, but not including courts, school districts and regional development commissions other than the metropolitan council.

Sec. 28. Minnesota Statutes 1988, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] "Business license" or "license" does not include the following:

(1) Any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) Any license issued by a county, home rule charter city, statutory city, township or other political subdivision;

(3) Any license required to practice the following occupation regulated by the following sections:

(a) Abstracters regulated pursuant to chapter 386;

(b) Accountants regulated pursuant to chapter 326;

(c) Adjusters regulated pursuant to chapter 72B;

- (d) Architects regulated pursuant to chapter 326;
- (e) Assessors regulated pursuant to chapter 270;
- (f) Attorneys regulated pursuant to chapter 481;
- (g) Auctioneers regulated pursuant to chapter 330;
- (h) Barbers regulated pursuant to chapter 154;
- (i) Beauticians regulated pursuant to chapter 155A;
- (j) Boiler operators regulated pursuant to chapter 183;
- (k) Chiropractors regulated pursuant to chapter 148;
- (l) Collection agencies regulated pursuant to chapter 332;
- (m) Cosmetologists regulated pursuant to chapter 155A;
- (n) Dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (o) Detectives regulated pursuant to chapter 326;
- (p) Electricians regulated pursuant to chapter 326;
- (q) Embalmers regulated pursuant to chapter 149;
- (r) Engineers regulated pursuant to chapter 326;
- (s) Insurance brokers and salespersons regulated pursuant to chapter 60A;
- (t) Midwives regulated pursuant to chapter 148;
- (u) Morticians regulated pursuant to chapter 149;
- (v) Nursing home administrators regulated pursuant to chapter 144A;
- (w) Optometrists regulated pursuant to chapter 148;
- (x) Osteopathic physicians regulated pursuant to chapter 147;
- (y) Pharmacists regulated pursuant to chapter 151;
- (z) Physical therapists regulated pursuant to chapter 148;

- (aa) Physicians and surgeons regulated pursuant to chapter 147;
- (bb) Plumbers regulated pursuant to chapter 326;
- (cc) Podiatrists regulated pursuant to chapter 153;
- (dd) Practical nurses regulated pursuant to chapter 148;
- (ee) Professional fundraisers regulated pursuant to chapter 309;
- (ff) Psychologists regulated pursuant to chapter 148;
- (gg) Real estate brokers, salespersons and others regulated pursuant to chapters 82 and 83;
- (hh) Registered nurses regulated pursuant to chapter 148;
- (ii) Securities brokers, dealers, agents and investment advisers regulated pursuant to chapter 80A;
- (jj) Steamfitters regulated pursuant to chapter 326;
- (kk) Teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (ll) Veterinarians regulated pursuant to chapter 156;
- (mm) Watchmakers regulated pursuant to chapter 326;
- (nn) Water conditioning contractors and installers regulated pursuant to chapter 326;
- (oo) Water well contractors regulated pursuant to chapter 156A;
- (pp) Water and waste treatment operators regulated pursuant to chapter 115;
- (qq) Motor carriers regulated pursuant to chapter 221;
- (rr) Professional corporations regulated pursuant to chapter 319A;
- (4) Any driver's license required pursuant to chapter 171;
- (5) Any aircraft license required pursuant to chapter 360;
- (6) Any watercraft license required pursuant to chapter 361 article 9;

(7) Any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air or water, which is required to be obtained from a state agency or instrumentality; and

(8) Any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services."

Page 440, line 17, strike the first comma and before "article" insert a semicolon and delete the third comma and insert a semicolon

Page 440, line 18, after "sections" insert "23 and sections 27 to 29" and delete "26 to 28, and article 7, section 22"

Page 440, delete sections 27 to 30

Page 447, line 4, delete "49" and insert "50"

Page 449, lines 12 and 24, delete "49" and insert "50"

Page 450, lines 2 and 6, delete "49" and insert "50"

Page 450, after line 6, insert:

"Sec. 36. Minnesota Statutes 1988, section 355.11, subdivision 4, is amended to read:

Subd. 4. "Employee" means any employee, other than elected officials, of municipal housing and redevelopment authorities or of any soil and water conservation district organized pursuant to ~~chapter 40~~ article 3, or any port authority organized pursuant to chapter 458, or any hospital district organized or reorganized pursuant to sections 447.31 to 447.37.

Sec. 37. Minnesota Statutes 1988, section 355.11, subdivision 5, is amended to read:

Subd. 5. "Employing unit" means any municipal housing and redevelopment authorities organized pursuant to sections 469.001 to 469.047 and any soil and water conservation district organized pursuant to ~~chapter 40~~ article 3 or any port authority organized pursuant to sections 469.048 to 469.068, or any economic development authority organized pursuant to sections 469.090 to 469.108, or any hospital district organized or reorganized pursuant to sections 447.31 to 447.37."

Page 452, line 7, delete "27" and insert "28".

Page 452, line 8, strike "3" and insert "2"

Page 452, after line 9, insert:

"Sec. 40. Minnesota Statutes 1988, section 383A.602, subdivision 3, is amended to read:

Subd. 3. [DISTRICT.] "District" means the soil and water conservation district operating under ~~chapter 40~~ article 3."

Page 454, after line 16, insert:

"Sec. 45. Minnesota Statutes 1988, section 444.075, subdivision 1a, is amended to read:

Subd. 1a. [AUTHORIZATION.] Any municipality may build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain

(i) waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system,

(ii) sewer systems, sewage treatment works, disposal systems, and other facilities for disposing of sewage, industrial waste, or other wastes, and

(iii) storm sewer systems, including mains, holding areas and ponds, and other appurtenances and related facilities for the collection and disposal of storm water, all hereinafter called facilities, and maintain and operate the facilities inside or outside its corporate limits, and acquire by gift, purchase, lease, condemnation or otherwise any and all land and easements required for that purpose. The authority hereby granted is in addition to all other powers with reference to the facilities otherwise granted by the laws of this state or by the charter of any municipality. The authority granted in clause (iii) to municipalities which have territory within a watershed which has adopted a watershed plan pursuant to article 2, section ~~473.878~~ 11, shall be exercised, with respect to facilities acquired following the adoption of the watershed plan, only for facilities which are not inconsistent with the watershed plan. The authority granted in clause (iii) to municipalities which have adopted local water management plans pursuant to article 2, section ~~473.879~~ 12, shall be exercised, with respect to facilities acquired following the adoption of a local plan, only for facilities which are not inconsistent with the local plan. Counties, except counties in the seven county metropolitan area, shall have the same authority granted to municipalities by this subdivision except for areas of the

county organized into cities and areas of the county incorporated within a sanitary district established by special act of the legislature.”

Page 454, line 24, after “9” insert “, section 10, subdivision 6”

Page 458, line 12, strike “4,” and strike “and” and after “6” insert “, and 7”

Page 459, after line 7, insert:

“Sec. 55. Minnesota Statutes 1988, section 500.24, subdivision 3b, is amended to read:

Subd. 3b. [PROTECTION OF CONSERVATION PRACTICES.] If a corporation, pension or investment fund, or limited partnership, other than a family farm corporation, an authorized farm corporation, a family farm partnership, or authorized farm partnership, during the period of time it holds agricultural land under subdivision 3, clause (i), intentionally destroys a conservation practice as defined in article 6, section 40.19 57, subdivision 5 3, to which the state has made a financial contribution, the corporation, pension or investment fund, or limited partnership must pay the commissioner of agriculture, for deposit in the general fund, an amount equal to the state’s total contributions to that conservation practice plus interest from the time of investment in the conservation practice. Interest must be calculated at an annual percentage rate of 12 percent.”

Page 459, after line 23, insert:

“Sec. 58. Laws 1987, chapter 404, section 22, subdivision 7, is amended to read:

Subd. 7. Fish and Wildlife Management

\$25,734,700 \$25,985,500

Summary by Fund

General	\$ 788,600	\$ 795,900
Nongame Wildlife	\$ 1,179,800	\$ 1,183,600
Water Recreation	\$ 150,000	\$ 150,000
Wildlife Acquis.	\$ 961,500	\$ 836,500
Game and Fish	\$22,624,800	\$22,989,500
Wild Rice Management	\$ 30,000	\$ 30,000

\$685,700 in the first year and \$685,700 the second year are appropriated from the game and fish fund for payments to

counties in lieu of taxes on acquired wildlife lands and is not subject to transfer.

\$1,179,800 the first year and \$1,183,600 the second year are from the nongame wildlife management account in the special revenue fund for the purpose of nongame wildlife management. Any unencumbered balance remaining in the first year does not cancel but is available the second year.

\$54,400 in the first year and \$54,200 the second year are for acid rain research.

\$40,000 the first year and \$40,000 the second year is from the general fund for one complement position to serve as a native prairie biologist.

\$127,900 the first year and \$127,900 the second year are for emergency deer feeding. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$30,000 is appropriated each year from the wild rice management account project to improve natural wild rice production on public waters pursuant to Minnesota Statutes, section 97A.065, subdivision 4.

\$40,000 for the first year and \$40,000 for the second year is from the general fund to be transferred to the commissioner of agriculture to compensate landowners for agricultural crops damaged by elk.

\$10,000 each year is appropriated from the general fund to be used as an additional payment to the Leech Lake Indian Reservation for enforcement activities. The reservation may also use \$40,000 of the increased annual payment that it receives as a result of the fee increases in this act for enforcement. The department of natural re-

sources shall also make surplus equipment available to the reservation.

Effective July 1, 1987, aquatic plant control permit fees established under Minnesota Statutes, section 84.092, subdivision 1, are doubled. Notice of the revised fees must be published in the State Register as soon as practical."

Page 459, line 25, before "RELOCATION" insert "RECODIFICATION AND"

Page 462, line 10, before "WATERCRAFT" insert "YOUTH"

Page 462, line 20, delete "YOUTH"

Page 463, line 25, after the period insert "[361.07]"

Page 470, line 23, after "12" insert "; 361.02 s. 7"

Page 470, line 27, delete "361.02" and insert "361.03"

Page 477, line 4, delete "40" and insert "39"

Page 485, line 23, delete "name and address" and insert "names and addresses"

Page 489, after line 5, insert:

"Subd. 7. [WATERCRAFT SURCHARGE.] A surcharge of \$2 is placed on each watercraft licensed under subdivisions 1 to 6, that is 17 feet in length or longer, for management of purple loosestrife and Eurasian water milfoil according to law."

Page 489, line 6, delete "7" and insert "8"

Page 489, line 12, delete "8" and insert "9"

Page 489, line 15, delete "9" and insert "10"

Page 490, line 8, delete "monohulled"

Page 490, line 9, delete "less than" and after "feet" insert "or less"

Page 496, line 2, delete the first "subdivision" and insert "subdivisions 1 and" and delete "this subdivision"

Page 498, line 22, delete "or"

Page 498, line 23, after the comma insert "or section 20,"

Page 499, line 7, delete "1990" and insert "1991"

Page 499, line 11, delete "water law" and insert "laws affecting water"

Page 499, line 12, after "alter" insert "the laws affecting water" and delete "the water law"

Page 499, line 13, after "authority" insert a comma

Page 499, line 14, after the period insert "It is intended that decisions construing laws that are recodified by articles 1 to 10 are not affected by the recodification. The revisor of statutes shall publish the statutory derivation of the laws recodified by articles 1 to 10 in Laws of Minnesota but may omit them from Minnesota Statutes."

Sec. 2. [EFFECT ON ADMINISTRATIVE RULES.]

Notwithstanding the provisions of Minnesota Statutes, section 14.05, subdivision 1, or other law to the contrary, the repeal in this article of a law authorizing an agency to adopt administrative rules, does not repeal the rules authorized. The revisor need not recodify administrative rules solely because of the enactment of articles 1 to 10.

Page 499, line 16, before "The" insert "(a)"

Page 499, after line 21, insert:

"(b) In the next edition of Minnesota Statutes, the revisor of statutes shall renumber the sections in Column A with the numbers in Column B.

Column A
361A.01
361A.02
361A.03
361A.04
361A.05
361A.06
361A.07
361A.08
361A.09
361A.10
361A.11
361A.12
361A.13

Column B
86B.820
86B.825
86B.830
86B.835
86B.840
86B.845
86B.850
86B.855
86B.860
86B.865
86B.870
86B.875
86B.880

<u>361A.14</u>	<u>86B.885</u>
<u>361A.15</u>	<u>86B.890</u>
<u>361A.16</u>	<u>86B.895</u>
<u>361A.17</u>	<u>86B.900</u>
<u>361A.18</u>	<u>86B.905</u>
<u>361A.19</u>	<u>86B.910</u>
<u>361A.20</u>	<u>86B.915</u>
<u>361A.21</u>	<u>86B.920</u>

Page 499, line 17, after "and" insert "if amendments are passed by the 1990 legislature using coding that is made obsolete by articles 1 to 10, shall" and after "codify" insert "the" and delete "to"

Page 499, delete line 18

Page 499, line 19, delete "legislature"

Page 499, line 28, after "40.28;" insert "40.31;" and after "40.45;" insert "40.46;" and after "84.032;" insert "84.092; 84.0921;"

Page 500, line 33, after "114B.07;" insert "115.091; 115.092; 115.093; 115.094; 115.095; 115.096; 115.097; 115.098; 115.099; 115.10; 115.101; 115.102; 115.103; 116C.40;"

Page 501, line 8, delete "and" and after the second semicolon insert "Laws 1967, chapter 907; Laws 1969, chapter 272; Laws 1971, chapter 355; Laws 1974, chapter 111; Laws 1977, chapter 322; and Laws 1982, chapter 627"

Renumber the sections in sequence

Correct internal references

Insert derivations from chapter 106A into article 5, as appropriate

Update from the appropriate 1989 Supplement, sections of 1988 Minnesota Statutes that were amended by the 1989 regular or special session

Amend the title accordingly

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

Senate Conferees: GARY M. DECramer, GENE MERRIAM AND DENNIS R. FREDERICKSON.

House Conferees: STEVE DILLE, LEN PRICE AND LOREN G. JENNINGS.

Dille moved that the report of the Conference Committee on S. F. No. 60 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 60, A bill for an act relating to water; recodifying, clarifying, and relocating provisions relating to water law; amending Minnesota Statutes 1988, sections 9.071; 16B.62, subdivision 1; 18.191; 18B.07, subdivision 6; 40A.13, subdivision 1; 41B.039, subdivision 3; 84.083, by adding subdivisions; 84.91, subdivision 4; 84.911, subdivisions 5 and 6; 84.95, subdivision 2; 85.33, subdivision 3; 86A.05, subdivision 10; 88.43, subdivision 2; 93.335, subdivision 1; 94.343, subdivision 4; 97A.015, subdivision 41; 97A.071, subdivision 4; 97A.101, subdivision 2; 115.097, subdivision 2; 144.95, subdivision 4; 156A.10, subdivision 2; 161.28, subdivision 1; 163.17; 272.02, subdivisions 1 and 6; 273.19, subdivision 5; 295.44, subdivision 1; 357.021, subdivision 2; 375.471; 383A.602, subdivision 5; 383A.604, subdivision 1; 394.25, subdivision 2; 459.20; 462.357, subdivision 1; 465.20; 469.141, subdivision 4; 469.174, subdivision 19; 471.345, subdivision 3; 471.591, subdivision 1; 471.98, subdivision 2; 473.191, subdivision 2; 609.68; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 83A; 97C; 156A; and 383B; proposing coding for new law as Minnesota Statutes, chapters 86B; 103A; 103B; 103C; 103D; 103E; 103F; and 103G; repealing Minnesota Statutes 1988, sections 40.01 to 40.45; 84.031; 84.032; and 84.158; 104.01 to 104.50; 105.37 to 105.81; 106A.005 to 106A.811; 110.13 to 110.72; 110B.01 to 110B.35; 112.34 to 112.89; 114.12 and 114.13; 114B.01 to 114B.07; 116C.41; 361.01 to 361.29; 378.01 to 378.57; 465.18; and 473.875 to 473.883.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Hasskamp	Kelly	McLaughlin
Anderson, G.	Clark	Hausman	Kelso	McPherson
Anderson, R.	Cooper	Heap	Kinkel	Milbert
Battaglia	Dauner	Henry	Knickerbocker	Miller
Bauerly	Dawkins	Himle	Kostohryz	Morrison
Beard	Dempsey	Hugoson	Krueger	Munger
Begich	Dille	Jacobs	Lasley	Murphy
Bennett	Dorn	Janezich	Lieder	Nelson, C.
Bertram	Forsythe	Jaros	Limmer	Nelson, K.
Bishop	Frederick	Jefferson	Long	Neuenschwander
Blatz	Frerichs	Jennings	Lynch	O'Connor
Boo	Girard	Johnson, A.	Macklin	Ogren
Brown	Greenfield	Johnson, R.	Marsh	Olsen, S.
Burger	Gruenes	Johnson, V.	McDonald	Olson, E.
Carlson, D.	Gutknecht	Kahn	McEachern	Olson, K.
Carlson, L.	Hartle	Kalis	McGuire	Omann

Onnen	Poppenhagen	Runbeck	Stanius	Wagenius
Orenstein	Price	Sarna	Steensma	Waltman
Osthoff	Pugh	Schafer	Sviggum	Weaver
Ostrom	Quinn	Scheid	Swenson	Welle
Otis	Redalen	Schreiber	Tjornhom	Wenzel
Ozment	Reding	Seaberg	Tompkins	Williams
Pappas	Rest	Segal	Trimble	Winter
Pauly	Rice	Simoneau	Tunheim	Spk. Vanasek
Pellow	Richter	Skoglund	Uphus	
Pelowski	Rodosovich	Solberg	Valento	
Peterson	Rukavina	Sparby	Vellenga	

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

Mr. Speaker:

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

H. F. No. 1857, A bill for an act relating to transportation; providing greater restrictions on eligibility of debarred persons for certain public contracts; increasing scope of interstate motor carrier registration agreements; amending Minnesota Statutes 1988, section 161.315, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 221.601, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lieder moved that the House refuse to concur in the Senate amendments to H. F. No. 1857, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1846, A bill for an act relating to prostitution; increasing penalties for certain patrons of prostitutes; providing that when a patron uses a motor vehicle during commission of an offense, that fact will be noted on the person's driving record; amending Minnesota Statutes 1988, sections 609.324, subdivisions 2, 3, and by adding subdivisions; and 609.3241.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wagenius moved that the House refuse to concur in the Senate amendments to H. F. No. 1846, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2135, A bill for an act relating to Anoka county; authorizing the sale or exchange of certain land.

PATRICK E. FLAHAVEN, Secretary of the Senate

Quinn moved that the House refuse to concur in the Senate amendments to H. F. No. 2135, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1989, A bill for an act relating to motor vehicles; allowing tax-exempt license plates for vehicles used for driver education programs at nonpublic high schools; amending Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 1989 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1989, A bill for an act relating to motor vehicles; allowing tax-exempt license plates for vehicles used for driver education programs at nonpublic high schools; amending Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1067, A bill for an act relating to education; requiring students on all HECB advisory groups; amending Minnesota Statutes 1988, section 136A.02, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 136A.02, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Trimble moved that the House concur in the Senate amendments

to H. F. No. 1067 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1067, A bill for an act relating to education; providing for students on HECB advisory groups if requested; amending Minnesota Statutes 1988, section 136A.02, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 136A.02, subdivision 7.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 2242, A bill for an act relating to insurance; no-fault auto; exempting certain antique automobiles and recreational vehi-

cles from rental vehicle coverage; amending Minnesota Statutes 1989 Supplement, section 65A.49, subdivision 5a.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Winter moved that the House concur in the Senate amendments to H. F. No. 2242 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2242, A bill for an act relating to insurance; no-fault auto; exempting certain antique automobiles and recreational vehicles from rental vehicle coverage; amending Minnesota Statutes 1989 Supplement, section 65A.49, subdivision 5a.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 2018, A bill for an act relating to newspapers; changing filing requirements for qualification as a legal newspaper; amending Minnesota Statutes 1988, section 331A.02, subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bertram moved that the House concur in the Senate amendments to H. F. No. 2018 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2018, A bill for an act relating to newspapers; changing filing requirements for qualification as a legal newspaper; amending Minnesota Statutes 1988, section 331A.02, subdivision 1.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dille	Johnson, A.	McPherson	Pauly
Anderson, G.	Dorn	Johnson, R.	Milbert	Pellow
Anderson, R.	Forsythe	Johnson, V.	Miller	Pelowski
Battaglia	Frederick	Kahn	Morrison	Peterson
Bauerly	Frerichs	Kalis	Munger	Poppenhagen
Beard	Girard	Kelly	Murphy	Price
Begich	Greenfield	Kelso	Nelson, C.	Pugh
Bennett	Gruenes	Kinkel	Nelson, K.	Quinn
Bertram	Gutknecht	Knickerbocker	Neuenschwander	Redalen
Bishop	Hartle	Kostohryz	O'Connor	Reding
Blatz	Hasskamp	Krueger	Ogren	Rest
Boo	Haukoos	Lasley	Olsen, S.	Rice
Brown	Hausman	Lieder	Olsen, E.	Richter
Burger	Heap	Limmer	Olson, K.	Rodosovich
Carlson, D.	Henry	Long	Omann	Rukavina
Carlson, L.	Himle	Lynch	Onnen	Runbeck
Carruthers	Hugoson	Macklin	Orenstein	Sarna
Clark	Jacobs	Marsh	Osthoff	Schafer
Cooper	Janezich	McDonald	Ostrom	Scheid
Dauner	Jaros	McEachern	Otis	Schreiber
Dawkins	Jefferson	McGuire	Ozment	Seaberg
Dempsey	Jennings	McLaughlin	Pappas	Segal

Simoneau	Steensma	Trimble	Wagenius	Williams
Skoglund	Sviggum	Tunheim	Waltman	Winter
Solberg	Swenson	Uphus	Weaver	Spk. Vanasek
Sparby	Tjornhom	Valento	Welle	
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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1785, A bill for an act relating to real property; providing for plat monuments; imposing a penalty; amending Minnesota Statutes 1988, sections 505.02, subdivision 1; and 505.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 505.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 1785 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1785, A bill for an act relating to real property; providing for plat monuments; imposing a penalty; amending Minnesota Statutes 1988, section 505.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 505.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Boo	Dille	Haukoos	Johnson, A.
Anderson, G.	Brown	Dorn	Hausman	Johnson, R.
Anderson, R.	Burger	Forsythe	Heap	Johnson, V.
Battaglia	Carlson, D.	Frederick	Henry	Kahn
Bauerly	Carlson, L.	Frerichs	Himle	Kalis
Beard	Carruthers	Girard	Hugoson	Kelly
Begich	Clark	Greenfield	Jacobs	Kelso
Bennett	Cooper	Gruenes	Janezich	Kinkel
Bertram	Dauner	Gutknecht	Jaros	Knickerbocker
Bishop	Dawkins	Hartle	Jefferson	Kostohryz
Blatz	Dempsey	Hasskamp	Jennings	Krueger

Lasley	Murphy	Pappas	Runbeck	Tompkins
Lieder	Nelson, C.	Pauly	Sarna	Trimble
Limmer	Nelson, K.	Pellow	Schafer	Tunheim
Long	Neuenschwander	Pelowski	Scheid	Uphus
Lynch	O'Connor	Peterson	Schreiber	Valento
Macklin	Ogren	Poppenhagen	Seaberg	Vellenga
Marsh	Olsen, S.	Price	Segal	Wagenius
McDonald	Olsen, E.	Pugh	Simoneau	Waltman
McEachern	Olson, K.	Quinn	Skoglund	Weaver
McGuire	Omann	Redalen	Solberg	Welle
McLaughlin	Onnen	Reding	Sparby	Wenzel
McPherson	Orenstein	Rest	Stanius	Williams
Milbert	Osthoff	Rice	Steensma	Winter
Miller	Ostrom	Richter	Sviggum	Spk. Vanasek
Morrison	Otis	Rodosovich	Swenson	
Munger	Ozment	Rukavina	Tjornhom	

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. 2002, A bill for an act relating to veterans; changing a provision prohibiting cemeteries near veterans homes; amending Minnesota Statutes 1988, section 137.20.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Beard moved that the House concur in the Senate amendments to H. F. No. 2002 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2002, A bill for an act relating to veterans; repealing provisions prohibiting cemeteries near veterans home and university; repealing Minnesota Statutes 1988, sections 137.20 and 137.21.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 2174, 2317, 2318, 1873, 2132, 2564, 1725, 2089 and 2134.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2174, A bill for an act relating to public lands; providing payments in lieu of taxes for certain federal land leased to the state; amending Minnesota Statutes 1988, sections 477A.11, subdivision 4; and 477A.13.

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

S. F. No. 2317, A bill for an act relating to utilities; providing for

the assessment of expenses for adjudicating service area disputes to municipal electric utilities; providing for civil penalties for violations of chapter 237; reestablishing the position of program administrator of the telecommunications access for communication-impaired persons board; extending the electric utility service area task force until 1992; requiring a study; appropriating money; amending Minnesota Statutes 1988, sections 216B.62, subdivision 5; and 237.51, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time.

Jacobs moved that S. F. No. 2317 and H. F. No. 2075, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2318, A bill for an act relating to education; clarifying that statutes governing aversive and deprivation procedures apply to handicapped pupils; requiring that rules of the state board of education contain a list of prohibited procedures; amending Minnesota Statutes 1988, sections 127.43, subdivision 1; and 127.44.

The bill was read for the first time.

Wagenius moved that S. F. No. 2318 and H. F. No. 2605, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1873, A bill for an act relating to crime victims; providing victims of delinquent acts the right to request notice of release of juvenile offenders from juvenile correctional facilities; providing notice to sexual assault victims when a juvenile offender is released from pretrial detention; requiring that victims be informed of their right to request the withholding of public law enforcement data that identifies them; clarifying the duty of court administrators to disburse restitution payments; making certain changes to the crime victims reparations act; amending Minnesota Statutes 1988, sections 611A.53, subdivision 2; and 611A.57, subdivision 6; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 260.161, subdivision 2; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time.

Seaberg moved that S. F. No. 1873 and H. F. No. 2063, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2132, A bill for an act relating to crimes; making it a crime to obtain telecommunication services by fraud; requiring forfeiture of telecommunication devices used for fraudulent purposes; prescribing penalties; amending Minnesota Statutes 1988, section 609.87, subdivisions 3 and 5; Minnesota Statutes 1989 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 237 and 609; repealing Minnesota Statutes 1988, section 609.785.

The bill was read for the first time.

Peterson moved that S. F. No. 2132 and H. F. No. 2222, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2564, A bill for an act relating to criminal sexual conduct; expanding the definition of "sexual contact" in fifth degree criminal sexual conduct; amending Minnesota Statutes 1988, section 609.3451, subdivision 1.

The bill was read for the first time.

Ozment moved that S. F. No. 2564 and H. F. No. 2077, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1725, A bill for an act relating to the environment; changing the fund balances required to impose the fee and the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; providing certain tank facilities and refineries are ineligible for reimbursement; appropriating money reimbursed to state agencies; amending Minnesota Statutes 1988, sections 115C.02, by adding subdivisions; 115C.08, subdivision 2; Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivision 3, and by adding a subdivision.

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

S. F. No. 2089, A bill for an act relating to crime; clarifying that terroristic threats include those made indirectly; amending Minnesota Statutes 1988, section 609.713, subdivision 1.

The bill was read for the first time.

Nelson, K., moved that S. F. No. 2089 and H. F. No. 2434, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2134, A bill for an act relating to crime; imposing

penalties on persons who commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest; permitting summary forfeiture of weapons used to commit a controlled substance offense; permitting summary forfeiture of bullet-resistant vests worn or possessed during the commission of a crime; increasing the penalty for furnishing firearms to a minor, intentionally discharging a firearm under circumstances that endanger another, and selling a firearm with a silencer; clarifying that ammunition manufacturers and federally licensed dealers may sell to government agencies; amending Minnesota Statutes 1988, sections 609.5316, subdivision 3; 609.66, subdivision 1, and by adding a subdivision; and 609.67, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time.

Kelly moved that S. F. No. 2134 and H. F. No. 2086, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 2370, A bill for an act relating to human services; revising and clarifying the duties and powers of the ombudsman for mental health and mental retardation; amending Minnesota Statutes 1989 Supplement, section 245.94, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Henry	Krueger	Nelson, C.
Anderson, G.	Dauner	Himle	Lasley	Nelson, K.
Anderson, R.	Dawkins	Hugoson	Lieder	Neuenschwander
Battaglia	Dempsey	Jacobs	Limmer	O'Connor
Bauerly	Dille	Janezich	Long	Ogren
Beard	Dorn	Jaros	Lynch	Olsen, S.
Begich	Forsythe	Jefferson	Macklin	Olson, E.
Bennett	Frederick	Jennings	Marsh	Olson, K.
Bertram	Frerichs	Johnson, A.	McDonald	Omann
Bishop	Girard	Johnson, R.	McEachern	Onnen
Blatz	Greenfield	Johnson, V.	McGuire	Orenstein
Boo	Gruenes	Kahn	McLaughlin	Osthoff
Brown	Gutknecht	Kalis	McPherson	Ostrom
Burger	Hartle	Kelly	Milbert	Otis
Carlson, D.	Hasskamp	Kelso	Miller	Ozment
Carlson, L.	Haukoos	Kinkel	Morrison	Pappas
Carruthers	Hausman	Knickerbocker	Munger	Pauly
Clark	Heap	Kostohryz	Murphy	Pellow

Pelowski	Rice	Seaberg	Tjornhom	Weaver
Peterson	Richter	Simoneau	Tompkins	Welle
Poppenhagen	Rodosovich	Skoglund	Trimble	Wenzel
Price	Rukavina	Solberg	Tunheim	Williams
Pugh	Runbeck	Sparby	Uphus	Winter
Quinn	Sarna	Stanius	Valento	Spk. Vanasek
Redalen	Schafer	Steensma	Vellenga	
Reding	Scheid	Sviggum	Wagenius	
Rest	Schreiber	Swenson	Waltman	

The bill was passed and its title agreed to.

S. F. No. 2432 was reported to the House.

Blatz moved to amend S. F. No. 2432, as follows:

Page 2, line 23, before "by law" insert "in writing"

Page 2, line 25, after "or" delete "clause"

Page 2, line 26, before "misdemeanor" delete "gross"

The motion prevailed and the amendment was adopted.

S. F. No. 2432, A bill for an act relating to crimes; requiring cemetery owners to report unlawful removal of bodies to law enforcement authorities and next of kin of the deceased person; prescribing penalties; amending Minnesota Statutes 1988, section 609.502; Minnesota Statutes 1989 Supplement, section 13.82, subdivision 10.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson, L.	Gutknecht	Johnson, R.	Macklin
Anderson, G.	Carruthers	Hartle	Johnson, V.	Marsh
Anderson, R.	Clark	Hasskamp	Kahn	McDonald
Battaglia	Cooper	Haukoos	Kalis	McEachern
Bauerly	Dauner	Hausman	Kelly	McGuire
Beard	Dawkins	Heap	Kelso	McLaughlin
Begich	Dempsey	Henry	Kinkel	McPherson
Bennett	Dille	Himle	Knickerbocker	Milbert
Bertram	Dorn	Hugoson	Kostohryz	Miller
Bishop	Forsythe	Jacobs	Krueger	Morrison
Blatz	Frederick	Janezich	Lasley	Munger
Boo	Frerichs	Jaros	Lieder	Murphy
Brown	Girard	Jefferson	Limmer	Nelson, C.
Burger	Greenfield	Jennings	Long	Nelson, K.
Carlson, D.	Gruenes	Johnson, A.	Lynch	Neuenschwander

O'Connor	Pappas	Rice	Skoglund	Valento
Ogren	Pauly	Richter	Solberg	Wagenius
Olsen, S.	Pellow	Rodosovich	Sparby	Waltman
Olson, E.	Pelowski	Rukavina	Stanius	Weaver
Olson, K.	Peterson	Runbeck	Steensma	Welle
Omann	Poppenhagen	Sarna	Sviggum	Wenzel
Onnen	Price	Schafer	Swenson	Williams
Orenstein	Pugh	Scheid	Tjornhom	Winter
Osthoff	Quinn	Schreiber	Tompkins	Spk. Vanasek
Ostrom	Redalen	Seaberg	Trimble	
Otis	Reding	Segal	Tunheim	
Ozment	Rest	Simoneau	Uphus	

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Long, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bill as Special Orders to be acted upon immediately preceding Special Orders pending for today, Tuesday, March 27, 1990:

H. F. No. 2478.

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

RECESS

RECONVENED

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

SPECIAL ORDERS

H. F. No. 2478 was reported to the House.

The Speaker called Quinn to the Chair.

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

Ogren moved to amend H. F. No. 2478, the first engrossment, as follows:

Page 78, line 27, delete "Windom" and insert "Jackson"

Page 185, line 1, after the period insert "Sections 8 and 9 are effective for purchases after December 31, 1990."

The motion prevailed and the amendment was adopted.

Orenstein moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 169, after line 24, insert:

"Sec. 7. Minnesota Statutes 1988, section 279.06, is amended to read:

279.06 [COPY OF LIST AND NOTICE.]

Subdivision 1. [LIST AND NOTICE.] Within five days after the filing of such list, the court administrator shall return a copy thereof to the county auditor, with a notice prepared and signed by the court administrator, and attached thereto, which may be substantially in the following form:

State of Minnesota)
) ss.
County of)
District Court
..... Judicial District.

The state of Minnesota, to all persons, companies, or corporations who have or claim any estate, right, title, or interest in, claim to, or lien upon, any of the several parcels of land described in the list hereto attached:

The list of taxes and penalties on real property for the county of remaining delinquent on the first Monday in January, 19, has been filed in the office of the court administrator of the district court of said county, of which that hereto attached is a copy. Therefore, you, and each of you, are hereby required to file in the office of said court administrator, on or before the 20th day after the publication of this notice and list, your answer, in writing, setting forth any objection or defense you may have to the taxes, or any part thereof, upon any parcel of land described in the list, in, to, or on which you have or claim any estate, right, title, interest, claim, or lien, and, in default thereof, judgment will be entered against such parcel of land for the taxes on such list appearing against it, and for all penalties, interest, and costs. Based upon said judgment, the land shall be sold to the state of Minnesota on the second Monday in May, 19 . . . The period of redemption for all

lands sold to the state at a tax judgment sale shall be three years from the date of sale to the state of Minnesota if the land is within an incorporated area unless it is: (a) nonagricultural homesteaded land as defined in section 273.13, subdivision 22; (b) homesteaded agricultural land as defined in section 273.13, subdivision 23, paragraph (a); or (c) seasonal recreational land as defined in section 273.13, subdivision 25, paragraph (d)(1) or (c)(4), in which event the period of redemption is five years from the date of sale to the state of Minnesota.

The period of redemption for all other lands sold to the state at a tax judgment sale shall be five years from the date of sale.

Inquiries as to the proceedings set forth above can be made to the county auditor of county whose address is

(Signed)

Court Administrator of the District Court of the County
of

(Here insert list.)

The list referred to in the notice shall be substantially in the following form:

List of real property for the county of,
on which taxes remain delinquent on the first Monday in January,
19 :

Town of (Fairfield),
Township (40), Range (20),

**Names (and
Current Filed
Addresses) for
the Taxpayers
and Fee Owners
and in Addition
Those Parties
Who Have Filed
Their Addresses
Pursuant to
section 276.041**

	Subdivision of Section	Section	Tax Parcel Number	Total Tax and Penalty \$ cts.
John Jones (825 Fremont Fairfield, MN 55000)	S.E. ¼ of S.W. ¼	10	23101	2.20

Bruce Smith
(2059 Hand
Fairfield,
MN 55000)
and
Fairfield
State Bank
(100 Main
Street
Fairfield,
MN 55000)

That part of N.E. 1/4
of S.W. 1/4 desc. as
follows: Beg. at the
S.E. corner of said
N.E. 1/4 of S.W. 1/4;
thence N. along the E.
line of said N.E. 1/4
of S.W. 1/4 a distance
of 600 ft.; thence W.
parallel with the S.
line of said N.E. 1/4 of
S.W. 1/4 a distance of
600 ft.; thence S.
parallel with said E.
line a distance of 600
ft. to S. line of said
N.E. 1/4 of S.W. 1/4;
thence E. along said S.
line a distance of 600
ft. to the point of beg.

..... 21 33211 3.15

As to platted property, the form of heading shall conform to circumstances and be substantially in the following form:

City of (Smithtown)

Brown's Addition, or Subdivision

Names (and
Current Filed
Addresses) for
the Taxpayers
and Fee Owners
and in Addition
Those Parties
Who have Filed
Their Addresses
Pursuant to
section 276.041

	Lot	Block	Tax Parcel Number	Total Tax and Penalty \$ cts
John Jones (825 Fremont Fairfield, MN 55000)	15	9	58243	2.20

Bruce Smith (2059 Hand Fairfield, MN 55000) and Fairfield State Bank (100 Main Street Fairfield, MN 55000)	16 9 58244 3.15
---	--

The names, descriptions, and figures employed in parentheses in the above forms are merely for purposes of illustration.

The name of the town, township, range or city, and addition or subdivision, as the case may be, shall be repeated at the head of each column of the printed lists as brought forward from the preceding column.

Errors in the list shall not be deemed to be a material defect to affect the validity of the judgment and sale.

Subd. 2. [FORM OF LIST AND NOTICE.] Notwithstanding the provisions of subdivision 1, the commissioner of revenue shall prescribe the form of the list and notice required under subdivision 1. The form shall contain the information required under subdivision 1, but shall be organized and presented in a manner easily read and understood. The print must be easily read and contain standard use of capital and lower case letters. The court administrator shall use the form prescribed by the commissioner for purposes of this section.

Renumber the sections in article 8 in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Neuenschwander moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 166, after line 34, insert:

“Subd. 5. [EXCEPTION.] Nothing in this section denies any financial assistance granted to or qualified for by a person whose

construction, installation, remodeling, or repairs commenced prior to August 1, 1990."

The motion prevailed and the amendment was adopted.

Welle moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 165, after line 36, insert: "(b) "Economic development" means financial assistance provided to a person directly or to a local unit of government or nonprofit organization on behalf of a person who is engaged in the manufacture or sale of goods and services. Economic development does not include financial assistance for housing related activities."

Page 166, line 1, delete "(b)" and insert "(c)"

Page 166, line 2, before the semicolon insert "for economic development related purposes"

Page 166, line 3, before the semicolon insert "for economic development related purposes"

Page 166, line 6, before the period insert "and was granted for economic development related purposes"

Page 166, line 7, delete "(c)" and insert "(d)"

Page 166, line 13, delete "(d)" and insert "(e)"

Page 167, line 10, after "means" insert "assistance for economic development related purposes as defined in section 2, subdivision 1 including"

The motion prevailed and the amendment was adopted.

Forsythe moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 99, after line 29, insert:

"Sec. 2. Minnesota Statutes 1988, section 290A.04, is amended by adding a subdivision to read:

Subd. 2j. A claimant who is a homeowner is allowed a refund equal to the excess of the claimant's net property taxes over the greater of (1) six percent of the claimant's household income, or (2) 1.3 percent of the market value of the homestead. To qualify for a

refund under this subdivision, the claimant must be at least 62 years of age by the end of the year in which the taxes are payable. The definition of "net property taxes" under subdivision 2h applies to this subdivision. For purposes of this subdivision, "market value" means the assessor's estimated market value used in determining the property taxes on which the claim is based."

Renumber the sections in article 4 in sequence

Correct internal references

Page 102, line 34, after the period insert "Section 2 is effective for claims based on property taxes payable in 1991 and thereafter."

Amend the title as follows:

Page 1, line 44, after the second semicolon insert "290A.04, by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the Forsythe amendment and the roll was called. There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Lynch	Pauly	Stanius
Bishop	Gutknecht	Macklin	Pellow	Sviggum
Blatz	Hartle	Marsh	Poppenhagen	Swenson
Boo	Hasskamp	McDonald	Pugh	Tjornhom
Burger	Haukoos	McPherson	Redalen	Tompkins
Dempsey	Heap	Miller	Richter	Uphus
Dille	Henry	Morrison	Runbeck	Valento
Forsythe	Kelso	Nelson, C.	Schafer	Waltman
Frederick	Knickerbocker	Olsen, S.	Schreiber	Weaver
Frerichs	Limmer	Onnen	Seaberg	

Those who voted in the negative were:

Anderson, G.	Girard	Kostohryz	Omann	Scheid
Anderson, R.	Greenfield	Krueger	Orenstein	Segal
Battaglia	Hausman	Lasley	Osthoff	Simoneau
Bauerly	Himle	Lieder	Ostrom	Skoglund
Beard	Hugoson	McEachern	Otis	Solberg
Begich	Jacobs	McGuire	Ozment	Sparby
Bertram	Janezich	McLaughlin	Pelowski	Steensma
Brown	Jaros	Milbert	Peterson	Trimble
Carlson, D.	Jefferson	Munger	Price	Tunheim
Carlson, L.	Jennings	Murphy	Quinn	Vellenga
Carruthers	Johnson, A.	Nelson, K.	Reding	Wagenius
Clark	Johnson, R.	Neuenschwander	Rest	Welle
Cooper	Johnson, V.	O'Connor	Rice	Wenzel
Dauner	Kahn	Ogren	Rodosovich	Williams
Dawkins	Kalis	Olson, E.	Rukavina	Winter
Dorn	Kinkel	Olson, K.	Sarna	Spk. Vanasek

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

Gutknecht, Stanius and Onnen moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 165, after line 16, insert:

"ARTICLE 8
HEALTH CARE; TAX CREDIT

Section 1. [62K.01] [OFFER OF INDIVIDUAL POLICIES TO UNINSURED RESIDENTS.]

An insurance company, nonprofit health service plan corporation, health maintenance organization, or fraternal benefit society issuing individual policies of accident and health insurance in this state may offer individual policies meeting the requirements of section 2 to eligible persons and their dependents.

Sec. 2. [62K.02] [REQUIRED COVERAGES.]

Subdivision 1. [GENERALLY.] An individual policy of accident and health insurance offered pursuant to section 1 must provide the coverage specified in this section.

Subd. 2. [LIMITATIONS ON ACUTE AND PREVENTIVE CARE BENEFITS.] (a) The minimum benefits for a covered individual for acute care services shall, subject to the other provisions of this section, be equal to 75 percent of the cost of covered services in excess of an annual deductible up to \$1,000; 90 percent of the cost of covered services in excess of the annual deductible from \$1,001 to \$10,000; and 100 percent of those costs in excess of the annual deductible over \$10,000. The annual deductible shall not exceed \$1,100 per person. The coverage shall include a limitation of \$1,250 per person on total annual out-of-pocket expenses for services covered under subdivision 3, clause (1).

(b) The policy must include the following limitations and copayments for preventive care services:

(1) a \$200 maximum yearly benefit per person;

(2) a \$10 copayment for each routine office visit;

(3) a \$50 copayment for each emergency room visit that does not result in hospitalization within 24 hours after the visit; and

(4) a \$5 copayment for each prescription in an amount not to exceed \$500 per year.

(c) The coverage shall be subject to a maximum lifetime benefit of not less than \$100,000.

Subd. 3. [COVERED EXPENSES.] Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

(1) hospital and surgical services not to exceed:

(i) 15 days of hospitalization per year;

(ii) \$200 per day or the average semiprivate rate for room and board; and services and supplies in the amount of eight times the room and board rate for each stay; and

(2) professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a physician or at the physician's direction.

Subd. 4. [EXPENSES NOT COVERED.] Covered expenses for the services and articles specified in this section do not include the following:

(1) any charge for care for injury or disease either (i) arising out of an injury in the course of employment and subject to a workers' compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health insurance, Medicare, or any other governmental program except as otherwise provided by section 62A.04, subdivision 3, clause (4);

(2) any charge for treatment for cosmetic purposes other than for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness, or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician;

(3) care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under Medicare;

(4) any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically neces-

sary by a physician, provided, however, that if the institution does not have semiprivate rooms, its most common semiprivate room charge shall be considered to be 90 percent of its lowest private room charge;

(5) that part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and

(6) any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

Subd. 5. [NONAPPLICATION OF MANDATES.] The provider, disease, and treatment mandates established in this chapter and chapters 62C, 62D, and 62E do not apply to these policies.

Subd. 6. [OPTIONAL COVERAGES.] An insurance company or nonprofit health service plan corporation may offer coverages in addition to those required by this section.

Sec. 3. [62K.03] [ELIGIBILITY; TAX CREDIT.]

(a) A Minnesota resident is eligible for coverage under this chapter if the resident does not have coverage under:

(1) a policy, plan, or contract of health or accident insurance regulated under chapter 62A, 62C, 62D, 62E, 62H, or 64B; or

(2) Medicare, medical assistance, general assistance medical care, an employment-based insurance program, or other subsidized health insurance program.

(b) An individual who is covered, or whose dependents are covered, by a policy regulated under this chapter may receive a tax credit for all or a portion of the premiums paid according to section 290.0675.

Sec. 4. [62K.04] [CIVIL PENALTY FOR TERMINATION OF EMPLOYMENT-BASED COVERAGE.]

The commissioner of commerce may impose a civil penalty on an employer that without good cause discontinues all plans of health coverage provided or made available to employees who are residents of this state.

The amount of the civil penalty is equal to four times the total annual premium or financing obligation of that employer for the previous calendar year.

For purposes of this section, "good cause" does not exist if the employer discontinues all plans of health coverage because coverage under individual policies offered pursuant to section 1 is available to employees after the discontinuation.

In a proceeding brought by the commissioner under this section, the employer has the burden of proving that good cause existed for the discontinuation.

Sec. 5. Minnesota Statutes 1989 Supplement, section 290.01, subdivision 19a, is amended to read:

Subd. 19a. [ADDITIONS TO FEDERAL TAXABLE INCOME.] For individuals, estates, and trusts, there shall be added to federal taxable income:

(1)(i) interest income on obligations of any state other than Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state other than Minnesota exempt from federal income taxes under the Internal Revenue Code or any other federal statute, and

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt-interest dividends derived from interest income on obligations of the state of Minnesota or its political or governmental subdivisions, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt-interest dividends from such Minnesota sources paid to all shareholders represents 95 percent or more of the exempt-interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(h) of the Internal Revenue Code, making the payment; and

(2) the amount of income taxes paid or accrued within the taxable year under this chapter and income taxes paid to any other state or to any province or territory of Canada, to the extent allowed as a deduction under section 63(d) of the Internal Revenue Code, but the addition may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceeds the amount of the standard deduction as defined in section 63(c) of the Internal Revenue Code; and

(3) the capital gain amount of a lump sum distribution to which the special tax under section 1122(h)(3)(B)(ii) of the Tax Reform Act of 1986, Public Law Number 99-514, applies; and

(4) if a credit is claimed under section 290.0675, the amount of

premiums deducted in determining federal taxable income as required under section 290.0675, subdivision 5.

Sec. 6. [290.0675] [HEALTH CARE CREDIT.]

Subdivision 1. [CREDIT ALLOWED.] A taxpayer who is enrolled for health care coverage under chapter 62K may take a credit against the tax due for the taxable year under this chapter for a percentage of the eligible premiums paid during the taxable year for the health care plan.

Subd. 2. [AMOUNT OF CREDIT.] The amount of the credit is equal to a percentage of the eligible premium. For a taxpayer whose taxable income for the taxable year does not exceed \$5,000, the amount of the credit is 100 percent of the eligible premium. The percentage of the total premium allowed in determining the credit is reduced ten percent for each \$1,000 of taxable income for the taxable year exceeding \$5,000. No credit is allowed to a taxpayer whose taxable income exceeds \$15,000.

Subd. 3. [REFUNDABLE CREDIT.] If the amount of the credit allowed under this section exceeds the taxpayer's liability for tax under this chapter, the commissioner shall refund the excess amount of the credit to the taxpayer.

Subd. 4. [ELIGIBLE PREMIUMS.] For purposes of this credit, "eligible premiums" means the premiums paid during the taxable year for the coverage of the taxpayer and dependents of the taxpayer under chapter 62K, up to a maximum premium of \$720. It does not include premiums paid for optional coverage.

Subd. 5. [TAX CREDIT TABLES.] The commissioner may construct and make available to taxpayers tables showing the amount of the credit at various levels of taxable income and eligible premiums. The tables must follow the schedule required in subdivision 2, except that the commissioner may graduate the transitions between taxable income and premium expense brackets.

Subd. 6. [MEDICAL DEDUCTION.] If a taxpayer claims a credit for premiums under this section and has taken a deduction for the same premium amounts in determining taxable income under section 213(a) of the Internal Revenue Code, the taxpayer must add the amount of the premiums deducted under that section to federal taxable income under section 290.01, subdivision 19a, clause (4). The addition may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceed the amount of the standard deduction as defined in section 63(c) of the Internal Revenue Code. "Internal Revenue Code" for purposes of this subdivision means the Internal Revenue Code of 1986, as amended through December 31, 1989.

Subd. 7. [INFORMATION FURNISHED TO COMMISSIONER.] A taxpayer claiming a credit under this section must furnish to the commissioner the information required by the commissioner to determine eligibility for the credit. The commissioner may require that proof of coverage under chapter 62K be filed with the return claiming the credit.

Subd. 8. [APPROPRIATION.] The amount necessary to pay the credits allowed under this section is annually appropriated to the commissioner of revenue from the general fund in the state treasury.

Sec. 7. Minnesota Statutes 1988, section 290.92, subdivision 5, is amended to read:

Subd. 5. [EXEMPTIONS.] (1) [ENTITLEMENT.] An employee receiving wages shall on any day be entitled to claim withholding exemptions in a number not to exceed the number of withholding exemptions that the employee claims and that are allowable pursuant to section 3402(f)(1), (m), and (n) of the Internal Revenue Code of 1986, as amended through December 31, 1987, for federal withholding purposes, plus additional exemptions or amounts for the credit allowed under section 290.0675.

(2) [WITHHOLDING EXEMPTION CERTIFICATE.] The provisions concerning exemption certificates contained in section 3402(f)(2) and (3) of the Internal Revenue Code of 1986, as amended through December 31, 1987, shall apply.

(3) [FORM OF CERTIFICATE.] Withholding exemption certificates shall be in such form and contain such information as the commissioner may by rule prescribe.

(4) [ADDITIONAL EXEMPTIONS.] The commissioner of revenue shall provide for the determination of the additional exemptions or amounts allowed for the credit under section 290.0675. The commissioner may require that the exemptions or amounts be determined and withheld as part of the withholding tables under subdivision 2a or 3, or may require that a separate amount be added to the amount withheld.

Sec. 8. Minnesota Statutes 1989 Supplement, section 290.92, subdivision 5a, is amended to read:

Subd. 5a. [VERIFICATION OF WITHHOLDING EXEMPTIONS; APPEAL.] (1) An employer shall submit to the commissioner a copy of any withholding exemption certificate or any affidavit of residency received from an employee on which the employee claims any of the following:

(a) a total number of withholding exemptions in excess of ten or a number prescribed by the commissioner, or

(b) a status that would exempt the employee from Minnesota withholding, including where the employee is a nonresident exempt from withholding under subdivision 4a, clause (3), except where the employer reasonably expects, at the time that the certificate is received, that the employee's wages under subdivision 1 from the employer will not then usually exceed \$200 per week, or

(c) any number of withholding exemptions which the employer has reason to believe is in excess of the number to which the employee is entitled, or

(d) any withholding exemptions or amounts claimed for the credit under section 290.0675 to which the employer has reason to believe the employee is not entitled.

(2) Copies of exemption certificates and affidavits of residency required to be submitted by clause (1) shall be submitted to the commissioner within 30 days after receipt by the employer unless the employer is also required by federal law to submit copies to the Internal Revenue Service, in which case the employer may elect to submit the copies to the commissioner at the same time that the employer is required to submit them to the Internal Revenue Service.

(3) An employer who submits a copy of a withholding exemption certificate in accordance with clause (1) shall honor the certificate until notified by the commissioner that the certificate is invalid. The commissioner shall mail a copy of any such notice to the employee. Upon notification that a particular certificate is invalid, the employer shall not honor that certificate or any subsequent certificate unless instructed to do so by the commissioner. The employer shall allow the employee the number of exemptions and compute the withholding tax as instructed by the commissioner in accordance with clause (4).

(4) The commissioner may require an employee to verify entitlement to the number of exemptions or to the exempt status claimed on the withholding exemption certificate or, to verify nonresidency. The commissioner may require an employee to verify entitlement to additional exemptions or amounts claimed under section 290.0675. The employee shall be allowed at least 30 days to submit the verification, after which time the commissioner shall, on the basis of the best information available to the commissioner, determine the employee's status and allow the employee the maximum number of withholding exemptions allowable under this chapter. The commissioner shall mail a notice of this determination to the employee at the address listed on the exemption certificate in question or to the last known address of the employee. Pursuant to section 270B.06,

the commissioner may notify the employer of this determination and instruct the employer to withhold tax in accordance with the determination.

However, where the commissioner has reasonable grounds for believing that the employee is about to leave the state or that the collection of any tax due under this chapter will be jeopardized by delay, the commissioner may immediately notify the employee and the employer, pursuant to section 270B.06, that the certificate is invalid, and the employer must not honor that certificate or any subsequent certificate unless instructed to do so by the commissioner. The employer shall allow the employee the number of exemptions and compute the withholding tax as instructed by the commissioner.

(5) The commissioner's determination under clause (4) shall be appealable to tax court in accordance with section 271.06, and shall remain in effect for withholding tax purposes pending disposition of any appeal.

Sec. 9. Minnesota Statutes 1988, section 290.93, subdivision 4, is amended to read:

Subd. 4. [COMMISSIONER TO PRESCRIBE DECLARATION.] The declaration shall be in such form and shall contain such information as the commissioner may prescribe. The commissioner may require proof of eligibility for the credit under section 290.0675, if an amount is deducted for the credit by the individual in determining the estimated tax under subdivision 3.

Sec. 10. [EFFECTIVE DATE.]

Sections 5 to 9 are effective for taxable years beginning after December 31, 1990."

Renumber the articles in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Gutknecht et al amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Johnson, V.	Omann	Seaberg
Bishop	Gruenes	Knickerbocker	Onnen	Stanius
Blatz	Gutknecht	Limmer	Ozment	Sviggum
Boo	Hartle	Lynch	Pauly	Swenson
Burger	Hasskamp	Macklin	Pellow	Tjornhom
Carlson, D.	Haukoos	Marsh	Poppenhagen	Tompkins
Dempsey	Heap	McDonald	Redalen	Uphus
Dille	Henry	McPherson	Richter	Valento
Forsythe	Himle	Miller	Runbeck	Waltman
Frederick	Hugoson	Morrison	Schafer	Weaver
Frerichs	Jaros	Olsen, S.	Schreiber	

Those who voted in the negative were:

Anderson, G.	Jacobs	McEachern	Otis	Skoglund
Battaglia	Janezich	McGuire	Pappas	Solberg
Bauerly	Jefferson	McLaughlin	Pelowski	Sparby
Beard	Jennings	Milbert	Peterson	Steensma
Begich	Johnson, A.	Munger	Price	Trimble
Bertram	Johnson, R.	Murphy	Pugh	Tunheim
Brown	Kahn	Nelson, C.	Quinn	Vellenga
Carlson, L.	Kalis	Nelson, K.	Reding	Wagenius
Carruthers	Kelly	Neuenschwander	Rest	Welle
Clark	Kelso	O'Connor	Rice	Wenzel
Cooper	Kinkel	Ogren	Rodosovich	Williams
Dauner	Kostohryz	Olson, E.	Rukavina	Winter
Dawkins	Krueger	Olson, K.	Sarna	Spk. Vanasek
Dorn	Lasley	Orenstein	Scheid	
Greenfield	Lieder	Osthoff	Segal	
Hausman	Long	Ostrom	Simoneau	

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

Knickerbocker and Olsen, S., moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 80, after line 30, insert:

“Sec. 63. [RESIDENTIAL HOMESTEADS; NO MARKET VALUE INCREASES.]

(a) Notwithstanding Minnesota Statutes, section 273.11, or any law to the contrary, after determining the market value for the 1990 assessment of property classified class I, the assessor shall compare the market value with the market value determined in the preceding assessment. Notwithstanding any law to the contrary, the assessor's estimated market value for taxes levied in 1990, payable in 1991, must not exceed the assessor's estimated market value for taxes levied in 1989, payable in 1990.

(b) Any increase in value in excess of the amount determined in paragraph (a) must be entered equally in the three subsequent assessment years. An excess amount entered under this paragraph is not subject to the limitation in paragraph (a).

(c) This subdivision does not apply to increases in value attributable to improvements made to the property. It does not apply to property becoming subject to taxation since the last assessment.

(d) The limitation contained in this subdivision also applies to the local boards of review under section 274.01, the county boards of equalization under section 274.13, and the state board of equalization and the commissioner of revenue under sections 270.11, 270.12, and 270.16. Increases by the assessor, the boards, and the commissioner must be entered in subsequent years under paragraph (b).

(e) If an assessor has notified owners of property subject to subdivision 1 of an increase in estimated market value for taxes payable in 1991, the assessor must mail notice to the property owners by July 1, 1990. The notice must state that any increase in the estimated market value of residential homesteads for taxes levied in 1990 over that for taxes levied in 1989 has been limited by this act."

Renumber the sections in article 2 in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker and Olsen, S., amendment and the roll was called. There were 54 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Morrison	Runbeck
Anderson, R.	Girard	Knickerbocker	Olsen, S.	Schafer
Bishop	Gruenes	Limmer	Omann	Seaberg
Blatz	Gutknecht	Long	Onnen	Stanius
Boo	Hartle	Lynch	Orenstein	Swenson
Burger	Haukoos	Macklin	Ozment	Tjornhom
Carlson, D.	Heap	Marsh	Pauly	Tompkins
Dempsey	Henry	McDonald	Pellow	Uphus
Dille	Himle	McPherson	Poppenhagen	Valento
Forsythe	Hugoson	Milbert	Pugh	Weaver
Frederick	Johnson, V.	Miller	Richter	

Those who voted in the negative were:

Anderson, G.	Brown	Dawkins	Janezich	Kahn
Battaglia	Carlson, L.	Dorn	Jaros	Kinkel
Bauerly	Carruthers	Greenfield	Jefferson	Krueger
Beard	Clark	Hasskamp	Jennings	Lasley
Begich	Cooper	Hausman	Johnson, A.	Lieder
Bertram	Dauner	Jacobs	Johnson, R.	McEachern

McGuire	Olson, K.	Reding	Skoglund	Waltman
McLaughlin	Osthoff	Rest	Solberg	Welle
Murphy	Ostrom	Rice	Sparby	Wenzel
Nelson, C.	Otis	Rodosovich	Steensma	Williams
Nelson, K.	Pappas	Rukavina	Sviggum	Winter
Neuenschwander	Pelowski	Sarna	Trimble	Spk. Vanasek
O'Connor	Peterson	Scheid	Tunheim	
Ogren	Price	Segal	Vellenga	
Olson, E.	Quinn	Simoneau	Wagenius	

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

Winter and Anderson, R., moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 184, after line 33, insert:

“Sec. 28. [PAYMENT OF THE GREATER MINNESOTA LAND-FILL CLEANUP FEE.]

The operator of a disposal facility in greater Minnesota shall pay the fee required under section 115A.923, subdivision 1, to the county or sanitary district where the facility is located, except that the operator of a facility that is owned by a statutory or home rule city shall pay the fee to the city that owns the facility. The county, city, or sanitary district may use the revenue from the fee only for the purpose specified in section 115A.919.

Sec. 29. [REPEALER.]

Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928 are repealed.”

Renumber sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Olsen, S., moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 5, line 21, delete “15” and insert “five”

The motion prevailed and the amendment was adopted.

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

Schreiber moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 81, after line 31, insert:

“Section 1, Minnesota Statutes Second 1989 Supplement, section 124A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL EDUCATION TAX CAPACITY RATE.] The general education tax capacity rate for fiscal year 1991 is 26.3 percent. Beginning in 1990, the commissioner of revenue shall establish the general education tax capacity rate and certify it to the commissioner of education by July 1 of each year for levies payable in the following year. The general education tax capacity rate shall be a rate, rounded up to the nearest tenth of a percent, that, when applied to the adjusted net tax capacity for all districts, raises the amount specified in this subdivision. The general education tax capacity rate shall be the rate that raises ~~\$345,000,000~~ \$815,000,000 for fiscal year 1992 and subsequent fiscal years. The general education tax capacity rate certified by the commissioner of revenue may not be changed due to changes or corrections made to a district's adjusted net tax capacity after the tax capacity rate has been certified.”

Renumber the sections in article 3 in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Schreiber amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Lynch	Onnen	Seaberg
Bishop	Gutknecht	Macklin	Osthoff	Stanius
Blatz	Hartle	Marsh	Ozment	Sviggum
Boo	Haukoos	McDonald	Pauly	Swenson
Carlson, D.	Heap	McGuire	Pellow	Tjornhom
Dempsey	Henry	McPherson	Poppenhagen	Tompkins
Dille	Himle	Milbert	Redalen	Uphus
Dorn	Hugoson	Miller	Richter	Valento
Forsythe	Jacobs	Morrison	Runbeck	Waltman
Frederick	Johnson, V.	Olsen, S.	Schafer	Weaver
Frerichs	Knickerbocker	Olson, K.	Scheid	
Girard	Limmer	Omann	Schreiber	

Those who voted in the negative were:

Anderson, G.	Hausman	Lieder	Pappas	Sparby
Battaglia	Janezich	Long	Pelowski	Steensma
Bauerly	Jaros	McEachern	Peterson	Trimble
Beard	Jefferson	McLaughlin	Price	Tunheim
Begich	Jennings	Munger	Pugh	Vellenga
Bertram	Johnson, A.	Murphy	Quinn	Wagenius
Brown	Johnson, R.	Nelson, C.	Reding	Welle
Carlson, L.	Kahn	Nelson, K.	Rest	Wenzel
Carruthers	Kalis	Neuenschwander	Rodosovich	Williams
Clark	Kelly	O'Connor	Rukavina	Winter
Cooper	Kelso	Ogren	Sarna	Spk. Vanasek
Dauner	Kinkel	Olson, E.	Segal	
Dawkins	Kostohryz	Orenstein	Simoneau	
Greenfield	Krueger	Ostrom	Skoglund	
Hasskamp	Lasley	Otis	Solberg	

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

The Speaker resumed the Chair.

Schreiber moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 35, after line 30, insert:

"Sec. 14. Minnesota Statutes Second 1989 Supplement, section 273.13, subdivision 32, is amended to read:

Subd. 32. [TARGET CLASS RATE.] All classes of property with a class rate of 5.06 percent have a target class rate of four percent. At the time of submission of the biennial budget under section 16A.11, the governor shall recommend the effective class rate for taxes payable in the following two calendar years by designating a "phase-in percentage," equal to the proportion of the effective class rate that will be based on the target class rate of four percent, with the remaining proportion based on the class rate of 5.06 percent. The governor shall identify and include within the budget funding for the increased expenditures for homestead and agricultural credit aid over the amount of expenditures for homestead and agricultural credit aid provided in Laws 1989, First Special Session chapter 1, that are estimated to result from the recommendation. At that time, the governor may propose alternative programs other than homestead and agricultural credit aid to prevent other taxpayers' taxes from increasing as a result of the governor's recommended increase in the phase-in percentage. The effective net class rate is the sum of the products of:

(1) the phase-in percentage adopted by the legislature multiplied by four percent; and

(2) 100 percent minus the phase-in percentage multiplied by 5.06 percent.

The phase-in percentage in any year cannot be less than it was in the prior year. The phase-in percentage for taxes payable in 1991 is

ten 29 percent provided that the governor may recommend an alternative phase-in percentage for taxes payable in 1991.

Beginning in 1991, the commissioner of revenue shall annually set the effective class rate to use for taxes payable in the following year as provided in this subdivision and announce it by June 1. For purposes of any aid, levy limitation, debt limit, or salary limitation, and property tax administration, net tax capacity must be computed with reference to the effective class rate for the properties affected by this subdivision."

Page 81, line 23, after "Sections" insert "14,"

Renumber sections in Article 2 in sequence

Correct internal references in article 2

Page 82, line 20, before "the" insert "(i)"

Page 82, line 22, after the comma insert "and (ii) the portion of class 3 clause (a) market value in excess of \$100,000, the class rate applied shall be 4.90 percent"

Pages 100 and 101, delete sections 3 to 5.

Page 101, line 2, delete "6" and insert "3"

Page 102, after line 31, insert:

"Sec. 4. [REPEALER.]

Minnesota Statutes Second 1989 Supplement, section 290A.045, is repealed."

Page 102, line 32, delete "7" and insert "5"

Page 102, line 33, delete "6" and insert "3"

Page 102, line 36, delete "Sections 3 to 5 are" and insert "Section 4 is"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Schreiber amendment and the roll was called. There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Hartle	Macklin	Pauly	Swenson
Bishop	Haukoos	Marsh	Pellow	Tjornhom
Blatz	Heap	McDonald	Poppenhagen	Tompkins
Boo	Henry	McPherson	Redalen	Uphus
Dempsey	Himle	Miller	Richter	Valento
Forsythe	Hugoson	Morrison	Runbeck	Waltman
Frederick	Johnson, V.	Olsen, S.	Schafer	Weaver
Frerichs	Kelso	Omann	Schreiber	
Girard	Knickerbocker	Onnen	Sparby	
Gruenes	Limmer	Osthoff	Stanias	
Gutknecht	Lynch	Ozment	Sviggum	

Those who voted in the negative were:

Anderson, G.	Greenfield	Lasley	Orenstein	Segal
Anderson, R.	Hasskamp	Lieder	Ostrom	Simoneau
Battaglia	Hausman	Long	Otis	Skoglund
Bauerly	Jacobs	McEachern	Pappas	Solberg
Beard	Janezich	McGuire	Pelowski	Steensma
Begich	Jaros	McLaughlin	Peterson	Trimble
Bertram	Jefferson	Milbert	Price	Tunheim
Brown	Jennings	Munger	Pugh	Vellenga
Carlson, D.	Johnson, A.	Murphy	Quinn	Wagenius
Carlson, L.	Johnson, R.	Nelson, C.	Reding	Welle
Carruthers	Kahn	Nelson, K.	Rest	Wenzel
Clark	Kalis	Neuenschwander	Rice	Williams
Cooper	Kelly	O'Connor	Rodosovich	Winter
Dauner	Kinkel	Ogren	Rukavina	Spk. Vanasek
Dawkins	Kostohryz	Olson, E.	Sarna	
Dorn	Krueger	Olson, K.	Scheid	

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

McGuire moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 37, line 25, delete "paid"

Olsen, S., moved to amend the McGuire amendment to H. F. No. 2478, the first engrossment, as amended, as follows:

Page 37, line 25, delete "a" and insert "the official"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the McGuire amendment, as amended, to H. F. No. 2478, the first engrossment, as amended. The motion did not prevail and the amendment, as amended, was not adopted.

Sviggum, Lynch and Runbeck moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Pages 88 and 89, delete section 3

Renumber the sections in Article 3 in sequence

Correct internal references

Amend the title as follows:

Page 1, line 38, delete everything after the semicolon

Page 1, line 39, delete "a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the Sviggum et al amendment and the roll was called. There were 50 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Limmer	Olson, K.	Seaberg
Bishop	Hartle	Lynch	Omann	Stanius
Blatz	Hasskamp	Macklin	Onnen	Steensma
Boo	Haukoos	Marsh	Ozment	Sviggum
Carlson, D.	Heap	McDonald	Pellow	Swenson
Dempsey	Henry	McPherson	Poppenhagen	Tjornhom
Dille	Hugoson	Miller	Richter	Tompkins
Forsythe	Johnson, R.	Morrison	Rumbeck	Waltman
Frederick	Knickerbocker	Murphy	Schafer	Weaver
Frerichs	Lasley	Olsen, S.	Schreiber	Winter

Those who voted in the negative were:

Anderson, G.	Gruenes	Krueger	Otis	Segal
Anderson, R.	Hausman	Lieder	Pappas	Simoneau
Battaglia	Jacobs	Long	Pelowski	Skoglund
Bauerly	Janezich	McEachern	Peterson	Solberg
Beard	Jaros	McGuire	Price	Sparby
Begich	Jefferson	McLaughlin	Pugh	Trimble
Bertram	Jennings	Milbert	Quinn	Tunheim
Brown	Johnson, A.	Munger	Redalen	Uphus
Carlson, L.	Johnson, V.	Nelson, C.	Reding	Vellenga
Carruthers	Kahn	Nelson, K.	Rest	Wagenius
Clark	Kalis	O'Connor	Rice	Welle
Dauner	Kelly	Ogren	Rodosovich	Williams
Dawkins	Kelso	Orenstein	Rukavina	Spk. Vanasek
Dorn	Kinkel	Osthoff	Sarna	
Greenfield	Kostohryz	Ostrom	Scheid	

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

Bishop, Schreiber, Frerichs and Abrams moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 185, after line 10, add an article to read:

"ARTICLE 9

BUDGET RESERVE

Section 1. Minnesota Statutes 1988, section 16A.15, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] (a) If the commissioner determines that probable receipts for the general fund will be less than anticipated, ~~and that the amount available for the remainder of the biennium will be less than needed, and that the conditions specified in subdivision 6a for reducing the amount in the budget reserve account established in subdivision 6a are met,~~ the commissioner shall, with the approval of the governor, and after consulting the legislative advisory commission, reduce the amount in the budget and cash flow reserve account established in subdivision 6 as needed ~~to balance expenditures with revenue by the amount permitted in subdivision 6a to increase revenue available to meet expenditures.~~

(b) ~~An additional~~ Any remaining deficit that exists after determining the amount, if any, that can be drawn from the budget reserve account under the provisions of subdivision 6a shall, with the approval of the governor, and after consulting the legislative advisory commission, be made up by reducing unexpended allotments of any prior appropriation or transfer. Notwithstanding any other law to the contrary, the commissioner is empowered to defer or suspend prior statutorily created obligations which would prevent effecting such reductions.

(c) If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

(d) In reducing allotments, the commissioner may consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(e) In like manner, the commissioner shall reduce allotments to an agency by the amount of any saving that can be made over previous spending plans through a reduction in prices or other cause.

Sec. 2. Minnesota Statutes Second 1989 Supplement, section 16A.15, subdivision 6, is amended to read:

Subd. 6. [BUDGET AND CASH FLOW RESERVE ACCOUNT.] A budget and cash flow reserve account is created in the general fund in the state treasury. The commissioner of finance shall, as autho-

rized from time to time by law, restrict part or all of the budgetary balance in the general fund for use as the budget and cash flow reserve account. The commissioner of finance shall transfer to the budget and cash flow reserve account such amounts as are available to bring the total amount, including any existing balance in the account on June 30, 1989, to \$550,000,000 ~~\$200,000,000~~. The amounts restricted shall remain in the account until drawn down under the provisions of this subdivision ~~1~~ or increased under section 16A.1541.

The amount in the cash flow reserve account must be used only to meet temporary cash flow needs in the general fund. The amount in the cash flow reserve account must not be used to supplement general fund revenues when the amount available for the rest of the biennium is less than needed.

Sec. 3. Minnesota Statutes 1988, section 16A.15, is amended by adding a subdivision to read:

Subd. 6a. [BUDGET RESERVE ACCOUNT.] The legislature finds that a budget reserve is necessary to protect the state budget and the recipients of state-funded services from severe fluctuations in revenue available due to fluctuations in the economy and the difficulty of accurately estimating revenues in advance of their receipt. The legislature further finds that a budget reserve equal to five percent of the state's annual general fund expenditures and transfers is a suitable amount. A budget reserve account is created in the general fund in the state treasury. The commissioner of finance shall, as authorized from time to time by law, restrict part of the budgetary balance in the general fund for use as the budget reserve account. The commissioner of finance shall transfer to the budget reserve account such amounts as are available to bring the total amount to \$350,000,000. This amount shall exclude the amount of the cash flow reserve account created under subdivision 6. Beginning July 1, 1991, interest and investment earnings attributable to the amount in the budget reserve account shall accrue to that account. The amounts restricted as the budget reserve account shall remain in the account until drawn down under the provisions of this subdivision and subdivision 1.

The amount in the budget reserve account shall be reduced and used to balance expenditures with revenue only to meet shortfalls due to revenue collections that are less than was projected. The budget reserve account shall not be used to balance expenditures with revenue to the extent that the shortfall was caused by expenditures that exceed estimates.

If a revenue collection shortfall occurs during a biennium that is less than \$150,000,000, no amount shall be drawn from the budget reserve account. If a revenue collection shortfall occurs that is more than \$150,000,000, an amount shall be drawn from the budget

reserve account equal to (1) one-half of the amount by which the revenue collection shortfall exceeds \$150,000,000, but is less than \$450,000,000, plus (2) the amount by which the revenue collection shortfall exceeds \$450,000,000.

Sec. 4. Minnesota Statutes Second 1989 Supplement, section 16A.1541, is amended to read:

16A.1541 [ADDITIONAL REVENUES; PRIORITY.]

If on the basis of a forecast of general fund revenues and expenditures the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the budget and cash flow reserve account until the total amount in the account equals five percent of total general fund appropriations for the current biennium fiscal year as established by the most recent legislative session legislature. Beginning in November 1990 1991, forecast unrestricted budgetary general fund balances are first appropriated to reduce the property tax levy recognition percent under section 121.904, subdivision 4a, to 27 percent before money is allocated to the budget and cash flow reserve account under the preceding sentence.

The amounts necessary to meet the requirements of this section are appropriated from the general fund.

Sec. 5. [REVENUES AND EXPENDITURES PROJECTIONS.]

The commissioner shall report projections of state revenues and expenditures to the governor and the legislature in March, July, and November of each year. Copies of the revenue projection report shall be given to the speaker and the minority leader of the house and the majority leader and minority leader of the senate. The report shall project state revenues and expenditures to the end of the current biennium and the end of the next biennium.

Sec. 6. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Amend the title as follows:

Page 1, line 32, after "debts;" insert "creating separate reserve accounts for cash flow and budget reserve; placing restrictions on use of the budget reserve; requiring revenue projection reports;"

Page 1, line 33, after "sections" insert "16A.15, subdivision 1, and by adding a subdivision;"

Page 2, after line 24, insert "16A.15, subdivision 6; 16A.1541;"

A roll call was requested and properly seconded.

The question was taken on the Bishop et al amendment and the roll was called. There were 52 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Limmer	Ozment	Swiggum
Bishop	Gruenes	Lynch	Pauly	Swenson
Blatz	Gutknecht	Macklin	Pellow	Tjornhom
Boo	Hartle	Marsh	Poppenhagen	Tompkins
Carlson, D.	Haukoos	McDonald	Redalen	Uphus
Dauner	Heap	McPherson	Richter	Valento
Dempsey	Henry	Miller	Runbeck	Waltman
Dille	Himle	Morrison	Schafer	Weaver
Forsythe	Hugoson	Olsen, S.	Schreiber	
Frederick	Johnson, V.	Omann	Seaberg	
Frerichs	Knickerbocker	Onnen	Stanius	

Those who voted in the negative were:

Anderson, G.	Hausman	Lieder	Osthoff	Segal
Anderson, R.	Jacobs	Long	Ostrom	Simoneau
Battaglia	Janezich	McEachern	Otis	Skoglund
Bauerly	Jaros	McGuire	Pappas	Solberg
Beard	Jefferson	McLaughlin	Pelowski	Sparby
Begich	Jennings	Milbert	Peterson	Steensma
Bertram	Johnson, A.	Munger	Price	Trimble
Brown	Johnson, R.	Murphy	Pugh	Tunheim
Carlson, L.	Kahn	Nelson, C.	Quinn	Vellenga
Carruthers	Kalis	Nelson, K.	Reding	Wagenius
Clark	Kelly	Neuenschwander	Rest	Welle
Cooper	Kelso	O'Connor	Rice	Wenzel
Dawkins	Kinkel	Ogren	Rodosovich	Williams
Dorn	Kostohryz	Olson, E.	Rukavina	Winter
Greenfield	Krueger	Olson, K.	Sarna	Spk. Vanasek
Hasskamp	Lasley	Orenstein	Scheid	

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

Onnen moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 90, after line 1, insert:

"Sec. 5. [373.42] [HEALTH AND HUMAN SERVICES ALLOCATION REDUCTION.]

To the extent that local government aid under section 477A.012 or homestead and agricultural credit aid under section 273.1398 is reduced for aid payable in 1990 due to the reduction calculated under section 477A.012, subdivision 5, the county board is authorized to reduce county funds allocated for health and human service

programs, subject to the restrictions of this section. A county may reduce allocations for health and human services programs by an amount no greater than the amount of the reduction computed under section 477A.012, subdivision 5. A county may not reduce allocations for programs required by federal law or regulation, nor for programs specified in section 273.1398 as subject to state takeover. A county may, notwithstanding the requirements of any state law or rule to the contrary, reduce allocations for other health or human services programs, for calendar year 1990, if the reduction is approved by the commissioner responsible for the program. Reductions should be made when possible in health and human services administration, rather than in direct services to clients. If a county proposes to reduce allocations for programs supervised by the commissioner of human services, the county must submit the list of affected programs with the amount of planned reductions for review by the commissioner of human services. If a county proposes to reduce allocations for programs supervised by the commissioner of health, the county must submit the list of affected programs with the amount of planned reductions, for review by the commissioner of health. A commissioner shall review the program reductions proposed by a county. The commissioner shall approve the program reductions, unless the proposed reduction would result in a violation of a federal law or regulation or is a program specified in section 273.1398. The commissioner shall notify the county within 30 days after the county submits its planned reductions. For program reductions approved by the commissioner responsible for the program, the county may continue the program reductions in 1991 and future years."

Renumber the sections in article 3 in sequence

Correct internal references

Amend the title as follows:

Page 2, line 47, after "290;" insert "373;"

A roll call was requested and properly seconded.

The question was taken on the Onnen amendment and the roll was called. There were 59 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Gruenes	Himle	Lynch
Anderson, R.	Dempsey	Gutknecht	Hugoson	Macklin
Bishop	Dille	Hartle	Jennings	Marsh
Blatz	Forsythe	Hasskamp	Johnson, V.	McDonald
Boo	Frederick	Haukoos	Kinkel	McEachern
Carlson, D.	Frerichs	Heap	Knickerbocker	McPherson
Cooper	Girard	Henry	Limmer	Miller

Morrison	Pauly	Runbeck	Steensma	Uphus
Olsen, S.	Pellow	Schafer	Sviggum	Valento
Omann	Poppenhagen	Schreiber	Swenson	Waltman
Onnen	Redalen	Seaberg	Tjornhom	Weaver
Ozment	Richter	Stanius	Tompkins	

Those who voted in the negative were:

Anderson, G.	Janezich	McGuire	Otis	Segal
Battaglia	Jaros	McLaughlin	Pappas	Simoneau
Bauerly	Jefferson	Milbert	Pelowski	Skoglund
Beard	Johnson, A.	Munger	Peterson	Solberg
Begich	Johnson, R.	Murphy	Price	Sparby
Brown	Kahn	Nelson, C.	Pugh	Trimble
Carlson, L.	Kalis	Nelson, K.	Quinn	Vallenga
Carruthers	Kelly	Neuenschwander	Reding	Wagenius
Clark	Kelso	Ogren	Rest	Welle
Dawkins	Kostohryz	Olson, E.	Rice	Wenzel
Dorn	Krueger	Olson, K.	Rodosovich	Williams
Greenfield	Lasley	Orenstein	Rukavina	Winter
Hausman	Lieder	Osthoff	Sarna	Spk. Vanasek
Jacobs	Long	Ostrom	Scheid	

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

Sviggum, Beard, Bertram, Rukavina and Clark moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 10, line 10, delete "5.9" and insert "seven"

Page 12, line 33, delete "\$1,000,000" and insert "\$5,000,000"

Page 12, line 33, delete "\$100" and insert "\$0"

Page 12, delete line 34

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

Pauly, Blatz, Himle, Abrams, Schreiber, Forsythe, Knickerbocker, Bennett, Seaberg, Tompkins, Limmer, Morrison and Burger moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 25, line 35, strike "three" and insert "2.8"

Page 31, line 4, strike "3.0" and insert "2.8"

Page 82, line 20, before "the" insert "(i)"

Page 82, line 22, after the comma, insert "and (ii) the class rate applied to the market value of class 4b property shall be 3.0 percent"

A roll call was requested and properly seconded.

The question was taken on the Pauly et al amendment and the roll was called. There were 50 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abrams	Hartle	Long	Onnen	Scheid
Blatz	Haukoos	Lynch	Orenstein	Schreiber
Boo	Heap	Macklin	Ozment	Seaberg
Cooper	Henry	McDonald	Pauly	Stanius
Dempsey	Himle	McGuire	Pellow	Sviggum
Forsythe	Hugoson	McPherson	Poppenhagen	Swenson
Frederick	Kelso	Miller	Pugh	Tompkins
Frerichs	Knickerbocker	Morrison	Redalen	Valento
Girard	Kostohryz	Nelson, K.	Richter	Waltman
Gutknecht	Limmer	Olsen, S.	Runbeck	Weaver

Those who voted in the negative were:

Anderson, G.	Dorn	Krueger	Ostrom	Simoneau
Anderson, R.	Greenfield	Lasley	Otis	Skoglund
Battaglia	Gruenes	Lieder	Pappas	Solberg
Bauerly	Hasskamp	Marsh	Pelowski	Sparby
Beard	Jacobs	McLaughlin	Peterson	Steensma
Begich	Janezich	Munger	Price	Tjornhom
Bertram	Jaros	Murphy	Quinn	Trimble
Bishop	Jefferson	Nelson, C.	Reding	Tunheim
Brown	Jennings	Neuenschwander	Rest	Uphus
Carlson, D.	Johnson, A.	O'Connor	Rice	Vellenga
Carlson, L.	Johnson, R.	Ogren	Rodosovich	Wagenius
Carruthers	Johnson, V.	Olson, E.	Rukavina	Welle
Clark	Kahn	Olson, K.	Sarna	Williams
Dauner	Kalis	Omamm	Schafer	Winter
Dawkins	Kinkel	Osthoff	Segal	Spk. Vanasek

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

Abrams moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 14, after line 22, insert:

“Sec. 12. [290.433] [DRUG ABUSE RESISTANCE EDUCATION CHECKOFF.]

An individual who files an income tax return or property tax refund claim form and a corporation that files a franchise tax return may designate on the original return that \$1 or more be added to the tax or deducted from the refund that would otherwise be payable by or to that individual or corporation and paid into an account established for drug abuse resistance education program grants under section 299A.33. The commissioner of revenue shall notify filers on the income and franchise tax returns and the property tax refund claim forms of their right to designate that part of the tax or

refund be paid into the account. The sum of the amounts so designated to be paid must be credited to the account for use by the commissioner of public safety to provide grants under section 299A.33 to train peace officers to teach a curriculum on drug abuse resistance in the schools. All interest earned on money accrued in the account must be credited to the account by the state treasurer. The state pledges that all money contributed under the drug abuse resistance education checkoff will be used for grants as provided in this section.

Page 17, line 31, delete "11, 13, and 18" and insert "12, 14, and 19"

Renumber the sections in article 1 in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Abrams amendment and the roll was called. There were 51 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Lynch	Onnen	Sviggum
Bishop	Gutknecht	Macklin	Ozment	Swenson
Blatz	Hartle	Marsh	Pauly	Tjornhom
Boo	Haukoos	McDonald	Pellow	Tompkins
Carlson, D.	Heap	McGuire	Poppenhagen	Uphus
Carlson, L.	Henry	McPherson	Pugh	Valento
Carruthers	Himle	Milbert	Redalen	Waltman
Dempsey	Hugoson	Morrison	Richter	
Frederick	Johnson, V.	Olsen, S.	Runbeck	
Frerichs	Knickerbocker	Olson, E.	Seaberg	
Girard	Limmer	Omam	Stanuis	

Those who voted in the negative were:

Anderson, G.	Janezich	Long	Pappas	Skoglund
Anderson, R.	Jaros	McEachern	Pelowski	Solberg
Battaglia	Jefferson	McLaughlin	Peterson	Sparby
Bauerly	Jennings	Munger	Price	Steensma
Beard	Johnson, A.	Murphy	Quinn	Trimble
Begich	Johnson, R.	Nelson, C.	Reding	Tunheim
Bertram	Kahn	Nelson, K.	Rest	Vellenga
Brown	Kalis	Neuenschwander	Rice	Wagenius
Clark	Kelly	O'Connor	Rodosovich	Weaver
Cooper	Kelso	Ogren	Rukavina	Welle
Dauner	Kinkel	Olson, K.	Sarna	Wenzel
Dawkins	Kostohryz	Orenstein	Schafer	Williams
Dorn	Krueger	Osthoff	Scheid	Winter
Greenfield	Lasley	Ostrom	Segal	Spk. Vanasek
Jacobs	Lieder	Otis	Simoneau	

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

Onnen moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 91, line 8, after "(a)," insert "and"

Page 91, strike lines 9 and 10

Page 91, line 11, strike "2, and (3)"

The motion prevailed and the amendment was adopted.

Runbeck and Macklin moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 73, line 25, delete "125" and insert "110"

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

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

Frerichs, Sviggum and Heap moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Pages 165 to 167, delete sections 2 and 3

Renumber the sections in article 8 in sequence

Correct internal references

Amend the title as follows:

Page 1, line 23, delete "requiring"

Page 1, delete line 24

Page 1, line 25, delete "assistance;"

Page 2, line 46, delete "116J;"

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called. There were 42 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Hartle	Lynch	Poppenhagen	Swenson
Blatz	Heap	Marsh	Redalen	Tompkins
Dempsey	Henry	McDonald	Richter	Uphus
Dille	Himle	Miller	Runbeck	Valento
Forsythe	Hugoson	Omman	Schafer	Waltman
Frederick	Jennings	Onnen	Schreiber	Weaver
Frerichs	Johnson, V.	Ostrom	Seaberg	
Girard	Knickerbocker	Pauly	Stanius	
Gruenes	Limmer	Pellow	Sviggum	

Those who voted in the negative were:

Anderson, G.	Dorn	Long	Ozment	Skoglund
Anderson, R.	Greenfield	McEachern	Pappas	Solberg
Battaglia	Gutknecht	McLaughlin	Pelowski	Steensma
Bauerly	Hasskamp	Milbert	Peterson	Tjornhom
Beard	Jacobs	Munger	Price	Trimble
Begich	Janezich	Murphy	Pugh	Tunheim
Bertram	Jaros	Nelson, K.	Quinn	Vellenga
Bishop	Jefferson	Neuenschwander	Reding	Welle
Boo	Johnson, R.	O'Connor	Rest	Wenzel
Brown	Kahn	Ogren	Rice	Williams
Carlson, D.	Kalis	Olsen, S.	Rodosovich	Winter
Carlson, L.	Kinkel	Olson, E.	Rukavina	Spk. Vanasek
Carruthers	Kostohryz	Olson, K.	Sarna	
Clark	Krueger	Orenstein	Scheid	
Cooper	Lasley	Osthoff	Segal	
Dawkins	Lieder	Otis	Simoneau	

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

Krueger and Nelson, C., moved to amend H. F. No. 2478, the first engrossment, as amended, as follows:

Page 79, after line 33, insert:

“Sec. 61. [DOUGLAS COUNTY; SOLID WASTE MANAGEMENT LEVY.]

For taxes levied in 1990, payable in 1991, and thereafter, Douglas county may levy the amount necessary to pay the principal and interest on department of energy and economic development loans for solid waste management purposes. The levy must be made as provided under Minnesota Statutes, section 400.11.

This amount is not subject to the limitations in Minnesota Statutes, sections 275.50 to 275.56.

If the county utilizes this levy, any amount levied by the county in the previous levy year for the purposes specified under this section and included in the county's previous year's levy limitation computed under section 275.51, must be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination.

The levy authority under this section expires when the principal and interest has been paid."

Page 81, after line 29, insert:

"Pursuant to Minnesota Statutes, section 645.023, subdivision 1, section 61 is effective without local approval for taxes levied in 1990 and thereafter."

Renumber the sections in Article 2 in sequence

Correct internal references

Amend the title as follows:

Page 1, line 17, after "Goodhue" insert ", Douglas,"

The motion prevailed and the amendment was adopted.

H. F. No. 2478, A bill for an act relating to the financing and operation of government in Minnesota; updating references to the Internal Revenue Code; changing the computation of aid to local units of governments; modifying the computation and administration of taxes and property tax refunds; providing tax deductions and exemptions; changing the tax rates; authorizing certain local governments to borrow money; providing a food shelf checkoff; changing definition of debt for the revenue recapture act; providing certain rights and remedies to taxpayers; modifying the requirements for the collection and expenditure of tax increments; repealing the increase in the maximum lodging tax; allowing the sale of certain tax forfeited land in Otter Tail county; allowing the cities of Bayport, Windom, and Jackson and the counties of Goodhue, Douglas, and Koochiching to levy taxes for certain purposes; requiring certain uses of tax increments by the city of Minneapolis; exempting the city of Moorhead from certain requirements; permitting the cities of Bloomington and Roseville to impose lodging taxes; changing truth-in-taxation requirements; requiring payment of the prevailing wage for financial assistance; requiring reports and studies; imposing and transferring powers and duties; changing certain effective dates; increasing certain fees; providing for payment of the greater Minnesota landfill fee; imposing a minimum fee on corporations; providing for withholding of certain refunds; requiring an appropriation by the metropolitan sports facilities commission; reducing and transferring appropriations; canceling certain debts; appropriating money; amending Minnesota Statutes 1988, sections 270.07, by adding a subdivision; 270.70, subdivisions 1, 2, 4, 8, and by adding subdivisions; 270.701, by adding a subdivision; 270.709, subdivision 1; 270A.03, subdivisions 2 and 5; 271.12; 271.19; 273.11, by adding a subdivision; 273.124, by adding a subdivision; 273.1398, by adding a subdivision; 273.42, subdivision 1; 275.065, by adding a subdivi-

sion; 276.111; 277.15; 279.03, subdivision 2, and by adding a subdivision; 279.06; 281.17; 282.01, subdivision 4; 282.014; 282.261, subdivision 2; 289A.11, as added, by adding a subdivision; 290.431; 290.50, by adding a subdivision; 290A.10; 290A.19; 296.02, subdivision 1a; 296.025, subdivision 1a; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.07, subdivision 5; 297A.01, subdivision 15; 297A.25, by adding a subdivision; 298.015, subdivision 1; 298.017; 298.05; 298.24, subdivision 1; 469.059, subdivision 11; 469.129, subdivision 2; 469.171, by adding a subdivision; 469.174, subdivision 12, and by adding subdivisions; 469.175, subdivision 1a, and by adding subdivisions; 469.176, subdivisions 2 and 3; 469.177, subdivision 8; 477A.011, subdivision 17, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, by adding a subdivision; 477A.03, subdivision 1; 477A.11, subdivision 4; 477A.13; and 500.24, subdivision 4; Minnesota Statutes 1989 Supplement, sections 270.10, subdivision 1a; 270.69, subdivision 11; 273.11, subdivision 1; 273.112, subdivision 3; 273.124, subdivisions 8 and 9; 275.08, subdivision 1d; 278.05, subdivision 4; 279.01, subdivision 1; 282.01, subdivision 1; 290.01, subdivision 19; 290A.04, subdivision 5; 290A.045, subdivision 7; 375.192, subdivision 2; 383.06; 410.32; 462.396, subdivision 2; 469.175, subdivision 4; 469.176, subdivision 4; 469.177, subdivision 9; and 469.190, subdivisions 1 and 2; Minnesota Statutes Second 1989 Supplement, sections 3.885, subdivision 8; 60A.15, subdivision 1; 103B.3369, subdivisions 5 and 7; 272.02, subdivision 4; 273.13, subdivisions 22, 23, and 25; 273.1398, subdivisions 1 and 2; 273.371, subdivision 1; 275.065, subdivisions 1 and 6; 275.07, subdivision 1; 275.50, subdivision 5; 275.51, subdivision 3f; 276.09; 276.10; 276.11, subdivision 1; 277.01, subdivision 1; 277.02; 277.05; 277.06; 290.05, subdivision 1; 290.06, subdivision 1; 290.091, subdivision 2; 290.0921, subdivisions 1, 3, and by adding a subdivision; 290A.04, subdivision 2a; 290A.045, subdivision 6; 297A.01, subdivision 3; 297A.44, subdivision 1; 469.174, subdivisions 7 and 10; 469.175, subdivisions 3 and 7; 469.176, subdivisions 1 and 4j; 469.177, subdivision 10; 469.190, subdivision 3; 477A.011, subdivisions 1a and 25; and 477A.013, subdivisions 3 and 5; Laws 1988, chapter 719, article 12, section 30, as amended; Laws 1989, chapters 326, article 3, section 49; and 353, section 13; and Laws 1989, First Special Session chapter 1, articles 3, section 32, subdivisions 1 and 2; 5, section 52; and 10, section 45; proposing coding for new law in Minnesota Statutes, chapters 134; 116J; 268; 270; 273; 290; and 469; repealing Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; 115A.928; 290.06, subdivision 1a; and 375.192, subdivision 1; Minnesota Statutes Second 1989 Supplement, 273.1398, subdivision 2b.

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 94 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Kinkel	Olson, K.	Segal
Anderson, R.	Frederick	Kostohryz	Orenstein	Simoneau
Battaglia	Greenfield	Krueger	Ostrom	Skoglund
Bauerly	Hartlé	Lasley	Otis	Solberg
Beard	Hasskamp	Lieder	Ozment	Sparby
Begich	Henry	Long	Pappas	Steenma
Bertram	Himle	McEachern	Pelowski	Sviggum
Bishop	Jacobs	McGuire	Peterson	Swenson
Blatz	Janezich	McLaughlin	Price	Trimble
Boo	Jaros	Milbert	Pugh	Tunheim
Brown	Jefferson	Munger	Quinn	Uphus
Carlson, D.	Jennings	Murphy	Redalen	Vellenga
Carlson, L.	Johnson, A.	Nelson, C.	Reding	Wagenius
Carruthers	Johnson, R.	Nelson, K.	Rest	Welle
Clark	Johnson, V.	Neuenschwander	Rice	Wenzel
Cooper	Kahn	O'Connor	Rodovich	Williams
Dauner	Kalis	Ogren	Rukavina	Winter
Dawkins	Kelly	Olsen, S.	Sarna	Spk. Vanasek
Dille	Kelso	Olson, E.	Scheid	

Those who voted in the negative were:

Abrams	Heap	McPherson	Poppenhagen	Tompkins
Dempsey	Hugoson	Miller	Richter	Valento
Forsythe	Knickerbocker	Morrison	Runbeck	Waltman
Frerichs	Limmer	Omann	Schafer	Weaver
Girard	Lynch	Onnen	Schreiber	
Gruenes	Macklin	Osthoff	Seaberg	
Gutknecht	Marsh	Pauly	Stanuis	
Haukoos	McDonald	Pellow	Tjornhom	

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

Long moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Long moved that the bills on General Orders for today be continued. The motion prevailed.

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

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2200, A bill for an act relating to education; starting,

developing, adding to, clarifying, and financing elementary and secondary and related education programs and services, including those relating to general education, transportation, special programs, drug prevention and other community programs, facilities, programs of cooperation, other aids and levies, and the department of education; providing for technical rate changes; authorizing bonds and tax levies; appropriating money; amending Minnesota Statutes 1988, sections 120.062, subdivision 9, and by adding a subdivision; 121.148; 121.15, subdivisions 1 and 7; 121.88, subdivision 6; 121.882, subdivision 9, and by adding a subdivision; 121.908, subdivision 3; 121.917, subdivision 4; 122.91, by adding a subdivision; 122.93, by adding a subdivision; 122.94, subdivision 5; 123.33, subdivision 1; 123.35, by adding subdivisions; 123.3514, subdivisions 6 and 6b; 123.37, subdivision 1; 123.38, subdivisions 1 and 2b; 123.39, subdivision 6; 123.58, subdivisions 2 and 6; 123.9361; 123.947; 124.14, subdivision 7; 124.195, subdivision 10, and by adding subdivisions; 124.26, by adding a subdivision; 124.2711, subdivision 2; 124.494, by adding a subdivision; 124A.02, subdivision 1; 124A.036, subdivision 5, and by adding a subdivision; 125.185, by adding a subdivision; 125.231, subdivision 6; 125.60, subdivision 2; 126.12, subdivision 2; 126.666, subdivisions 2 and 4; 126.70, subdivision 2a; 129B.53, subdivision 3; 141.25, subdivisions 7 and 9; 181A.04, by adding a subdivision; 181A.12, subdivision 1; 275.125, subdivision 4; and 471.59, subdivision 2; Minnesota Statutes 1989 Supplement, sections 121.111, subdivisions 1 and 2; 121.15, subdivision 2; 121.612, subdivisions 3 and 5; 121.88, subdivision 9; 121.882, subdivision 2; 122.243, subdivision 2; 122.91, subdivisions 1 and 5; 122.92, subdivision 1; 122.94, subdivision 6; 122.945, subdivision 2; 123.58, subdivision 9; 124.10, subdivision 2; 124.155, subdivision 2; 124.19, subdivision 7; 124.225, subdivisions 1, 3a, and 8k; 124.26, subdivisions 7 and 8; 124.2711, subdivisions 1 and 3; 124.2713; 124.2715; 124.2721; 124.2725, subdivision 8, and by adding a subdivision; 124.38, subdivision 7; 124.573, subdivision 2d; 124.83, subdivision 6; 124.90, subdivision 2; 124A.22, subdivision 2a; 126.22, subdivisions 2 and 3; 128B.03, subdivision 4; 129.128; 141.35; 275.125, subdivisions 5c, 5e, 6h, 6i, 8b, 9a, 9b, 9c, 11d, and 18; Minnesota Statutes Second 1989 Supplement, sections 124.2442, subdivision 1; 124.83, subdivisions 1 and 4; 124A.26, subdivision 1; Laws 1959, chapter 462, section 3, subdivision 10, as renumbered, as amended; Laws 1984, chapter 463, article 6, section 15, subdivision 2; Laws 1988, chapter 718, article 6, section 23; and Laws 1989, chapter 329, article 5, section 21, subdivision 4; article 11, sections 15, subdivisions 2 and 12; 16, subdivision 2; article 12, sections 9, subdivision 2; and 11; proposing coding for new law in Minnesota Statutes, chapters 121; 122; 124; 125; 126; 129B; and 237; proposing coding for new law as Minnesota Statutes, chapter 124B; repealing Minnesota Statutes 1988, sections 121.15, subdivision 4; 124.43, subdivisions 2, 3, 4, 5, and 6; Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1.

Reported the same back with the following amendments:

Page 33, line 17, delete "\$885,000" and insert "\$855,000"

Page 53, line 3, delete "section" and insert "sections" and after "3" insert ", and 22"

Page 53, delete lines 4 to 14

Page 56, line 18, delete "in each"

Page 56, line 19, delete "year beginning in 1990" and insert "for calendar years 1990 to 1995"

Page 57, line 16, delete "section" and insert "sections" and after "3" insert ", and 22"

Page 59, delete section 22 and insert:

"Sec. 22. [TAXPAYER NOTIFICATION.]

Subdivision 1. [APPLICABILITY.] This section applies to any newly authorized bonding authority granted under section 14, 16, or 18. This newly authorized bonding authority is in addition to any existing bonding authority of a school district.

Subd. 2. [MEETING.] A school board must hold a public meeting in each state senate district that is located wholly or partly within the boundaries of the school district. The school board must hold the public meeting to obtain comments and recommendations from residents on the proposed sale of newly authorized bonds described under subdivision 1. The meeting must be in addition to any other scheduled meeting of the school board or its committees. The meeting must be held in an accessible place and at a convenient time for the majority of residents in the affected state senate district. Meetings must be held in each state senate district at least every other year beginning with calendar year 1990.

Subd. 3. [NOTICE.] A school board must prepare and have delivered by first class mail a notice of the public meeting on the proposed sale of newly authorized bonds to each senate district postal patron residing within the school district. The notice must be mailed at least 15 days but not more than 30 days prior to the scheduled date of the meeting required for each state senate district under subdivision 2. Notice of the meeting in each state senate district also must be posted in the administrative office of the school district and must be published in the official newspaper of the city in which the school district is located twice during the 14 days preceding the date of the meeting.

All notices must state the proposed amount of the bonds to be issued and the expected levy increase necessary to pay the principal

and interest on those bonds. All notices must project the anticipated amount of increase in annual dollars and the annual increase in the percentage of net capacity for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. The notice also must show the required levy and principal and interest on all previous bonds for which notice under this section is required.

Subd. 4. [BOND AUTHORIZATION.] A school board may vote to issue bonds newly authorized under section 14, 16, or 18 only after complying with the requirements under subdivisions 2 and 3, and an official record of all the meetings in the school district have been filed with the commissioner of education.

Page 64, line 19, delete "(a)"

Page 64, delete lines 22 to 30

Page 70, line 19, delete "(a)"

Page 70, delete lines 22 to 29

Page 76, delete lines 13 to 21

Page 126, line 20, delete "basic" and insert "additional"

Page 126, line 21, before "telephone" insert "basic"

Page 126, line 30, after the period insert "The rate required under this section is available only for a school that installs service that includes access to basic telephone service from each classroom, library, gymnasium, and other work station within the school."

Page 129, after line 23, insert:

"Sec. 31. [REROUTING PROHIBITED.]

Notwithstanding any law to the contrary, independent school district No. 625, St. Paul, must not make any expenditures to reroute that portion of West Rose Avenue that is located near Como Senior High School."

Page 129, line 24, delete "31" and insert "32"

Page 129, line 25, delete "and" and after "19" insert ", and 31"

Page 138, after line 27, insert:

"ARTICLE 14

RURAL HEALTH CARE

Section 1. [SUMMER HEALTH CARE INTERNS.]

Subdivision 1. [SUMMER INTERNSHIPS.] The commissioner of education shall award grants to eligible districts or groups of districts to establish a summer health care intern program in the summer of 1991 for pupils who intend to complete high school graduation requirements and who are between their junior year and senior year of high school. The purpose of the program is to expose interested high school pupils to various careers within the health care profession.

Subd. 2. [CRITERIA.] The commissioner, with the advice of the Minnesota medical association and the Minnesota hospital association, shall establish criteria for awarding grants to districts or groups of districts that have juniors enrolled in high school who are interested in pursuing a career in the health care profession. The criteria must include, among other things:

(1) the proximity of a district or districts to a hospital or clinic willing to participate in the program;

(2) the kinds of formal exposure to the health care profession a hospital or clinic can provide to a pupil;

(3) the need for health care professionals in a particular area; and

(4) the willingness of a hospital or clinic to pay one-half the costs of employing a pupil.

The Minnesota medical association and the Minnesota hospital association jointly must provide the commissioner by January 31, 1991, with a list of hospitals and clinics willing to participate in the program and what provisions those hospitals or clinics will make to ensure a pupil's adequate exposure to the health care profession, and indicate whether a hospital or clinic is willing to pay one-half the costs of employing a pupil.

Subd. 3. [GRANTS.] The commissioner shall award grants to districts or groups of districts meeting the requirements of subdivision 2. The grants must be used to pay one-half of the costs of employing a pupil in a hospital or clinic during the course of the program. No more than five pupils may be selected from any one high school to participate in the program and no more than one-half of the number of pupils selected may be from the seven-county metropolitan area.

Subd. 4. [EVALUATION.] The commissioner, in cooperation with the Minnesota medical association and the Minnesota hospital association, shall evaluate the summer health care intern program and recommend to the education committees of the legislature by February 15, 1992, whether or not the program should be continued and, if so, under what circumstances.

Sec. 2. [APPROPRIATION.]

\$300,000 is appropriated from the general fund to the department of education in fiscal year 1991 to provide grants for the summer health care intern program under section 1.

Amend the title as follows:

Page 1, line 8, before the second "and" insert "rural health care,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2269, A bill for an act relating to education; changing permitted kinds of investments for the permanent university fund; permitting capital gains of the fund to be used to support endowed academic chairs; amending Minnesota Statutes 1988, section 137.022, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [APPROPRIATIONS FOR HIGHER EDUCATION.]

The dollar amounts in the columns under "APPROPRIATIONS" are added to (or, if shown in parentheses, are subtracted from) the appropriations in Laws 1989, chapter 293, to the specified agencies. The appropriations are from the general fund or other named fund and are available for the fiscal years indicated for each purpose. The figure 1990 or 1991 means that the addition to or subtraction from the appropriations listed under the figure are for the fiscal year ending June 30, 1990, or June 30, 1991, respectively. If only one

figure is shown in the text for a specified purpose, the addition or subtraction is for 1991 unless the context intends another fiscal year.

SUMMARY BY FUND

GENERAL	1990	1991	TOTAL
	\$ (9,783,400)	\$ (9,400,600)	\$ (19,184,000)

Summary by Agency—All Funds

Higher Education			
Coordinating Board	(9,783,400)	(3,554,200)	(13,337,600)
State Board of Vocational Technical Education		(1,387,700)	(1,387,700)
State Board for Community Colleges		(966,000)	(966,000)
State University Board		(1,729,300)	(1,729,300)
Regents of the University of Minnesota		(1,763,400)	(1,763,400)

APPROPRIATIONS

Available for the Fiscal Year
Ending June 30

	1990	1991
Sec. 2. HIGHER EDUCATION COORDINATING BOARD TOTAL	\$ (9,783,400)	\$ (3,554,200)

Subdivision 1. Agency Administration

A general reduction to the agency administration budget.

(17,100)

Of the biennial appropriation, \$46,300 is for affiliate membership in the Western Interstate Compact on Higher Education.

During the biennium, the higher education coordinating board shall provide data to legislative research offices as necessary for research projects and studies. As a condition of receiving the data, the legislative research offices must enter into an agreement with the board to ensure that the research of-

1990

1991

\$

\$

ices will not disclose any data that identifies individuals.

Subd. 2. State Grants
 (9,783,400) (5,033,400)

If an unencumbered balance is projected in the appropriation for the state grant program after October 1, 1990, the HECB may transfer up to \$500,000 to the appropriation for child care grants.

The HECB shall study ways to redefine the cost of living allowance to more accurately reflect actual costs of living. The board shall examine ways to develop cost of living categories to differentiate among students with different living arrangements and family responsibilities, including child care. The board shall examine whether other items involved in the cost of living should be used in determining categories. The board shall report its findings and recommendations to the education divisions of the house appropriations and senate finance committees by February 1, 1991.

The HECB shall examine the feasibility of using a student loan program, including the SELF program, to assist students whose eligibility for child care grants has expired. The board shall report its findings and recommendations to the education divisions of the house appropriations and senate finance committees by February 1, 1991.

The HECB shall review the percentage of child care grant money authorized for administrative costs on campuses, report on its expenditures of this money, and make any recommendations for changing the percentage levels to the education divisions of the house appropriations and senate fi-

	1990	1991
	\$	\$
nance committees as part of its 1991 biennial budget request.		

The HECB shall work with the Minnesota Association of Financial Aid Administrators to simplify the procedures and methods required to calculate child care grants. The HECB shall report on its progress towards simplification as part of its 1991 biennial budget request.

During the biennium, a campus, post-secondary system, or school district must not reallocate child care program administration money, unless the money is reallocated to child care grants.

During the biennium, the HECB shall amend its child care grant rules to include provisions for campuses that contract with counties for program administration. The rules shall make the campuses accountable for county decisions related to the program, and shall require the campuses to develop on-campus mechanisms for student appeals.

Subd. 3. Interstate Tuition Reciprocity

750,000

Subd. 4. Rural Health Programs

700,000

Of this amount, \$500,000 is for physicians' loans, \$100,000 is for nursing loans, and \$100,000 is for nursing grants.

Subd. 5. The higher education coordinating board may transfer unencumbered balances from the appropriations in this section to the state grant appropriation. Before the transfer, the higher

1990

1991

\$

\$

education coordinating board shall consult with the chairs of the house appropriations and senate finance committees.

Sec. 3. STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION TOTAL

(1,387,700)

Subdivision 1. General Reduction

(644,700)

The legislature requests that the state board reallocate additional money for the aviation mechanics programs from existing internal sources and from non-state sources.

Subd. 2. Teacher Retirement Plan Employers' Contribution

(793,000)

Subd. 3. State Council on Vocational Technical Education

50,000

Sec. 4. STATE BOARD FOR COMMUNITY COLLEGES TOTAL

(966,000)

Subdivision 1. General Reduction

(356,000)

Subd. 2. Teacher Retirement Plan Employers' Contribution

(610,000)

Sec. 5. STATE UNIVERSITY BOARD TOTAL

(1,729,300)

Subdivision 1. General Reduction

	1990	1991
	\$	\$
(657,300)		

Subd. 2. Teacher Retirement Plan Employers' Contribution

(1,072,000)

Subd. 3. Authorized Transfer

The appropriation in Laws 1987, chapter 400, section 19, subdivision 4, item (c), may be used to acquire land adjacent to, or in the vicinity of, Moorhead State University as needed to develop the campus, and may be used to construct parking spaces on the campus.

Sec. 6. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA TOTAL

(1,763,400)

Subdivision 1. General Reduction

(1,709,400)

Subd. 2. Teacher Retirement Plan Employers' Contribution

(554,000)

Subd. 3. Rural Physicians Associates Program

500,000

\$500,000 is to increase participation in the rural physicians associates program. The Minnesota Medical Association shall assist the university's effort by locating the preceptors for the program. The board of regents shall report, as part of their 1991 biennial budget request, on the feasibility of increasing the program to approximately 40 students per year, on the need to increase the subsidy per stu-

1990

1991

\$

\$

dent, and on the cost implications of these increases.

Sec. 7. POST-SECONDARY SYSTEMS

The public post-secondary governing boards, the department of finance, and the department of administration shall develop jointly a set of detailed criteria to assist the legislature in making decisions on child care facility requests. The boards and departments shall submit a joint report to the education divisions of the house appropriations and senate finance committees by March 1, 1991.

ARTICLE 2

Section 1. [LEGISLATIVE INTENT.]

During the biennium, to ensure fiscal responsibility and to protect current levels of academic quality and funding, the legislature intends that greater oversight be given to the development and establishment of off-campus post-secondary centers, permanent sites, and other large-scale or long-term operations that are intended to provide academic programs, courses, or student services.

Sec. 2. Minnesota Statutes 1989 Supplement, section 135A.06, subdivision 3, is amended to read:

Subd. 3. [SYSTEM PLANS.] Each system shall develop a program plan for instruction, research, and public service. Each system shall consult with the higher education coordinating board and with the other systems throughout the planning process. The higher education coordinating board shall coordinate intersystem efforts in the development of the program plans to achieve intersystem cooperation and differentiation.

Each planning report shall consider at least the following elements:

(1) a statement of program priorities for undergraduate, graduate, and professional education, including data about program cost and average class size within each institution;

(2) the effects of proposed programmatic and enrollment changes on other systems and campuses;

(3) a review of plans for adjusting the number of facilities, staff, and programs to projected level of demand, including consideration of campus and program mergers, campus and program closings, new governance structures, the relationship between fixed costs and projected enrollment changes, and consolidation of institutions, services, and programs that serve the same geographic area under different governing boards;

(4) a review of the current and projected use of community outreach and extension programs including information on all off-campus sites, including at least information for each site from the inventory established in section 9;

(5) enrollment projections for two, five, and ten years based on recent available projections produced by the higher education coordinating board or, if different projections are used, they shall be compared to those prepared by the higher education coordinating board, and the system shall identify the method and assumptions used to prepare its projections;

(6) estimated financial costs and savings of alternative plans for adjusting facilities, staff, and programs to changing enrollments and fiscal resources;

(7) opportunities for providing services cooperatively with other public and private institutions in the same geographic area; and

(8) differentiating and coordinating missions to reduce or eliminate duplication of services and offerings, to improve delivery of services, and to establish clear and distinct roles and priorities.

Sec. 3. Minnesota Statutes 1989 Supplement, section 135A.06, is amended by adding a subdivision to read:

Subd. 6. [SUBMISSION TO LEGISLATURE.] A public post-secondary governing board shall submit the information on off-campus sites required in subdivision 3, clause (4), to the legislature with its biennial budget request in odd-numbered years, and shall update the information with its supplemental budget request in the even-numbered years. The board shall provide detailed information on the use of state appropriated funds in support of each site, including information on the effects on campuses of funding off-campus sites.

Sec. 4. Minnesota Statutes 1989 Supplement, section 136.03, is amended by adding a subdivision to read:

Subd. 3. The state board and the state universities must not establish any off-campus centers or other permanent sites located off state university campuses to provide academic programs, courses, or student services without authorizing legislation. For the purposes of this subdivision, the campus of Metropolitan State University is the seven-county metropolitan area.

Sec. 5. Minnesota Statutes 1988, section 136.62, is amended by adding a subdivision to read:

Subd. 8. The state board and the community colleges must not establish any off-campus centers or other permanent sites located off community college campuses to provide academic programs, courses, or student services without authorizing legislation.

Sec. 6. Minnesota Statutes 1989 Supplement, section 136A.04, subdivision 1, is amended to read:

Subdivision 1. The higher education coordinating board shall:

(1) continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state;

(2) continuously engage in long-range planning for the needs of higher education and, if necessary, cooperatively engage in planning with neighboring states and agencies of the federal government;

(3) act as successor to any committee or commission previously authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(4) review, approve or disapprove, make recommendations, and identify priorities with respect to all proposals for new or additional programs or large-scale or permanent sites of instruction or substantial changes in existing programs or large-scale or permanent sites to be established in or offered by, the University of Minnesota, the state universities, the community colleges, technical institutes, and private collegiate and noncollegiate post-secondary institutions. The board shall forward its recommendations on sites to the house appropriations and senate finance committees. The board shall also periodically review existing programs and recommend discontinuing or modifying any existing program. When reviewing sites and new or existing programs, the board shall consider whether the program is unnecessary, a needless duplication of existing programs, beyond the capability of the system or institution considering its resources, or beyond the scope of the system or institutional mission;

(5) develop in cooperation with the post-secondary systems, house

appropriations committee, senate finance committee, and the departments of administration and finance, a compatible budgetary reporting format designed to provide data of a nature to facilitate systematic review of the budget submissions of the University of Minnesota, the state university system, the community college system, and the technical institutes, which includes the relating of dollars to program output;

(6) review budget requests, including plans for construction or acquisition of facilities of the University of Minnesota, the state universities, the community colleges, and technical institutes for the purpose of relating present resources and higher educational programs to the state's present and long-range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including the assessments as to the extent to which the expenditures and accomplishments are consistent with legislative intent;

(7) obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(8) continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts; and

(9) prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

Sec. 7. Minnesota Statutes 1988, section 136C.04, is amended by adding a subdivision to read:

Subd. 20. The state board and the technical colleges must not establish any off-campus centers or other permanent sites located off technical college campuses to provide academic programs, courses, or student services without authorizing legislation.

Sec. 8. [137.40] [OFF-CAMPUS SITES AND CENTERS.]

The board of regents and the university campuses are requested to not establish any off-campus centers or other permanent sites located off university campuses to provide academic programs, courses, or student services without authorizing legislation.

Sec. 9. [INVENTORY.]

Subdivision 1. [HECB.] By November 1, 1990, the higher educa-

tion coordinating board shall compile an inventory of all existing off-campus sites and centers for each post-secondary system and institution that includes at least the following information: total full year equivalent and head count enrollment, number of course offerings in each field of study, degrees available and number awarded, location and type of facilities, leasing or other arrangements and cost, and the amount and sources of funding.

Subd. 2. [HEAC.] The higher education advisory council shall work with the higher education coordinating board to determine categories of off-campus sites and criteria to use in placing sites within categories.

Subd. 3. [HECB.] The higher education coordinating board, and the post-secondary governing boards, shall review the categories and criteria and the information included in the inventory to determine whether these are sufficient for incorporating into system planning activities and enhanced program review activities. As part of its review, the HECB shall examine the courses and programs offered to determine the amount of duplication among the systems and the level of their cooperative efforts. The HECB shall report its findings and recommendations to the appropriations and finance committees by January 15, 1991.

Sec. 10. [CONDITIONS.]

(a) The state university board, the state board for community colleges, the state board of vocational technical education, and their respective campuses must not enter into new long-term lease arrangements, significantly increase the course offerings at off-campus sites, or significantly increase staffing levels for off-campus sites between the effective date of this section and the end of the 1990-1991 academic year. A current long-term lease may be renewed if it expires during this period. The board of regents is requested to abide by these conditions until the end of the 1990-1991 academic year.

(b) This section does not apply to actions of Metropolitan State University that are part of its plan to consolidate its sites in the seven-county metropolitan area. The state university board shall consult with the chairs of the house appropriations and senate finance committees in carrying out its plans.

Sec. 11. [EFFECTIVE DATES.]

Subdivision 1. Sections 1, 4, 5, and 7 to 10 are effective the day following final enactment.

Subd. 2. Section 6 is effective July 1, 1991.

ARTICLE 3

Section 1. [136A.135] [CITATION.]

Sections 136A.135 to 136A.1355 may be cited as the "education for new and continuing nurses act."

Sec. 2. [136A.1351] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] In sections 136A.135 to 136A.1355, the definitions in this section apply.

Subd. 2. "Advanced practice nurse" means a registered nurse who has graduated from a program of study designed to prepare the individual for advanced practice as a nurse practitioner, nurse midwife, clinical nurse specialist in psychiatric mental health, master's degree prepared public health nurse, or nurse anesthetist.

Subd. 3. A "designated rural area" means a Minnesota community outside a ten mile radius of a "Ranally" area which community (1) has more than 2,000 persons per physician, including seasonal variation; and (2) has requested assistance from the higher education coordinating board in finding a nurse for their community.

Subd. 4. A "Ranally area" means a central city or cities and any adjacent built-up areas, plus other communities not connected by continuously built-up areas if population density exceeds 60 persons per square mile and the work force of the communities significantly depends on the central city or cities.

Sec. 3. [136A.1352] [PRE-NURSING GRANTS.]

Subdivision 1. [ESTABLISHMENT.] The higher education coordinating board shall provide grants to students who are entering or enrolled in registered nurse or licensed practical nurse programs, who have no previous nursing training or education, and who agree to practice in a designated rural area.

Subd. 2. [ELIGIBILITY.] (a) To be eligible to receive a grant, a student must be:

(1) a resident of the state of Minnesota;

(2) enrolled in a Minnesota school or college or program of nursing to complete an educational program that would lead to the student's first licensure as a licensed practical nurse or as a registered nurse;

(3) willing to agree to serve at least three of the first five years following licensure in a designated rural area; and

(4) able to meet the financial need criteria established in section 136A.121 and board rules.

(b) The grant must be awarded for one academic year, but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent, but cannot continue after receipt of the nursing degree or certificate.

Subd. 3. [PRIORITY.] If insufficient funds are available to meet the needs of all eligible applicants, the board must give priority to applicants who reside in a designated rural area and applicants attending post-secondary institutions outside the seven-county metropolitan area.

Subd. 4. [DETERMINATION OF NEED; AMOUNT OF AWARD.] The determination of a student's need and the amount of a grant award must be based on the criteria established in section 136A.121 and related board rules.

Sec. 4. [136A.1353] [NURSING GRANT PROGRAM FOR LICENSED PRACTICAL NURSES.]

Subdivision 1. [ESTABLISHMENT.] A nursing grant program is established under the authority of the higher education coordinating board to provide grants to: (1) prospective nursing students to enter into an educational program that would lead to licensure as a licensed practical nurse; and (2) licensed practical nurses to enter into an educational program that would lead to licensure as a registered nurse.

Subd. 2. [ELIGIBILITY.] (a) To be eligible to receive a grant, a student must be:

(1) a resident of the state of Minnesota;

(2) enrolled in a Minnesota school or college of nursing to complete an educational program that would lead to licensure as a licensed practical nurse or be a licensed practical nurse enrolled in a Minnesota school or college of nursing to complete an educational program that would lead to licensure as a registered nurse; and

(3) eligible under any additional criteria established by the school, college, or program of nursing education in which the student is enrolled.

(b) The grant must be awarded for one academic year but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent.

Subd. 3. [RESPONSIBILITY OF NURSING PROGRAMS.] Each

nursing school, college, or program of nursing education that wishes to participate in the nursing grant program must apply to the higher education coordinating board for money, according to rules and policies established by the board. A nursing school, college, or program of nursing education must establish criteria to use in awarding the grants. The criteria must include consideration of the likelihood of a student's success in completing the nursing program and must give priority to: (1) students with the greatest financial need; and (2) students enrolling in educational programs leading to licensure as a licensed practical nurse. Grants must be for a minimum of \$500, but must not exceed \$2,500 per year. Each nursing school, college, or program of nursing education shall establish procedures for students to apply for and receive grants.

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall distribute funds each year to the nursing schools, colleges, or programs of nursing education applying to participate in the nursing grant program based on the last academic year's enrollment of students in educational programs that would lead to licensure as a licensed practical nurse. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested nursing schools, colleges, or programs of nursing education: Initial applications are due by January 1, 1991, and by January 1 of each later year. By March 1, 1991, and by March 1 of each later year, the board shall notify each applicant nursing school, college, or program of nursing education of its approximate allocation of funds in order to allow the program to determine the number of students that can be supported by the allocation. The board shall distribute funds to the nursing schools, colleges, or programs of nursing education by August 1, 1991, and by August 1 of each later year.

Subd. 5. [FUNDING.] The nursing grant program is funded as provided in the 1990 health and human services supplemental appropriations act.

Subd. 6. [REPORT.] The nursing schools, colleges, or programs of nursing education participating in the nursing grant program shall report to the higher education coordinating board on their program activity as requested by the board.

Subd. 7. [SUNSET.] This section is repealed on June 30, 1995.

Sec. 5. [136A.1354] [NURSING GRANT PROGRAM FOR REGISTERED NURSES.]

Subdivision 1. [ESTABLISHMENT.] The higher education coordinating board shall provide grants to registered nurses seeking to

complete baccalaureate or master's degrees in nursing or a program of advanced nursing education.

Subd. 2. [ELIGIBILITY.] To be eligible to receive a grant, a student must be:

(1) licensed as a registered nurse in Minnesota and have been employed as a nurse in the state for at least one year before re-enrolling in college;

(2) a resident of the state of Minnesota;

(3) enrolled in a Minnesota school or college of nursing to complete a baccalaureate or master's degree, or a program of advanced nursing education; and

(4) eligible under any additional criteria established by the school or college of nursing, or program of advanced nursing education, in which the student is enrolled.

The grant must be awarded for one academic year but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent.

Subd. 3. [RESPONSIBILITY OF NURSING PROGRAMS.] Each nursing school, college, or program of advanced nursing education that wishes to participate in the nursing grant program must apply to the higher education coordinating board for money, according to rules and policies established by the board. A nursing school, college, or program of advanced nursing education must establish criteria to use in awarding the grants. The criteria must include consideration of the likelihood of a student's success in completing the nursing program and must give priority to: (1) students with the greatest financial need; and (2) students enrolling to complete baccalaureate degrees. Grants must be for a minimum of \$500, but must not exceed \$2,500 per year. Each nursing school, college, or program of advanced nursing education shall establish procedures for students to apply for and receive grants.

Subd. 4. [RESPONSIBILITIES OF THE HIGHER EDUCATION COORDINATING BOARD.] The higher education coordinating board shall distribute funds each year to the nursing schools, colleges, or programs of advanced nursing education applying to participate in the nursing grant program based on the last academic year's enrollment of registered nurses in schools or colleges of nursing, or programs of advanced nursing education. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested nursing schools, colleges, or programs of advanced nursing educa-

tion. Initial applications are due by January 1, 1991, and by January 1 of each later year. By March 1, 1991, and by March 1 of each later year, the board shall notify each applicant nursing school, college, or program of advanced nursing education of its approximate allocation of money to allow the program to determine the number of students that can be supported by the allocation. The board shall distribute money to the nursing schools, colleges, or programs of advanced nursing education by August 1, 1991, and by March 1 of each later year.

Subd. 5. [FUNDING.] The nursing grant program is funded as provided in the health and human services 1990 supplemental appropriations act.

Subd. 6. [REPORT.] The nursing schools, colleges, or programs of advanced nursing education participating in the nursing grant program shall report to the higher education coordinating board on their program activity as requested by the board.

Subd. 7. [SUNSET.] This section is repealed on June 30, 1995.

Sec. 6. [136A.1355] [EDUCATION ACCOUNT FOR RURAL ADVANCED PRACTICE NURSES.]

Subdivision 1. [CREATION OF ACCOUNT; DEFINITION OF ADVANCED PRACTICE NURSE.] An education account for rural advanced practice nurses is established. Money from the account must be used by the higher education coordinating board to establish a loan forgiveness program for advanced practice nurses who agree to practice in designated rural areas.

Subd. 2. [ELIGIBILITY.] To be eligible to participate in the program, a registered nurse planning to enroll in a program of study designed to prepare the individual to become an advanced practice nurse shall submit a letter of interest to the higher education coordinating board before enrolling in the program of advanced practice. Before completing the first year of advanced study a registered nurse shall sign a contract to agree to serve at least one of the first two years following completion of the program of advanced study in a designated rural area, as defined in section 2.

Subd. 3. [LOAN FORGIVENESS.] The loan forgiveness program may accept up to ten applicants per year. Applicants are responsible for securing their own loans. For each year of advanced study, for up to two years, applicants chosen to participate in the loan forgiveness program may designate an agreed amount, not to exceed \$5,000, as a qualified loan. For each year that a participant serves as an advanced practice nurse in a designated rural area, up to a maximum of two years, the higher education coordinating board shall annually pay an amount equal to one year of qualified loans and the interest accrued on these loans. Participants who move from one

designated rural area to another, but continue to work as an advanced practice nurse, remain eligible for loan repayment.

Subd. 4. [PENALTY FOR NONFULFILLMENT.] If a participant does not fulfill the required one year minimum commitment of service in a designated rural area, the higher education coordinating board shall collect from the participant 100 percent of the qualified loans and interest paid, plus a penalty of 50 percent of the qualified loans and interest paid. The higher education coordinating board shall deposit the money collected in the education fund for rural advanced practice nurses. The board shall allow waivers of all or part of the money owed the board if emergency circumstances prevented fulfillment of the one year service commitment.

Sec. 7. [136A.136] [RURAL PHYSICIAN EDUCATION ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] A rural physician education account is established. Money from the fund must be used by the higher education coordinating board to establish a loan forgiveness program for medical students agreeing to practice in designated rural areas.

Subd. 2. [DEFINITIONS.] (a) In this section, the definitions in this subdivision apply.

(b) A "designated rural area" means any Minnesota community outside a ten-mile radius of a "Ranally" area which: (1) has more than 2,000 persons per physician, including seasonal variation; and (2) has requested assistance from the higher education coordinating board in finding a physician for their community.

(c) A "Ranally area" means a central city or cities and any adjacent built-up areas, plus other communities not connected by continuously built-up areas if population density exceeds 60 persons per square mile and the work force of the community or communities significantly depends on the central city or cities.

Subd. 3. [ELIGIBILITY.] To be eligible to participate in the program, a prospective physician shall submit a letter of interest to the higher education coordinating board while attending medical school. Before completing the first year of residency a student or resident shall sign a contract to agree to serve at least three of the first five years following residency in a designated rural area, as defined in this section.

Subd. 4. [LOAN FORGIVENESS.] The loan forgiveness program may accept up to ten applicants per year. Applicants are responsible for securing their own loans. For each year of medical school, for up to five years, applicants chosen to participate in the loan forgiveness

program may designate an agreed amount, not to exceed \$10,000, as a qualified loan. For each year that a participant serves as a physician in a designated rural area, up to a maximum of five years, the higher education coordinating board shall annually pay an amount equal to one year of qualified loans and the interest accrued on these loans. Participants who move their practice from one designated rural area to another remain eligible for loan repayment.

Subd. 5. [PENALTY FOR NONFULFILLMENT.] If a participant does not fulfill the required three year minimum commitment of service in a designated rural area, the higher education coordinating board shall collect from the participant 100 percent of the qualified loans and interest paid, plus a penalty of 50 percent of the qualified loans and interest paid. The higher education coordinating board shall deposit the money collected in the rural physician education fund. The board shall allow waivers of all or part of the money owed the board if emergency circumstances prevented fulfillment of the three-year service commitment.

Sec. 8. [HECB EVALUATION.]

The higher education coordinating board shall evaluate the programs established in sections 1 to 7. The initial evaluation shall examine the progress in establishing the programs and shall be reported to the education divisions of the house appropriations and senate finance committees by February 1, 1991. Beginning in 1992, the HECB shall report to the divisions each February 1 on the operation of each program, including whether the program is achieving its goals, and the board shall make recommendations regarding whether the program shall be terminated or changed.

Sec. 9. [RULES.]

The higher education coordinating board shall develop rules, including emergency rules if necessary, to implement the programs in sections 1 to 7.

ARTICLE 4

Section 1. [299A.41] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions used in this section apply in this chapter.

Subd. 2. [DEPENDENT CHILD.] A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

(1) under 18 years of age;

(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

(3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

Subd. 3. [KILLED IN THE LINE OF DUTY.] "Killed in the line of duty" does not include deaths from natural causes.

Subd. 4. [PUBLIC SAFETY OFFICER.] "Public safety officer" includes:

(1) a peace officer defined in section 626.84;

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;

(3) a firefighter employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in the hazards of firefighting;

(4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

(5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;

(6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

(7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and

(8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

Subd. 5. [SPOUSE.] "Spouse" means a person legally married to the decedent at the time of the decedent's death.

Sec. 2. [299A.42] [PUBLIC SAFETY OFFICERS BENEFIT ACCOUNT.]

The public safety officers benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account.

Sec. 3. [299A.43] [ELIGIBILITY DETERMINATION; CONTESTED CASE.]

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

Sec. 4. [299A.44] [DEATH BENEFIT.]

On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officers benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officers benefit fund.

Sec. 5. [299A.45] [EDUCATION BENEFIT.]

Subdivision 1. [ELIGIBILITY.] Following certification under section 4 and compliance with this section and rules of the commissioner of public safety and the higher education coordinating board, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990,

at a Minnesota public post-secondary institution or a private, residential, two-year or four-year, liberal arts, degree granting college or university located in Minnesota. Persons who have received a baccalaureate degree are no longer eligible.

Subd. 2. [AWARD AMOUNT.] (a) The amount of the award is:

(1) for public institutions, the actual tuition and fees charged by the institution, or

(2) for private institutions the lesser of (i) the actual tuition and fees charged by the institution or (ii) the highest tuition and fees charged by a public institution in Minnesota.

(b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

Subd. 3. [PAYMENT.] On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the higher education coordinating board. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

Subd. 4. [RENEWALS.] Each award must be given for one academic year and is renewable for a maximum of six semesters or nine quarters or their equivalent. An award must not be given after the recipient has obtained a baccalaureate degree or has been enrolled full-time or the equivalent for eight semesters or 12 quarters, whichever occurs first. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

Sec. 6. [299A.46] [RULES.]

The commissioner of public safety may adopt rules, including emergency rules, under chapter 14 to implement, coordinate, and administer sections 1 to 4. The higher education coordinating board may adopt rules, including emergency rules, to implement, coordinate, and administer section 5.

Sec. 7. [REPORTS.]

By February 1, 1991, the commissioner of public safety shall report to the house appropriations and senate finance committees on the use of the educational benefits provisions and on any recommendations to change these provisions. The higher education coordinating board shall report on its expenditures as part of its 1991 biennial budget request.

Sec. 8. [REPEALER.]

Minnesota Statutes 1988, sections 176B.01, as amended by Laws 1989, chapter 289, section 2; 176B.02; 176B.03; 176B.04; and 176B.05, are repealed.

Sec. 9. [MONEY SET ASIDE.]

The higher education coordinating board shall set aside \$100,000 appropriated for the state grant program under Minnesota Statutes, section 136A.121 for the purpose of section 5.

Sec. 10. [EFFECTIVE DATES.]

Sections 1 to 4, 6, and 8 are effective the day following final enactment. Section 5 is effective July 1, 1990, and applies to all eligible surviving dependents and spouses of public safety officers killed in the line of duty on or after January 1, 1973.

ARTICLE 5

Section 1. [136A.0411] [COLLECTING FEES.]

The higher education coordinating board may charge fees for seminars, conferences, workshops, services, and materials. The money is annually appropriated to the board. As part of its biennial budget request, the board shall report the fees it has collected, the sources of the fees, and the manner in which the fees were spent.

Sec. 2. Minnesota Statutes 1989 Supplement, section 136A.08, is amended to read:

136A.08 [RECIPROCAL AGREEMENTS RELATING TO NON-RESIDENT TUITION WITH OTHER STATES OR PROVINCES.]

Subdivision 1. [AUTHORIZATION.] The Minnesota higher education coordinating board may enter into agreements, on subjects that include remission of nonresident tuition for designated categories of students at public post-secondary institutions, with appropriate state or provincial agencies and public post-secondary institutions in other states or provinces. The agreements shall be for the purpose of the mutual improvement of educational advantages for residents of this state and other states or provinces with whom agreements are made.

Subd. 1a. [WISCONSIN.] A higher education reciprocity agreement with the state of Wisconsin may include provision for the transfer of funds between Minnesota and Wisconsin provided that an income tax reciprocity agreement between Minnesota and Wisconsin is in effect for the period of time included under the higher education reciprocity agreement. If this provision is included, the

amount of funds to be transferred shall be determined according to a formula which is mutually acceptable to the board and a duly designated agency representing Wisconsin. The formula shall recognize differences in tuition rates between the two states and the number of students attending institutions in each state under the agreement. Any payments to Minnesota by Wisconsin shall be deposited by the board in the general fund of the state treasury. The amount required for the payments shall be certified by the executive director of the higher education coordinating board to the commissioner of finance annually.

Subd. 2. [NORTH DAKOTA; SOUTH DAKOTA.] A reciprocity agreement with North Dakota may include provision for the transfer of funds between Minnesota and North Dakota. If provision for transfer of funds between the two states is included, the amount of funds to be transferred shall be determined according to a formula which is mutually acceptable to the board and a duly designated agency representing North Dakota. In adopting a formula, the board shall consider tuition rates in the two states and the number of students attending institutions in each state under the agreement. Any payment to Minnesota by North Dakota shall be deposited by the board in the general fund. The amount required for the payments shall be certified by the executive director of the higher education coordinating board to the commissioner of finance annually. All provisions in this subdivision pertaining to North Dakota shall also be applied to South Dakota, and all authority and conditions granted for higher education reciprocity with North Dakota are also granted for higher education reciprocity with South Dakota.

Subd. 3. [FINANCIAL AID.] The board may enter into an agreement, with a state or province with which it has negotiated a reciprocity agreement for tuition, to permit students ~~from both states~~ to receive student aid awards from the student's state or province of residence for attending an eligible institution in the other state or province.

Subd. 4. [GOVERNING BOARD APPROVAL.] An agreement made by the board under this section is not valid as to a particular institution without the approval of that institution's state or provincial governing board.

Sec. 3. Minnesota Statutes 1988, section 136C.08, subdivision 2, is amended to read:

Subd. 2. Any fee established by the board pursuant to under the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle must be approved by the state board. Parking fees collected shall be deposited in the general or repair and betterment fund of the school district or joint school district.

Sec. 4. Minnesota Statutes 1988, section 137.022, subdivision 1, is amended to read:

Subdivision 1. [INVESTMENT.] The investment management of the permanent university fund shall be under the jurisdiction of the board of regents of the University of Minnesota, subject to any limitations imposed by the Constitution of the state of Minnesota, article XI, section 9. All securities and cash held in the state treasury credited to the permanent university fund that are unappropriated or unencumbered are transferred and appropriated to the board of regents of the University of Minnesota solely for the purpose of investment by them; ~~with the restriction that all such investment transactions be handled through the supervision of investment counselors, bank trust departments, or insurance companies which are organized, licensed, or have registered offices within the state of Minnesota or have agreed in writing to conduct such securities transactions and investment counseling under Minnesota law and the rules established by the department of commerce. These.~~ The investments shall be are restricted to those authorized as eligible for use in the Minnesota postretirement investment fund, section 11A.18, with the exception that corporate debt securities may be used to the extent of 80 percent of the portfolio the state board of investment may invest in under section 11A.24.

Sec. 5. Minnesota Statutes 1988, section 137.022, subdivision 3, is amended to read:

Subd. 3. [ENDOWED CHAIRS.] (a) The income from the permanent university fund must be used, and realized and unrealized capital gains of the fund may be used, to help endow provide endowment support for professorial chairs in academic disciplines. This income The endowment support for the chairs from the income and the capital gains must not total more than six percent per year of the 36-month trailing average market value of the fund, as computed quarterly or otherwise as directed by the regents. The endowment support from the income and the capital gains must not provide more than half the sum of the endowments endowment support for all chairs endowed, with nonstate sources providing the remainder. The endowment support from the income and the capital gains may provide more than half the endowment support of an individual chair.

(b) If any portion of the annual appropriation that in subdivision 2 of the income is not used for this the purpose specified in paragraph (a), that portion lapses and must be added to the principal of the permanent university fund.

Sec. 6. Laws 1989, chapter 293, section 2, subdivision 2, is amended to read:

Subd. 2. Agency Administration

\$3,900,000 \$2,972,000

(a) The optometry and osteopathy contract program for students who were in the program in the 1986-1987 academic year must be discontinued on June 30, 1990. No new students may be admitted.

(b) As part of its 1991 biennial budget request, the HECB shall report its recommendations for improvements to the SELF program.

(c) Notwithstanding Laws 1987, chapter 401, section 33, the task force on post-secondary quality assessment may continue for the 1989-1991 biennium. The task force membership may be expanded to include public members appointed by the higher education advisory council from nominees submitted by the HECB.

(d) No further funding of the enterprise development centers shall be provided through the HECB. The Greater Minnesota Corporation may provide funding for the centers.

(e) \$150,000 for the biennium is for matching grants to post-secondary institutions that submit acceptable proposals for campus community service projects emphasizing students performing as tutors or mentors to their younger peers. Campus community service projects attempt to instill in students the value of civic involvement and the belief that each student's community service can make a difference in the community. The HECB may award up to 20 grants. To receive a grant, a recipient must match the grant amount from any resources available to the institution. The state grant is for a staff person on each recipient's campus to coordinate student community service involvement. Up to \$25,000 of the appropriation may be used for HECB

administration, coordination, training, consultation, and evaluation costs. The legislature intends the grant program to be phased out at the end of the biennium to be replaced by 100 percent funding by the recipient institutions from any resources available to the institution.

(f) The HECB shall undertake the second phase of the study of post-secondary needs in the state, as provided in Laws 1988, chapter 703, article 1, section 2, subdivision 3. This phase must concentrate on those parts of the state outside the St. Cloud to Rochester population corridor. The HECB may contract for portions of the study, as necessary, but is not subject to Minnesota Statutes, chapter 16B. Before proceeding with the request for proposals, the HECB shall consult with the post-secondary systems, institutions, and other relevant agencies to locate studies and market analyses that could be used in conducting phase 2. The study must focus on (1) an assessment of the current and future conditions and needs; (2) strategies to meet these needs; (3) costs associated with the strategies; and (4) effects of the strategies on existing institutions, state policies, quality of education, improvement of intersystem cooperation, reduction of duplication, and system and institutional missions.

The study should include consideration of at least the following concerns: the current and projected demographic and participation trends; current levels and types of services available; and needs of traditional and nontraditional students; the geographical accessibility of services needed by different types of students; uses of alternative delivery systems, instructional technology, cooperative efforts, and reciprocity agreements; relationships between post-secondary institutions and business; and the physical capacity of existing

institutions. The study shall analyze attendance patterns and may include market surveys. The HECB shall report the findings of the study to the education and finance committees of the senate and the education and appropriations committees of the house by December 1, 1990. By January 1, 1991, the HECB shall review and comment on each of the strategies proposed in the study. In submitting the findings of phase 2, the board shall relate them to the results of phase 1 and their implications for statewide policy.

The study shall serve as the 1990 inter-system plan as required in Minnesota Statutes, section 135A.06, subdivision 2.

(g) The HECB shall analyze and make recommendations on plans submitted for providing undergraduate and practitioner-oriented graduate programs in the seven-county metropolitan area. By February 1, 1990, the HECB shall report on its recommendations to the education and finance committees of the senate and the education and appropriations committees of the house.

Sec. 7. Laws 1989, chapter 293, section 2, subdivision 3, is amended to read:

Subd. 3. State Scholarships and Grants
\$69,044,000 \$82,644,000

If the appropriation in this subdivision for either year is insufficient, the appropriation for the other year is available for it.

During the biennium, the higher education coordinating board may ask the commissioner of finance to loan general fund money to the scholarship and grant account to ease cash flow difficulties. The higher education coordinating board must first certify to the commissioner that there will be adequate refunds to the account to repay the loan.

The commissioner shall use the re-funds to make repayment to the general fund of the full amount loaned. Money necessary to meet cash flow difficulties in the state scholarship and grant program is appropriated to the commissioner of finance for loans to the higher education coordinating board.

This appropriation contains money for increasing living allowances for state scholarships and grants to \$3,170 for the first year and \$3,465 for the second year.

\$2,000,000 each year is for child care grants. For the biennium, the board may determine a reasonable percentage of the appropriation to be used for the administrative costs of the agency and the campuses.

The HECB shall report to the education divisions of the house appropriations and senate finance committees on the academic progress and persistence of state scholarship and grant program recipients by February 1, 1990.

The HECB shall examine and make recommendations on the use of post-secondary scholarships and other mechanisms to provide incentives to students to pursue International Baccalaureate degrees. In making its recommendations, the HECB shall include an analysis of the cost of a scholarship program and whether these scholarships would be an appropriate use of state funds.

The HECB may use up to \$250,000 of the appropriation in each year to provide grants for Minnesota resident students participating in the Akita program. Grants must be awarded on the same basis as other state grants, except that the cost of attendance shall be adjusted to incorporate the state university tuition level and the travel, room and board, books, and fees asso-

ciated with the Akita fee level program. An individual grant must not exceed the state grant maximum award for a student at a four-year private college. The HECB and the state university board shall report on these grants in the 1991 biennial budget document.

By February 15, 1990, the HECB shall report to the education divisions of the senate finance and the house appropriations committees on implementation of procedures to recover overpayment of state scholarship and grant awards. The report shall cover overpayments for the 1988-1989 academic year and shall include at least the following information for each case for which recovery of an overpayment is sought:

- (1) the reason for the overpayment;
- (2) the manner in which the overpayment was discovered;
- (3) the amount of the overpayment;
- (4) the recovery plan proposed by the HECB;
- (5) whether the case was brought to court and, if so,
 - (a) why the case was brought to court,
 - (b) the cost to the HECB of bringing the case to court, and
 - (c) whether the HECB recovered costs and attorney fees; and
- (6) the disposition, including the amount of the overpayment recovered and the amount of time elapsed from the time the overpayment was discovered to the time a repayment agreement was reached.

The report shall not include any information identifying the students involved.

Sec. 8. [LEASE AGREEMENT.]

The state university board may enter into a lease agreement for use of Lourdes Hall, located on the campus of the former college of St. Teresa in Winona, to establish and operate a residential college program. The agreement must include an option to purchase. Notwithstanding Minnesota Statutes, section 16B.24, subdivision 6, the lease agreement may be for the number of years necessary, but not more than 20 years, for the operation of the program. Before entering into the agreement, the board shall consult with the chairs of the senate finance and house appropriations committees. The agreement is not valid unless it includes a clause reserving the exclusive right of the state to terminate by nonappropriation.

Sec. 9. [CONSUMER INFORMATION SYSTEM.]

The public post-secondary state governing boards, and private post-secondary colleges and occupational and technical institutions that enroll recipients of state grants, shall develop a consumer information system for occupational programs. The system must be based on student placement and must include all subbaccalaureate occupational programs and all programs that lead to an occupation requiring certification, licensure, or testing for entry. The first phase of the system must include all subbaccalaureate occupational programs. The higher education coordinating board must coordinate the development of the system and must report on it to the education divisions of the house appropriations and the senate finance committees by February 15, 1991.

Sec. 10. [SYSTEM PLANNING.]

Subdivision 1. [HECB.] As part of its role in coordinating the continuing work on MSPAN 1 and to reduce duplication and improve the efficient delivery of quality services to students, the higher education coordinating board shall examine the current status of system governance and mission differentiation. It further shall examine whether courses and programs are offered currently in the appropriate system. The board shall recommend any change it deems necessary or advisable in governance, mission differentiation, and program location. The board shall consult with the post-secondary systems in its examination. It shall report its findings and recommendations as part of its reporting process in subdivision 2.

Subd. 2. [ALL SYSTEMS.] Notwithstanding Minnesota Statutes, section 135A.06, in place of system plans, the public post-secondary systems shall submit plans for providing undergraduate and prac-

titioner-oriented graduate programs in the seven-county metropolitan area to the higher education coordinating board.

As one part of the planning process, each public post-secondary governing board shall review its current mission statement. Each board shall determine whether the statement accurately reflects its mission and the role of its system in the mission differentiation efforts, and recommend any changes its statement requires. The boards shall submit their mission statements and recommendations to the higher education coordinating board with their metropolitan area plans by December 1, 1990.

The higher education coordinating board shall review and comment on the plans and mission statements and report to the legislature and governor by February 15, 1991.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 and 4 to 10 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; appropriating money or reducing appropriations to the higher education coordinating board, regents of the University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; expressing intent for greater oversight of off-campus post-secondary centers; clarifying the duties and powers of the higher education coordinating board; providing for financial aid for nurses and certain rural health personnel and dependents of certain public safety officers; authorizing rules; changing permitted kinds of investments for the permanent university fund; permitting capital gains of the fund to be used to support endowed academic chairs; authorizing the lease of a certain building by the state university board; requiring development of a consumer information system for occupational programs; adjusting contributions to certain state system retirement plans; requiring plans and reports; amending Minnesota Statutes 1988, sections 136.62, by adding a subdivision; 136C.04, by adding a subdivision; 136C.08, subdivision 2; and 137.022, subdivisions 1 and 3; Minnesota Statutes 1989 Supplement, sections 135A.06, subdivision 3, and by adding a subdivision; 136.03, by adding a subdivision; 136A.04, subdivision 1; and 136A.08; Laws 1989, chapter 293, section 2, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; and 299A; repealing Minnesota Statutes 1988, sections 176B.01, as amended; 176B.02; 176B.03; 176B.04; and 176B.05."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 2666, A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.04, subdivisions 2 and 4a; 10A.20, subdivision 3; 10A.24; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 204D.03, subdivision 1; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

Reported the same back with the following amendments:

Page 1, after line 39, insert:

"Section 1. Minnesota Statutes 1988, section 10A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a state ethical practices campaign reporting board composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment, or by

adjournment sine die, whichever occurs first, the appointment shall terminate on the day following the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. One member shall be a former member of the legislature from a major political party different from that of the governor; one member shall be a former member of the legislature from the same political party as the governor; two members shall be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members shall not support the same political party. No more than three of the members of the board shall support the same political party."

Page 2, after line 8, insert:

"Sec. 3. Minnesota Statutes 1988, section 10A.04; subdivision 4, is amended to read:

Subd. 4. The report shall include such information as the board may require from the registration form and the following information for the reporting period:

(a) The lobbyist's total disbursements on lobbying, listing lobbying to influence legislative action separately from lobbying to influence administrative action, and a breakdown of those disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses;

(b) The amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$50 or more, given or paid to any public official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and

(c) Each original source of funds in excess of \$500 in any year used for the purpose of lobbying to influence legislative action and each such source of funds used to influence administrative actions. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 4. Minnesota Statutes 1988, section 10A.05, is amended to read:

10A.05 [LOBBYIST REPORT.]

Within 30 days after each lobbyist filing date set by section 10A.04, the executive director of the board shall report to the governor, and the presiding officer of each house of the legislature, the names of the lobbyists registered who were not previously reported, the names of the persons or associations whom they represent as lobbyists and the subject or subjects on which they are lobbying, and whether in each case they lobby to influence legislative or administrative action or both."

Page 11, after line 18, insert:

"Sec. 20. [REVISOR'S INSTRUCTION.]

In the 1990 and subsequent editions of Minnesota Statutes the revisor of statutes shall change the term "ethical practices board" wherever it appears to "campaign reporting board."

Page 27, delete section 12

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 23, after the semicolon insert "10A.02, subdivision 1;"

Page 1, line 24, after "2" insert ", 4," and before "10A.20" insert "10A.05;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2200, 2269 and 2666 were read for the second time.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1846:

Wagenius, Kelly, Vellenga, Blatz and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1857:

Lieder, Steensma and Carlson, D.

MOTIONS AND RESOLUTIONS

Hasskamp moved that the name of Wenzel be added as an author on H. F. No. 1831. The motion prevailed.

McLaughlin moved that the name of Clark be added as an author on H. F. No. 2329. The motion prevailed.

Pugh moved that the name of Carruthers be added as an author on H. F. No. 2365. The motion prevailed.

Reding moved that the name of Lynch be added as an author on H. F. No. 2458. The motion prevailed.

Simoneau moved that the name of Clark be added as an author on H. F. No. 2596. The motion prevailed.

Hasskamp moved that the name of Battaglia be stricken and the name of Wenzel be added as an author on H. F. No. 2801. The motion prevailed.

Simoneau moved that H. F. No. 2520, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Battaglia moved that H. F. No. 84 be returned to its author. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, March 28, 1990. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, March 28, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives