

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1990

NINETIETH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 17, 1990

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

Prayer was offered by Monsignor Patrick J. Hessian, Director of Resource Development, Archdiocese of Minneapolis and St. Paul, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Dempsey and Gutknecht were excused.

Wagenius was excused until 2:50 p.m. Himle was excused until 3:30 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 1674, 1731, 2160, 2395, 1779, 2490, 1996, 2037, 2126, 2177, 2609, 2178, 1950, 2055, 2248, 576, 1473, 2223 and 2375 have been placed in the members' files.

S. F. No. 2248 and H. F. No. 2024, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Olson, K., moved that S. F. No. 2248 be substituted for H. F. No. 2024 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2160 and H. F. No. 2383, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson, K., moved that the rules be so far suspended that S. F. No. 2160 be substituted for H. F. No. 2383 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2055 and H. F. No. 2446, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 2055 be substituted for H. F. No. 2446 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2037 and H. F. No. 2061, which had been referred to the

Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bauerly moved that the rules be so far suspended that S. F. No. 2037 be substituted for H. F. No. 2061 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1950 and H. F. No. 2283, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jefferson moved that the rules be so far suspended that S. F. No. 1950 be substituted for H. F. No. 2283 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1674 and H. F. No. 1808, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson, C., moved that the rules be so far suspended that S. F. No. 1674 be substituted for H. F. No. 1808 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1473 and H. F. No. 1617, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kahn moved that the rules be so far suspended that S. F. No. 1473 be substituted for H. F. No. 1617 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 576 and H. F. No. 274, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jefferson moved that S. F. No. 576 be substituted for H. F. No. 274 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2375 and H. F. No. 2616, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Begich moved that the rules be so far suspended that S. F. No. 2375 be substituted for H. F. No. 2616 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2395 and H. F. No. 2541, 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. 2395 be substituted for H. F. No. 2541 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2490 and H. F. No. 2615, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Begich moved that the rules be so far suspended that S. F. No. 2490 be substituted for H. F. No. 2615 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2609 and H. F. No. 2786, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Janezich moved that the rules be so far suspended that S. F. No. 2609 be substituted for H. F. No. 2786 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1779 and H. F. No. 2060, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bauerly moved that the rules be so far suspended that S. F. No. 1779 be substituted for H. F. No. 2060 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2177 and H. F. No. 2420, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rest moved that the rules be so far suspended that S. F. No. 2177 be substituted for H. F. No. 2420 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2126 and H. F. No. 1948, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Price moved that the rules be so far suspended that S. F. No. 2126 be substituted for H. F. No. 1948 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 GOVERNOR
SAINT PAUL 55155

April 12, 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 Files:

H. F. No. 2645, relating to insurance; regulating domestic insurers; providing for domestications and conversions to foreign insurers.

H. F. No. 2350, relating to natural resources; authorizing the commissioner to designate agents to sell state park permits; clarifying requirements for financial assurance to be provided by mining operators.

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>
2360		423	10:45-April 12	April 12
	2645	424	10:47-April 12	April 12
1727		425	10:48-April 12	April 12
2072		426	10:49-April 12	April 12
	2350	427	10:52-April 12	April 12
1971		428	10:54-April 12	April 12
1848		429	10:55-April 12	April 12
1927		430	10:57-April 12	April 12
2119		431	10:59-April 12	April 12
2046		436	11:00-April 12	April 12
2079		437	10:51-April 12	April 12
2412		450	10:50-April 12	April 12

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1996, A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; authorizing additional county fees on in-county disposal of out-of-county solid waste; adding procedures and requirements for cities to meet when they organize solid waste collection; changing requirement for certain financial responsibility rules; requiring a municipal debt limit reservation; changing incinerator monitor requirements; requiring a supplementary incinerator ash report; delaying the date for incinerator ash to be considered special waste; providing waste management training and certification programs; authorizing counties to charge property owners, lessees, and occupants for solid waste management services; authorizing metropolitan counties to charge reasonable rates for solid waste facilities; restricting the authority of certain local governments to prevent establishment, operation, or expansion of solid waste disposal facilities; providing buffer areas around landfill operations; extending the solid waste ash project report; authorizing sanitary districts to use the greater Minnesota landfill cleanup fee; specifying use of the

greater Minnesota landfill fee; providing a landfill compliance and financial assurance study; authorizing Winona county to give political subdivisions the authority to accept responsibility for managing their solid waste; amending provisions for forgiving a grant to Winona county; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the requirement that government agencies use degradable polyethylene bags; requiring certain yard waste composting facilities; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivisions 4 and 5; 116.07, subdivision 4h; 325E.045, subdivision 1; 400.08, subdivisions 1 and 3; 473.811, subdivision 3, and by adding a subdivision; 473.823, subdivision 5, and by adding a subdivision; 473.833, by adding a subdivision; 473.845, subdivision 4; 473.846; 475.53, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115A.919; 115B.04, subdivision 4; 116.41, subdivision 2; 116.85; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1987, First Special Session chapter 5, section 1; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, sections 72, subdivision 2; 75; and 79; and chapter 335, article 1, section 269; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2 to 5; 115A.924; 115A.925; 115A.927; 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1988, section 16B.61, subdivision 3a, is amended to read:

Subd. 3a. [RECYCLING SPACE.] The code must require suitable

space for the separation, collection, and temporary storage of recyclable materials within or adjacent to new or significantly remodeled structures that contain 1,000 square feet or more. Residential structures with less than ~~12~~ four dwelling units are exempt from this subdivision.

Sec. 2. Minnesota Statutes 1988, section 115A.06, subdivision 2, is amended to read:

Subd. 2. [RULES.] Unless otherwise provided, the ~~board director~~ shall promulgate rules in accordance with chapter 15 to govern its activities and implement sections ~~115A.01 to 115A.72~~ chapter 115A.

Sec. 3. Minnesota Statutes 1989 Supplement, section 115A.14, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The commission shall oversee the activities of the ~~board director and agency~~ under this chapter relating to solid and hazardous waste management, the activities of the agency under sections 116.16 to 116.181 relating to water pollution control, and the activities of the metropolitan council relating to metropolitan waste management under sections 473.801 to 473.848, and direct such changes or additions in the work plan of the ~~board director and agency~~ as it deems fit.

(b) The commission shall make recommendations to the standing legislative committees on finance and appropriations for appropriations from:

(1) the environmental response, compensation, and compliance account in the environmental fund under section 115B.20, subdivision 5;

(2) the metropolitan landfill abatement account under section 473.844; and

(3) the metropolitan landfill contingency action trust fund under section 473.845.

(c) The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Sec. 4. [115A.31] [LOCAL GOVERNMENT DECISIONS; TIME-LINES.]

When a county applies for or requests approval of establishment of a solid waste facility within the boundaries of a local government unit, the local government unit shall make a final decision on the application or request within 120 days following the delivery by the county to the local government unit of the application or request completed in accordance with the requirements of applicable local ordinances. When the proposed facility is one for which an environmental impact statement or environmental assessment worksheet is required under section 116D.04, the local government unit shall make a final decision on the application or request within 90 days after the final determination of adequacy of the environmental impact statement or environmental assessment worksheet.

Sec. 5. Minnesota Statutes 1988, section 115A.411, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; PURPOSE.] ~~The board and director with assistance from the agency, shall jointly prepare and adopt a report on solid waste management policy excluding the metropolitan area. The report must be adopted by November 15 of each even-numbered year beginning in 1988. The report must be submitted by the board and the agency jointly director to the legislative commission on waste management by November 15 of each even-numbered year.~~

Sec. 6. Minnesota Statutes 1988, section 115A.46, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) Plans shall address the state policies and purposes expressed in section 115A.02 and may not be inconsistent with state law.

(b) Plans for the location, establishment, operation, maintenance, and postclosure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116.

(c) Plans shall address:

(1) the resolution of conflicting, duplicative, or overlapping local management efforts. Plans shall address;

(2) the establishment of joint powers management programs or waste management districts where appropriate. Plans shall address; and

(3) other matters as the rules of the board office of waste management may require consistent with the purposes of sections 115A.42 to 115A.46.

(d) Political subdivisions preparing plans under sections 115A.42 to 115A.46 shall consult with persons presently providing solid waste collection, processing, and disposal services.

(e) Plans shall must be approved by submitted to the board director, or the metropolitan council pursuant to section 473.803, for approval. When a county board is ready to have a final plan approved, the county board shall submit a resolution requesting review and approval by the director or the metropolitan council. After receiving the resolution, the director or the metropolitan council must notify the county within 45 days whether the plan as submitted is complete and, if not complete, the specific items that need to be submitted to make the plan as submitted complete. By 90 days after a complete plan has been submitted, the director or the metropolitan council must approve or disapprove the plan. If the plan is disapproved, reasons for the disapproval must be provided.

(f) After initial approval, each plan shall be updated and submitted for approval every five years and. The plan shall be revised as necessary for further approval so that it is not inconsistent with state law.

Sec. 7. Minnesota Statutes 1988, section 115A.46, is amended by adding a subdivision to read:

Subd. 5. [JURISDICTION OF PLAN.] (a) After a county plan has been submitted for approval under subdivision 1, another political subdivision within the county may not enter into a binding agreement governing a solid waste management activity that is inconsistent with the county plan without the consent of the county.

(b) After a county plan has been approved under subdivision 1, the plan governs all solid waste management in the county and another political subdivision within the county may not develop or implement a solid waste management activity, other than an activity to reduce waste generation or reuse waste materials, that is inconsistent with the county plan that the county is actively implementing without the consent of the county.

Sec. 8. [115A.47] [GRANT PRIORITY FOR DISTRICT AND COOPERATIVE AGREEMENTS.]

In making grants and awarding other financial assistance for solid waste management projects under chapters 115A and 473, the director and the metropolitan council may give priority to proposals submitted by waste management districts and counties acting cooperatively through joint agreement.

Sec. 9. Minnesota Statutes 1988, section 115A.49, is amended to read:

115A.49 [ESTABLISHMENT; PURPOSES AND PRIORITIES.]

There is established a program to encourage and assist cities, counties, solid waste management districts, and sanitary districts in the development and implementation of solid waste management projects and to transfer the knowledge and experience gained from such projects to other communities in the state. The program must be administered to encourage local communities to develop feasible and prudent alternatives to disposal, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program must be administered by the ~~board~~ director in accordance with the requirements of sections 115A.49 to 115A.54 and rules promulgated by the ~~board~~ director pursuant to chapter 14. In administering the program, the ~~board~~ director shall give priority to projects in the order of preference of the waste management practices listed in section 115A.02, areas where natural geologic and soil conditions are especially unsuitable for land disposal of solid waste; and areas where the capacity of existing solid waste disposal facilities is determined by the ~~board~~ director to be less than five years; and projects serving more than one local government unit.

Sec. 10. Minnesota Statutes 1988, section 115A.53, is amended to read:

115A.53 [WASTE ~~REDUCTION~~ AND SEPARATION PROJECTS.]

The ~~board~~ director shall provide grants to develop and implement projects for ~~waste reduction~~; waste separation by generators, collectors, and other persons; and collection systems for separated waste. Activities eligible for assistance under this section include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the development and implementation of the project. Preliminary planning and development, feasibility study, and conceptual design costs are eligible activities, but no more than 20 percent of program funds shall be used to fund those activities. Projects may include the management of household hazardous waste, as defined in section 115A.96. The director shall give priority to innovative methods for waste separation for reuse or recycling. The rules of the ~~board~~ director shall prescribe by rule the level or levels of local funding required for grants under this section.

Sec. 11. Minnesota Statutes 1988, section 115A.64, subdivision 2, is amended to read:

Subd. 2. [PETITION CONTENTS.] (a) A petition requesting establishment or alteration of a waste district shall contain the information the ~~board~~ director may require, including at least the following:

(a) (1) the name of the proposed district;

(b) (2) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;

(c) (3) resolutions of support for the district, as proposed to the board, from the governing body of each of the petitioning counties;

(d) (4) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in sections 115A.62 to 115A.72; and

(e) (5) articles of incorporation stating:

(i) the powers of the district consistent with sections 115A.62 to 115A.72, including a statement of powers proposed pursuant to sections 115A.70 and, 115A.71, and section 13; and

(ii) provisions for representation and election of the board of directors of the district.

(b) After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the board.

Sec. 12. Minnesota Statutes 1988, section 115A.67, is amended to read:

115A.67 [ORGANIZATION OF DISTRICT.]

The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district, except that in the case of a district having territory within only two counties each county may appoint three persons. At least one person appointed by each county shall be an elected official of a local government unit having territory within the district. The first chair of the board of directors shall be appointed from outside the first board of directors by the chair of the waste management board. The first chair shall serve for a term of two years. Thereafter the chair shall be elected from outside the board of directors by majority vote of the board of directors. The first chair shall serve for a term of two years. Members of the board of directors shall be residents of the district. The first meeting of the board of directors shall be held at the call of the chair, after notice, for the purpose of proposing the bylaws, electing officers and for any other business that comes before the meeting. The bylaws of the

district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The bylaws shall state:

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;

(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;

(f) the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3; and

(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.

Sec. 13. [115A.715] [SOLID WASTE AUTHORITY.]

A district has all the authority of a county for solid waste management purposes that is given to counties under this chapter, chapter 400, and chapter 473, except the authority to issue general obligation bonds or to levy property taxes. A district has the authority of a county to issue general obligation bonds and to levy property taxes only if and only to the extent that the governing body of each county that is a member of the district agrees to delegate the authority to the district. The delegation of the authority is irrevocable unless the governing body of each county that is a member of the district agrees to the revocation.

Sec. 14. Minnesota Statutes 1989 Supplement, section 115A.84, subdivision 2, is amended to read:

Subd. 2. [DESIGNATION; PLAN CONTENTS.] (a) The designation plan must evaluate:

(1) the benefits of the designation, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans

and policies, and the furtherance of the state policies and purposes expressed in section 115A.02; and

(2) the estimated costs of the designation, including the direct capital, operating, and maintenance costs of the facility designated, the indirect costs, and the long-term effects of the designation.

(b) In particular the designation plan must evaluate:

(1) whether the designation will result in the recovery of resources or energy from materials which would otherwise be wasted;

(2) whether the designation will lessen the demand for and use of indiscriminate land disposal;

(3) whether the designation is necessary for the financial support of the facility;

(4) whether less restrictive methods for ensuring an adequate solid waste supply are available;

(5) other feasible and prudent waste management alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators; and

(6) whether the designation takes into account and promotes local, regional, and state waste management goals.

(c) When the plan proposes designation to disposal facilities, the designation plan must also evaluate:

(1) whether the disposal facility is part of an integrated waste management system involving a processing facility and the designation is necessary for the financial support of the processing facility;

(2) whether the designation will better serve to protect public health and safety;

(3) the impacts on other disposal facilities inside and outside the area;

(4) whether the designation is necessary to promote regional waste management programs and cooperation; and

(5) the extent to which the design and operation of the disposal facility protects the environment including whether it is permitted

under current agency rules and whether any portion of the facility's site is listed under section 115B.17, subdivision 13.

(d) When the plan proposes designation to a disposal facility, mixed municipal solid waste that is subject to a contract between a hauler and a different facility that is in effect on the date notice is given under section 115A.85, subdivision 2, is not subject to the designation during the contract period or for one year after the date notice is given, whichever period is shorter.

Sec. 15. Minnesota Statutes 1989 Supplement, section 115A.86, subdivision 5, is amended to read:

Subd. 5. [AMENDMENTS.] (a) Except as provided in section 16, amendments to a designation ordinance must be submitted to the reviewing authority for approval. The reviewing authority shall approve the amendment if the amendment is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02. If the reviewing authority finds that the proposed amendment is a substantive change from the existing designation plan, the reviewing authority may require that the county or solid waste management district submit a revised designation plan to the reviewing authority for approval. After receiving approval for the designation plan amendment from the reviewing authority, the county or district shall follow the procedure outlined in section 115A.85 prior to submitting the amended designation ordinance to the reviewing authority for approval. If the reviewing authority does not act within 90 days after receiving the proposed amendment to the designation ordinance, the amendment is approved.

(b) Except as provided in section 16, prior to amending an ordinance to designate solid waste to a disposal facility, a county or district shall submit an amended designation plan to the reviewing authority for approval, and shall follow the procedures outlined in section 115A.85.

Sec. 16. Minnesota Statutes 1988, section 115A.86, is amended by adding a subdivision to read:

Subd. 6. [PENALTIES.] (a) A county may include in its designation ordinance civil and criminal penalties for violation of the ordinance. A civil penalty adopted by the county may not exceed a fine of \$10,000 per day of violation plus the cost of mitigating any damages caused by the violation and the attorney fees and court costs incurred by the county to enforce the ordinance.

(b) Subdivision 5 does not govern a designation ordinance amendment adopted under this subdivision.

Sec. 17. Minnesota Statutes 1989 Supplement, section 115A.919, is amended to read:

115A.919 [COUNTY FEE AUTHORITY.]

Subdivision 1. [FEE.] A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste or construction debris located within the county, except a facility permitted solely for disposal of an industrial waste generated by the owner of the facility, or ash resulting from the combustion of solid waste. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. When the county makes expenditures of funds generated by the fee, it shall prioritize the expenditures based on the types of facilities from which the fees were generated.

Any fee imposed under this section must be the same for all facilities within the county that accept the same type of waste.

Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

A facility permitted for the disposal of construction debris is exempt from 50 percent of a fee imposed under this section if the facility has implemented a recycling program that has been approved by the county.

Subd. 2. [ADDITIONAL FEE.] A county may impose a fee, by cubic yard or the equivalent of waste collected outside the county, in addition to a fee imposed under subdivision 1, on operators of mixed municipal solid waste disposal facilities located within the county. Revenue generated from the additional fee shall be credited to the county general fund and shall be used only for the purposes listed in subdivision 1, except it shall not be used for landfill abatement purposes.

Sec. 18. Minnesota Statutes 1989 Supplement, section 115A.921, is amended to read:

115A.921 [CITY OR TOWN FEE AUTHORITY.]

(a) A city or town may impose a fee, not to exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste or construction debris, or facilities that are exempt from the payment of property taxes for the processing of refuse derived fuel or the direct incineration of solid waste located within the city or town, except a facility permitted solely for disposal of an industrial waste generated by the owner of the facility. The revenue from the fees must be credited to the city or town general fund. Revenue produced by 25 cents of the fee must be used only for purposes of new landfill abatement programs or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. Revenue produced by the balance of the fee may be used for any general fund purpose.

(b) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town.

Sec. 19. Minnesota Statutes 1988, section 115A.94, subdivision 3, is amended to read:

Subd. 3. [GENERAL PROVISIONS.] (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit may shall invite and employ the assistance of interested persons, including persons operating solid waste collection services, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a munic-

ipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Sec. 20. Minnesota Statutes 1988, section 115A.94, subdivision 4, is amended to read:

Subd. 4. [CITIES AND TOWNS; NOTICE; PLANNING.] (a) At least ~~90~~ 180 days before ~~proposing~~ implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During the a 90-day period following the resolution of intent, and before proposing a method of organizing collection, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days from the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, it may then propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

(1) describe in detail the procedures it used to plan and to attempt

implementation of organized collection through an arrangement with collectors who expressed interest; and

(2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision making process; and maximizing efficiency in solid waste collection.

~~(d)~~ (f) Upon request, the city or town shall provide mailed notice of subsequent all proceedings on the organization of collection in the city or town.

Sec. 21. Minnesota Statutes 1988, section 115A.97, subdivision 5, is amended to read:

Subd. 5. [PLANS; BOARD REPORT.] A county solid waste plan, or revision of a plan, that includes incineration of mixed municipal solid waste must clearly state how the county plans to meet the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The ~~board~~ director, in cooperation with the agency, the counties, and the metropolitan council, may develop guidelines for counties to use to identify ways to meet the goals in subdivision 1.

The ~~board~~ director, in cooperation with the agency, the counties, and the metropolitan council, shall develop and propose statewide goals and timetables for the reduction of the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse derived fuel and for the reduction of the toxicity of the incinerator ash. By January 1, 1990, the ~~board~~ director shall report to the legislative commission on waste management on the proposal goals and timetables with recommendations for their implementation and, by November 15, 1991, shall submit to the legislative commission on waste management a supplementary report that, at a minimum, assesses the nature of the incinerator ash produced in the state and progress made in removal of problem materials and noncombustibles from the waste stream.

Sec. 22. Minnesota Statutes 1989 Supplement, section 115B.04, subdivision 4, is amended to read:

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] (a) The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1, except when the political subdivision is liable under this section as the owner or operator of a disposal facility as defined in section 115A.03, subdivision 10.

(b) When a political subdivision is liable as an owner or operator of a disposal facility, the liability of each political subdivision is limited to \$400,000 at each facility unless the facility was owned or operated under a valid joint powers agreement by three or more political subdivisions, in which case the aggregate liability of all political subdivisions that are parties to the joint powers agreement is limited to \$1,200,000.

(c) The limits on the liability of a political subdivision for ownership or operation of a disposal facility apply to the costs of remedial response action incurred between the date a request for response action is issued by the agency and the date one year after the construction certificate of completion is approved by the commissioner, excluding the costs incurred during of negotiation of a consent order agreement.

(d) When a political subdivision takes remedial response action as the owner or operator of a disposal facility between the dates in paragraph (c), it may receive, after approval by the agency, reimbursement of any amount spent pursuant to an approved work plan that exceeds the applicable liability limit specified in this subdivision.

Sec. 23. Minnesota Statutes 1988, section 116.36, subdivision 1, is amended to read:

Subdivision 1. For the purposes of ~~this section and section 116.37~~ sections 116.36 to 116.38, the following terms shall have the meanings given.

Sec. 24. [116.38] [PCB BURNING.]

Subdivision 1. [STATE POLICY.] The legislature finds that risks to human health must be adequately evaluated before a facility may burn wastes containing 50 parts per million (ppm) or greater polychlorinated biphenyls (PCBs). The legislature also finds that if there is a risk to human health, all human health must be treated with equal concern, and facilities that cause risks to human health must not be allowed to operate in sparsely populated areas if they would not be allowed to operate in heavily populated areas.

Subd. 2. [ENVIRONMENTAL IMPACT STATEMENT REQUIRED.] A state agency may not allow burning of wastes containing 50 ppm or greater PCBs by permit or otherwise unless an environmental impact statement is completed. This section does not apply to experimental burning of small quantities of waste containing 50 ppm or greater PCBs.

Sec. 25. Minnesota Statutes 1989 Supplement, section 116.41, subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall ~~may~~ develop standards of competence for persons operating and inspecting various classes of disposal waste management facilities. The agency shall conduct training programs for persons operating waste management facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs. All fees received shall be paid into the state treasury and credited to the pollution control agency training account and are appropriated to the agency to pay expenses relating to the training of disposal waste management facility personnel.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.

Sec. 26. Minnesota Statutes 1989 Supplement, section 116C.69, subdivision 3, is amended to read:

Subd. 3. [FUNDING; ASSESSMENT.] The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site and route designation, from an assessment made quarterly, at least 30 days before the start of each quarter, by the board against all utilities with annual retail kilowatt-hour sales greater than 4,000,000 kilowatt-hours in the previous calendar year.

Until June 30, 1992, the assessment shall also include an amount sufficient to cover 60 percent of the costs to the pollution control agency of achieving, maintaining, and monitoring compliance with the acid deposition control standard adopted under sections 116.42 to 116.45, reprinting informational booklets on acid rain, and costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. The director of the pollution control agency must prepare a work plan and budget and submit them annually by June 30 to the pollution control agency board. The agency board must take public testimony on the budget and work plan. After the agency board approves the work plan and budget they must be submitted annually to the legislative water commission on waste management for review and recommendation before an assessment is levied. Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail

kilowatt-hour sales in the state of all these utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.333, as determined by the board. The assessment shall be credited to the special revenue fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the sum of the annual budget of the board for carrying out the purposes of this subdivision plus 60 percent of the annual budget of the pollution control agency for achieving, maintaining, and monitoring compliance with the acid deposition control standard adopted under sections 116.42 to 116.45, for reprinting informational booklets on acid rain, and for costs for additional research on the impacts of acid deposition on sensitive areas published under section 116.44, subdivision 1. The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the board and the pollution control agency for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Sec. 27. Minnesota Statutes 1988, section 325E.045, subdivision 1, is amended to read:

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

(a) "Degradable" means capable of being decomposed by natural biological processes, including exposure to ultraviolet rays of the sun, within five years after the date of disposal.

(b) "Person" means an individual, partnership, corporation, sole proprietorship, association, or other for-profit or nonprofit organization, including the state and its political subdivisions.

(c) "Polyethylene disposal bag" means a bag made of polyethylene that is used or intended to be used for disposal of mixed municipal solid waste as defined in section 115A.03.

(d) "Polyethylene beverage ring" means a device made of polyethylene that is used or intended to be used to hold beverage bottles or other beverage containers together.

(e) "Public agency" means the state, an office, agency, or institution of the state, a county, a statutory or home rule charter city, a town, a school district, or another special taxing district.

Sec. 28. Minnesota Statutes 1988, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties or for disposal at a facility and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 29. Minnesota Statutes 1988, section 473.823, subdivision 5, is amended to read:

Subd. 5. [REVIEW OF WASTE PROCESSING FACILITIES.] (a) A metropolitan county may establish a waste processing facility within the county without complying with local ordinances, if the action is approved by the council in accordance with the review process established by this subdivision. A county requesting review by the council shall show that:

(1) the required permits for the proposed facility have been or will be issued by the agency; ~~that;~~

(2) the facility is consistent with the council's policy plan and the approved county master plan; and ~~that~~

(3) a local government unit has refused to approve the establishment or operation of the facility, has failed to deny or approve establishment or operation of the facility within the time period required in section 4, or has approved the application or request with conditions that are unreasonable or impossible for the county to meet.

(b) The council shall meet to commence the review within 90 days of the submission of a request determined by the council to satisfy the requirements for review under this subdivision. At the meeting commencing the review the chair shall recommend and the council establish a scope and procedure, including criteria, for its review and final decision on the proposed facility. The procedure shall require

the council to make a final decision on the proposed facility within 120 days following the commencement of review. For facilities other than waste incineration and mixed municipal solid waste composting facilities, the council shall meet to commence the review within 45 days of submission of the request and shall make a final decision within 75 days following commencement of review.

(c) The council shall conduct at least one public hearing in the city or town within which the proposed facility would be located. Notice of the hearing shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing. The notice shall describe the proposed facility, its location, the proposed permits, and the council's scope and procedure, and criteria for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure, and criteria for review are available for review and where copies may be obtained.

(d) In its review and final decision on the proposed facility, the council shall consider at least the following matters:

(a) (1) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

(b) (2) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) (3) the adverse effects of the facility on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site;

(d) (4) the need for the proposed facility and the availability of alternative sites;

(e) (5) the consistency of the proposed facility with the county master plan adopted pursuant to section 473.803 and the council's policy plan adopted pursuant to section 473.149;

(f) (6) transportation facilities and distance to points of waste generation.

(e) In its final decision in the review, the council may either approve or disapprove the proposed facility at the proposed site. The council's approval shall embody all terms, conditions, and requirements of the permitting state agencies, provided that the council

may require more stringent permit terms, conditions, and requirements respecting the design, construction, operation, inspection, monitoring, and maintenance of the proposed facility at the proposed site.

Sec. 30. Minnesota Statutes 1988, section 473.833, is amended by adding a subdivision to read:

Subd. 2c. [BUFFER AREA.] The buffer area must ensure, at a minimum, protection of surrounding land uses from adverse or incompatible impacts due to landfill operations and related activities. Related activities that the buffer area must protect against include but are not limited to stockpiling of materials, soil modification operations, and landfill borrow operations.

Sec. 31. Minnesota Statutes 1988, section 473.845, subdivision 4, is amended to read:

Subd. 4. [COMMISSION RECOMMENDATION.] The commissioner shall notify the chair and the director of the legislative commission on waste management prior to making expenditures from the fund. The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations about appropriations from the fund.

Sec. 32. Minnesota Statutes 1988, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

By November 1, 1986, and each year thereafter, of each year, the commissioner of health, the commissioner of the agency and the chair of the metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement and contingency action funds has been spent during the previous fiscal year. The council may incorporate its report in the report required by section 473.149. In its 1988 report, the council shall make recommendations to the legislature on the future management and use of the metropolitan landfill abatement fund.

Sec. 33. Laws 1989, chapter 325, section 79, is amended to read:

Sec. 79. [EFFECTIVE DATE; APPLICATION.]

Section 6 is effective January 1, 1990.

Sections 20 and 22 to 25 are effective August 1, 1989.

Section 21 is effective January 1, 1990, except that, with respect to nonhazardous solid waste from metal casting facilities, section 21 is effective January 1, 1991.

Section 8 is effective August 1, 1990.

Section 28 is effective June 30, 1989.

Sections 29 and 50 are effective the day following final enactment and apply to all response actions initiated or pending on or after that date.

Section 31 is effective the day following final enactment and section 31, paragraph (1), applies to expenditures resulting from emergencies that occur after January 1, 1988.

Sections 51 to 66 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and are effective August, 1989; except sections 60 to 63 are effective January 1, 1990; and section 59 is effective the day following final enactment.

Section 69 is effective the day following final enactment.

Sec. 34. Laws 1989, chapter 335, article 1, section 23, subdivision 4, is amended to read:

Subd. 4. Groundwater and Solid Waste Pollution Control.

\$7,813,000 \$8,313,000

Summary by Fund

General	\$2,553,000	\$3,053,000
Environmental Response	\$2,890,000	\$2,890,000
Metro Landfill Abatement	\$1,700,000	\$1,700,000
Metro Landfill Contingency	\$ 670,000	\$ 670,000

All money in the environmental response, compensation, and compliance fund not otherwise appropriated, is appropriated to the pollution control agency for the purposes described in the environmental response and liability act, Minnesota Statutes, section 115B.20, subdivision 2, paragraphs (a), (b), (c), and (d). This appropriation is available until June 30, 1991.

All money in the metropolitan landfill abatement fund not otherwise appro-

riated is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the purposes of Minnesota Statutes, section 473.844. The council may not spend the money until the legislative commission on waste management has made its recommendations on the budget and work program submitted by the council.

\$1,000,000 the first year and \$1,500,000 the second year are appropriated from the general fund for transfer to the environmental response, compensation, and compliance fund.

Any unencumbered balance from the metropolitan landfill contingency fund remaining in fiscal year 1990 does not cancel but is available for fiscal year 1991.

Sec. 35. Laws 1988, chapter 685, section 42, is amended to read:

Sec. 42. Laws 1980, chapter 564, article XII, section 1, subdivision 3, as amended by Laws 1983, chapter 299, section 31, and chapter 301, section 222, is amended to read:

Subd. 3. WASTE MANAGEMENT BOARD.

15,718,000

This appropriation is available for the following purposes:

(a) General Operations and Management. Approved Complement - 14. These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be canceled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be established pursuant to section 115A.081, subdivision 1.

(b) Evaluation, Development, and Acquisition of Sites and Buffer Areas for

Hazardous Waste Stabilization and Containment

Facilities

6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3 Minnesota Statutes, section 115A.06, subdivision 4, including payment of the costs of staff and independent professional services needed for the selection and acquisition of sites.

(c) Waste Processing Facility
Demonstration Program

8,800,000

This appropriation is from the state waste management fund, to be spent pursuant to article VI, sections 4 and 6. Up to 5 percent is available for administration and technical and professional services.

Sec. 36. [BUILDING CODE; AMENDMENT.]

The commissioner of administration shall amend the state building code to incorporate the requirements of section 1 no later than January 1, 1991.

Sec. 37. [USE OF THE GREATER MINNESOTA LANDFILL CLEANUP FEE UNTIL JULY 1, 1991.]

The operator of a facility shall pay the fee required under section 115A.923, subdivision 1, to the county or sanitary district where the facility is located until July 1, 1991.

By October 1, 1990, each county or sanitary district that collects the required fee shall pay three percent out of the revenue generated by the fee during the first quarter of collection to the department of revenue for deposit in the general fund of the state.

The remainder of the fees received by the county or sanitary district may not be spent but must be held in trust by the county or sanitary district until July 1, 1991, after which date the county or sanitary district may spend the funds generated by the fee for the purposes specified in section 115A.919.

Sec. 38. [STUDY; FINANCIAL ASSURANCE ASSISTANCE MECHANISM.]

The legislative commission on waste management, in coordination with counties, organizations of counties, state agencies, and other interested parties, shall develop and evaluate a possible mechanism or mechanisms to assist public and private landfill owners and operators to comply with the contingency action requirements of the financial assurance rules adopted under Minnesota Statutes, section 116.07, subdivision 4h. The assistance mechanisms identified may include use of the fees collected under section 37.

Development and evaluation of possible assistance mechanisms must include at least:

- (1) how each mechanism should be structured;
- (2) what facilities and costs should be assisted by each mechanism;
- (3) how each mechanism should be funded and administered;
- (4) how each mechanism should be coordinated with the environmental response and liability act, Minnesota Statutes, chapter 115B; and
- (5) how and to what extent each mechanism would assist owners and operators of landfills to comply with the financial assurance rules.

The commission shall report its findings and make any applicable recommendations for legislative action by December 31, 1990.

Sec. 39. [REPEALER.]

Minnesota Statutes 1988, sections 115A.09, subdivision 5; and 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5, are repealed.

Sec. 40. [APPROPRIATION.]

\$ is appropriated from the general fund to the legislative commission on waste management for the purposes of conducting the study required in section 38.

Sec. 41. [COMPLEMENT.]

The complement of the pollution control agency is increased by two full-time permanent positions to assist in administering Minnesota Statutes, section 115B.17, subdivision 14.

Sec. 42. [EFFECTIVE DATES.]

Sections 2, 4, 6, 9, 14 to 16, 22 to 29, 33 to 36, 38, and 39, are effective the day following final enactment. Section 7 is effective the day following final enactment and applies to only those activities, circumstances, or disputes that are undertaken or arise after that date. Section 7 does not apply to activities, circumstances, or disputes that have been undertaken or have arisen prior to its effective date. Section 37 is effective July 1, 1990.

ARTICLE 2

Section 1. Minnesota Statutes 1988, section 115A.03, subdivision 23, is amended to read:

Subd. 23. "Person" has the meaning given it in section 116.06, but does not include the board office or director.

Sec. 2. Minnesota Statutes 1988, section 115A.06, subdivision 5, is amended to read:

Subd. 5. [RIGHT OF ACCESS.] Whenever the board or the chair acting on behalf of the board director deems it necessary to the accomplishment of its the purposes of the office, the board director or any member, employee, or agent thereof of the office, when authorized by it or the chair director, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity. The board director may pay a reasonable estimate of the damages it believes will be caused by the entrance and activity before entering any property.

Sec. 3. Minnesota Statutes 1988, section 115A.06, subdivision 5a, is amended to read:

Subd. 5a. [ACQUISITION OF EASEMENTS.] If the board director determines that any activity deemed necessary to accomplish its the purposes under of subdivision 5 constitutes a substantial interference with the possession, enjoyment, or value of the property where the activity will take place, the board director may acquire a temporary easement interest in the property that permits the board director to carry out the activity and other activities incidental to the accomplishment of the same purposes. The board director may acquire temporary easement interests under this subdivision by purchase, gift, or condemnation. The right of the board director to acquire a temporary easement is subject to the same requirements and may be exercised with the same authority as provided for

acquisition of property interests by the commissioner of administration under subdivision 4.

Sec. 4. Minnesota Statutes 1988, section 115A.06, subdivision 6, is amended to read:

Subd. 6. [GIFTS AND GRANTS.] ~~The board director, or the chair or commissioner of administration on behalf of the board director,~~ may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of ~~the board the office,~~ may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Sec. 5. Minnesota Statutes 1988, section 115A.06, subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] ~~The board or the chair acting on behalf of the board director~~ may enter into any contract necessary or proper for the exercise of ~~its~~ the powers or the accomplishment of ~~its~~ the purposes of the office.

Sec. 6. Minnesota Statutes 1988, section 115A.06, subdivision 10, is amended to read:

Subd. 10. [RESEARCH.] ~~The board or the chair acting on behalf of the board director~~ may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and order all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of ~~its~~ the powers, duties, and objectives of the office.

Sec. 7. Minnesota Statutes 1988, section 115A.06, subdivision 11, is amended to read:

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] ~~The board through its chair director~~ may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out ~~its~~ the functions of the office.

Sec. 8. Minnesota Statutes 1988, section 115A.06, subdivision 12, is amended to read:

Subd. 12. [INSURANCE.] ~~The board through its chair director~~ may require any employee to obtain and file ~~with it~~ an individual bond or fidelity insurance policy. ~~It~~ The director may procure insurance in amounts ~~it~~ the director deems necessary to insure against liability of the ~~board~~ director, office, and employees ~~or both,~~

for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 9. Minnesota Statutes 1988, section 115A.06, subdivision 13, is amended to read:

Subd. 13. [PRIVATE AND NONPUBLIC DATA.] Any data held by the board which director that consists of trade secret information as defined by section 13.37, subdivision 1, clause (b), or sales information, shall be is classified as private or nonpublic data as defined in section 13.02, subdivisions 9 and 12. When data is classified private or nonpublic pursuant to this subdivision the board director may:

(a) Use the data to compile and publish analyses or summaries and to carry out its the director's statutory responsibilities in a manner which does not identify the subject of the data; or

(b) Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation.

The subject of data classified as private or nonpublic pursuant to this subdivision may authorize the disclosure of some or all of that data by the board director.

Sec. 10. Minnesota Statutes 1988, section 115A.07, subdivision 1, is amended to read:

Subdivision 1. [INTERAGENCY COORDINATION.] The chair of the board director shall inform the commissioner of trade and economic development of the board's director's activities, solicit the advice and recommendations of the agency, and coordinate its the work of the office with the regulatory and enforcement activities of the agency.

Sec. 11. Minnesota Statutes 1988, section 115A.07, subdivision 2, is amended to read:

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the board through its chair director shall prepare and submit to the legislative commission a report of the board's office's operations and activities pursuant to sections 115A.01 to 115A.72 and any recommendations for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 12. Minnesota Statutes Second 1989 Supplement, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. [WASTE EDUCATION COALITION.] (a) The office director shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, state planning agency, environmental quality board, environmental education board, educational institutions, other public agencies with responsibility for waste management or public education, and three other persons who represent private industry and who have knowledge of or expertise in recycling and solid waste management issues. The objectives of the program are to: develop increased public awareness of and interest in environmentally sound waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

(b) The office director shall appoint an advisory task force, to be called the waste education coalition, of up to 18 members to advise the office director in carrying out its the director's responsibilities under this section and whose membership represents the agencies and entities listed in this subdivision.

Sec. 13. Minnesota Statutes Second 1989 Supplement, section 115A.072, subdivision 4, is amended to read:

Subd. 4. [EDUCATION, PROMOTION, AND PROCUREMENT.] The office director shall include waste reduction as an element of its the program of public education on waste management required under this section. The waste reduction education program must include dissemination of information and may include an award program for model waste reduction efforts. Waste reduction educational efforts must also include provision of information about and promotion of the model procurement program developed by the commissioner of administration under section 115A.15, subdivision 7, or any other model procurement program that results in significant waste reduction.

Sec. 14. Minnesota Statutes 1988, section 115A.075, is amended to read:

115A.075 [LEGISLATIVE POLICY AGAINST DISPOSAL OF HAZARDOUS WASTE.]

The legislature finds that hazardous waste must be managed in a manner that protects the health, safety, and welfare of the citizens of the state and protects and conserves the state's natural resources and environment; that reduction of the amount of waste generated and processing, treatment, separation, and resource recovery are the preferred methods to manage hazardous waste; and that disposal of

hazardous waste should be used only as a last resort when all other management methods are ineffective, and then only if an environmentally suitable site can be identified in the state.

The board director, in its planning, facility approval, and other activities related to hazardous waste shall give first priority to eliminating the generation of hazardous waste and eliminating or reducing the hazardous character of the waste generated in the state through processing, treatment, separation, and resource recovery.

Sec. 15. Minnesota Statutes 1988, section 115A.10, is amended to read:

115A.10 [DUTIES OF THE BOARD DIRECTOR; HAZARDOUS WASTE FACILITIES; ENCOURAGEMENT OF PRIVATE ENTERPRISE.]

The board and the chair on behalf of the board director shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of sections ~~115A.01 to 115A.72~~ this chapter and the board's hazardous waste management plan adopted pursuant to section 115A.11. ~~In preparing the reports under section 115A.08 and the inventory of processing facility sites under section 115A.09,~~ In adopting the management plan, and in its actions and decisions under sections 115A.18 to 115A.30 and 115A.32 to 115A.39, the board and the chair on behalf of the board director shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state. The board director shall promulgate rules for accepting and evaluating applications for permits for the construction and operation of facilities at sites preferred by the board pursuant to section 115A.09. The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants.

Sec. 16. Minnesota Statutes 1988, section 115A.11, subdivision 1a, is amended to read:

Subd. 1a. [POLICY.] In developing and implementing the plan, the director shall place highest priority of the board must be placed upon alternatives to land disposal of hazardous wastes including: technologies to modify industrial processes or introduce new processes that will reduce or eliminate hazardous waste generation; recycling, reuse, and recovery methods to reduce or eliminate hazardous waste disposal; and conversion and treatment technologies to reduce the degree of environmental risk from hazardous waste. The board director shall also consider technologies for retrievable storage of hazardous wastes for later recycling, reuse, recovery, conversion, or treatment.

Sec. 17. Minnesota Statutes 1989 Supplement, section 115A.14, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The commission shall oversee the activities of the board office under this chapter relating to solid and hazardous waste management, the activities of the agency under sections 116.16 to 116.181 relating to water pollution control, and the activities of the metropolitan council relating to metropolitan waste management under sections 473.801 to 473.848, and direct such changes or additions in the work plan of the board director and agency as it deems fit.

(b) The commission shall make recommendations to the standing legislative committees on finance and appropriations for appropriations from:

(1) the environmental response, compensation, and compliance account in the environmental fund under section 115B.20, subdivision 5;

(2) the metropolitan landfill abatement account under section 473.844; and

(3) the metropolitan landfill contingency action trust fund under section 473.845.

(c) The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Sec. 18. Minnesota Statutes 1988, section 115A.158, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE; EVALUATION; REPORT.] In requesting proposals, the board director shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in the state and improved industrial waste management in the state, including the availability of sites listed on the board's inventory of preferred areas for hazardous waste processing facilities, the authority of the board director to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the board director on hazardous or industrial waste generation and management in the state.

The board director shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

The board director shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.

Sec. 19. Minnesota Statutes 1988, section 115A.191, subdivision 1, is amended to read:

Subdivision 1. [~~BOARD DIRECTOR TO SEEK CONTRACTS.~~] The ~~waste management board director~~ and any eligible county board may enter a contract as provided in this section expressing their voluntary and mutually satisfactory agreement concerning the location and development of a stabilization and containment facility. The ~~chair director~~ shall negotiate and enter into contracts with eligible counties and shall present drafts of the negotiated contracts to the board for its approval. The ~~chair director~~ shall actively solicit, encourage, and assist counties, together with developers, landowners, the local business community, and other interested parties, in developing resolutions of interest. The county shall provide affected political subdivisions and other interested persons with an opportunity to suggest contract terms.

Sec. 20. Minnesota Statutes 1988, section 115A.191, subdivision 2, is amended to read:

Subd. 2. [~~RESOLUTION OF INTEREST IN NEGOTIATING; ELIGIBILITY.~~] A county is eligible to negotiate a contract under this section if the county board files with the ~~waste management board director~~ and the ~~board director~~ accepts a resolution adopted by the county board that expresses the county board's interest in negotiations and its willingness to accept the preliminary evaluation of one or more study areas in the county for consideration as a location of a stabilization and containment facility. The county board resolution expressing interest in negotiations must provide for county cooperation with the board director, as necessary to facilitate the evaluation of study areas in the county, and for the appointment of a member of the county board or an officer or employee of the county as official liaison with the board director with respect to the matters provided in the resolution and future negotiations with the board. A county board by resolution may withdraw a resolution of interest, and the ~~waste management board director~~ may withdraw its acceptance of such a resolution, at any time before the parties execute a contract under this section. A county that is eligible to

negotiate a contract shall receive the benefits as provided in section 477A.012.

Sec. 21. Minnesota Statutes 1988, section 115A.192, subdivision 1, is amended to read:

Subdivision 1. [REQUEST FOR PROPOSALS.] The ~~chair~~ director shall issue requests for proposals for the development and operation of a stabilization and containment facility. The request must be designed to obtain detailed information about the qualifications of a respondent to develop and operate the facility; the capital and operating costs of the facility and the sources and methods by which the respondent plans to finance the facility; the technical specifications of the proposed facility and the technologies to be employed for processing, stabilization, containment, and monitoring; the requirements of the site for the proposed facility; the schedule for developing and commencing operation of the facility; and other matters ~~which that the chair director deems necessary for the board to~~ evaluate and select a developer and operator for the facility. Before issuing the requests, the ~~chair~~ director shall prepare a draft of clauses (a) to (e) of the report required by section 115A.193. The draft must accompany the requests for proposals.

Sec. 22. Minnesota Statutes 1988, section 115A.192, subdivision 2, is amended to read:

Subd. 2. [SELECTION OF DEVELOPER; PROCEDURE.] After evaluating responses to the request for proposals and before selecting a site as provided in section 115A.194, the ~~board~~ director shall decide whether to select a developer for a stabilization and containment facility. If the ~~board~~ director selects a developer ~~at the director~~ shall proceed as provided in section 115A.194 to select a site for the development of a facility. If the ~~board~~ director decides not to select a developer, the ~~board~~ director shall proceed as provided in section 115A.194 to select and acquire a site for potential future development of a facility.

Sec. 23. Minnesota Statutes 1988, section 115A.193, is amended to read:

115A.193 [REPORT ON FACILITY DEVELOPMENT.]

The ~~chair~~ director shall prepare a report concerning the development of a stabilization and containment facility. The report must include:

(a) a conceptual plan that describes and evaluates the proposed design and operation of the facility, including an evaluation of technical feasibility, a description and evaluation of the types and quantities of hazardous waste and nonhazardous residual waste

from hazardous waste processing that the facility would be designed to accept, and a description and evaluation of technologies needed or desired at the facility for processing, stabilization, and containment, including above grade containment;

(b) procedures and standards for the operation of the facility that require the use of reduction, recycling, and recovery of any hazardous waste before the waste is accepted for stabilization when the alternative or additional management method is feasible and prudent and would materially reduce adverse impact on human health and the environment;

(c) evaluation of the design and use of the facility for processing, stabilization, or containment of industrial waste, including technical and regulatory issues and alternative management methods;

(d) evaluation of feasible and prudent technologies that may substantially reduce the possibility of migration of any hazardous constituents of wastes that the facility would be designed to accept;

(e) a general analysis of the necessary and desirable physical, locational, and other characteristics of a site for the facility;

(f) an evaluation of the prospects of and conditions required for the regulatory delisting of residual waste from hazardous waste processing;

(g) an evaluation of the feasibility of an interstate, regional approach to the management of hazardous waste; and

(h) an economic feasibility analysis of the development and operation of the facility, including the anticipated use of the facility by Minnesota generators from within and outside the state, and sources of private and public financing that may be available or necessary for development or operation.

The chair director shall submit a draft of the report to the board and the legislative commission on waste management by July 1, 1988, and before executing contracts under section 115A.191.

Sec. 24. Minnesota Statutes 1988, section 115A.194, subdivision 2, is amended to read:

Subd. 2. [BOARD DIRECTOR; REQUIREMENTS BEFORE DECISIONS.] Before the board director makes decisions under subdivision 4:

(a) the board director shall complete environmental impact statements on the environmental effects of the decisions, in the manner

provided in chapter 116D and the rules issued under that chapter; and

(b) the ~~chair~~ director shall present to the ~~board~~ legislative commission the report on facility development prepared as provided in section 115A.193.

Sec. 25. Minnesota Statutes 1989 Supplement, section 115A.195, is amended to read:

115A.195 [PUBLIC PARTICIPATION IN OWNERSHIP AND MANAGEMENT OF FACILITY.]

The stabilization and containment facility developed under sections 115A.18 to 115A.30 may be wholly owned by the state or jointly owned by the state and a developer selected by the ~~board~~ director under section 115A.192. The ~~board chair~~ director may negotiate and the ~~board~~ may enter into agreements with a selected developer providing terms and conditions for the development and operation of the facility. If the agreements provide for capital improvements or equipment, or for payment of state money, the agreements may be implemented only if funds are appropriated and available to the ~~board~~ director for those purposes.

Sec. 26. Minnesota Statutes 1989 Supplement, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The ~~board~~ director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less.

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

(d) Notwithstanding paragraph (e), the ~~agency~~ director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the ~~agency~~ director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and

operating within five years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under clause (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The board director shall adopt rules for the program by July 1, 1985.

Sec. 27. Minnesota Statutes 1988, section 115A.54, subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other money pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by the director and by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the

state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 28. Minnesota Statutes Second 1989 Supplement, section 115A.55, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL ASSISTANCE.] (a) The office director shall make loans and grants to any person for the purpose of developing and implementing projects or practices to prevent or reduce the generation of solid waste including those that involve reuse of items in their original form or in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use, or involve procuring, using, or producing products with long useful lives. Grants may be used to fund studies needed to determine the technical and financial feasibility of a waste reduction project or practice or for the cost of implementation of a waste reduction project or practice that the office has determined is technically and financially feasible.

(b) In making grants or loans, the office director shall give priority to waste reduction projects or practices that have broad application in the state and that have the potential for significant reduction of the amount of waste generated.

(c) All information developed as a result of a grant or loan shall be made available to other solid waste generators through the public information program established in subdivision 2.

(d) The office director shall adopt rules for the administration of this program. ~~Office~~ The rules must prescribe the level or levels of matching funds required for grants or loans under this subdivision.

Sec. 29. Minnesota Statutes Second 1989 Supplement, section 115A.551, subdivision 4, is amended to read:

Subd. 4. [INTERIM MONITORING.] The office director, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goal in subdivision 2 and shall report to the legislative commission on waste management on the progress of the counties by November 1 of each year. If the office director or the council finds that a county is not progressing toward the goal in subdivision 2, ~~it~~ the director or council shall negotiate with the county to develop and implement

solid waste management techniques designed to assist the county in meeting the goal, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

Sec. 30. Minnesota Statutes Second 1989 Supplement, section 115A.551, subdivision 7, is amended to read:

Subd. 7. [RECYCLING IMPLEMENTATION STRATEGY.] Within one year of ~~office approval by~~ the director of the portion of the plan required in subdivision 6, each nonmetropolitan county shall submit for ~~office approval by~~ the director a local recycling implementation strategy. The local recycling implementation strategy must:

(1) be consistent with the approved county solid waste management plan;

(2) identify the materials that are being and will be recycled in the county to meet the goals under this section and the parties responsible and methods for recycling the material; and

(3) define the need for funds to ensure continuation of local recycling, methods of raising and allocating such funds, and permanent sources and levels of local funding for recycling.

Sec. 31. Minnesota Statutes Second 1989 Supplement, section 115A.558, is amended to read:

115A.558 [SAFETY GUIDE.]

The ~~pollution control agency commissioner~~, in cooperation with the ~~office of waste management~~ director and the metropolitan council, shall prepare and distribute to all interested persons a guide for operation of a recycling or yard waste composting facility to protect the environment and public health.

Sec. 32. Minnesota Statutes 1988, section 115A.64, subdivision 4, is amended to read:

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the ~~chair of the board~~ director shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the ~~chair~~ director shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the ~~chair~~ director shall request the office of administrative hearings to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 14 for contested

cases. If no comments have been received objecting to the establishment of the district as proposed, the board director may proceed to grant or deny the petition without the necessity of conducting a contested case hearing. If the petition conforms to the requirements of law and rule, the chair director shall also immediately submit the petition to the solid waste and the technical management advisory councils of the board council for review and recommendation and shall forward the petition to the commissioner of the agency, who shall prepare and submit to the board director a report containing recommendations on the disposition of the petition. The commissioner's report shall contain at least the commissioner's findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program.

Sec. 33. Minnesota Statutes 1988, section 115A.64, subdivision 6, is amended to read:

Subd. 6. [BOARD ORDER DIRECTOR'S ORDERS.] After considering the reports of the administrative law judge, if a contested case hearing has been held, and the recommendations of the solid waste management advisory councils council and the commissioner of the agency, the board director shall make a final decision on the petition. If the board director finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of sections 115A.62 to 115A.72, ~~it~~ the director shall give notice to the petitioners of ~~its~~ the director's intent to deny the petition. If a contested case hearing has not been held, the petitioners may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the administrative law judge, the board director shall make a final decision on the petition and mail a copy of its decision to the governing body of each affected political subdivision. If the board director finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of sections 115A.62 to 115A.72, ~~it~~ the director shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the board director with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in sections 115A.62 to 115A.72 and the order of the board director. At the time of filing, a copy of the order shall be mailed by the board

director to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 34. Minnesota Statutes 1988, section 115A.66, subdivision 3, is amended to read:

Subd. 3. [HEARING; DECISION.] If objection is made to the board director against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 14. If the board director determines that the termination of the district as proposed in the petition would not be in the public interest, the board director shall give notice to the petitioner of its the director's intent to deny the petition. If a contested case hearing has not been held, the petitioner may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the administrative law judge, the board director shall make a final decision on the petition. If the petition is dismissed all costs of the proceeding shall be assessed against the petitioner. If the board director determines that the existence of the district is no longer in the public interest, the board director shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Sec. 35. Minnesota Statutes 1988, section 115A.914, is amended to read:

115A.914 [ADMINISTRATION; COUNTY PLANNING AND ORDINANCES.]

Subdivision 1. [REGULATORY AND ENFORCEMENT POWERS.] For purposes of implementing and enforcing the waste tire programs in sections 115A.90 to 115A.914, the board commissioner may exercise the regulatory and enforcement powers of the agency under chapters 115 and 116.

Subd. 2. [BOARD RULES.] The board commissioner shall adopt rules for administration of waste tire collector and processor permits, waste tire nuisance abatement, and waste tire collection.

Subd. 3. [COUNTY PLANNING; ORDINANCES.] Counties shall include collection and processing of waste tires in the solid waste management plan prepared under sections 115A.42 to 115A.46 and shall adopt ordinances under sections 400.16 and 473.811 for management of waste tires that embody, but may be more restrictive than, board agency rules.

Sec. 36. Minnesota Statutes Second 1989 Supplement, section 115A.961, subdivision 2, is amended to read:

Subd. 2. [PROGRAM.] (a) The office director, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The office director must coordinate its the programs with the legislative commission on Minnesota resources study on batteries.

(b) The office director shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the office director may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The office director may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Sec. 37. Minnesota Statutes Second 1989 Supplement, section 115A.961, subdivision 4, is amended to read:

Subd. 4. [REPORT.] By November 1, 1991, the office director shall report to the legislative commission on waste management on ~~its~~ the activities of the office under this section with recommendations for legislation necessary to address management of household batteries.

Sec. 38. Laws 1989, chapter 335, article 1, section 269, is amended to read:

Sec. 269. [INSTRUCTION TO THE REVISOR.]

(a) The revisor shall change references to "Minnesota future resources commission" to "legislative commission on Minnesota resources" wherever they appear in the 1990 edition of Minnesota Statutes and subsequent editions of the statutes.

(b) If legislation is enacted in the 1989 legislature to change section numbers of provisions governing watercraft licensing or to recodify those provisions into chapter 361A, the revisor of statutes shall correct cross-references to those provisions in this act and renumber the sections of Minnesota Statutes in this act consistent with those changes.

(e) The revisor shall change references to "waste management board" to "office of waste management," "board" where it means waste management board to "office," "chair" where it means chair of the waste management board to "director," "chair of the board" where it means chair of the waste management board to "director," and "board, through its chair" where it means waste management board through its chair to "director" in Minnesota Statutes 1990 and subsequent editions of the statutes. Wherever a reference to "waste management board" or "board" where it refers to the waste management board was changed to another board or agency in laws enacted in the 1989 regular session as a result of reorganization order number 155, the revisor shall change the reference to "office of waste management" or "office."

Sec. 39. [INSTRUCTION TO THE REVISOR.]

Except as specifically provided in article 1 and this article, in Minnesota Statutes 1990 and subsequent editions of the statutes, the revisor of statutes shall change references as follows:

(i) in chapter 115A, except for sections 115A.08, 115A.09, 115A.159, 115A.201 to 115A.30, 115A.32 to 115A.39, and 115A.90 to 115A.914, the revisor shall change the words "waste management board," "board," "board or the chair acting on behalf of the board," "board and the chair acting on behalf of the board," "chair of the waste management board," "chair of the board," "board through its chair," "chair," and "board chair," where those words mean waste management board or chair of the waste management board; and "office of waste management," where it means director of the office of waste management, and "office," where it means director of the office of waste management, to "director";

(ii) in sections 115A.90 to 115A.914, the revisor shall change the word "board" to "agency"; and

(iii) in chapters other than chapter 115A, the revisor shall change the words "waste management board" to "office of waste management," where it means office of waste management, or to "director of the office of waste management," where it means director of the office of waste management.

Sec. 40. [REPEALER.]

Minnesota Statutes 1988, section 115A.90, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time

period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; authorizing additional county fees on in-county disposal of out-of-county solid waste; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the funds established with the greater Minnesota landfill cleanup fee; repealing the requirement that government agencies use degradable polyethylene bags; requiring an environmental impact statement for burning PCBs; appropriating money; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivision 5; 116.36, subdivision 1; 325E.045, subdivision 1; 400.08, subdivision 3; 473.823, subdivision 5, and by adding a subdivision; 473.833, by adding a subdivision; 473.845, subdivision 4; 473.846; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115A.919; 115A.921; 115B.04, subdivision 4; 116.41, subdivision 2; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, section 79; and chapter 335, article 1, sections 23, subdivision 4, and 269; proposing coding for new law in Minnesota Statutes, chapters 115A and 116; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5."

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 2248, 2160, 2055, 2037, 1950, 1674, 1473, 576, 2375, 2395, 2490, 2609, 1779, 2177 and 2126 were read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Price moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2126 be given its third reading and be placed upon its final passage. The motion prevailed.

Price moved that the Rules of the House be so far suspended that S. F. No. 2126 be given its third reading and be placed upon its final passage. The motion prevailed.

Price moved to amend S. F. No. 2126, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1989 Supplement, section 103I.005, is amended by adding a subdivision to read:

Subd. 4a. [DEWATERING WELL.] “Dewatering well” means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

(1) an excavation 25 feet or less in depth for temporary dewatering during construction;

(2) an uncased hole or excavation 25 feet or less in depth in the bottom of an open trench used for temporary dewatering during construction; or

(3) a well used to lower groundwater levels for control or removal of groundwater contamination.

Sec. 2. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 8, is amended to read:

Subd. 8. [ENVIRONMENTAL BORE HOLE.] “Environmental bore hole” means a hole or excavation in the ground that penetrates a confining layer or is greater than 25 feet in depth and that enters or goes through a water bearing layer and is used to monitor or measure physical, chemical, radiological, or biological parameters

without extracting water. An environmental bore hole also includes bore holes constructed for vapor recovery or venting systems. An environmental bore hole does not include a well, elevator shaft, exploratory boring, or monitoring well.

Sec. 3. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 9, is amended to read:

Subd. 9. [EXPLORATORY BORING.] "Exploratory boring" means a surface drilling done to explore or prospect for oil, natural gas, kaolin clay, and metallic minerals, including iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium, and a drilling or boring for petroleum.

Sec. 4. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 16, is amended to read:

Subd. 16. [PERSON.] "Person" means an individual, firm, partnership, association, or corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

Sec. 5. Minnesota Statutes 1989 Supplement, section 103I.101, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The commissioner shall:

(1) regulate the drilling, construction, and sealing of wells and borings;

(2) examine and license well contractors, persons modifying or repairing well casings, well screens, or well diameters; constructing unconventional wells such as drive point wells or dug wells; constructing, repairing, and sealing dewatering wells; sealing wells; installing well pumps or pumping equipment; and excavating or drilling holes for the installation of elevator shafts or hydraulic cylinders;

(3) register and examine monitoring well contractors;

(4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;

(5) after consultation with the commissioner of natural resources and the pollution control agency, establish standards for the design, location, construction, repair, and sealing of wells and, elevator shafts, and borings within the state; and

(6) issue permits for wells, groundwater thermal devices, vertical heat exchangers, and excavation for holes to install elevator shafts or hydraulic cylinders.

Sec. 6. Minnesota Statutes 1989 Supplement, section 103I.101, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing unconventional wells such as drive points or dug wells;

(iii) persons constructing, repairing, and sealing dewatering wells;

(iv) persons sealing wells; and

~~(iv)~~ (v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells drilled and sealed;

(7) modification of fees prescribed in this chapter, according to the procedures for setting fees in section 16A.128;

(8) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination, for which the commissioner may adopt emergency rules;

(9) establishment of wellhead protection measures for wells serving public water supplies;

(10) establishment of procedures to coordinate collection of well data with other state and local governmental agencies; and

(11) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for geologic and water resource mapping.

Sec. 7. Minnesota Statutes 1989 Supplement, section 103I.101, subdivision 6, is amended to read:

Subd. 6. [FEES FOR VARIANCES.] The commissioner shall charge a nonrefundable application fee of ~~\$150~~ \$100 to cover the administrative cost of processing a request for a variance or modification of rules under Minnesota Rules, ~~part 4725.0400, and for a variance relating to well construction, the nonrefundable application fee shall be the same amount as the well permit fee~~ chapter 4725, for wells and borings.

Sec. 8. Minnesota Statutes 1989 Supplement, section 103I.111, is amended by adding a subdivision to read:

Subd. 2a. [FEES.] A board of health under a delegation agreement with the commissioner may charge permit and notification fees in excess of the fees specified in section 103I.208 provided that said fees do not exceed the total direct and indirect costs to administer the delegated duties.

Sec. 9. Minnesota Statutes 1989 Supplement, section 103I.111, subdivision 5, is amended to read:

Subd. 5. [LOCAL GOVERNMENT REGULATION OF OPEN WELLS AND RECHARGING BASINS.] (a) The governing body of a county, municipality, statutory or home rule charter city, or town may regulate open wells and recharging basins in a manner not inconsistent with this chapter and rules and may provide penalties for the violations. The use or maintenance of an open well or recharging basin that endangers the safety of a considerable number of persons may be defined as a public nuisance and abated as a public nuisance.

(b) The abatement of the public nuisance may include covering the open well or recharging basin or surrounding the open well or recharging basin with a protective fence.

Sec. 10. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 1, is amended to read:

Subdivision 1. [NOTIFICATION REQUIRED.] (a) Except as provided in paragraphs (d) and (e), a person may not construct a well until a notification of the proposed well on a form prescribed by the commissioner is filed with the commissioner with the filing fee in section 103I.208. If after filing the well notification an attempt to construct a well is unsuccessful, a new notification is not required unless the information relating to the successful well has substantially changed.

(b) The property owner where a well is to be located must file the well notification with the commissioner.

(c) The well notification under this subdivision preempts local permits and notifications, and counties or home rule charter or statutory cities may not require a permit or notification for wells.

(d) The owner of a drive point well A property owner or lessee as defined in subdivision 4, paragraph (d), clause (1), who constructs a drive point well must notify the commissioner of the installation and location of the well. The owner must complete the notification form prescribed by the commissioner and mail it to the commissioner by ten days after the well is completed. A fee may not be charged for the notification. A person who sells drive point wells at retail must provide buyers with notification forms and informational materials including requirements regarding wells, their location, construction, and disclosure. The commissioner must provide the notification forms and informational materials to the sellers.

(e) A person may not construct a monitoring well or dewatering well until a permit for the monitoring well is issued by the commissioner for the construction. If after obtaining a permit an attempt to construct a well is unsuccessful, a new permit is not required as long as the initial permit is modified to indicate the location of the successful well.

Sec. 11. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 2, is amended to read:

Subd. 2. [EMERGENCY PERMIT AND NOTIFICATION EXEMPTIONS.] The commissioner may adopt rules that modify the procedures for filing a well notification or well permit if conditions occur that:

(1) endanger the public health and welfare or cause a need to protect the groundwater; or

(2) require the monitoring well contractor, limited well contractor, or well contractor to begin constructing a well before obtaining a permit or notification.

Sec. 12. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 4, is amended to read:

Subd. 4. [LICENSE REQUIRED.] (a) Except as provided in paragraph (b), (c), (d), or (e), a person may not drill, construct, or repair a well unless the person has a well contractor's license in possession.

(b) A person may construct a monitoring well if the person is a professional engineer registered under sections 326.02 to 326.15 in the branches of civil or geological engineering, or hydrologists or hydrogeologists certified by the American Institute of Hydrology, any professional engineer registered with the board of architecture, engineering, land surveying, or landscape architecture, or a geologist certified by the American Institute of Professional Geologists, and registers with the commissioner as a monitoring well contractor on forms provided by the commissioner.

(c) A person may do the following work with a limited well contractor's license in possession. A separate license is required for each of the five activities:

(1) modify installing or repair repairing well easings or well screens or pitless units or pitless adaptors and well casings from the the pitless adaptor or pitless unit to the upper termination of the well casing;

(2) construct constructing, repairing, and sealing drive point wells or dug wells; or

(3) install installing well pumps or pumping equipment;

(4) sealing wells; or

(5) constructing, repairing, or sealing dewatering wells.

(d) A person may do the following work with a limited well sealing contractor's license in possession:

(1) modify or repair well easings or well screens;

(2) construct drive point wells;

(3) install well pumps or pumping equipment; or

(4) seal wells.

(e) Notwithstanding other provisions of this chapter requiring a license, a license is not required for a person who complies with the other provisions of this chapter if the person is:

(1) an individual who constructs a well on land that is owned or leased by the individual and is used by the individual for farming or agricultural purposes or as the individual's place of abode; or

(2) an individual who performs labor or services for a well contractor in connection with the construction or repair of a well or sealing a well at the direction and at the personal supervision of a well contractor.

Sec. 13. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 8, is amended to read:

Subd. 8. [MONITORING WELL CONTRACT REQUIREMENT WELLS ON PROPERTY OF ANOTHER.] A person may not construct a monitoring well on the property of another until the owner of the property on which the well is to be located and the well owner sign a written contract agreement that describes the nature of the work to be performed, the estimated cost of the work, and provisions identifies which party will be responsible for obtaining maintenance permits and for sealing the monitoring well. If the property owner refuses to sign the agreement, the well owner may, in lieu of a written agreement, state in writing to the commissioner that the well owner will be responsible for obtaining maintenance permits and sealing the well. Nothing in this subdivision eliminates the responsibilities of the property owner under this chapter, or allows a person to construct a well on the property of another without consent or other legal authority.

Sec. 14. Minnesota Statutes 1989 Supplement, section 103I.208, subdivision 2, is amended to read:

Subd. 2. [PERMIT FEE.] The permit fee to be paid by a property owner is:

(1) for a well that is inoperable or disconnected from a power supply under a maintenance permit, \$50;

(2) for construction of a monitoring well, \$50;

(3) for monitoring wells owned by a state or federal agency or a local unit of government as defined in section 103B.3363, subdivision 4, there is no fee;

(4) annually for a monitoring well that is unsealed under a maintenance permit, \$50;

(5) (4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet or petroleum bulk storage site excluding tank farms, the construction permit fee is \$50 per site regardless of the number of wells constructed on the site and the

annual fee for a maintenance permit for unsealed monitoring wells is \$50 per site regardless of the number of monitoring wells located on site;

(6) (5) for a groundwater thermal exchange device, \$50;

(7) (6) for a vertical heat exchanger, in addition to the permit fee for wells, \$50;

(8) (7) for construction of the dewatering well, \$50 for each well except a dewatering project comprising more than ten wells shall be issued a single permit for the wells recorded on the permit for \$500; and

(9) (8) annually for a dewatering well that is unsealed under a maintenance permit, \$25 for each well, except a dewatering project comprising more than ten wells shall be issued a single permit for wells recorded on the permit for \$250.

Sec. 15. Minnesota Statutes 1989 Supplement, section 103I.208, is amended by adding a subdivision to read:

Subd. 3. [FEE EXEMPTIONS FOR STATE AND LOCAL GOVERNMENT.] The commissioner shall not charge any fees required under this chapter to a state agency or a local unit of government as defined in section 103B.3363, subdivision 4.

Sec. 16. Minnesota Statutes 1989 Supplement, section 103I.235, is amended to read:

103I.235 [SALE OF PROPERTY WHERE WELLS ARE LOCATED.]

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and the location of all known wells on the property, including by delivering to the buyer either a statement by the seller that the seller knows of no wells on the property, or a disclosure statement indicating the legal description, and the quartile, section, township, range, and county, and a map drawn from available information showing the location of the wells each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information must be provided on a well certificate signed by the seller of the property or a person authorized to act on behalf of the seller. No well certificate need be provided if the seller knows of no well on the property and the deed or other instrument of conveyance

contains the statement: "Seller certifies that Seller knows of no well on the real property described herein."

(c) If a the seller fails to provide a required well certificate, a the buyer, or a person authorized to act on behalf of the buyer, may sign a well certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(d) A county recorder or registrar of titles may not record a deed, or other instrument, or writing of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or contract for deed other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless such deed or other instrument of conveyance either contains the statement "Seller certifies that Seller knows of no well on the real property described herein," or is accompanied by the well certificate required by this subdivision is filed with the county recorder or registrar of titles and the filing fee paid under section 357.18. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well certificate that the well certificate was received. The well certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. The county recorder or registrar of titles shall transmit the well certificate to the commissioner of health within 15 days after receiving the well certificate.

(e) The commissioner in consultation with county recorders shall prescribe the form for a well certificate and provide well certificate forms to county recorders and registrars of titles and other interested persons.

(f) Neither the validity of a deed or other instrument of conveyance as between the parties thereto and as to any other person who otherwise would be bound thereby, nor the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this section, shall be impaired by failure to comply with any requirement of this section.

Subd. 2. [LIABILITY FOR FAILURE TO DISCLOSE.] Unless the buyer and seller agree to the contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence of a well at the time of sale and knew of or had reason to know of the existence of a the well, is liable to the buyer for costs and reasonable attorney fees relating to the sealing of a the well, provided the action must be commenced by the buyer within six years after the date the buyer purchased closed the purchase of the real property where the well is located.

Sec. 17. Minnesota Statutes 1989 Supplement, section 103I.301, subdivision 3, is amended to read:

Subd. 3. [DEWATERING WELLS.] (a) The owner of the property where a dewatering well is located must have the dewatering well sealed when the dewatering well is no longer in use.

(b) A well contractor or limited well sealing contractor, or limited dewatering well contractor shall seal the dewatering well.

Sec. 18. Minnesota Statutes 1989 Supplement, section 103I.311, subdivision 3, is amended to read:

Subd. 3. [PROHIBITION ON STATE LAND PURCHASED WITHOUT WELL IDENTIFICATION.] The state may not purchase or sell real property or an interest in real property without identifying the location of all wells on the property, whether in use, not in use, or sealed on the property, and making provisions to have the wells not in use properly sealed at the cost of the seller as part of the contract. The deed or other instrument of conveyance evidencing the sale may not be recorded with the county recorder or registrar of titles unless this subdivision is complied with, provided the validity of a deed or other instrument of conveyance as between the parties thereto and as to any persons who otherwise would be bound thereby, shall not be affected by failure to comply herewith, nor shall the record, as notice, of a deed or other instrument of conveyance accepted for recording or filing contrary to the provisions hereof, be impaired by failure to comply herewith.

Sec. 19. Minnesota Statutes 1989 Supplement, section 103I.325, subdivision 2, is amended to read:

Subd. 2. [LIABILITY AFTER SEALING.] The owner of a well that has had a sealed well certificate filed with the commissioner of health and the county recorder or registrar of titles where the well is located is not liable for contamination of groundwater from the well that occurs after the well has been sealed by a licensed contractor in compliance with this chapter if a report of sealing has been filed with the commissioner of health by the contractor who performed the work, and if the owner has not disturbed or disrupted the sealed well.

Sec. 20. Minnesota Statutes 1989 Supplement, section 103I.541, subdivision 1, is amended to read:

Subdivision 1. [INITIAL REGISTRATION AFTER DECEMBER 31, July 1, 1990.] After ~~December 31, July 1, 1990~~, a person seeking initial registration as a monitoring well contractor must meet examination and experience requirements adopted by the commissioner by rule.

Sec. 21. Minnesota Statutes 1989 Supplement, section 103I.541, is amended by adding a subdivision to read:

Subd. 2a. [APPLICATION.] (a) An individual must submit an application and application fee to the commissioner to apply for a monitoring well contractor registration.

(b) The application must be on forms prescribed by the commissioner. The application must state the applicant's qualifications for the registration, the equipment the applicant will use in the contracting, and other information required by the commissioner.

Sec. 22. Minnesota Statutes 1989 Supplement, section 103I.541, is amended by adding a subdivision to read:

Subd. 2b. [APPLICATION FEE.] The application fee for a monitoring well contractor registration is \$50. The commissioner may not act on an application until the application fee is paid.

Sec. 23. Minnesota Statutes 1989 Supplement, section 103I.681, is amended to read:

103I.681 [PERMIT FOR UNDERGROUND STORAGE OF GAS OR LIQUID.]

Subdivision 1. [PERMIT REQUIRED.] (a) The state, a person, partnership, association, private or public corporation, county, municipality, or other political subdivision of the state may not displace groundwater in consolidated or unconsolidated formations by the underground storage of a gas or liquid under pressure without an underground storage permit from the ~~commissioners~~ commissioner of natural resources and health.

(b) The state, a person, a public corporation, county, municipality, or other political subdivision of the state may not store a gas or liquid, except water, below the natural surface of the ground by using naturally occurring rock materials as a storage reservoir without an underground storage permit from the ~~commissioners~~ commissioner of health and natural resources.

Subd. 2. [APPLICATION.] (a) A person may apply for an underground storage permit by filing an application form with the commissioner of natural resources accompanied by the application fee and maps, plans, and specifications describing the proposed displacement of groundwater and the underground storage of gases or liquids and other data required by the commissioner.

(b) The commissioner of natural resources shall prescribe the application form to apply for an underground storage permit.

(c) The commissioner of natural resources may require an applicant to demonstrate to the commissioner that the applicant has adequately provided a method to ensure payment of any damages resulting from the operation of a gas or liquid storage reservoir.

Subd. 3. [HEARING REQUIRED.] (a) An underground storage permit allowing displacement of groundwater may not be issued by the commissioner of natural resources or health without holding a public hearing on the issuance of the permit.

(b) By 20 days after receiving a complete application, the commissioner of natural resources shall set a time and location for the hearing.

Subd. 4. [NOTICE OF HEARING.] The hearing notice must:

(1) state the date, place, and time of the hearing;

(2) show the location of groundwater and surface water and property affected by the proposed underground storage;

(3) be published by the applicant, or by the commissioner of natural resources if the proceeding is initiated by the commissioner of natural resources or health, once each week for two successive weeks in a legal newspaper that is published in the county where a part or all of the affected groundwater or surface waters are located; and

(4) be mailed by the commissioner of natural resources to the county auditor and the chief executive official of an affected municipality.

Subd. 5. [PROCEDURE AT HEARING.] (a) The hearing must be public and conducted by the commissioner of natural resources or a referee appointed by the commissioner.

(b) Affected persons must have an opportunity to be heard. Testimony must be taken under oath and the parties must have the right of cross-examination. The commissioner of natural resources shall provide a stenographer, at the expense of the applicant, to take testimony and a record of the testimony, and all proceedings at the hearing shall be taken and preserved.

(c) The commissioner of natural resources is not bound by judicial rules of evidence or of pleading and procedure.

Subd. 6. [SUBPOENAS.] The commissioner of natural resources or health may subpoena and compel the attendance of witnesses and the production of books and documents material to the purposes of the hearing. Disobedience of a subpoena, or refusal to be sworn, or

refusal to answer as a witness, is punishable as contempt in the same manner as a contempt of the district court. The commissioner of natural resources must file a complaint of the disobedience with the district court of the county where the disobedience or refusal occurred.

Subd. 7. [REQUIRED FINDINGS.] An order granting a permit for the proposed storage may not be issued unless it contains and is based on a finding stating:

(1) the proposed storage will be confined to geological stratum or strata lying more than 500 feet below the surface of the soil;

(2) the proposed storage will not substantially impair or pollute groundwater or surface water; and

(3) the public convenience and necessity of a substantial portion of the gas-consuming public in the state will be served by the proposed project.

Subd. 8. [ORDER CONDITIONS.] The order granting the permit must contain conditions and restrictions that will reasonably protect:

(1) private property or an interest not appropriated;

(2) the rights of the property owners and owners of an interest in property located within the boundaries of the proposed storage area, or persons claiming under the owners, to explore for, drill for, produce or develop for the recovery of oil or gas or minerals under the property, and to drill wells on the property to develop and produce water; provided that the exploration, drilling, producing, or developing complies with orders and rules of the commissioner of natural resources that protect underground storage strata or formations against pollution and against the escape of gas; and

(3) public resources of the state that may be adversely affected by the proposed project.

Subd. 9. [PUBLICATION OF FINDINGS, CONCLUSIONS, ORDERS.] (a) The commissioner of natural resources shall mail notice of any findings, conclusions, and orders made after the hearing to:

(1) the applicant;

(2) parties who entered an appearance at the hearing;

(3) the county auditor; and

(4) the chief executive officer of an affected municipality.

(b) The commissioner of natural resources must publish notice of findings, conclusions, and orders made after the hearing at least once each week for two successive weeks in a legal newspaper in the county where a part or all of the proposed project is located. The costs of the publication must be paid by the applicant.

Subd. 10. [APPEAL OF COMMISSIONER'S DETERMINATION.] An interested party may appeal the determination of the commissioner of natural resources ~~or health~~ to the court of appeals in accordance with the provisions of chapter 14.

Subd. 11. [PERMIT FEE SCHEDULE.] (a) The commissioner of natural resources ~~or health~~ shall adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based on the cost of receiving, processing, analyzing, and issuing the permit, and the actual inspecting and monitoring of the activities authorized by the permit, including costs of consulting services.

(b) A fee may not be imposed on a state or federal governmental agency applying for a permit.

(c) The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner of natural resources. Permit fees received must be deposited in the state treasury and credited to the general fund. The amount of money necessary to pay the refunds is appropriated annually from the general fund to the commissioner of natural resources.

Sec. 24. Minnesota Statutes 1989 Supplement, section 103I.685, is amended to read:

103I.685 [ABANDONMENT OF UNDERGROUND STORAGE PROJECT.]

An underground storage project for which an underground storage permit is granted may not be abandoned, or a natural or artificial opening extending from the underground storage area to the ground surface be filled, sealed, or otherwise closed to inspection, except after written approval by the commissioner of natural resources ~~or health~~ and in compliance with conditions that the ~~commissioners~~ commissioner may impose.

Sec. 25. Minnesota Statutes 1989 Supplement, section 103I.691, is amended to read:

103I.691 [CERTIFICATE OF USE.]

A person may not use a gas or liquid storage reservoir under an

underground storage permit unless the right to use the property affected by the project has been acquired and a notice of the acquisition filed with the commissioner of natural resources or health. The commissioner of natural resources or health must issue a certificate approving use of the gas or liquid storage reservoir.

Sec. 26. Minnesota Statutes 1989 Supplement, section 1031.705, subdivision 2, is amended to read:

Subd. 2. [SEALING WELLS AND ELEVATOR SHAFTS.] A well contractor or limited well sealing contractor who seals a well, a monitoring well contractor who seals a monitoring well, or a well contractor or an elevator shaft contractor who seals a hole that was used for an elevator shaft under a corrective order of the commissioner in a manner that does not comply with the water well construction code rules adopted under this chapter, shall be assessed an administrative penalty of \$500.

Sec. 27. Minnesota Statutes 1989 Supplement, section 1031.705, subdivision 3, is amended to read:

Subd. 3. [CONTAMINATION RELATING TO WELL CONSTRUCTION.] A well contractor, limited well contractor, or monitoring well contractor working under a corrective order of the commissioner who fails to comply with the rules in the water well construction code adopted under this chapter relating to location of wells in relation to potential sources of contamination, grouting, materials, or construction techniques shall be assessed an administrative penalty of \$500.

Sec. 28. Minnesota Statutes 1988, section 105.37, is amended by adding a subdivision to read:

Subd. 19. [ONCE-THROUGH SYSTEM.] "Once-through system" means any space heating, ventilating, air conditioning (HVAC), or refrigeration system used for any type of temperature or humidity control application, utilizing groundwater, which circulates through the system and is then discharged without recirculating the majority of the water in the system components or reusing it for another purpose.

Sec. 29. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 1c, is amended to read:

Subd. 1c. [CERTAIN COOLING SYSTEM PERMITS PROHIBITED PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may shall not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of five million 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. The commissioner may issue no new water use permits for once-through systems after the date of enactment. Permits for once-through cooling systems shall terminate no later than December 31, 1999.

Sec. 30. Minnesota Statutes 1988, section 105.41, is amended by adding a subdivision to read:

Subd. 1d. [MT. SIMON-HINCKLEY AQUIFER.] (a) The commissioner may not issue new water use permits that will appropriate water from the Mt. Simon-Hinckley aquifer within the seven-county metropolitan area unless the appropriation is for potable water use, there are no feasible or practical alternatives to using the aquifer, and a water conservation plan is incorporated with the permit.

(b) The commissioner must terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems in the seven-county metropolitan area by December 31, 1992.

Sec. 31. Minnesota Statutes 1988, section 105.41, subdivision 4, is amended to read:

Subd. 4. [MEASURING AND RECORDING QUANTITIES USED.] It is unlawful for the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use waters of the state, surface or underground, without measuring and keeping a record of the quantity of water used or appropriated as provided in this section. Each installation for appropriating or using water must be equipped with a device or employ a method flow meter to measure the quantity of water appropriated with reasonable within the degree of accuracy required by rule. The commissioner's determination of the method commissioner can determine other methods to be used for measuring water quantity must be based on the quantity of water appropriated or used, the source of water, the method of appropriating or using water, and any other facts supplied to the commissioner.

Sec. 32. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 5a, is amended to read:

Subd. 5a. [WATER USE PROCESSING FEE.] (a) Except as provided in paragraph (b), a water use processing fee not to exceed \$2,000 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) 0.05 cent per 1,000 gallons for the first 50 million gallons per year; and

(2) 0.1 cents per 1,000 gallons for the amounts greater than 50 million gallons per year.

(b) For once-through cooling systems as defined in subdivision 1c, 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.

(c) The fee is payable based on the amount of water permitted during the year and in no case may the fee be less than \$25.

(d) Failure to pay the fee is sufficient cause for revoking a permit.

(e) A water use processing fee may not be imposed on any state agency as defined in section 16B.01, holding a water appropriation permit.

(f) For once-through systems fees payable after July 1, 1993, 50 percent of the fee deposited in the general fund may be used for grants as appropriated by the legislature to assist in financing retrofitting of permitted once-through systems. The commissioner shall promulgate rules for determining eligibility and criteria for the issuance of grants for retrofitting according to chapter 14, by July 1, 1993.

The commissioner shall notify all permittees of the fee changes authorized by this law by July 1, 1990. Permittees shall have until November 1, 1990, to amend permits to accurately reflect historic water use. The commissioner is authorized to refund 1989 water use report processing fees based on amendments under this subdivision.

Sec. 33. Minnesota Statutes 1988, section 326.37, is amended to read:

326.37 [PLUMBERS; SUPERVISION BY STATE COMMISSIONER OF HEALTH; RULES; VIOLATION; PENALTY.]

Subdivision 1. The state commissioner of health may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Violation of the rules shall be a misdemeanor.

The commissioner shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Subd. 2. [STANDARDS FOR CAPACITY.] By January 1, 1992, all new and replacement floor-mounted water closets may not have a flush volume of more than 1.6 gallons. The water closets must meet the standards of the commissioner and the American National Standards Institute.

Sec. 34. Laws 1989, chapter 326, article 3, section 49, is amended to read:

Sec. 49. [EFFECTIVE DATE.]

Section 9 is, subdivisions 1; 2; 3; 4, paragraphs (a), (d), and (e); 5; 6; 7; 8; and 9 are effective July 1, 1989, but a well notification is not required to be filed with the commissioner for construction of a well until after December 31, 1989.

Section 9, subdivision 4, paragraphs (b) and (c), are effective July 1, 1990.

Section 14 relating to disclosing wells to buyers and transferees is effective July 1, 1990.

~~Section~~, Sections 31, 32, and 33 are effective July 1, 1990, and limited well contractor licenses and limited well sealing licenses may not be issued until after that date.

Sections 24 and 33 relating to permits required for elevator shafts and elevator shaft contractor licenses are effective July 1, 1990.

Sec. 35. [REPEALER.]

Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533, are repealed.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 27, 30, and 35 are effective the day following final enactment. Section 34 is effective the day following final enactment, retroactive to July 1, 1989."

Delete the title and insert:

"A bill for an act relating to health; clarifying requirements for water well construction and ownership; limiting the issuance of water use permits for once-through cooling systems; imposing dead-

lines for termination of once-through cooling systems; allocating water use processing fees for retrofitting once-through systems; imposing limits on the flush volume of water closets; amending Minnesota Statutes 1988, sections 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision; and 326.37; Minnesota Statutes 1989 Supplement, sections 103I.005, subdivisions 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2, and by adding a subdivision; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; 105.41, subdivisions 1c and 5a; Laws 1989, chapter 326, article 3, section 49; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533."

The motion prevailed and the amendment was adopted.

Johnson, R., and Munger moved to amend S. F. No. 2126, as amended, as follows:

Page 21, line 28, before "Minnesota" insert "Minnesota Statutes 1988, section 325E.045, subdivisions 3 and 4, are repealed."

The motion prevailed and the amendment was adopted.

S. F. No. 2126, A bill for an act relating to health; providing regulations for bulk pesticide storage; amending provisions relating to pesticide registration fees and application fees; requiring permits for sources of irrigation water; requiring a permit for construction of a fertilizer distribution facility; requiring a responsible party to immediately take reasonable action necessary to abate an agricultural chemical incident; requiring certain administrative hearings on contested orders within 14 days; crediting certain agricultural penalties to the pesticide or fertilizer regulatory accounts; amending provisions relating to the registration surcharge and the agricultural chemical response and reimbursement fee; appropriating money from the general fund to be reimbursed with response and reimbursement fees; amending provisions relating to response and reimbursement eligibility; providing commissioner of agriculture authority under chapter 115B for agricultural chemical incidents; clarifying requirements for water well construction and ownership; clarifying provisions for at-grade monitoring wells; establishing reduced isolation distances for facilities with safeguards; clarifying conditions to issue a limited well contractor's license; amending effective dates; amending appropriations; amending Minnesota Statutes 1988, sections 18B.14, subdivision 2; 18B.27, subdivision 3; 18B.28, subdivision 4; 105.37, by adding a subdivision; 105.41,

subdivision 4, and by adding a subdivision; 115B.02, subdivisions 3, 4, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 18B.26, subdivision 3; 18C.205, subdivision 2; 18C.305, subdivision 1; 18D.103, subdivision 1; 18D.321, subdivision 2; 18E.03, subdivisions 3, 4, 5, and by adding a subdivision; 18E.04, subdivision 1; 103B.3369, subdivision 5; 103I.005, subdivisions 2, 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, 5, 6, and 8; 103I.208, subdivision 2; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.525, subdivisions 1, 5, and 6; 103I.531, subdivision 4; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; 105.41, subdivisions 1c and 5a; 115B.20, subdivision 1; 116C.69, subdivision 3; Laws 1989, chapters 326, article 3, section 49; article 6, section 33, subdivision 2; article 8, section 10; and 335, article 1, section 23, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18D and 103I; repealing Minnesota Statutes 1988, section 115B.17, subdivision 8; Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House File was introduced:

Bertram introduced:

H. F. No. 2831, A resolution memorializing the Congress of the United States to enact H.R. 3603 which relates to the disclosure of information concerning POW/MIAs.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

HOUSE ADVISORIES

The following House Advisory was introduced:

Anderson, R., and Greenfield introduced:

H. A. No. 58, A proposal to study preferential drug pricing within the health care system.

The advisory was referred to the Committee on Health and Human Services.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2134, A bill for an act relating to elections; changing the vote margin for an automatic recount at the state primary or general election; amending Minnesota Statutes 1988, section 204C.35, 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:

H. F. No. 1928, A bill for an act relating to occupations and professions; providing for training for armed employees of private detectives and protective agents; prohibiting certain acts by protective agents and security guards during a labor dispute; amending Minnesota Statutes 1988, sections 326.32, by adding a subdivision; and 326.3384, by adding a subdivision; and amending Minnesota Statutes 1989 Supplement, section 326.3384, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 326.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2081, A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the board of dentistry to set the salaries of their executive directors; designating certain positions in the unclassified service; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, subdivision 7b, and by adding a subdivision; 15A.083, subdivisions 5 and 7; 43A.04, subdivisions 1 and 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 2, 3, 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivisions 1 and 8; 43.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.23, subdivision 1; 43A.27, subdivision 4; 43A.316, subdivisions 2, 3, 5, 7, and 8; 43A.37, subdivision 1; 176.421, by adding a subdivision; 176B.02; 237.51, subdivision 5; 473.405, subdivision 12; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1; 43A.316, subdivisions 9 and 10; 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5.

The Senate has appointed as such committee:

Messrs. Moe, D. M.; Morse and Marty; Mrs. Pariseau and Mr. Frederickson, D. R.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2103, A bill for an act relating to public employee retirement plans; requiring the regular reporting of investment performance results calculated on a time-weighted total rate of return basis; proposing coding for new law in Minnesota Statutes, chapter 356.

The Senate has appointed as such committee:

Messrs. Moe, D. M.; Waldorf; Renneke; Morse and Pogemiller.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2162, A bill for an act relating to the operation of state government; changing certain procedures and limits for contracts with the state; establishing an advisory task force; authorizing reimbursement of certain expenses; changing certain vehicle marking and color provisions; clarifying certain transfer authority; amending Minnesota Statutes 1988, sections 16B.09, by adding a subdivision; 16B.17, subdivisions 3 and 4; 16B.24, subdivision 10; 16B.41, subdivision 4; 16B.58, subdivision 7; and Minnesota Statutes 1989 Supplement, sections 16B.28, subdivision 3; 16B.54, subdivision 2; and 40.46, subdivision 1.

The Senate has appointed as such committee:

Messrs. Moe, D. M.; Larson and Frederickson, D. J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2230, A bill for an act relating to public purchasing; establishing programs for purchasing from certain small targeted group businesses and businesses located in economically disadvantaged areas; requiring prompt payment to subcontractors; providing penalties; amending Minnesota Statutes 1988, sections 16B.07, by adding a subdivision; 16B.20, subdivisions 1 and 3; 161.321, subdivisions 1, 4, 5, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16B.19; 16B.20, subdivision 2; 16B.21; 16B.22; 16B.226; 116J.68; 136.27; 136.72; 137.31, subdivision 6; 161.321, subdivisions 2, 3, and 6; 161.3211; 241.27, subdivision 2; 471.345, subdivision 8; and 473.142; Laws 1989, chapter 352, section 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; and 137; repealing Minnesota Statutes 1989 Supplement, sections 16B.189; 137.31, subdivision 3a; and 645.445, subdivision 5.

The Senate has appointed as such committee:

Mrs. Adkins, Messrs. Marty and Larson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2365, A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; clarifying access to data on decedents; changing classification nomenclature as it relates to medical examiner's data; amending Minnesota Statutes 1988, sections 13.03, subdivision 3; 13.10, subdivision 3; 13.41, subdivision 2; 13.46, subdivision 4; 13.83, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1989 Supplement, sections 13.46, subdivision 2; 13.83, subdivision 8; 13.84, subdivision 5a; 171.06, subdivision 3; 270B.14, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641.

The Senate has appointed as such committee:

Messrs. Peterson, R. W.; Merriam and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2390, A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; improving data practices; requiring the commissioner of health to encourage display of posters informing pregnant women of the dangers of alcohol use; excluding persons with a history of child abuse or criminal sexual behavior from certain protections for criminal offenders; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalties for malicious child punishment resulting in great bodily harm and assaulting a child protection worker; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; amending Minnesota Statutes 1988, sections 147.09; 259.40, subdivisions 1 and 4; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, 4, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 179A.03, subdivision 7; 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; 144; and 245.

The Senate has appointed as such committee:

Ms. Reichgott, Mr. Spear, Mses. Berglin and Flynn and Mrs. Pariseau.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1854, A bill for an act relating to real estate; validating certain cancellation of contracts; validating certain conveyances by religious corporations; allowing county boards to set certain fees charged by the examiner of titles; providing for the effect of disso-

lution on joint tenancy; permitting the filing of summaries of dissolution judgments in real estate filings; clarifying provisions on certain liens by reordering clauses; amending Minnesota Statutes 1988, sections 287.01, by adding a subdivision; 500.19, subdivision 5; and 514.12, subdivision 3; Minnesota Statutes Second 1989 Supplement, section 508A.82; proposing coding for new law in Minnesota Statutes, chapters 315, 518, and 559; repealing Minnesota Statutes 1988, section 580.031.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pugh moved that the House refuse to concur in the Senate amendments to H. F. No. 1854, 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.

The Speaker called Rodosovich to the Chair.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate

on the disagreeing votes of the two houses on S. F. No. 2317. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2181, A bill for an act relating to labor; regulating joint labor-management committees; regulating public employee elections; providing for the selection of arbitrators by mutual agreement; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179.84, subdivision 1; 179.85; 179A.04, subdivision 3; 179A.12, subdivisions 7 and 11; and Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4.

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

Ms. Flynn; Messrs. Moe, D. M., and Decker.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Dawkins moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2181. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1703, A bill for an act relating to natural resources; authorizing the enforcement of certain natural resource laws by conservation officers; amending Minnesota Statutes 1988, section 97A.205.

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

Messrs. Berg, Dicklich and Bernhagen.

Said Senate File is herewith transmitted to the House with the

request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Trimble moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1703. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 188, A bill for an act relating to commerce; requiring mortgage lenders and mortgage brokers to obtain a license from the commissioner of commerce; requiring certain disclosures by mortgage lenders and mortgage brokers; prohibiting certain practices by mortgage lenders and mortgage brokers; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivision 4; and 82.18; proposing coding for new law as Minnesota Statutes, chapter 57; repealing Minnesota Statutes 1988, section 82.175.

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

Messrs. Freeman; Peterson, R. W., and Belanger.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 188. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1750, 2246, 1860, 2030, 1944 and 2527.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1750, A bill for an act relating to agriculture; making legislative findings; extending the farmer-lender mediation act; appropriating money; amending Minnesota Statutes 1988, section 583.21; Laws 1986, chapter 398, article 1, section 18, as amended.

The bill was read for the first time.

Sparby moved that S. F. No. 1750 and H. F. No. 1815, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2246, A bill for an act relating to public employment; expanding coverage of the public employees insurance plan; establishing classes of premiums; amending Minnesota Statutes 1988, section 43A.316, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 356.

The bill was read for the first time.

Simoneau moved that S. F. No. 2246 and H. F. No. 2323, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1860, A bill for an act relating to domestic abuse; authorizing courts to exclude a respondent from the place of employment of a petitioner in an order for protection; clarifying the probable cause arrest provision for violations of orders for protection; authorizing bonds to ensure compliance with orders for protection; authorizing referrals to prosecuting authorities for violations of orders for protection; improving prosecutorial procedures in domestic abuse cases; requiring the commissioner of public safety to study the feasibility and costs of a statewide computerized data base on domestic abuse; requiring a report; expanding the crime of first degree murder to include certain deaths caused by domestic abuse; imposing penalties; amending Minnesota Statutes 1988, sections 518B.01, subdivisions 6, 7, and 14; and 611A.0315, subdivision 1; Minnesota Statutes 1989 Supplement, section 609.185; proposing coding for new law in Minnesota Statutes, chapter 611A.

The bill was read for the first time.

Pappas moved that S. F. No. 1860 and H. F. No. 1884, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2030, A bill for an act relating to traffic regulations; requiring annual inspections of commercial motor vehicles; providing for the certification of persons to conduct annual inspections; requiring daily pre-trip inspections; requiring post-accident inspections; prescribing fees; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 221.031, subdivision 1, and by adding a subdivision; 221.221, subdivisions 2 and 3; and 221.605, subdivision 1; Minnesota Statutes 1989 Supplement, section 221.031, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time.

Lasley moved that S. F. No. 2030 and H. F. No. 1898, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1944, A bill for an act relating to elections; requiring the designation of a local government election for election of county and municipal officers, and officers of other political subdivisions except towns; requiring that certain questions be voted on only at the local government election for the political subdivision; requiring uniform and coordinated election precincts and polling places; superseding certain inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1988, sections 40.05, subdivisions 1, 3, and 4; 40.06, subdivision 1; 122.23, subdivisions 12 and 17; 123.51; 200.02, by adding a subdivision; 201.071, subdivisions 1, 3, and 8; 203B.06, subdivision 3; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2, and by adding a subdivision; 204C.10, subdivision 1; 204C.15, subdivision 1; 204D.02, subdivisions 1 and 2; 204D.11, subdivision 5; 204D.16; 205.02, subdivision 2; 205.13, subdivision 6; 205.185, subdivisions 2, 3, and by adding a subdivision; 205A.06, subdivision 5; 375.03; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 410.21; 412.02, subdivision 2; 412.571, subdivision 5; 447.32, subdivisions 1 and 2; Minnesota Statutes 1989 Supplement, sections 128.01, subdivision 3; 412.021, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1988, sections 200.015; 204D.28, subdivision 5; 205.02; 205.065, subdivisions 2, 3, 4, 5, 6, and 7; 205.07; 205.10; 205.121; 205.175; 205.18, subdivision 1; 205.20; 206.76; 375.101, subdivisions 1 and 2; and 447.32, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 205.065, subdivision 1; and 205.18, subdivision 2.

The bill was read for the first time.

Scheid moved that S. F. No. 1944 and H. F. No. 1916, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2527, A bill for an act relating to agriculture; establishing an agricultural liming material law; allowing agreements between the commissioner of agriculture and certain persons required to file reports under the corporate farming law; appropriating money; prescribing penalties; amending Minnesota Statutes 1988, section 500.24, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 18F.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Jennings moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2527 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Jennings moved that the Rules of the House be so far suspended that S. F. No. 2527 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 2527 was read for the second time.

S. F. No. 2527, A bill for an act relating to agriculture; establishing an agricultural liming material law; allowing agreements between the commissioner of agriculture and certain persons required to file reports under the corporate farming law; appropriating money; prescribing penalties; amending Minnesota Statutes 1988, section 500.24, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 18F.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2294

A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's licenses; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a and 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18.

April 9, 1990

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 2294, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2294 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application ~~shall~~ must state the full name, date of birth, social security number,

sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall must contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall must contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application form must contain a notification to the applicant of the availability of a living will designation on the license under section 171.07, subdivision 7. The application shall must be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 2. Minnesota Statutes 1989 Supplement, section 171.07, subdivision 1, is amended to read:

Subdivision 1. [LICENSE; CONTENTS.] The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles the applicant is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph or an electronically produced image of the licensee. Every license issued to an applicant under the age of 21 shall be of a distinguishing color and plainly marked "Under-21." The department shall use such process or processes in the issuance of licenses

that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a ~~photo~~ photograph or electronically produced image on such licenses without ready detection. A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.

Sec. 3. Minnesota Statutes 1988, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. [PHOTOGRAPHIC NEGATIVES; FILING PHOTOGRAPHS OR IMAGES; DATA CLASSIFICATION.] The department shall file, or contract to file, all photographic negatives photographs or electronically produced images obtained in the process of issuing driver licenses or Minnesota identification cards. The negatives photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographic negatives photographs or electronically produced images to data subjects. The use of the files is restricted to the issuance and control of driver licenses and for law enforcement purposes in the investigation and prosecution of felonies and violations of section 169.09; 169.121; 169.123; 169.129; 171.22; 171.24; 171.30; 609.41; 609.487, subdivision 3; 609.631, subdivision 4, clause (3); or 609.821, subdivision 3, clauses (1), item (iv), and (3).

Sec. 4. Minnesota Statutes 1989 Supplement, section 171.07, subdivision 3, is amended to read:

Subd. 3. Upon payment of the required fee the department shall issue to every applicant therefor a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than an instruction permit. The card must bear a distinguishing number assigned to the applicant, a colored photograph or an electronically produced image, the full name, date of birth, residence address, a description of the applicant in the manner as the commissioner deems necessary, and a space upon which the applicant shall write the usual signature and the date of birth of the applicant with pen and ink.

Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license." The fee for a Minnesota identification card issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2, is 50 cents.

Sec. 5. Minnesota Statutes 1988, section 171.07, subdivision 6, is amended to read:

Subd. 6. [MEDICAL ALERT IDENTIFIER.] Upon the written request of the applicant, the department shall issue a driver's license or Minnesota identification card bearing a medical alert identifier. The applicant must request the medical alert identifier at the time

the photograph or electronically produced image is taken. No specific medical information will be contained on the driver's license or Minnesota identification card.

Sec. 6. Minnesota Statutes 1988, section 171.07, is amended by adding a subdivision to read:

Subd. 7. [LIVING WILL DESIGNATION.] At the written request of the applicant and on payment of the required fee, the department shall issue, renew, or reissue a driver's license or Minnesota identification card bearing the designation "Living Will" or an abbreviation thereof. The designation does not constitute delivery of a health care declaration under section 145B.05.

On payment of the required fee, the department shall issue a replacement or renewal license or identification card without the designation if requested by the applicant.

This subdivision does not impose any additional duty on a health care provider, as defined in section 145B.02, subdivision 6, beyond the duties imposed in chapter 145B.

For the purposes of this subdivision, "living will" means a declaration made under section 145B.03.

Sec. 7. Minnesota Statutes 1988, section 171.071, is amended to read:

171.071 [IDENTIFICATION IN LIEU OF PHOTOGRAPHS.]

Notwithstanding the provisions of section 171.07, the commissioner of public safety may adopt rules to permit identification on a driver's license in lieu of a photograph or electronically produced image where the commissioner finds that the licensee has religious objections to the use of a photograph or electronically produced image.

Sec. 8. Minnesota Statutes 1989 Supplement, section 171.18, is amended to read:

171.18 [SUSPENSION.]

The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which the licensee was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22; or

(9) Has failed to appear in court as provided in section 169.92, subdivision 4; or

(10) has failed to report a medical condition that if reported would have resulted in cancellation of driving privileges.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon, and the licensee's written request shall afford the licensee an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year."

Delete the title and insert:

"A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's license; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a, 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18."

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

House Conferees: ALICE HAUSMAN, DAVE BISHOP AND JEAN WAGENIUS.

Senate Conferees: JIM VICKERMAN, EMBER D. REICHGOTT AND CLARENCE M. PURFEERST.

Hausman moved that the report of the Conference Committee on H. F. No. 2294 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2294, A bill for an act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's licenses; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending Minnesota Statutes 1988, sections 171.07, subdivisions 1a and 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18.

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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Miller

The bill was repassed, as amended by Conference, 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 bills as Special Orders to be acted upon immediately preceding Special Orders pending for today, Tuesday, April 17, 1990:

S. F. No. 1896 and H. F. No. 1891.

SPECIAL ORDERS

S. F. No. 1896 was reported to the House.

Cooper moved to amend S. F. No. 1896, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1, is amended to read:

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

(3) vehicles owned by nonprofit charities and used exclusively to transport handicapped persons for educational purposes;

(4) vehicles owned and used by honorary consul or consul general of foreign governments; and

(5) ambulances owned by ambulance services licensed under section 144.802, the general appearance of which is unmistakable.

(b) Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work and arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the department of revenue in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates which shall be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) All other motor vehicles shall be registered and display tax exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax exempt number plates shall have the name of the state department or public subdivision on the vehicle plainly displayed on both sides thereof in letters not less than 2½ inches high and one-half inch wide; except that each state hospital and institution

for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision.

Sec. 2. Minnesota Statutes 1989 Supplement, section 168.013, subdivision 1a, is amended to read:

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

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

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

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

FROM	TO
\$ 0	\$199.99
200	399.99

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

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

(f) The registrar shall establish the base value, when new, of every passenger automobile, ~~ambulance~~ and hearse registered prior to the effective date of Extra Session Laws 1971, chapter 31, using list price

information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If unable to ascertain the base value of any registered vehicle in the foregoing manner, the registrar may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, chapter 31.

(g) Except as provided in paragraph (h), the annual additional tax computed upon the base value as provided herein, during the first and second years of vehicle life shall be computed upon 100 percent of the base value; for the third and fourth years, 90 percent of such value; for the fifth and sixth years, 75 percent of such value; for the seventh year, 60 percent of such value; for the eighth year, 40 percent of such value; for the ninth year, 30 percent of such value; for the tenth year, ten percent of such value; for the 11th and each succeeding year, the sum of \$25.

In no event shall the annual additional tax be less than \$25.

(h) The annual additional tax under paragraph (g) on a motor vehicle on which the first annual tax was paid before January 1, 1990, must not exceed the tax that was paid on that vehicle the year before.

Sec. 3. [168.129] [SPECIAL PLATES; NATIONAL EVENTS.]

Subdivision 1. [PLATES ISSUED FOR 14 DAYS.] The registrar shall issue upon request to the sponsor of a special event that is of national significance a distinguishing license plate. The plates will be valid for the duration of the event but in no case for a period longer than 14 days. The plates may be displayed on a passenger vehicle when the use of the vehicle has been donated for the event by the manufacturer.

Subd. 2. [FEE.] The registrar shall collect a fee of \$10 for each pair of plates issued to the sponsor. The minimum quantity to be issued for any event will be 50 pairs.

Subd. 3. [APPLICATION.] The application for special event plates shall include the name of the event, the quantity of plates requested, a certification that insurance as required under section 65B.49, subdivision 3, will be provided, the dates of the event, and the name and address of the sponsor. The application must be filed at least 120 days prior to the event.

Subd. 4. [LIABILITY OF SPONSOR.] The sponsor shall assume liability for all unpaid traffic violations which occurred during the display period.

Sec. 4. [174.315] [APPROPRIATE USES OF SPECIAL TRANSPORTATION.]

Special transportation services shall not provide or offer transportation to persons who might reasonably require basic or advanced life support, as defined in section 144.804, while in the special transportation vehicle. The commissioner of health shall investigate all complaints alleging violations of this section and shall report the results of the investigation to the commissioner of transportation. The minimum penalty for a violation shall be revocation of the certificate issued under section 174.30, subdivision 4a.

Sec. 5. Minnesota Statutes 1988, section 176.011, subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire including the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of a person charged with or suspected of crime;
- (4) a person requested or commanded to aid an officer in arresting or retaking a person who has escaped from lawful custody, or in executing legal process, in which cases, for purposes of calculating compensation under this chapter, the daily wage of the person shall be the prevailing wage for similar services performed by paid employees;
- (5) a county assessor;
- (6) an elected or appointed official of the state, or of a county, city, town, school district, or governmental subdivision in the state. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (7) an executive officer of a corporation, except those executive officers excluded by section 176.041;
- (8) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioners of human services and corrections similar to those of officers and

employees of the institutions, and whose services have been accepted or contracted for by the commissioner of human services or corrections as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(9) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it. The daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed by paid employees;

(10) a voluntary uncompensated worker participating in a program established by a county welfare board. In the event of injury or death of the worker, the wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid in the county at the time of the injury or death for similar services performed by paid employees working a normal day and week;

(11) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089. The daily wage of the worker for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(12) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(13) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138. The daily wage of the worker, for the purposes of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(14) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota state academy for the deaf or the Minnesota state academy for the blind, and whose services have been accepted or contracted for by the state board of education, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensa-

tion under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(15) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(16) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(17) students enrolled in and regularly attending the medical school of the University of Minnesota in the graduate school program or the postgraduate program. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits under this chapter;

(18) a faculty member of the University of Minnesota employed for an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota;

(19) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(20) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees; and

(21) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(22) a voluntary uncompensated worker while volunteering services as a first responder or as a member of a law enforcement assistance organization while acting under the supervision and authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

If it is difficult to determine the daily wage as provided in this subdivision, the trier of fact may determine the wage upon which the compensation is payable.

Sec. 6. Minnesota Statutes 1988, section 297A.25, is amended by adding a subdivision to read:

Subd. 44. [AMBULANCES.] The lease of a motor vehicle for use as an ambulance by an ambulance service licensed under section 144.802 is exempt.

Sec. 7. Minnesota Statutes 1989 Supplement, section 297B.03, is amended to read:

297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by the United States and its agencies and instrumentalities and by any person described in and subject to the conditions provided in section 297A.25, subdivision 18.

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who

subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person began residing in the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of section 351 or 721 of the Internal Revenue Code of 1986, as amended through December 31, 1988.

(5) Purchase or use of any vehicle owned by a resident of another state and leased to a Minnesota based private or for hire carrier for regular use in the transportation of persons or property in interstate commerce provided the vehicle is titled in the state of the owner or secured party, and that state does not impose a sales or motor vehicle excise tax on motor vehicles used in interstate commerce.

(6) Purchase or use of a motor vehicle by a private nonprofit or public educational institution for use as an instructional aid in automotive training programs operated by the institution.

(7) Purchase of a motor vehicle for use as an ambulance by an ambulance service licensed under section 144.802.

Sec. 8. [353E.01] [AMBULANCE SERVICE PERSONNEL INCENTIVE PLAN.]

Subdivision 1. [ESTABLISHMENT.] The ambulance service personnel incentive plan is administered by the public employees retirement association under supervision of the association board of directors. To assist it in governing the operations of the plan, the board may appoint an advisory committee of not more than seven members who are representative of ambulance service operators and ambulance service personnel.

Subd. 2. [COVERAGE.] Coverage under the personnel incentive plan is open to ambulance attendants and drivers from participating ambulance services who earn less than \$5,000 a year in hourly stipends or salary from service as an ambulance attendant or driver.

Sec. 9. [353E.02] [ELECTION OF COVERAGE.]

Each public ambulance service or privately operated ambulance service with its base of operation, as defined in section 144.801, subdivision 7, in Minnesota and with eligible personnel may elect to participate in the plan. If a service elects to participate, its eligible personnel may elect to participate or to decline to participate. An

individual's initial election must be made within the latter of 30 days of the service's election to participate or 30 days of the date on which the individual was employed by the service or began to provide service for it. The board of trustees of the public employees retirement association shall designate an annual period during which: (1) individuals or ambulance services who initially declined participation may choose to participate; and (2) individuals or ambulance services participating in the retirement plan may choose to end their participation.

Sec. 10. [353E.021] [FUNDING OF PLAN.]

Subdivision 1. [CALCULATION OF CREDIT; 20-YEAR LIMIT.] The plan is funded by general fund appropriations to the public employees retirement association. Money received by the public employees retirement association shall be remitted to the state board of investment for investment, until allocated and credited to participants. Beginning January 1, 1992, all funds received by the public employees retirement association and investment earnings on the funds, shall be allocated and credited to participants in proportion to the service units credited during the prior year for their years of service as provided in this subdivision and subdivisions 2 and 3.

Participants shall receive credit for two service units for each year of service following January 1, 1992, plus one service unit for each year of service prior to this date. Years of service must be verified by the participant's ambulance service in the report to the public employees retirement association required by section 13. Participant accounts may receive credit for service units for a maximum of 20 years of service.

Subd. 2. [CREDITS FOR FIRST FIVE YEARS.] For the calendar year beginning January 1, 1992, and for each of the next four calendar years, every participant shall receive credit at the end of the calendar year for two service units for that year, plus one-fifth of the total number of service units accumulated according to subdivision 1 for years of service prior to January 1, 1992. The amount of money per service unit that is to be deposited into each participant's account for each year during the period January 1, 1992, to December 31, 1996, is determined by dividing the total appropriation to the public employees retirement association for each fiscal year, plus investment earnings on that amount, by the total number of service units credited to all participants for that calendar year, as calculated according to this subdivision. Money appropriated to the public employees retirement association for fiscal year 1991 shall be allocated and credited with any appropriation received for fiscal year 1992.

Subd. 3. [CREDITS FOR SIXTH AND FOLLOWING YEARS.] For the calendar year beginning January 1, 1997, and for each

following calendar year, every participant shall receive credit for two service units at the end of that year. The amount of money per service unit that is to be deposited into each participant's account for each year after December 31, 1996, is determined by dividing the total appropriation to the public employees retirement association for that fiscal year, plus investment earnings on that amount, by the total number of service units credited to all participants for that calendar year, as calculated according to this subdivision.

Subd. 4. [PROHIBITION ON PARTICIPANT AND AMBULANCE SERVICE CONTRIBUTIONS.] Contributions by participants to their accounts, and contributions by ambulance services to their employees' accounts, are prohibited.

Subd. 5. [LIMITATION ON BENEFITS.] Benefits to participants under this plan are limited by and subject to the availability of funding.

Sec. 11. [353E.031] [VESTING.]

(a) Sixty months of service credit, accumulated after January 1, 1992, are required for vesting of retirement benefits. These 60 months must be accumulated within 120 months of the first month of service credit earned after January 1, 1992. No minimum period of service is required for vesting of death benefits, once the retirement plan has taken effect. Upon completion of 60 months of service under the plan with one or more participating ambulance services, a participant terminating active service is entitled to receive the value of the participant's individual account. An application by or on behalf of the participant must be filed before any payment of benefits is made.

(b) Funds credited to a person's account are forfeited at the end of the 120th month after the first month of service credit earned after January 1, 1992, if the person does not have 60 months of service credit at that time. Funds forfeited must be allocated as provided in section 10.

Sec. 12. [353E.05] [INVESTMENT OF FUNDS.]

Subdivision 1. [INVESTMENT.] Money allocated and credited to individual accounts, after the deduction of an amount for administrative expenses, must be remitted to the state board of investment for investment in the Minnesota supplemental investment fund established by section 11A.17. Investment options and procedures are governed by section 353D.05.

Subd. 2. [ADMINISTRATIVE EXPENSES.] The public employees retirement association may deduct a reasonable amount, set annually by the executive director of the association, but not to exceed

two percent of the funding of the plan under section 10, to defray the actual and necessary expenses of the association in administering the plan.

Sec. 13. [353E.06] [REPORTING BY AMBULANCE SERVICES.]

The executive director of the public employees retirement association shall prescribe the form of annual and any other reports required from an ambulance service and the election forms required from ambulance service members. Member forms shall contain names, identification numbers, total number of years and dates of accumulated service, and such other data as is required to keep an accurate account of the account value of each participant.

In the event an ambulance service fails to provide required information within 60 days after the public employees retirement association sends the service a notice that the information is overdue, its members forfeit the service units credited and funding allocated for that year. Funds forfeited must be allocated as provided in section 10. Ambulance services that provide fraudulent information shall be suspended from the program for a period of time determined by the executive director and are subject to criminal prosecution.

Sec. 14. [353E.07] [BENEFITS.]

Subdivision 1. [TYPE OF PLAN.] The plan is a defined contribution plan when the benefits are payable upon termination of service, retirement, or death. The amount of benefits is determined by the value of accumulated contributions plus a proportionate share of investment income of the fund credited to each individual account.

Subd. 2. [PAYMENT OF BENEFITS.] Withdrawal of or a retirement benefit based on fund contributions plus accrued investment income is payable immediately upon the death or termination of an active member for a period that exceeds 30 days. An application by or on behalf of the participant must be filed before any payment of benefits may be made.

Subd. 3. [FORM OF BENEFIT.] A retirement benefit is payable in a lump sum equal to the value of a participant's account at the date of retirement and may be rolled over into another qualified plan at the option of the member. As an alternative to a lump sum distribution, the member may choose to have the association use the total account value to purchase an annuity payable at a designated age from an insurance company licensed to do business in the state.

Subd. 4. [DEATH OF A MEMBER.] In the event of the death of an active participant, the total value of the account must be paid in a

lump sum to the designated beneficiary or, if none, the estate of the decedent.

Sec. 15. [353E.08] [PORTABILITY.]

Qualified ambulance service personnel who change employment or membership among participating ambulance services remain eligible for service unit credits under the plan.

Sec. 16. [353E.09] [RULES; TAX QUALIFICATION.]

The public employees retirement association may adopt rules required for administration of the plan. The proposed plan shall be formulated and adopted in accordance with applicable restrictions and standards of the Internal Revenue Code and rulings and regulations of the Internal Revenue Service in order to assure the tax exempt status of the plan as a qualified pension plan. If the public employees retirement association determines that its administration of the plan will jeopardize the tax exempt status of the plan as a qualified pension plan or the tax exempt status of any public pension plan listed in section 356.30, the public employees retirement association may contract with another organization for administration of the plan.

If the executive director of the public employees retirement association determines that the plan must comply with federal ERISA requirements, including any requirements necessary for tax-deferred treatment of contributions and interest earned thereon, participants shall not be credited with service units and the public employees retirement association shall not transfer money into participants' accounts until the director determines that the plan has met ERISA requirements. If the executive director determines that legislative changes are needed to comply with ERISA requirements, the director shall recommend the changes to the legislature at its next regular session.

Sec. 17. [NORTH PINE AREA HOSPITAL DISTRICT.]

Effective retroactive to October 1, 1989, the North Pine Area Hospital District shall not be considered to be a governmental subdivision and employees of the district shall not be considered to be public employees for purposes of membership or participation in the public employees retirement association."

Delete the title and insert:

"A bill for an act relating to health; exempting ambulances from certain fees and excise taxes; allowing special license plates to be issued; regulating the provision of special transportation services; clarifying the definition of employee for workers' compensation;

establishing an incentive plan for ambulance service personnel; setting plan requirements; excluding the North Pine Area Hospital District from membership or participation in the public employees retirement association; amending Minnesota Statutes 1988, sections 176.011, subdivision 9; and 297A.25, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 168.012, subdivision 1; 168.013, subdivision 1a; and 297B.03; proposing coding for new law in Minnesota Statutes, chapters 168; and 174; proposing coding for new law as Minnesota Statutes, chapter 353E."

The motion prevailed and the amendment was adopted.

Speaker pro tempore Rodosovich called Quinn to the Chair.

S. F. No. 1896, A bill for an act relating to health; providing exemptions from the infectious waste control act; requiring hospitals to accept certain infectious waste; modifying standards for ambulance drivers; requiring adoption of rules setting new standards for recertification of and upgrading to emergency care course certificates; increasing reimbursement for volunteers; authorizing an emergency medical services advisory committee; regulating the provision of special transportation services; requiring studies; encouraging rural medical school applicants; requiring a study of medical assistance reimbursement for physicians; creating a rural hospital planning and transition grant program; creating a rural hospital subsidy fund; allowing counties authority to exceed levy limits; appropriating money; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 9; 116.78, by adding subdivisions; 144.804, subdivisions 1 and 7; 144.809; 144.8091; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; and 174.

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

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

Those who voted in the affirmative were:

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

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

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

H. F. No. 1891 was reported to the House.

Kelly moved to amend H. F. No. 1891, the first engrossment, as follows:

Page 1, lines 27 to 33, delete the underscored language

Page 2, line 22, delete the underscored language

Page 6, lines 12 and 13, delete the underscored language

Page 6, line 23, after the first comma insert "or" and delete everything after the second comma

Page 6, line 24, delete "vouchers,"

Page 6, line 25, before "tipboard" insert "or"

Page 6, line 26, delete the underscored language

Page 7, lines 26 and 27, delete the underscored language

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Stanis and Kelly moved to amend H. F. No. 1891, the first engrossment, as amended, as follows:

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1988, section 349.151, is amended by adding a subdivision to read:

Subd. 7. [LICENSES; RESTRICTION.] The board shall not issue any license under this chapter to any person if the board determines that licensing the person would adversely affect the public health, welfare, and safety, or the integrity of lawful gambling."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1891, A bill for an act relating to lawful gambling; expanding definition of contraband; extending deadline for inventory of seized contraband; authorizing seizing authorities to use proceeds from forfeited contraband; prohibiting altered or counterfeit gambling equipment and possession thereof; prohibiting organizations from accepting checks for gambling equipment or chances; requiring posting of penalties for receiving cash on video games of chance; subjecting illegally used gambling equipment to forfeiture; providing penalties; amending Minnesota Statutes 1988, sections 349.151, by adding a subdivision; 349.2125, subdivision 4; 349.2127, by adding a subdivision; 349.22, by adding subdivisions; 349.52, by adding a subdivision; and 609.762, subdivision 1; Minnesota Statutes 1989 Supplement, sections 349.2125, subdivisions 1 and 3; 349.2127, subdivision 2; 349.22, subdivisions 1 and 3; 349.501, subdivision 1; 349.502, subdivision 1; and 609.76, subdivision 1.

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

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

Those who voted in the affirmative were:

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

Kostohryz	Morrison	Otis	Rodosovich	Swenson
Krueger	Munger	Ozment	Rukavina	Tjornhom
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	Weaver
McDonald	Olson, E.	Pugh	Simoneau	Welle
McEachern	Olson, K.	Quinn	Skoglund	Wenzel
McGuire	Omann	Redalen	Solberg	Williams
McLaughlin	Onnen	Reding	Sparby	Winter
McPherson	Orenstein	Rest	Stanius	Spk. Vanasek
Milbert	Osthoff	Rice	Steensma	
Miller	Ostrom	Richter	Sviggum	

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

S. F. No. 409 was reported to the House.

McLaughlin moved to amend S. F. No. 409, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 181.940, is amended to read:

181.940 [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 181.940 to ~~181.944~~ 181.946, the following terms have the meanings given to them in this section.

Subd. 2. [EMPLOYEE.] "Employee" means a person who performs services for hire for an employer from whom a leave is requested under sections 181.940 to 181.946, for at least 12 consecutive months preceding the request, and for an average of 20 or more hours per week during those 12 months, and includes all individuals employed at any site owned or operated by an the employer. Employee does not include an independent contractor.

Subd. 3. [EMPLOYER.] "Employer" means a person or entity that employs 21 or more employees at at least one site and, except that for purposes of the school leave allowed under section 181.945, subdivision 1, employer means a person or entity that employs one or more employees in Minnesota. Employer includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Subd. 4. [CHILD.] "Child" means a natural, adopted, or foster child, a stepchild, or a legal ward who:

(1) is a minor; or

(2) is 18 years of age or older and is a dependent of the employee or employee's spouse because of a physical or mental condition.

Subd. 5. [SERIOUS HEALTH CONDITION.] "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility; (2) a long-term mental or physical condition which requires continuing in-home care by a health care provider or accredited Christian Science practitioner; or (3) a terminally ill patient.

Sec. 2. Minnesota Statutes 1988, section 181.941, is amended to read:

181.941 [PARENTING LEAVE.]

Subdivision 1. [SIX-WEEK LEAVE; BIRTH OR ADOPTION.] An employer must grant an unpaid leave of absence to an employee who has been employed by the employer for at least 12 months and who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of the leave shall be determined by the employee, but may not exceed six weeks, unless agreed to by the employer.

Subd. 2. [START OF LEAVE.] The leave shall begin at a time requested by the employee. The employer may adopt reasonable policies governing the timing of requests for unpaid leave. The leave may begin not more than six weeks after the birth or adoption; except that, in the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital.

Subd. 3. [NO EMPLOYER RETRIBUTION.] An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. [CONTINUED INSURANCE.] The employer ~~shall~~ must continue to make coverage available to the employee, while on leave of absence, under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents. Nothing in this section requires the employer to pay the costs of the insurance or health care while the employee is on leave of absence.

Sec. 3. Minnesota Statutes 1988, section 181.942, is amended to read:

181.942 [REINSTATEMENT AFTER LEAVE.]

Subdivision 1. [COMPARABLE POSITION.] An employee returning from a leave of absence ~~shall be under section 181.941~~ is entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave. An employee returning from a medical and family care leave under section 181.945 is entitled to the employee's former position.

If, during the leave, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Subd. 2. [PAY; BENEFITS; ON RETURN.] An employee returning from a leave of absence under section 181.941 or 181.945 shall return to work at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during leave period. The employee returning from a leave shall retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 181.940 to ~~181.943~~ 181.945 prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

Subd. 3. [PART-TIME RETURN.] An employee, by agreement with the employer, may return to work part time during the leave period without forfeiting the right to return to employment at the end of the leave period, as provided in sections 181.940 to ~~181.943~~ 181.945.

Sec. 4. Minnesota Statutes 1988, section 181.943, is amended to read:

181.943 [RELATIONSHIP TO OTHER LEAVE.]

The length of leave provided by sections 181.940 to 181.944 section 181.941 may be reduced by any period of paid parental or disability leave, but not accrued sick leave, provided by the employer, so that the total parenting leave does not exceed six weeks, unless agreed to by the employer.

Nothing in sections 181.940 to ~~181.943~~ 181.946 prevents any employer from providing ~~parental~~ leave benefits in addition to those provided in sections 181.940 to ~~181.943~~ 181.946 or otherwise affects an employee's rights with respect to any other employment benefit.

Sec. 5. Minnesota Statutes 1988, section 181.944, is amended to read:

181.944 [INDIVIDUAL REMEDIES.]

In addition to any other remedies ~~otherwise~~ provided by law, any a person injured by a violation of sections 181.940 to ~~181.943~~ 181.946 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive injunctive and other equitable relief as determined by a court.

Sec. 6. [181.945] [MEDICAL AND FAMILY CARE LEAVE.]

Subdivision 1. [FAMILY LEAVE.] (a) An employer must grant an employee unpaid leaves of up to a total of ten work days during any 12-month period:

(1) to care for the employee's child, spouse, brother, sister, or parent, including a parent-in-law, or any member of the employee's household, who has a serious health condition;

(2) to attend school conferences or other school events related to the employee's child, provided the conference or events cannot be scheduled during nonwork hours; or

(3) for care necessary for the employee's own serious health condition.

(b) The length of unpaid leave provided by this section may be reduced by any period of paid leave, other than vacation or holiday leave, provided by the employer, so that the total medical and family leave does not exceed ten days in any 12 month period, unless agreed to by the employer.

(c) A maximum of three days of the leave required by this subdivision may be used for school events and conferences under paragraph (a), clause (2).

(d) Leave under this subdivision need not be taken at one time but may be used more than once until the maximum allowed by this subdivision is used.

(e) An employer who pays an exempt employee while the employee is on unpaid leave under Section 181.945 may require that

employee to make up the hours lost from work due to partial days of leave. This paragraph applies only to employees within the exemptions from the overtime provisions of the federal fair labor standards act in United States Code, title 29, section 213, as amended.

Subd. 2. [TIMING; NOTICE.] Where the need for the leave is foreseeable, the employee must (1) provide reasonable prior notice of the leave; and (2) make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

Subd. 3. [CONTINUED MEDICAL COVERAGE.] During the period of the leave, the employer shall maintain group medical coverage under the conditions that applied immediately before the leave began. If the employee continues to make required contributions to the plan, the employer shall continue making group medical coverage premium contributions as if the employee had not taken the leave.

Sec. 7. [181.946] [USE OF SICK LEAVE.]

An employee may use sick leave benefits for absences due to the illness of a child for such reasonable periods as the employee's attendance may be necessary, on the same terms the employee is able to use sick leave benefits for the employee's own illness. This section applies only to sick leave benefits payable to the employee from the employer's general assets."

Delete the title and insert:

"A bill for an act relating to employment; providing for certain employee leaves of absence; amending Minnesota Statutes 1988, sections 181.940, and by adding subdivisions; 181.941; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181."

A roll call was requested and properly seconded.

The question was taken on the McLaughlin amendment and the roll was called. There were 60 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Johnson, A.	Long	Nelson, K.
Battaglia	Dawkins	Johnson, R.	McEachern	O'Connor
Beard	Greenfield	Kelly	McGuire	Ogren
Begich	Hasskamp	Kinkel	McLaughlin	Olson, E.
Blatz	Hausman	Kostohryz	Milbert	Olson, K.
Brown	Jacobs	Krueger	Munger	Orenstein
Carlson, L.	Janezich	Lasley	Murphy	Osthoff
Carruthers	Jefferson	Lieder	Nelson, C.	Otis

Pappas	Reding	Sarna	Skoglund	Weaver
Price	Rest	Scheid	Solberg	Wenzel
Pugh	Rice	Segal	Trimble	Williams
Quinn	Rodosovich	Simoneau	Vellenga	Spk. Vanasek

Those who voted in the negative were:

Abrams	Frerichs	Limmer	Ozment	Stanius
Bauerly	Girard	Lynch	Pauly	Steensma
Bennett	Gruenes	Macklin	Pellow	Sviggum
Bertram	Hartle	Marsh	Pelowski	Swenson
Boo	Haukoos	McDonald	Peterson	Tjornhom
Burger	Heap	McPherson	Poppenhagen	Tompkins
Carlson, D.	Henry	Miller	Redalen	Tunheim
Cooper	Hugoson	Morrison	Richter	Uphus
Dauner	Jennings	Neuenschwander	Runbeck	Valento
Dille	Johnson, V.	Olsen, S.	Schafer	Waltman
Dorn	Kalis	Omann	Schreiber	Welle
Forsythe	Kelso	Onnen	Seaberg	Winter
Frederick	Knickerbocker	Ostrom	Sparby	

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

McLaughlin moved that S. F. No. 409 be continued on Special Orders. The motion prevailed.

H. F. No. 2152 was reported to the House.

There being no objection, H. F. No. 2152 was continued on Special Orders.

S. F. No. 2424, A bill for an act relating to insurance; life; regulating policies with accelerated benefits; modifying the application of certain provisions; prescribing a penalty; amending Minnesota Statutes 1989 Supplement, section 61A.072, subdivision 3, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 2282 was reported to the House.

Rice moved that S. F. No. 2282 be continued on Special Orders. The motion prevailed.

S. F. No. 1852 was reported to the House.

Vellenga moved that S. F. No. 1852 be continued on Special Orders. The motion prevailed.

S. F. No. 1869, A bill for an act relating to labor; requiring employers to prepare and implement a written program that describes how they will reduce the extent and severity of work-related injuries and illnesses; providing for safety awards by the commissioner of labor and industry; amending Minnesota Statutes 1988, section 182.653, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 182.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Haukoos	Kalis	Miller	Schafer
Hugoson	McPherson	Redalen	

The bill was passed and its title agreed to.

S. F. No. 2054 was reported to the House.

Vellenga moved that S. F. No. 2054 be continued on Special Orders. The motion prevailed.

H. F. No. 2023, A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; appropriating money; amending Minnesota Statutes 1989 Supplement, section 198.003.

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

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

Those who voted in the affirmative were:

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

Steensma
Sviggum
Swenson
Tjornhom

Tompkins
Trimble
Tunheim
Uphus

Valento
Vellenga
Wagenius
Waltman

Weaver
Welle
Wenzel
Williams

Winter
Spk. Vanasek

The bill was passed and its title agreed to.

S. F. No. 2158 was reported to the House.

Jacobs moved to amend S. F. No. 2158, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 216B.163, is amended to read:

216B.163 [FLEXIBLE TARIFFS.]

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

(b) “Effective competition” means that a customer of a gas utility who either receives interruptible service or whose daily requirement exceeds 50,000 cubic feet maintains or plans on acquiring the capability to switch to the same, equivalent, or substitutable energy supplies or service, ~~except indigenous biomass energy supplies composed of wood products, grain, biowaste, and cellulose materials,~~ at comparable prices from a supplier not regulated by the commission.

(c) “Flexible tariff” means a rate schedule under which a gas utility may set or change the price for its service to an individual customer or group of customers without prior approval of the commission within a range of prices determined by the commission to be just and reasonable.

Subd. 2. [FLEXIBLE TARIFFS PERMITTED.] Notwithstanding ~~any other provision of this chapter~~ section 216B.03, 216B.05, 216B.06, 216B.07, or 216B.16, the commission is ~~authorized to may~~ approve a flexible tariff for any class of customers of a gas utility when provision of service, including the sale or transportation of gas, to any customers within the class is subject to effective competition. Upon application of a gas utility, the commission shall find that effective competition exists for a class of customers taking interruptible service at a level exceeding 199,000 cubic feet per day. A gas utility may only apply a flexible tariff only to a customer that is subject to effective competition and a gas utility may not apply a flexible tariff or otherwise reduce its rates to compete with indigenous biomass energy supplies, or with customers of district heating

facilities as of June 1, 1987. Customers of a gas utility whose only alternative source of energy is gas from a supplier not regulated by the commission and who must use the gas utility's system to transport the gas are not subject to effective competition unless the customers have or can reasonably acquire the capability to bypass the gas utility's system to obtain gas from a supplier not regulated by the commission. A customer subject to effective competition may elect to take service either under the flexible tariff or under the appropriate nonflexible tariff for that class of service set in accordance with section 216B.03, provided that a customer that uses an alternative energy supply or service other than indigenous biomass energy supplies from a supplier not regulated by the commission for reasons of price shall be deemed to have elected to take service under the flexible tariff.

Subd. 3. [ESTABLISHING OR CHANGING A FLEXIBLE TARIFF.] The commission may establish a flexible tariff through a miscellaneous rate filing only if the filing does not seek to recover any revenues which the utility expects to lose by implementing flexible tariffs from any customers who do not take service under the flexible tariff, nor to change any other rates another rate. If a gas utility requests authority to establish a flexible tariff and as part of that request seeks to recover any revenues which the utility expects to lose by implementing flexible tariffs from any customers who do not take service under the flexible tariff or to change any other rates the commission may only establish that flexible tariff within a general rate case for that gas utility. The commission may only change the rates in a flexible tariff within a gas utility's general rate case.

Subd. 4. [RATES AND TERMS OF SERVICE.] Whenever the commission authorizes a flexible tariff, it shall set the terms, and conditions of service for that tariff, which shall include including:

(1) that the minimum rate for the tariff, which must recover at least the incremental cost of providing the service;

(2) that there is no upward the maximum for the rate for the tariff; and

(3) a requirement that a customer who elects to take service under the flexible tariff remain on that tariff for a reasonable period of time, which shall not be less than one year; and

(4) that any customer changing from a flexible tariff to the appropriate nonflexible tariff for that class pay all costs incurred by the utility due to that change.

The commission may set the terms and conditions of service for a flexible tariff in a gas utility proceeding, a miscellaneous filing, or a complaint proceeding under section 216B.17.

Subd. 5. [RECOVERY OF REVENUES.] In a general rate case ~~which~~ that establishes a flexible tariff for a gas utility, and in each general rate case of a gas utility for which a flexible tariff has been authorized, the commission shall determine a projected level of revenues and expenses from services under that tariff based on a single target rate for all sales under that tariff, which projection shall be used and use the projection to determine the utility's overall rates. That target rate method used to establish a level of projected revenues shall ~~may not limit~~ the gas utility's ability or right to set rates for ~~any~~ a customer taking service under the flexible tariff.

Subd. 6. [INTERIM FLEXIBLE TARIFF.] Notwithstanding section 216B.16, subdivision 3, if a gas utility files with the commission to establish or change a flexible tariff the commission shall permit the proposed flexible tariff to take effect on an interim basis no later than 30 days after filing. If any customers receive an increase in rates during the period that an interim flexible tariff is in effect, the increase is subject to refund as provided in section 216B.16, subdivision 3. The gas utility shall provide ten days written notice, or other notice as may be established by contract not to exceed 30 days, to a customer before implementing an interim rate ~~increase~~ change for that customer under this section.

Subd. 7. [FINAL DETERMINATION.] The commission shall make a final determination in a proceeding begun under this section for approval of a flexible tariff, other than a filing made within a general rate case, within 180 days of the filing by the gas utility.

Subd. 8. [STUDY AND REPORT.] The department shall review the operation and effects of any rates implemented under this section. The review must include, at a minimum, an evaluation of the impact of flexible gas rates on alternative energy sources, including indigenous biomass energy, and the impact on the utility and its customers of setting a maximum rate for the tariff. The department shall submit its report to the legislature by January 1, 1995. The department shall assess gas utilities that utilize a flexible tariff under section 1 for the actual cost of conducting the study, not to exceed \$5,000. Each utility utilizing a flexible tariff must be assessed an equal share of the cost.

Sec. 2. Laws 1987, chapter 371, section 4, is amended to read:

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment, and are repealed effective July 1, 1990.

Sec. 3. [APPROPRIATION.]

\$5,000 is appropriated from the general fund to the department of

public service to be reimbursed from the assessment authorized in section 1, subdivision 8, for the purpose of conducting the study required by section 1. The money is available until February 1, 1995.

Sec. 4. [EFFECTIVE DATES.]

Sections 1 and 3 are effective July 1, 1990. Section 2 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

Jacobs moved to amend S. F. No. 2158, as amended, as follows:

Page 1, lines 18 to 20, reinstate the stricken language

Page 2, lines 12 to 13, reinstate the stricken language

Page 2, line 14, before the stricken comma reinstate the stricken language

The motion prevailed and the amendment was adopted.

S. F. No. 2158, A bill for an act relating to utilities; regulating flexible gas utility rates; repealing sunset provisions relating to flexible gas utility rates; appropriating money; amending Minnesota Statutes 1988, section 216B.163; and Laws 1987, chapter 371, section 4.

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

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

Those who voted in the affirmative were:

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

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

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

S. F. No. 1081, A bill for an act relating to courts; providing for a study by the supreme court of racial bias in the judicial system; appropriating money.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1162, A bill for an act relating to drivers' licenses; setting deadline for court administrators to forward driver's license or

permit applications and fees to the department of public safety; amending Minnesota Statutes 1988, section 171.06, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

There being no objection, S. F. No. 2054 which was continued earlier today was again reported to the House.

Kelly moved to amend S. F. No. 2054, the unofficial engrossment, as follows:

Page 6, after line 7, insert:

"Sec. 14. [DAY-FINES.]

Subdivision 1. [MODEL SYSTEM.] By June 1, 1991, the sentencing guidelines commission shall develop a model day-fine system.

Each judicial district must adopt either the model system or its own day-fine system by January 1, 1992.

Subd. 2. [COMPONENTS.] A day-fine system adopted under this section must provide for a two-step sentencing procedure for those receiving a fine as part of a probationary felony sentence. In the first step, the court determines how many punishment points a person will receive, taking into account the severity of the offense and the criminal history of the offender. The second step is to multiply the punishment points by a factor that accounts for the offender's financial circumstances. The goal of the system is to provide a fine that is proportional to the seriousness of the offense and largely equal in impact among offenders with different financial circumstances. The system may provide for community service in lieu of fines for offenders whose means are so limited that the payment of a fine would be unlikely.

Sec. 15. [SUPREME COURT STUDIES.]

Subdivision 1. [JOINDER STUDY.] The supreme court shall study the feasibility of amending rule 17.03 of the Minnesota Rules of Criminal Procedure to facilitate the joint trial of certain defendants being prosecuted for possession of a controlled substance where separate trials do not serve the interests of justice. The court shall consider whether the amendment of rule 17.03 would have an unfair impact on particular economic classes or ethnic groups or otherwise create unfair categories of defendants.

Subd. 2. [CASH BAIL STUDY.] The supreme court shall study the feasibility of amending the Minnesota Rules of Criminal Procedure to provide a hearing when a defendant pays a large bail amount in cash to allow the court to determine whether the funds are the proceeds of the unlawful sale of controlled substances."

Renumber the remaining section

Amend the title accordingly

Abrams requested a division of the Kelly amendment to S. F. No. 2054, the unofficial engrossment.

The first portion of the Kelly amendment to S. F. No. 2054, the unofficial engrossment, reads as follows:

Page 6, after line 7, insert:

"Sec. 14. [DAY-FINES.]

Subdivision 1. [MODEL SYSTEM.] By June 1, 1991, the sentenc-

ing guidelines commission shall develop a model day-fine system. Each judicial district must adopt either the model system or its own day-fine system by January 1, 1992.

Subd. 2. [COMPONENTS.] A day-fine system adopted under this section must provide for a two-step sentencing procedure for those receiving a fine as part of a probationary felony sentence. In the first step, the court determines how many punishment points a person will receive, taking into account the severity of the offense and the criminal history of the offender. The second step is to multiply the punishment points by a factor that accounts for the offender's financial circumstances. The goal of the system is to provide a fine that is proportional to the seriousness of the offense and largely equal in impact among offenders with different financial circumstances. The system may provide for community service in lieu of fines for offenders whose means are so limited that the payment of a fine would be unlikely."

Renumber the remaining section

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Abrams raised a point of order pursuant to rule 3.9 that the first portion of the Kelly amendment was not in order. The Speaker ruled the point of order out of order.

POINT OF ORDER

Marsh raised a point of order pursuant to rule 3.9 that the Kelly amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

Kelly withdrew the first portion of the Kelly amendment to S. F. No. 2054, the unofficial engrossment.

The second portion of the Kelly amendment to S. F. No. 2054, the unofficial engrossment, reads as follows:

Page 6, after line 7, insert:

"Sec. 15. [SUPREME COURT STUDIES.]

Subdivision 1. [JOINDER STUDY.] The supreme court shall study the feasibility of amending rule 17.03 of the Minnesota Rules of Criminal Procedure to facilitate the joint trial of certain defendants being prosecuted for possession of a controlled substance where separate trials do not serve the interests of justice. The court shall consider whether the amendment of rule 17.03 would have an unfair impact on particular economic classes or ethnic groups or otherwise create unfair categories of defendants.

Subd. 2. [CASH BAIL STUDY.] The supreme court shall study the feasibility of amending the Minnesota Rules of Criminal Procedure to provide a hearing when a defendant pays a large bail amount in cash to allow the court to determine whether the funds are the proceeds of the unlawful sale of controlled substances."

Renumber the remaining section

Amend the title accordingly

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

Kelly moved to amend S. F. No. 2054, the unofficial engrossment, as amended, as follows:

Page 2, line 24, after "effect" insert "and shall be given no consideration in making judicial assignments"

The motion prevailed and the amendment was adopted.

S. F. No. 2054, A bill for an act relating to courts; staggering the elections of chief judges and assistant chief judges; providing for the adoption of rules by the supreme court governing jury administration; imposing penalties; amending Minnesota Statutes 1988, sections 484.69, subdivision 1, and by adding a subdivision; 593.19; 593.21; 593.31; 593.37, subdivision 2a; 593.40, subdivisions 4, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 593; repealing Minnesota Statutes 1988, sections 484.69, subdivision 2; 593.01; 593.08; 593.131; 593.135; 593.16; 593.33; 593.34; 593.35; 593.36; 593.37, subdivisions 1, 2, and 3; 593.38; 593.39; 593.40, subdivisions 1, 2, and 3; 593.41; 593.42, subdivisions 1, 2, 3, and 5; 593.43; 593.44; 593.45; 593.46; 593.47; and 593.49.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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.

MOTIONS FOR RECONSIDERATION

Long moved that the vote whereby S. F. No. 2527 was passed earlier today be now reconsidered. The motion prevailed.

Long moved that the action whereby S. F. No. 2527 was given its third reading earlier today be now reconsidered. The motion prevailed.

S. F. No. 2527 was again reported to the House.

Jennings and Johnson, V., moved to amend S. F. No. 2527, as follows:

Page 6, delete lines 19 to 23

Renumber the remaining subdivisions

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2527, A bill for an act relating to agriculture; establishing an agricultural liming material law; allowing agreements between the commissioner of agriculture and certain persons required to file reports under the corporate farming law; appropriating money; prescribing penalties; amending Minnesota Statutes 1988, section 500.24, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 18F.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Sparby
Stanis
Steensma
Sviggum

Swenson
Tjornhom
Tompkins
Trimble

Tunheim
Uphus
Valento
Vellenga

Wagenius
Waltman
Weaver
Welle

Wenzel
Williams
Winter
Spk. Vanasek

Those who voted in the negative were:

Carlson, D.

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

MOTIONS AND RESOLUTIONS

Sparby moved that the name of Wenzel be added as an author on H. F. No. 1815. The motion prevailed.

Wagenius moved that the name of Lynch be added as an author on H. F. No. 2605. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1854:

Pugh, Kelly and Macklin.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 188:

Osthoff, Scheid and Morrison.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1703:

Trimble, Skoglund and Uphus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2181:

Dawkins, Begich and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2317:

Jacobs, Beard and Boo.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, April 19, 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., Thursday, April 19, 1990.

EDWARD A. BURDICK, Chief Clerk, House of Representatives