

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1992

NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 13, 1992

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

Prayer was offered by Representative Kris Hasskamp, District 13A, Crosby, 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 | Frederick | Kelso | Ogren | Simoneau |
| Anderson, I. | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, R. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayer | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omann | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanius |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Sviggum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Waltman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Dauids | Jefferson | Morrison | Rukavina | Wejeman |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |

A quorum was present.

Welker was excused until 4:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

law in Minnesota Statutes, chapter 177; repealing Minnesota Statutes 1990, sections 177.43, subdivision 6; and 177.44, subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

HOUSE ADVISORIES

The following House Advisories were introduced:

Marsh and Sarna introduced:

H. A. No. 48, A proposal to study retail petroleum pricing structures.

The advisory was referred to the Committee on Commerce.

Solberg and Skoglund introduced:

H. A. No. 49, A proposal to change the insurance rates on young drivers.

The advisory was referred to the Committee on Financial Institutions and Insurance.

Olson, K., introduced:

H. A. No. 50, A proposal to study gifted and talented programs.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam 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. 2211, A bill for an act relating to crime; clarifying certain law enforcement powers; creating a permissive inference of possession with respect to a firearm in an automobile; making technical corrections to the eligibility criteria and transfer process applicable to permits to possess a pistol; amending Minnesota Statutes 1990, sections 169.98, subdivision 1a; 299D.06; 624.713, subdivision 1;

624.7131, subdivision 10; and 624.7132, subdivisions 4 and 8; proposing coding for new law in Minnesota Statutes, chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bauerly moved that the House concur in the Senate amendments to H. F. No. 2211 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2211, A bill for an act relating to crime; clarifying certain law enforcement powers; providing for administrative forfeiture of firearms; creating a permissive inference of possession with respect to a firearm in an automobile; making technical corrections to the eligibility criteria and transfer process applicable to permits to possess a pistol; amending Minnesota Statutes 1990, sections 169.98, subdivision 1a; 299D.06; 609.5314, subdivision 1; 624.713, subdivision 1; 624.7131, subdivision 10; and 624.7132, subdivisions 4 and 8; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olsen, S. | Smith |
| Anderson, I. | Garcia | Knickerbocker | Olson, E. | Solberg |
| Anderson, R. | Girard | Koppendrayner | Olson, K. | Sparby |
| Anderson, R. H. | Goodno | Krambeer | Onnen | Stanius |
| Battaglia | Greenfield | Krinkie | Orenstein | Steensma |
| Bauerly | Gruenes | Krueger | Orfield | Sviggum |
| Beard | Gutknecht | Lasley | Osthoff | Swenson |
| Begich | Hanson | Leppik | Ostrom | Thompson |
| Bertram | Hartle | Lieder | Ozment | Tompkins |
| Bettermann | Hasskamp | Limmer | Pauly | Trimble |
| Blatz | Haukoos | Lourey | Pellow | Tunheim |
| Bodahl | Hausman | Lynch | Pelowski | Uphus |
| Boo | Heir | Macklin | Peterson | Valento |
| Brown | Henry | Mariani | Pugh | Vanasek |
| Carlson | Hufnagle | Marsh | Reding | Vellenga |
| Carruthers | Hugoson | McEachern | Rest | Wagenius |
| Clark | Jacobs | McGuire | Rice | Waltman |
| Cooper | Janezich | McPherson | Rodosovich | Weaver |
| Dauner | Jaros | Milbert | Rukavina | Wejeman |
| Davids | Jefferson | Morrison | Runbeck | Welle |
| Dawkins | Jennings | Munger | Sarna | Wenzel |
| Dempsey | Johnson, A. | Murphy | Schafer | Winter |
| Dille | Johnson, R. | Nelson, K. | Schreiber | Spk. Long |
| Dorn | Johnson, V. | Nelson, S. | Seaberg | |
| Erhardt | Kahn | Newinski | Segal | |
| Farrell | Kalis | O'Connor | Simoneau | |
| Frederick | Kelso | Ogren | Skoglund | |

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

Madam 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. 2623, A bill for an act relating to the Mississippi river headwaters area; updating and changing provisions relating to activities of the Mississippi headwaters board; amending Minnesota Statutes 1990, sections 103F.361, subdivision 2; 103F.363, subdivision 2; 103F.365, by adding a subdivision; 103F.367, subdivision 6; 103F.369, subdivisions 1 and 4; 103F.371; 103F.373, subdivisions 1 and 2; 103F.375, subdivision 1; and 103F.377; Minnesota Statutes 1991 Supplement, section 103F.369, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Solberg moved that the House concur in the Senate amendments to H. F. No. 2623 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2623, A bill for an act relating to the Mississippi river headwaters area; updating and changing provisions relating to activities of the Mississippi headwaters board; authorizing certain powers for the Spirit Mountain recreation area authority; amending Minnesota Statutes 1990, sections 103F.361, subdivision 2; 103F.363, subdivision 2; 103F.365, by adding a subdivision; 103F.367, subdivision 6; 103F.369, subdivisions 1 and 4; 103F.371; 103F.373, subdivisions 1 and 2; 103F.375, subdivision 1; and 103F.377; Minnesota Statutes 1991 Supplement, section 103F.369, subdivision 2; Laws 1973, chapter 327, section 5.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|------------|-----------|------------|----------|
| Abrams | Bettermann | Dauner | Frerichs | Hasskamp |
| Anderson, I. | Blatz | Davids | Garcia | Haukoos |
| Anderson, R. | Bodahl | Dawkins | Girard | Hausman |
| Anderson, R. H. | Boo | Dempsey | Goodno | Heir |
| Battaglia | Brown | Dille | Greenfield | Henry |
| Bauerly | Carlson | Dorn | Gruenes | Hufnagle |
| Beard | Carruthers | Erhardt | Gutknecht | Hugoson |
| Begich | Clark | Farrell | Hanson | Jacobs |
| Bertram | Cooper | Frederick | Hartle | Janezich |

| | | | | |
|---------------|------------|------------|-----------|-----------|
| Jaros | Limmer | Olsen, S. | Rukavina | Trimble |
| Jefferson | Lourey | Olson, E. | Runbeck | Tunheim |
| Jennings | Lynch | Olson, K. | Sarna | Uphus |
| Johnson, A. | Macklin | Onnen | Schafer | Valento |
| Johnson, R. | Mariani | Orenstein | Schreiber | Vanasek |
| Johnson, V. | Marsh | Orfield | Seaberg | Vellenga |
| Kahn | McEachern | Osthoff | Segal | Wagenius |
| Kalis | McGuire | Ostrom | Simoneau | Waitman |
| Kelso | McPherson | Ozment | Skoglund | Weaver |
| Kinkel | Milbert | Pauly | Smith | Wejman |
| Knickerbocker | Morrison | Pellow | Solberg | Welle |
| Koppendrayer | Munger | Pelowski | Sparby | Wenzel |
| Krambeer | Murphy | Peterson | Stanis | Winter |
| Krinkie | Nelson, K. | Pugh | Steenma | Spk. Long |
| Krueger | Nelson, S. | Reding | Svigum | |
| Lasley | Newinski | Rest | Swenson | |
| Leppik | O'Connor | Rice | Thompson | |
| Lieder | Ogren | Rodosovich | Tompkins | |

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

Madam 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. 2551, A bill for an act relating to corporations; regulating registrations of domestic corporations with the secretary of state; amending Minnesota Statutes 1990, section 302A.821, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rest moved that the House concur in the Senate amendments to H. F. No. 2551 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2551, A bill for an act relating to corporations; regulating registrations of domestic corporations with the secretary of state; amending Minnesota Statutes 1990, section 302A.821, as amended.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olsen, S. | Smith |
| Anderson, I. | Garcia | Knickerbocker | Olson, E. | Solberg |
| Anderson, R. | Girard | Koppendrayner | Olson, K. | Sparby |
| Anderson, R. H. | Goodno | Krambeer | Onnen | Stanisus |
| Battaglia | Greenfield | Krinkie | Orenstein | Steensma |
| Bauerly | Gruenes | Krueger | Orfield | Sviggum |
| Beard | Gutknecht | Lasley | Osthoff | Swenson |
| Begich | Hanson | Leppik | Ostrom | Thompson |
| Bertram | Hartle | Lieder | Ozment | Tompkins |
| Bettermann | Hasskamp | Limmer | Pauly | Trimble |
| Blatz | Haukoos | Lourey | Pellow | Tunheim |
| Bodahl | Hausman | Lynch | Pelowski | Uphus |
| Boo | Heir | Macklin | Peterson | Valento |
| Brown | Henry | Mariani | Pugh | Vanasek |
| Carlson | Hufnagle | Marsh | Reding | Vellenga |
| Carruthers | Hugoson | McEachern | Rest | Wagenius |
| Clark | Jacobs | McGuire | Rice | Waltman |
| Cooper | Janezich | McPherson | Rodosovich | Weaver |
| Dauner | Jaros | Milbert | Rukavina | Wejeman |
| Davids | Jefferson | Morrison | Runbeck | Welle |
| Dawkins | Jennings | Munger | Sarna | Wenzel |
| Dempsey | Johnson, A. | Murphy | Schafer | Winter |
| Dille | Johnson, R. | Nelson, K. | Schreiber | Spk. Long |
| Dorn | Johnson, V. | Nelson, S. | Seaberg | |
| Erhardt | Kahn | Newinski | Segal | |
| Farrell | Kalis | O'Connor | Simoneau | |
| Frederick | Kelso | Ogren | Skoglund | |

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

Madam Speaker:

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

S. F. No. 1399.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1399

A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, subdivision 2.

April 2, 1992

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Dee Long
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1399, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: JOANNE BENSON, STEVEN G. NOVAK AND GENE WALDORF.

House Conferees: JOEL JACOBS, RICH O'CONNOR AND BEN BOO.

Jacobs moved that the report of the Conference Committee on S. F. No. 1399 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1399, A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|------------|------------|-------------|---------------|
| Abrams | Carlson | Frerichs | Henry | Kelso |
| Anderson, I. | Carruthers | Garcia | Hufnagle | Kinkel |
| Anderson, R. | Clark | Girard | Hugoson | Knickerbocker |
| Anderson, R. H. | Cooper | Goodno | Jacobs | Koppendrayner |
| Battaglia | Dauner | Greenfield | Janezich | Krambeer |
| Bauerly | Davids | Gruenes | Jaros | Krinkie |
| Beard | Dawkins | Gutknecht | Jefferson | Krueger |
| Begich | Dempsey | Hanson | Jennings | Lasley |
| Bertram | Dille | Hartle | Johnson, A. | Leppik |
| Bettermann | Dorn | Hasskamp | Johnson, R. | Lieder |
| Bodahl | Erhardt | Haukoos | Johnson, V. | Limmer |
| Boo | Farrell | Hausman | Kahn | Lourey |
| Brown | Frederick | Heir | Kalis | Lynch |

| | | | | |
|------------|-----------|------------|----------|-----------|
| Macklin | Ogren | Peterson | Skoglund | Vanasek |
| Mariani | Olsen, S. | Pugh | Smith | Vellenga |
| Marsh | Olson, E. | Reding | Solberg | Wagenius |
| McEachern | Olson, K. | Rest | Sparby | Waltman |
| McGuire | Omann | Rice | Stanis | Weaver |
| McPherson | Onnen | Rodosovich | Steensma | Wejman |
| Milbert | Orenstein | Rukavina | Sviggum | Welle |
| Morrison | Orfield | Runbeck | Swenson | Wenzel |
| Munger | Osthoff | Sarna | Thompson | Winter |
| Murphy | Ostrom | Schafer | Tompkins | Spk. Long |
| Nelson, K. | Ozment | Schreiber | Trimble | |
| Nelson, S. | Pauly | Seaberg | Tunheim | |
| Newinski | Pellow | Segal | Uphus | |
| O'Connor | Pelowski | Simoneau | Valento | |

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

Madam Speaker:

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

S. F. Nos. 2699 and 2565.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2699, A bill for an act relating to state government; department of administration; modifying the encumbrance process for agency construction projects; modifying authority for building maintenance and leasing; changing requirements for certain agency purchases; requiring certain recipients of state money to provide free advertising space for state programs; amending administration of STARS; changing the date for the department of administration to report recycling goals; providing that the department may retain money from successful litigation; amending auditing requirements for noncommercial radio stations; extending the date for relocating the state printing operation; making various technical changes; amending Minnesota Statutes 1990, sections 16A.15, subdivision 3; 16B.09, by adding a subdivision; 16B.121; 16B.24, subdivisions 1, 5, and 6; 16B.31, by adding a subdivision; 16B.33, subdivision 3; 16B.40, subdivision 8; 16B.465, subdivisions 2, 3, and 6; 16B.58, subdivision 5; 129D.14, subdivisions 3, 4, and 6; Minnesota Statutes 1991 Supplement, sections 16B.19, subdivision 2b; 103B.311, subdivision 7; 115A.15, subdivision 9; and 138.94, subdivision 1; and Laws 1991, chapter 345, article 1, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time.

Peterson moved that S. F. No. 2699 and H. F. No. 2335, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2565, A bill for an act relating to the bureau of mediation services; eliminating the Minnesota public employment relations board; modifying arbitration procedures; amending Minnesota Statutes 1990, sections 14.03, subdivision 2; 43A.06, subdivision 2; 179A.03, subdivisions 3, 5, and 17; 179A.10, subdivisions 1 and 3; 179A.12, subdivision 3; 179A.13, subdivision 3; 179A.16, subdivisions 3, 5, and 8; 179A.17; 179A.18, subdivision 1; 179A.20, subdivision 1; 179A.21, subdivisions 2 and 3; 179A.22, subdivision 4; and 179A.25; Minnesota Statutes 1991 Supplement, sections 179A.04, subdivision 3; 179A.13, subdivision 2; and 179A.16, subdivisions 4, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 1990, section 179A.05, as amended.

The bill was read for the first time.

Gutknecht moved that S. F. No. 2565 and H. F. No. 2727, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1948

A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; proposing coding for new law in Minnesota Statutes, chapters 61A; and 309.

April 10, 1992

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1948, 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. 1948 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [61A.073] [LIFE INSURANCE FOR THE BENEFIT OF CHARITY.]

Subdivision 1. [CHARITABLE BENEFICIARY OR OWNER PER-

MITTED.] Subject to the terms of the policy, an organization described in section 170(c) of the Internal Revenue Code of 1986, as amended through December 31, 1991, shall have an insurable interest in the life of an individual insured under a life insurance policy, if the organization:

(1) has become the beneficiary or owner of a previously issued policy insuring the life of the individual; or

(2) is the original beneficiary or original owner of a newly issued policy insuring the life of the individual, if the individual signs the application or consents in writing to the issuance of the policy.

Subd. 2. [APPLICABILITY.] This section applies to life insurance policies issued by life companies and fraternal benefit societies.

Sec. 2. [61A.074] [INSURABLE INTERESTS.]

Subdivision 1. [CORPORATION OR TRUSTEE.] A corporation or the trustee of a trust providing life, health, disability, retirement, or similar benefits to employees of one or more corporations, and acting in a fiduciary capacity with respect to the employees, retired employees, or their dependents or beneficiaries, has an insurable interest in the lives of employees for whom the benefits are to be provided. The written consent of the insured is required if the insurance purchased under this subdivision is payable to the corporation or to the trustee.

Subd. 2. [OTHER INSURABLE INTERESTS.] Subdivision 1 does not limit the right of a corporation or trustee to insure the life of an individual that is otherwise insurable under common law or any statute. This section shall not be interpreted as in any way modifying the common law doctrine of insurable interest, except as expressly provided in subdivision 1.

Sec. 3. [309.72] [ACQUISITION OF INTERESTS IN INSURANCE.]

An organization described in section 170(c) of the Internal Revenue Code of 1986, as amended through December 31, 1991, may purchase, accept, or otherwise acquire an interest in a life insurance policy as beneficiary or owner, as provided in section 61A.073.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 3 are effective the day following final enactment and are intended to clarify and confirm the effect and intent of prior law. Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; authorizing policies for the benefit of a corporation or a trustee; proposing coding for new law in Minnesota Statutes, chapters 61A; and 309."

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

House Conferees: PHIL CARRUTHERS, WES SKOGLUND AND TERRY M. DEMPSEY.

Senate Conferees: JAMES P. METZEN, SAM G. SOLON AND CAL LARSON.

Carruthers moved that the report of the Conference Committee on H. F. No. 1948 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1948, A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; proposing coding for new law in Minnesota Statutes, chapters 61A; and 309.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|------------|
| Abrams | Erhardt | Johnson, R. | Munger | Rodosovich |
| Anderson, I. | Farrell | Johnson, V. | Murphy | Rukavina |
| Anderson, R. | Frederick | Kahn | Nelson, K. | Runbeck |
| Anderson, R. H. | Frerichs | Kalis | Nelson, S. | Sarna |
| Battaglia | Garcia | Kelso | Newinski | Schafer |
| Bauerly | Girard | Kinkel | O'Connor | Schreiber |
| Beard | Goodno | Knickerbocker | Ogren | Seaberg |
| Begich | Greenfield | Koppendrayner | Olsen, S. | Segal |
| Bertram | Gruenes | Krambeer | Olsen, E. | Simoneau |
| Bettermann | Gutknecht | Krinkie | Olsen, K. | Skoglund |
| Bishop | Hanson | Krueger | Omann | Smith |
| Blatz | Hartle | Lasley | Onnen | Solberg |
| Bodahl | Hasskamp | Leppik | Orenstein | Sparby |
| Boo | Haukoos | Lieder | Orfield | Stanisus |
| Brown | Hausman | Limmer | Osthoff | Steensma |
| Carlson | Heir | Lourey | Ostrom | Swiggum |
| Carruthers | Henry | Lynch | Ozment | Swenson |
| Clark | Hufnagle | Macklin | Pauly | Thompson |
| Cooper | Hugoson | Mariani | Pellow | Tompkins |
| Dauner | Jacobs | Marsh | Pelowski | Trimble |
| Davids | Janezich | McEachern | Peterson | Tunheim |
| Dawkins | Jaros | McGuire | Pugh | Uphus |
| Dempsey | Jefferson | McPherson | Reding | Valento |
| Dille | Jennings | Milbert | Rest | Vanasek |
| Dorn | Johnson, A. | Morrison | Rice | Vellenga |

Wagenius
Waltman

Weaver
Wejzman

Welle
Wenzel

Winter
Spk. Long

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Welle, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately following printed Special Orders for today, Monday, April 13, 1992:

H. F. Nos. 1985, 2437 and 2717; S. F. Nos. 2017, 2314, 2282, 1230, 2286 and 1691; H. F. Nos. 1453, 1838, 1989, 2335, 3020 and 2950; S. F. No. 2510; H. F. Nos. 2032 and 2134; S. F. No. 2556; H. F. No. 2349; S. F. Nos. 1787, 1319 and 1854; H. F. Nos. 1895 and 2649; S. F. No. 1993; H. F. Nos. 2688 and 769; S. F. Nos. 2137, 1778 and 2186; and H. F. No. 2368.

SPECIAL ORDERS

S. F. No. 512 was reported to the House.

Bertram moved that S. F. No. 512 be continued on Special Orders. The motion prevailed.

S. F. No. 2434 was reported to the House.

Simoneau moved that S. F. No. 2434 be continued on Special Orders. The motion prevailed.

S. F. No. 2743 was reported to the House.

Skoglund moved that S. F. No. 2743 be continued on Special Orders. The motion prevailed.

S. F. No. 2185, A bill for an act relating to game and fish; limiting the prohibition on the use of radio equipment to take protected wild animals to big game and small game; amending Minnesota Statutes 1990, section 97B.085, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frederick | Kelso | Ogren | Simoneau |
| Anderson, I. | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, R. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayer | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omann | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanisus |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Sviggum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Waltman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Davids | Jefferson | Morrison | Rukavina | Wejcman |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |

The bill was passed and its title agreed to.

H. F. No. 2001, A bill for an act relating to retirement; requiring the metropolitan airports commission to apply for certain state aid; providing an optional method for calculating annuities of certain members of the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, sections 69.011, by adding a subdivision; 69.031, subdivision 5; and 422A.01, by adding subdivisions; Minnesota Statutes 1991 Supplement, section 69.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 422A.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frederick | Kelso | Ogren | Simoneau |
| Anderson, I. | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, R. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayer | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omann | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanius |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Sviggum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Waltman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Davids | Jefferson | Morrison | Rukavina | Wejerman |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |

The bill was passed and its title agreed to.

S. F. No. 2194 was reported to the House.

Pugh moved to amend S. F. No. 2194, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 6.02, is amended to read:

6.02 [DEPUTY, EMPLOYEES.]

The state auditor shall appoint a deputy, who may perform all the duties of the office when the auditor is absent or disabled. The state auditor may employ and at pleasure dismiss two additional deputies and a private secretary.

Sec. 2. Minnesota Statutes 1990, section 13.76, is amended by adding a subdivision to read:

Subd. 3. [BUSINESSES SEEKING STATE INCENTIVES.] Notwithstanding subdivision 1, any business seeking \$250,000 or more in financial assistance from the state of Minnesota in the form of grants, loans, or tax incentives shall make available for public inspection its audited financial statements for the three most recent years. These statements shall include all information that would be

required by the United States Securities and Exchange Commission prior to any public stock offering.

Sec. 3. [279.025] [PAYMENT OF DELINQUENT PROPERTY TAXES.]

Payment of delinquent property tax and related interest and penalties shall be paid to the county auditor by check or money order drawn on a bank or other financial institution in the United States.

Sec. 4. Minnesota Statutes 1990, section 367.36, subdivision 1, is amended to read:

Subdivision 1. [INCUMBENT TREASURER; ANNUAL AUDIT.] In a town in which option D is adopted, the incumbent treasurer shall continue in office until the expiration of the term. Thereafter the duties of the treasurer prescribed by law shall be performed by the clerk who shall be referred to as the clerk-treasurer. If the offices of clerk and treasurer are combined, the town board shall provide for an annual audit of the town's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor. Upon completion of an audit by a public accountant, the public accountant shall forward a copy of the audit to the state auditor. For purposes of this subdivision, "public accountant" means a certified public accountant, a certified public accounting firm, or a licensed public accountant, all licensed by the board of accountancy under sections 326.17 to 326.23.

Sec. 5. Minnesota Statutes 1990, section 386.015, subdivision 5, is amended to read:

Subd. 5. The county recorder shall charge and collect all fees as prescribed by law and all such fees collected as county recorder shall be paid to the county in the manner and at the time prescribed by the county board, but not less often than once each month. This subdivision shall apply to the fees collected by the county recorder in performing the duties of the registrar of titles and all such fees shall be paid to the county as herein provided except that money paid to the registrar of titles for the state general fund as provided in section 508.74, shall be paid to the county as provided in section 508.75. A county recorder may retain as personal compensation any fees the recorder is permitted to charge by law for services rendered in a private capacity as a registered abstractor as defined in section 386.61, subdivision 2, clause (2). A county recorder, acting in a private capacity as a registered abstractor, may not use county resources for the provision of professional abstracting services, nor may a county recorder, acting in a private capacity as a registered abstractor, store business files, or other supplies or materials related to the provision of professional abstracting services, in county owned or leased buildings.

Sec. 6. Minnesota Statutes 1990, section 412.222, is amended to read:

412.222 [PUBLIC ACCOUNTANTS IN STATUTORY CITIES.]

The council of any city may employ public accountants on a monthly or yearly basis for the purpose of auditing, examining, and reporting upon the books and records of account of such city. For the purpose of this section ~~public accountants are defined as any individuals who for a period of five years prior to the date of such employment have been actively engaged exclusively in the practice of public accounting,~~ "public accountant" means a certified public accountant, a certified public accounting firm, or a licensed public accountant, all licensed by the board of accountancy under sections 326.17 to 326.23. All expenditures for these purposes shall be within the statutory limits upon tax levies in such cities.

Sec. 7. Minnesota Statutes 1990, section 471.49, is amended by adding a subdivision to read:

Subd. 10. [PUBLIC ACCOUNTANT.] "Public accountant" means a certified public accountant, a certified public accounting firm, or a licensed public accountant, all licensed by the board of accountancy under sections 326.17 to 326.23.

Sec. 8. Minnesota Statutes 1990, section 471.696, is amended to read:

471.696 [FISCAL YEAR; DESIGNATION.]

Beginning in 1979, the fiscal year of a city and all of its funds shall be the calendar year, ~~except that a city may, by resolution, provide that the fiscal year for city-owned nursing homes be the reporting year designated by the commissioner of human services. Beginning in 1994, the fiscal year of a town and all of its funds shall be the calendar year.~~ The state auditor may upon request of a city town and a showing of inability to conform, extend the deadline for compliance with this section for one year, except that a city may, by resolution, provide that the fiscal year for city owned nursing homes be the reporting year designated by the commissioner of human services.

Sec. 9. Minnesota Statutes 1990, section 471.697, is amended to read:

471.697 [FINANCIAL REPORTING; AUDITS; CITIES AND TOWNS OF MORE THAN 2,500 POPULATION.]

Subdivision 1. In any city with a population of more than 2,500 or town with a population of 2,500 with annual revenue of \$500,000 or

more according to the latest federal census, the city clerk or chief financial officer, town clerk, or town clerk-treasurer shall:

(a) Prepare a financial report covering the city's or town's operations including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions during the preceding fiscal year after the close of the fiscal year ~~and~~. Cities shall publish the report or a summary of the report, in a form as prescribed by the state auditor, in a qualified newspaper of general circulation in the city or, if there is none, post copies in three of the most public places in the city, no later than 30 days after the report is due in the office of the state auditor. The report shall contain financial statements and disclosures which present the city's or town's financial position and the results of city or town operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;

(b) File the financial report in the clerk's or financial officer's office for public inspection and present it to the city council or town board after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city or town and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b) above.

A municipal hospital or nursing home established before June 6, 1979 whose fiscal year is not a calendar year on August 1, 1980 is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Subd. 2. The state auditor shall continue to audit cities of the first class pursuant to section 6.49.

Sec. 10. Minnesota Statutes 1990, section 471.6985, is amended to read:

471.6985 [FINANCIAL STATEMENT PUBLICATION REPORT-
ING; AUDITS; MUNICIPAL LIQUOR STORE.]

Subdivision 1. Any city operating a municipal liquor store shall publish a balance sheet using generally accepted accounting proce-

dures and a statement of operations of the liquor store within 90 days after the close of the fiscal year in the official newspaper of the city. The statement shall be headlined, in a type size no smaller than 18-point: "Analysis of(city)..... municipal liquor store operations for(year)...." and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall be prescribed by the state auditor. Nonoperating expenses may not be extracted on the reporting form prior to determination of net profits for reporting purposes only. Administrative expenses charged to the liquor store by the city must be actual operating expenses and not used for any other public purpose prior to the determination of net profits. The publication requirements of this section shall be in addition to any publication or posting requirements for financial reports contained in sections 471.697 and 471.698. The statement may at the option of the city council be incorporated into the reports published pursuant to sections 471.697 and 471.698, in accordance with a form and style prescribed by the state auditor.

Subd. 2. Any city operating a municipal liquor store shall submit to the state auditor audited financial statements for the liquor store that have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may extend the deadline upon request of a city and a showing of inability to conform. The state auditor may accept this report in lieu of the report required by subdivision 1.

Sec. 11. Minnesota Statutes 1990, section 477A.017, subdivision 2, is amended to read:

Subd. 2. [STATE AUDITOR'S DUTIES.] The state auditor shall prescribe uniform financial accounting and reporting standards in conformity with national standards to be applicable to cities and towns of more than 2,500 population and uniform reporting standards to be applicable to cities of less than 2,500 population.

Sec. 12. Minnesota Statutes 1990, section 609.415, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer.

(3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer.

(5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota.

Sec. 13. [609.456] [REPORTING TO STATE AUDITOR REQUIRED.]

Whenever a public employee or public officer of a political subdivision discovers evidence of theft, embezzlement, or unlawful use of public funds or property, the employee or elected official shall promptly report in writing to the state auditor a detailed description of the alleged incident or incidents.

Sec. 14. [NEWSPAPER; QUALIFICATION.]

A newspaper otherwise in compliance with Minnesota Statutes, section 331A.02, subdivision 1, between September 1, 1991, and December 31, 1991, shall not be deemed to have lost its qualified status because any issue published between September 1, 1991, and December 31, 1991, failed to include the minimum number of column-inches required by Minnesota Statutes, section 331A.02, subdivision 1.

Sec. 15. [REPEALER.]

Minnesota Statutes 1991 Supplement, section 128B.10, subdivision 2, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Section 14 is effective the day following enactment.

Section 15 is effective June 30, 1992."

Delete the title and insert:

"A bill for an act relating to governmental operations; providing for state auditor staff; providing for certain audits, reports, and payments; amending Minnesota Statutes 1990, sections 6.02; 13.76, by adding a subdivision; 367.36, subdivision 1; 386.015, subdivision 5; 412.222; 471.49, by adding a subdivision; 471.696; 471.697; 471.6985; 477A.017, subdivision 2; and 609.415, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 279; and 609; repealing Minnesota Statutes 1991 Supplement, section 128B.10, subdivision 2."

The motion prevailed and the amendment was adopted.

Valento moved to amend S. F. No. 2194, as amended, as follows:

Page 1, delete section 1

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Valento amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-----------|-----------|---------------|-----------|
| Abrams | Dempsey | Gruenes | Hugoson | Leppik |
| Anderson, R. H. | Dille | Gutknecht | Jennings | Limmer |
| Bettermann | Erhardt | Hartle | Johnson, R. | Lynch |
| Blatz | Frederick | Haukoos | Knickerbocker | Macklin |
| Boo | Frerichs | Heir | Koppendrayner | Marsh |
| Dauner | Girard | Henry | Krambeer | McEachern |
| Davids | Goodno | Hufnagle | Krinkie | McPherson |

| | | | | |
|-----------|-----------|-----------|----------|---------|
| Morrison | Ozment | Sarna | Stanis | Valento |
| O'Connor | Pauly | Schafer | Sviggum | Waltman |
| Olsen, S. | Pellow | Schreiber | Swenson | Weaver |
| Omahn | Pellowski | Seaberg | Tompkins | |
| Onnen | Runbeck | Smith | Uphus | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|------------|------------|-----------|
| Anderson, I. | Dawkins | Kinkel | Olson, E. | Simoneau |
| Anderson, R. | Dorn | Krueger | Olson, K. | Skoglund |
| Battaglia | Garcia | Lasley | Orenstein | Solberg |
| Bauerly | Greenfield | Lieder | Orfield | Sparby |
| Beard | Hanson | Lourey | Osthoff | Steensma |
| Begich | Hausman | Mariani | Ostrom | Thompson |
| Bertram | Jacobs | McGuire | Peterson | Trimble |
| Bishop | Janezich | Milbert | Pugh | Tunheim |
| Bodahl | Jaros | Munger | Reding | Wagenius |
| Brown | Jefferson | Murphy | Rest | Wejman |
| Carlson | Johnson, A. | Nelson, K. | Rice | Welle |
| Carruthers | Kahn | Nelson, S. | Rodosovich | Wenzel |
| Clark | Kalis | Newinski | Rukavina | Winter |
| Cooper | Kelso | Ogren | Segal | Spk. Long |

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

Dille, Segal, Welle, Schafer and Cooper moved to amend S. F. No. 2194, as amended, as follows:

Page 3, after line 27, insert:

"Sec. 6. Minnesota Statutes 1990, section 462.396, subdivision 4, is amended to read:

Subd. 4. The commission shall keep an accurate account of its receipts and disbursement. Disbursements of funds of the commission shall be made by check signed by the chair or vice-chair or secretary of the commission and countersigned by the executive director or an authorized deputy thereof after such auditing and approval of the expenditure as may be provided by rules of the commission. The state auditor shall audit the books and accounts of the commission once each year, or as often as funds and personnel of the state auditor permit. The commission shall pay to the state the total cost and expenses of such examination, including the salaries paid to the auditors while actually engaged in making such examination. The general fund shall be credited with all collections made for any such examination. In lieu of an annual audit by the state auditor, the commission may contract with a certified public accountant for the annual audit of the books and accounts of the commission. If a certified public accountant performs the audit, the commission shall send a copy of the audit to the state auditor."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Haukoos moved to amend S. F. No. 2194, as amended, as follows:

Page 8, after line 6, insert:

"Sec. 15. [AIRLINE TRAVEL CREDIT.]

Whenever public funds are used to pay for airline travel, any credits or other benefits issued by any airline shall accrue to the benefit of the public body providing the funding. This policy shall apply to airline travel both within and without the state of Minnesota and wherever tickets are purchased. In the event the issuing airline will not honor a transfer or assignment of any such credit or benefit, it shall be the duty of the individual passenger to report receipt of the credit or benefit to the public body issuing the initial payment within 90 days of receipt; at which time the credit or other benefit shall become the property of the issuing public body and shall not be converted to personal use."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Haukoos amendment and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|------------|------------|---------------|-----------|
| Abrams | Carlson | Girard | Janezich | Krueger |
| Anderson, I. | Carruthers | Goodno | Jaros | Lasley |
| Anderson, R. | Clark | Greenfield | Jefferson | Leppik |
| Anderson, R. H. | Cooper | Gruenes | Jennings | Lieder |
| Battaglia | Dauner | Gutknecht | Johnson, A. | Limmer |
| Bauerly | Dauids | Hanson | Johnson, R. | Lourey |
| Beard | Dawkins | Hartle | Johnson, V. | Lynch |
| Begich | Dempsey | Hasskamp | Kahn | Macklin |
| Bertram | Dille | Haukoos | Kalis | Mariani |
| Bettermann | Dorn | Hausman | Kelso | Marsh |
| Bishop | Erhardt | Heir | Kinkel | McEachern |
| Blatz | Farrell | Henry | Knickerbocker | McGuire |
| Bodahl | Frederick | Hufnagle | Koppendrayner | McPherson |
| Boo | Frerichs | Hugoson | Krambeer | Milbert |
| Brown | Garcia | Jacobs | Krinkie | Morrison |

| | | | | |
|------------|-----------|------------|----------|----------|
| Munger | Orenstein | Rodosovich | Sparby | Vellenga |
| Murphy | Orfield | Rukavina | Stanius | Wagenius |
| Nelson, K. | Ostrom | Runbeck | Steensma | Waltman |
| Nelson, S. | Ozment | Sarna | Svigum | Weaver |
| Newinski | Pauly | Schafer | Swenson | Wejzman |
| O'Connor | Pellow | Schreiber | Thompson | Welle |
| Ogren | Pelowski | Seaberg | Tompkins | Wenzel |
| Olsen, S. | Peterson | Segal | Trimble | Winter |
| Olson, E. | Pugh | Simoneau | Tunheim | |
| Olson, K. | Reding | Skoglund | Uphus | |
| Omann | Rest | Smith | Valento | |
| Onnen | Rice | Solberg | Vanasek | |

The motion prevailed and the amendment was adopted.

Pugh moved to amend S. F. No. 2194, as amended, as follows:

Page 1, line 16, strike "DEPUTY" and insert "DEPUTIES"

Page 2, line 2, after the period insert "This subdivision does not apply to financial assistance sought from the iron range resources and rehabilitation board or from a political subdivision of the state, including home rule charter and statutory cities, towns, counties, and all agencies, commissions, and councils established under chapter 473, as well as any authority or agency of such a political subdivision."

Page 2, line 3, after "TAXES" insert ", SPECIAL ASSESSMENTS"

Page 2, line 5, after "penalties" insert "and special assessments" and after "auditor" insert "with United States currency or"

Pages 2 and 3, delete section 5

Page 3, after line 33, insert:

"Sec. 7. [471.666] [PERSONAL USE OF PUBLICLY-OWNED VEHICLES PROHIBITED.]

No employee or elected official of a statutory or home rule charter city, county, town, school district, or other political subdivision, may make personal use of a vehicle, other than a marked public safety vehicle, owned or leased by the political subdivision."

Page 4, line 18, delete "or town with a population of 2,500 with annual revenue of"

Page 4, line 19, delete "\$500,000 or more" and after the comma insert "or town with a population of more than 2,500 according to the latest federal census with an annual revenue of \$500,000 or more,"

Page 6, line 17, after “store” insert “with total annual sales in excess of \$250,000”

Page 7, line 32, after “shall” insert “, except when to do so would knowingly impede or otherwise interfere with an ongoing criminal investigation,”

Page 7, after line 34, insert:

“Sec. 14. [PROPERTY TAXES AND SPECIAL ASSESSMENTS; HRA AGREEMENT.]

If before August 1, 1990, a housing and redevelopment authority has entered into an agreement with the owner to improve the property in the redevelopment area, all property taxes and special assessments payable to the political subdivisions on that property in the redevelopment area are not subject to the limitation in Laws 1991, chapter 336, article 2, section 11, clause (9).”

Page 8, line 11, delete “is” and insert “and 15 are”

Page 8, line 12, delete “15” and insert “16”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2194, A bill for an act relating to governmental operations; authorizing two additional deputies in the state auditor's office; setting conditions for certain state laws; regulating payments; fixing local accounting procedures; prohibiting the use of pictures of elected officials for certain local government purposes; providing for investments and uses of public facilities; requiring that airline travel credit accrue to the issuing body; amending Minnesota Statutes 1990, sections 6.02; 11A.24, subdivision 6; 13.76, by adding a subdivision; 15A.082, by adding a subdivision; 367.36, subdivision 1; 412.222; 471.49, by adding a subdivision; 471.66; 471.68, by adding a subdivision; 471.696; 471.697; 477A.017, subdivision 2; and 609.415, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 279; and 609; repealing Minnesota Statutes 1991 Supplement, section 128B.10, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|------------|------------|-----------|
| Anderson, I. | Farrell | Kalis | Ogren | Segal |
| Anderson, R. | Frederick | Kelso | Olson, E. | Simoneau |
| Battaglia | Garcia | Kinkel | Olson, K. | Skoglund |
| Bauerly | Girard | Krambeer | Omann | Solberg |
| Beard | Greenfield | Krueger | Onnen | Sparby |
| Begich | Gutknecht | Lasley | Orenstein | Steensma |
| Bertram | Hanson | Lieder | Orfield | Sviggum |
| Bishop | Hartle | Lourey | Osthoff | Thompson |
| Bodahl | Hasskamp | Lynch | Ostrom | Tompkins |
| Boo | Hausman | Mariani | Ozment | Trimble |
| Brown | Heir | Marsh | Pelowski | Tunheim |
| Carlson | Henry | McEachern | Peterson | Uphus |
| Carruthers | Jacobs | McGuire | Pugh | Vellenga |
| Clark | Janezich | McPherson | Reding | Wagenius |
| Cooper | Jaros | Milbert | Rest | Waltman |
| Dauner | Jefferson | Morrison | Rice | Weaver |
| Dauids | Jennings | Munger | Rodosovich | Wejcmán |
| Dawkins | Johnson, A. | Murphy | Rukavina | Welle |
| Dille | Johnson, R. | Nelson, K. | Sarna | Wenzel |
| Dorn | Johnson, V. | Nelson, S. | Schafer | Winter |
| Erhardt | Kahn | O'Connor | Seaberg | Spk. Long |

Those who voted in the negative were:

| | | | | |
|-----------------|----------|---------------|-----------|-----------|
| Abrams | Goodno | Knickerbocker | Macklin | Runbeck |
| Anderson, R. H. | Gruenes | Koppendrayner | Newinski | Schreiber |
| Bettermann | Haukoos | Krinkie | Olsen, S. | Smith |
| Dempsey | Hufnagle | Leppik | Pauly | Swenson |
| Frerichs | Hugoson | Limmer | Fellow | Valento |

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam 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. 2800, A bill for an act relating to health care; providing

health coverage for low-income uninsured persons; establishing statewide and regional cost containment programs; reforming requirements for health insurance companies; establishing rural health system initiatives; creating quality of care and data collection programs; revising malpractice laws; transferring authority for regulation of health maintenance organizations from the commissioner of health to the commissioner of commerce; giving the commissioner of health certain duties; creating a health care access account; imposing taxes; appropriating money; amending Minnesota Statutes 1990, sections 16A.124, by adding a subdivision; 43A.17, subdivision 9; 43A.316, by adding subdivisions; 60B.03, subdivision 2; 60B.15; 60B.20; 62A.02, subdivisions 1, 2, 3, and by adding subdivisions; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding a subdivision; 62D.03; 62D.04; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, and 7; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivision 10; 62D.24; and 62D.30, subdivisions 1 and 3; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 9, and by adding a subdivision; 62H.01; 136A.1355, subdivisions 2 and 3; 144.581, subdivision 1; 144.699, subdivision 2; 145.682, subdivision 4; 256.936, subdivisions 1, 2, 3, 4, and by adding subdivisions; 256B.057, by adding a subdivision; 290.01, subdivision 19b; 290.06, by adding a subdivision; 290.62; and 447.31, subdivisions 1 and 3; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 62D.122; 145.61, subdivision 5; 145.64, subdivision 2; 256.936, subdivision 5; and 297.02, subdivision 1; 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 43A; 62A; 62E; 62J; 136A; 137; 144; 214; 256; 256B; and 604; proposing coding for new law as Minnesota Statutes, chapter 62L; repealing Minnesota Statutes 1990, sections 43A.316, subdivisions 1, 2, 3, 4, 5, 6, 7, and 10; 62A.02, subdivisions 4 and 5; 62D.041, subdivision 4; 62D.042, subdivision 3; 62E.51; 62E.52; 62E.53; 62E.54; and 62E.55; Minnesota Statutes 1991 Supplement, section 43A.316, subdivisions 8 and 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

Welle moved that the House refuse to concur in the Senate amendments to H. F. No. 2800, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2800:

Ogren, Greenfield, Gruenes, Cooper and Stanius.

SPECIAL ORDERS

S. F. No. 1935, A bill for an act relating to retirement; making changes in laws governing the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, sections 422A.12, subdivision 2; 422A.14, subdivision 1; and 422A.23, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 422A.101, subdivision 1; and 422A.17; repealing Minnesota Statutes 1990, section 422A.14, subdivision 2.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frederick | Kelso | Ogren | Simoneau |
| Anderson, I. | Frerichs | Kinkel | Olsen, S. | Smith |
| Anderson, R. | Garcia | Knickerbocker | Olson, E. | Solberg |
| Anderson, R. H. | Girard | Koppendrayner | Olson, K. | Sparby |
| Battaglia | Goodno | Krambeer | Omann | Stanius |
| Bauerly | Greenfield | Krinkie | Onnen | Steensma |
| Beard | Gruenes | Krueger | Orenstein | Sviggum |
| Begich | Gutknecht | Lasley | Orfield | Swenson |
| Bertram | Hanson | Leppik | Osthoff | Thompson |
| Bettermann | Hartle | Lieder | Ostrom | Tompkins |
| Bishop | Hasskamp | Limmer | Ozment | Trimble |
| Blatz | Haukoos | Lourey | Pauly | Tunheim |
| Bodahl | Hausman | Lynch | Pellow | Uphus |
| Boo | Heir | Macklin | Pelowski | Valento |
| Brown | Henry | Mariani | Peterson | Vanasek |
| Carlson | Hufnagle | Marsh | Pugh | Vellenga |
| Carruthers | Hugoson | McEachern | Reding | Wagenius |
| Clark | Jacobs | McGuire | Rest | Waltman |
| Cooper | Janezich | McPherson | Rice | Weaver |
| Dauner | Jaros | Milbert | Rodosovich | Wejcmann |
| Davids | Jefferson | Morrison | Rukavina | Welle |
| Dawkins | Jennings | Munger | Runbeck | Wenzel |
| Dempsey | Johnson, A. | Murphy | Sarna | Winter |
| Dille | Johnson, R. | Nelson, K. | Schafer | Spk. Long |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |

The bill was passed and its title agreed to.

S. F. No. 1590 was reported to the House.

Tunheim moved to amend S. F. No. 1590, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 268.04, subdivision 18, is amended to read:

Subd. 18. "Interested party" includes the claimant, the claimant's base period employers, and most recent employer prior to the filing of a valid claim for benefits and registered successors to those employers as defined in section 268.06, subdivision 22.

Sec. 2. Minnesota Statutes 1990, section 268.04, subdivision 32, is amended to read:

Subd. 32. "Nonpublic school" means any school within the state, other than a public school, ~~wherein a resident of Minnesota may legally fulfill the compulsory school attendance requirements of section where an individual is provided instruction in compliance with sections 120.101 and 120.102,~~ or any school (1) which operates on a nonprofit basis, (2) ~~which admits only~~ prekindergarten children, (3) which has as its primary purpose the education of its students as determined by the commissioner of human services ~~pursuant to section 245A.03, clause (14), and~~ (4) which operates on a regular basis for at least eight months and no more than nine months a year.

Sec. 3. Minnesota Statutes 1990, section 268.04, subdivision 34, is amended to read:

Subd. 34. [CONTRIBUTION REPORT.] "Contribution report" means the summary report of wages paid and employment used to determine the amount of contributions due by employers on a calendar quarter basis. An auxiliary report of ~~wages paid and employment~~ broken down by business locations, when required by the commissioner, is part of the contribution report. The auxiliary report shall contain the number of employees for each month, and the quarterly total wages, excess wages, taxable wages, and tax for each location.

Sec. 4. Minnesota Statutes 1990, section 268.06, subdivision 18, is amended to read:

Subd. 18. [NOTICE TO EMPLOYER.] The commissioner shall at least twice each year ~~notify mail to the last known address of each employer a quarterly notice of the benefits as determined by the department which have been charged to the employer's account subsequent to the last notice, as determined by the department.~~ Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of a referee, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges

occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 5. Minnesota Statutes 1990, section 268.06, subdivision 19, is amended to read:

Subd. 19. [NOTICE OF RATE.] The commissioner shall mail to the last known address of each employer notice of the employer's contribution rate of contributions as determined for any calendar year pursuant to this section. Such notice shall contain the contribution rate, factors used in determining the individual employer's experience rating, and such other information as the commissioner may prescribe. Unless changed by the procedure provided in this subdivision, the assigned rate as initially determined or as changed by a redetermination by the tax branch of this department, a decision of a referee, or the commissioner shall be final except for fraud and shall be the rate upon which contributions shall be computed for the calendar year for which such rate was assigned, and shall not be subject to collateral attack for any errors, clerical or otherwise, whether by way of claim for adjustment or refund, or otherwise. If the legislature changes any of the factors used to determine the contribution rate of any employer for any year subsequent to the original mailing of such notice for the year, the earlier notice shall be void. The notice based on the new factors shall be deemed to be the only notice of rate of contributions for that year and shall be subject to the same finality, redetermination, and review procedures as provided above.

Sec. 6. Minnesota Statutes 1990, section 268.06, subdivision 22, is amended to read:

Subd. 22. [EMPLOYMENT EXPERIENCE RECORD TRANSFER.] (a) When an employing unit succeeds to or acquires the organization, trade or business or substantially all the assets of another employing unit which at the time of the acquisition was an employer subject to this law, and continues such organization, trade or business, the experience rating record of the predecessor employer shall be transferred as of the date of acquisition to the successor employer for the purpose of rate determination.

(b) When an employing unit succeeds to or acquires a distinct severable portion of the organization, trade, business, or assets which is less than substantially all of the employing enterprises of another employing unit, the successor employing unit shall acquire the experience rating record attributable to the portion to which it has succeeded, and the predecessor employing unit shall retain the experience rating record attributable to the portion which it has retained, if (1) the successor continues the organization, trade, or business of the portion acquired, (2) the successor makes a written request to file an application for the transfer of the experience rating

record for the severable portion acquired from the predecessor (3) and within 90 days from the date the application is mailed to the last known address of the successor the successor and predecessor employing units jointly sign and file a properly completed, written application as prescribed by the commissioner that furnishes the commissioner with sufficient information to substantiate the severable portion and to assign the appropriate total and taxable wages and benefit charges to the successor for experience rating purposes. Previously assigned contribution rates that have become final in accordance with subdivision 19 prior to the filing of the written request to file an application shall not be affected by the transfer.

(c) Employment with a predecessor employer shall not be deemed to have been terminated if similar employment is offered by the successor employer and accepted by the employee.

(d) An official, designated by the commissioner, upon the official's own motion or upon application of an employing unit shall determine if an employing unit is a successor within the meaning of this subdivision and shall notify mail notice of such determination to the last known address of the employing unit of the determination. The determination shall be final unless a written appeal is filed by the employing unit shall within 30 days after mailing of the notice of determination to the employing unit's last known address file a written appeal. Proceedings on the appeal shall be in accordance with section 268.12, subdivision 13.

(e) Notwithstanding subdivision 19, the commissioner may, as the result of any determination or decision regarding succession or nonsuccession, recompute the rate of all employers affected by the determination or decision for any year, including the year of the acquisition or succession and subsequent years, that is affected by the transfer or nontransfer of part or all of the experience rating record under this subdivision. This paragraph does not apply to rates that have become final in accordance with subdivision 19 prior to the filing of a written request to file an application for the transfer of a severable portion of the experience rating record as provided in paragraph (b).

Sec. 7. Minnesota Statutes 1990, section 268.06, is amended by adding a subdivision to read:

Subd. 34. [INDIAN TRIBAL GOVERNMENTS; WHOLLY TRIBALLY-CONTROLLED SUBSIDIARIES AND SUBDIVISIONS.] To the extent permissible under the laws of the United States, an Indian tribe defined in section 268.0111, subdivision 5a, and any wholly tribally-controlled subsidiaries and subdivisions shall, if elected by the tribe, be treated as a self-sustaining state and political subdivision employer for the purposes of subdivisions 25, 30, 31, and 33 or as a nonprofit corporation employer for purposes of subdivisions 28, 29, 30, and 33, or as an employer providing

employment excluded under section 268.04, subdivision 12, clause (15). Any tribal election must be in writing to the commissioner and must be binding for a minimum of two years. To the extent permissible under the laws of the United States, a tribe may make separate elections for itself and each of its wholly tribally-controlled subsidiaries and subdivisions.

Sec. 8. Minnesota Statutes 1990, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits and weeks of employment to establish a claim under the provisions of subdivision 2 and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wages paid for those services must equal not less than ten times the weekly benefit amount of the second benefit year. A claim filed sufficiently in advance of anticipated unemployment to make the limitations of this clause ineffective shall be invalid. It is the purpose of this provision that an individual cannot establish more than one benefit year as a result of one separation from employment.

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of the claimant during a subsequent base period unless the employer has employed the claimant in any part of the subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any claimant who (a) individually, jointly, or in combination with the claimant's spouse, parent, or child owns or controls directly or indirectly 25 percent or more interest in the employing unit; or (b) is the spouse, parent, or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause is effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

(4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer.

(5) No employer shall be charged for benefits if the employer is a base period employer on a second claim solely because of the transition from a base period consisting of the 52-week period

preceding the claim date to a base period as defined in section 268.04, subdivision 2.

Sec. 9. Minnesota Statutes 1990, section 268.071, subdivision 6, is amended to read:

Subd. 6. [BEGINNING AND TERMINATION OF EXTENDED BENEFIT PERIOD.] (1) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator the commissioner shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision 1, clause (4) shall be made by the commissioner, in accordance with regulations prescribed by the United States Secretary of Labor.

(3) Except as otherwise provided, the state share of the benefits paid to an individual under this section shall be charged to the employment experience record of the base period employer of the individual to the extent regular benefits were charged to the base period employer under sections 268.06, subdivision 5, and 268.09, subdivision 1, clause (4) (e).

(4) With respect to an employer which has elected to be a contributing employer under the provisions of section 268.06, subdivision 31, all benefits paid under this section which are based upon services for such contributing employer shall be charged to such contributing employer's account as to weeks of unemployment beginning after January 1, 1979.

Sec. 10. Minnesota Statutes 1990, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.231;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt;

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner, is a dislocated worker as defined in section 268.975, subdivision 3, who is in training approved by the commissioner, or in training approved pursuant to section 236 of the Trade Act of 1974, as amended.

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college, or university unless a majority of the wage credits earned in the base period individual's wages paid during the 52 weeks preceding the claim date were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty; and

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.231. However, payment for the waiting week, not to exceed \$20, shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one-year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 11. Minnesota Statutes 1990, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from any employment under paragraph (a), (b), or (d) shall be disqualified for waiting week credit and benefits. For separations under paragraphs (a) and (b), the disqualification shall continue until four calendar weeks have elapsed following the individual's separation and the individual has earned eight times the individual's weekly benefit amount in insured work.

(a) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued employment with such employer. For the purpose of this paragraph, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(b) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with work or for misconduct which interferes with and adversely affects employment.

(c) [EXCEPTIONS TO DISQUALIFICATION.] An individual shall not be disqualified under paragraphs (a) and (b) under any of the following conditions:

(1) the individual voluntarily discontinued employment to accept ~~work~~ employment offering substantially better conditions of ~~work~~ or substantially higher wages or both;

(2) the individual is separated from employment due to personal, serious illness provided that such individual has made reasonable efforts to retain employment.

An individual who is separated from employment due to the individual's illness of chemical dependency which has been professionally diagnosed or for which the individual has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment the individual knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain employment.

(3) the individual accepts work from a base period employer which involves a change in location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(4) the individual left employment because of reaching mandatory retirement age and was 65 years of age or older;

(5) the individual is terminated by the employer because the individual gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which the individual receives the individual's normal wage or salary which is equal to or greater than the weekly benefit amount;

(6) the individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(7) the individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual;

(8) the individual is separated from employment based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act on behalf of the individual;

(9) except as provided in paragraph (d), separations from part-time employment will not be disqualifying when the claim is based on sufficient full-time employment to establish a valid claim from which the claimant has been separated for nondisqualifying reasons.

(d) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with work or gross misconduct which interferes with and adversely affects the individual's employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom the individual was discharged for gross misconduct connected with work.

For the purpose of this paragraph "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was

discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with the individual's work.

(e) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing paragraphs, excepting paragraphs (c)(3), (c)(5), and (c)(8), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable reemployment shall not be used as a factor in determining the future contribution rate of the employer whose offer of reemployment was not accepted or whose offer of reemployment was refused solely due to the distance of the available work from the individual's residence, the individual's own serious illness, the individual's other employment at the time of the offer, or if the individual is in training with the approval of the commissioner.

(f) [ACTS OR OMISSIONS.] An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after separation from employment with the employer.

(g) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from the individual's own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 12. Minnesota Statutes 1990, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR REEMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until four calendar weeks have elapsed following the refusal or failure and the individual has earned eight times the individual's weekly benefit amount in insured work if the commissioner finds that the individual has failed, without good cause, either to apply for available, suitable work of which advised by the employment office, or the commissioner or to accept suitable work when offered, ~~or to return to customary self-employment (if any) when so directed by the commissioner,~~ or to accept a base period employer's offer of reemployment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in the base period most recent period of employment.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to health, safety, and morals, physical fitness and prior

training, experience, length of unemployment and prospects of securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.231, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

Sec. 13. Minnesota Statutes 1990, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] (a) Claims for benefits shall be made in accordance with such rules as the commissioner may prescribe. Each employer shall post and maintain printed statements of such rules in places readily accessible to individuals in the employer's service and shall make available to each such individual at the time of becoming unemployed, a printed statement of such rules. Such printed statements shall be supplied by the commissioner to each employer without cost to the employer.

(b) Any employer upon separation of an employee from employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the reason for separation from all employers in the individual's base period.

(c) For the purpose of complying with section 268.04, subdivision 2, the commissioner may require all base period employers to

provide such information as the commissioner may prescribe, including, but not limited to, wages paid during any part of the base period, whether or not such information was previously provided.

(d) Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers and registered successors to those employers as defined in section 268.06, subdivision 22. The employer so notified shall have seven days after the mailing of the notice to file a protest to monetary entitlement or a protest raising an issue of ineligibility or disqualification.

(e) If, upon review of the wage information on file with the department, it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant certification as to the wage credits earned, based upon the claimant's records, and issue a monetary determination of validity certification. This determination may be modified based upon corrected information subsequently received from the employer or other sources. The employer who failed to report the individual's wages or filed an erroneous report may be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late corrected or erroneous report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid prior to such redetermination; and

(f) The commissioner shall determine any issue raised under paragraph (d) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in paragraph (b), any relief from benefit charges provided by section 268.09, subdivision 1, paragraph (e), shall apply to weeks of unemployment beginning after the filing of the late report or protest.

Sec. 14. Minnesota Statutes 1990, section 268.161, subdivision 5, is amended to read:

Subd. 5. [RIGHT OF SETOFF.] Upon certification by the commissioner to the commissioner of finance or to any state agency which disburses its own funds, that an employer has an uncontested delinquent contribution or reimbursement liability owed to the department, and that the state has purchased personal services, supplies, contract services, or property from said employer, the commissioner of finance or the state agency shall apply to the delinquent contribution or reimbursement liability funds sufficient to satisfy the unpaid liability from funds appropriated for payment of said obligation of the state or any of its agencies that are due and owing the employer. The credit shall not be made against any funds exempt under section 550.37 or those funds owed an individual employer who receives assistance under chapter 256.

All funds, whether general or dedicated, shall be subject to setoff in the manner provided in this subdivision. Transfer of funds in payment of the obligations of the state or any of its agencies to an employer and any actions for the funds shall be had against the commissioner on the issue of the contribution or reimbursement liability. Nothing in this section shall be construed to limit the previously existing right of the state or any of its agencies to setoff.

Notwithstanding any law to the contrary, the commissioner shall have first priority to setoff funds owed by the department to a delinquent employer.

Sec. 15. [RED LAKE BAND; TEMPORARY UNEMPLOYMENT INSURANCE RATE; ABATEMENT OF PENALTY, INTEREST, AND COSTS.]

To the extent permissible under the laws of the United States, and notwithstanding Minnesota Statutes, section 268.06, subdivisions 2 and 3a, the commissioner of the department of jobs and training shall enter into a compromise agreement with the governing body of the Red Lake Band of Chippewa Indians. The agreement shall retroactively establish and apply a zero-percentage contribution rate for each quarter of the years 1988, 1989, 1990, 1991, 1992, and 1993, when no benefits under sections 268.001 to 268.25, were paid by the state on account of employment by the tribe or by any of its wholly tribally-controlled subsidiaries or subdivisions. The agreement shall abate any amounts owed and relieve the tribe and its subsidiaries or subdivisions of all liability for amounts otherwise payable by the tribe or its subsidiaries or subdivisions for the period, including but not limited to, delinquent contributions, reimbursements, interest, penalties, and costs. This section does not apply to any wholly tribally-controlled entity or subsidiary that elected coverage under Minnesota Statutes, chapter 268 prior to the day following final enactment.

Sec. 16. [LEGISLATIVE INTENT.]

The legislature intends that sections 7 and 15 be interpreted and applied to assist the Red Lake Band of Chippewa Indians in complying with federal and state unemployment laws in a manner that does not lead to a determination by the United States Department of Labor that sections 7 and 15 are out of conformity with federal unemployment law. In enacting section 7, the legislature does not intend to suggest that Indian tribes should be permitted to choose governmental or nonprofit status or to make that status available for employment that is not appropriate for governmental or nonprofit treatment, rather, the legislature intends to accommodate in state law the status and treatment that may be allowed under federal law.

Sec. 17. [SUNSET.]

Section 15 expires August 1, 1995.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 through 6 and 8 through 14 take effect the day following final enactment. Sections 7 and 15 take effect August 1, 1993."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "making various technical and administrative changes;"

Page 1, delete line 6, and insert "sections 268.04, subdivisions 18, 32 and 34; 268.06, subdivisions 18, 19, and 22, and by adding a subdivision; 268.07, subdivision 3; 268.071, subdivision 6; 268.08, subdivision 1; 268.09, subdivisions 1 and 2; 268.10, subdivision 1; and 268.161, subdivision 5."

The motion prevailed and the amendment was adopted.

Tunheim moved to amend S. F. No. 1590, as amended, as follows:

Page 15, after line 32, insert:

"Sec. 15. Minnesota Statutes 1990, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] (a) Any claimant for benefits who, by reason of the claimant's own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.231 or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2, has received any sum as benefits to which the claimant was not entitled under these sections, shall promptly return ~~such~~ those benefits in cash to the nearest office of the Minnesota department of jobs and training. If ~~such the~~ claimant fails to return ~~such the~~ benefits, the department of jobs and training shall, as soon as it discovers ~~such the~~ erroneous payment, determine the amount thereof due and notify ~~said the~~ individual to return ~~the same~~ it.

(b) Unless the claimant files a written appeal with the department of jobs and training within 15 days after the mailing of the notice of determination to the claimant's last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time ~~aforesaid~~ above the matter shall be set for hearing before a referee of the department and heard as other benefit matters are

heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section.

(c) The commissioner of the department of jobs and training is ~~hereby~~ authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined, except that no single deduction shall exceed 50 percent of the amount of the payment from which the deduction is made, or the overpayment may be collected the same as contributions or reimbursements under section 268.161. If a claimant has been overpaid benefits under the law of another state due to error and that state certifies to the department the facts involved and that the individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state, except that no single deduction shall exceed 50 percent of the amount of the payment from which the deduction is made. Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.

(d) Notwithstanding paragraph (a), the commissioner shall waive recovery of an overpayment if a referee or the commissioner's representative determines the overpayment resulted from an administrative failure to identify that a claimant's wage credits were not earned in covered employment."

Page 16, line 36, after the period insert:

"Section 15 is effective the day following final enactment and applies to recovery of overpayments pending on or after that date."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1590, A bill for an act relating to unemployment compensation; pertaining to treatment of American Indian tribal governments as employers for purposes of unemployment compensation insurance payments; amending Minnesota Statutes 1990, section 268.06, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 32 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|-----------|-----------|
| Anderson, I. | Farrell | Koppendrayner | Ogren | Simoneau |
| Anderson, R. | Garcia | Krambeer | Olson, E. | Skoglund |
| Battaglia | Greenfield | Krueger | Olson, K. | Solberg |
| Bauerly | Gutknecht | Lasley | Omann | Sparby |
| Beard | Hanson | Leppik | Orenstein | Steensma |
| Begich | Hasskamp | Lieder | Orfield | Swenson |
| Bertram | Hausman | Lourey | Osthoff | Thompson |
| Bishop | Heir | Lynch | Ostrom | Tompkins |
| Blatz | Jacobs | Macklin | Ozment | Trimble |
| Bodahl | Janezich | Mariani | Pauly | Tunheim |
| Boo | Jaros | McEachern | Pelowski | Valento |
| Brown | Jefferson | McGuire | Peterson | Vanasek |
| Carlson | Jennings | McPherson | Pugh | Vellenga |
| Carruthers | Johnson, A. | Milbert | Reding | Wagenius |
| Clark | Johnson, R. | Munger | Rest | Weaver |
| Cooper | Johnson, V. | Murphy | Rice | Wejzman |
| Dauner | Kahn | Nelson, K. | Rukavina | Welle |
| Dawkins | Kalis | Nelson, S. | Sarna | Wenzel |
| Dille | Kelso | Newinski | Schreiber | Winter |
| Dorn | Kinkel | O'Connor | Segal | Spk. Long |

Those who voted in the negative were:

| | | | | |
|-----------------|----------|---------------|-----------|----------|
| Abrams | Frerichs | Hufnagle | Olsen, S. | Stanisus |
| Anderson, R. H. | Girard | Hugoson | Onnen | Sviggum |
| Bettermann | Goodno | Knickerbocker | Pellow | Uphus |
| Dauids | Gruenes | Krinkie | Runbeck | Waltman |
| Dempsey | Hartle | Limmer | Schafer | |
| Erhardt | Haukoos | Marsh | Seaberg | |
| Frederick | Henry | Morrison | Smith | |

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

Anderson, R., was excused while in conference.

H. F. No. 217 was reported to the House.

Marsh and Hufnagle moved to amend H. F. No. 217, the first engrossment, as follows:

Page 4, after line 1, insert:

"Sec. 2. [144.1215] [LICENSING OF RADIOLOGIC TECHNOLOGISTS.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds

that the health and safety of the people of this state should be protected from excessive or improper exposure to ionizing radiation. This section requires persons who operate sources of radiation applied to human beings for diagnostic or therapeutic purposes to be licensed as radiologic technologists and limits specific diagnostic or therapeutic procedures to qualified persons.

Subd. 2. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Commissioner" means the commissioner of health.

(c) "Radiologic technologist" means any person who operates sources of radiation applied to human beings for diagnostic purposes and includes, among others, a nuclear medicine technologist and a radiation therapy technologist.

(d) "Nuclear medicine technologist" means a person who uses radiopharmaceutical agents on humans for diagnostic purposes.

(e) "Radiation therapy technologist" means a person who applies radiation to humans for therapeutic purposes.

Subd. 3. [LICENSE REQUIREMENT.] No person may operate or administer sources of radiation to be applied to human beings unless the person is licensed as a radiologic technologist under this section or explicitly excepted from licensing. Licensees shall renew licenses at the time and in the manner established by the commissioner in rule. The requirement for licensing under this section does not apply to a person licensed by a health-related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, provided that the person limits activities to those within the scope of the license.

Subd. 4. [EXAMINATION.] The commissioner shall issue a license under this section to a person who complies with application and licensure procedures established by the commissioner in rule, who has completed at least a two-year program with a certified school for radiological technology and who has passed the examination for radiologic technologists administered by the American Registry of Radiologic Technologists.

Subd. 5. [CONTINUING EDUCATION.] At the time of renewal, a person licensed as a radiologic technologist must provide evidence satisfactory to the commissioner that the person has completed, during the previous two years, 15 hours of continuing professional education in programs approved by the commissioner.

Subd. 6. [TRANSITION.] Until August 1, 1993, the commissioner shall issue a license without examination to a person who is

registered in the American Registry of Radiologic Technologists and who meets other requirements for licensure that the commissioner establishes by rule.

Subd. 7. [LIMITED LICENSES.] A person who is subject to this section but has been actively employed as a radiologic technologist for the year immediately preceding July 1, 1991, shall be licensed without complying with subdivision 4. A person licensed under this subdivision may only operate a source of radiation for examination of the chest and extremities. Examination of extremities includes only examination of the shoulder, humerus, elbow, forearm, wrist, hand, fingers, knee, tibia, fibula, ankle, foot, and toes. Chest examination includes only standard P.A. and lateral view. The commissioner shall provide by rule for the continuing education and other qualifications of persons licensed under this subdivision.

Subd. 8. [RULES.] In accordance with section 144.122, the commissioner of health shall adopt rules to implement this section. The rules shall include procedures for persons to apply for licenses. The rules shall also specify grounds and procedures for approving or denying a license application or renewal, and for suspending or revoking a license. The commissioner shall adopt rules specifying criteria and procedures for approving courses to meet continuing education requirements under subdivision 5. The commissioner shall also establish by rule fees for license application and renewal."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Reding raised a point of order pursuant to rule 3.09 that the Marsh and Hufnagle amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Marsh and Hufnagle amendment and the roll was called. There were 14 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Davids
Dempsey
Erhardt

Frederick
Girard
Gutknecht

Hufnagle
Krambeer
Marsh

Omann
Osthoff
Runbeck

Schafer
Swenson

Those who voted in the negative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Garcia | Kinkel | Ogren | Simoneau |
| Anderson, I. | Goodno | Knickerbocker | Olsen, S. | Skoglund |
| Anderson, R. H. | Greenfield | Koppendraye | Olson, E. | Smith |
| Battaglia | Gruenes | Krinkie | Olson, K. | Solberg |
| Bauerly | Hanson | Krueger | Onnen | Sparby |
| Beard | Hartle | Lasley | Orenstein | Stanis |
| Begich | Hasskamp | Leppik | Orfield | Steensma |
| Bertram | Haukoos | Lieder | Ostrom | Swiggrum |
| Bettermann | Hausman | Limmer | Ozment | Thompson |
| Blatz | Heir | Lourey | Pauly | Tompkins |
| Bodahl | Henry | Lynch | Pellow | Trimble |
| Boo | Hugoson | Macklin | Pelowski | Tunheim |
| Brown | Jacobs | Mariani | Peterson | Valento |
| Carlson | Janezich | McEachern | Pugh | Vellenga |
| Carruthers | Jaros | McGuire | Reding | Wagenius |
| Clark | Jefferson | Milbert | Rest | Waltman |
| Cooper | Jennings | Morrison | Rice | Weaver |
| Dauner | Johnson, A. | Munger | Rodosovich | Wejcman |
| Dawkins | Johnson, R. | Murphy | Rukavina | Welle |
| Dille | Johnson, V. | Nelson, K. | Sarna | Wenzel |
| Dorn | Kahn | Nelson, S. | Schreiber | Winter |
| Farrell | Kalis | Newinski | Seaberg | Spk. Long |
| Frerichs | Kelso | O'Connor | Segal | |

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

H. F. No. 217, A bill for an act relating to occupations and professions; requiring the certification of interior designers; defining certified interior designer; providing for administration of certification requirements; changing the name of the board of architecture, engineering, land surveying, and landscape architecture; amending Minnesota Statutes 1990, sections 116J.70, subdivision 2a; 319A.02, subdivision 2; 326.02, subdivisions 1, 5, and by adding a subdivision; 326.03, subdivision 1; 326.031; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 2a; 326.11, subdivision 1; 326.12; 326.13; and 326.14; Minnesota Statutes 1991 Supplement, section 326.04.

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 108 yeas and 23 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|------------|------------|-------------|---------------|
| Abrams | Bodahl | Erhardt | Hufnagle | Kalis |
| Anderson, I. | Boo | Farrell | Jacobs | Kelso |
| Battaglia | Brown | Garcia | Janezich | Kinkel |
| Bauerly | Carlson | Greenfield | Jaros | Knickerbocker |
| Beard | Carruthers | Hanson | Jefferson | Koppendraye |
| Begich | Clark | Hartle | Jennings | Krambeer |
| Bertram | Cooper | Hasskamp | Johnson, A. | Krueger |
| Bettermann | Dauner | Hausman | Johnson, R. | Lasley |
| Bishop | Dawkins | Heir | Johnson, V. | Leppik |
| Blatz | Dorn | Henry | Kahn | Lieder |

| | | | | |
|------------|------------|------------|----------|-----------|
| Limmer | Nelson, S. | Pauly | Segal | Valento |
| Lourey | O'Connor | Pelowski | Simoneau | Vanasek |
| Lynch | Ogren | Peterson | Smith | Vellenga |
| Macklin | Olsen, S. | Pugh | Solberg | Wagenius |
| Marsh | Olson, E. | Reding | Sparby | Weaver |
| McEachern | Olson, K. | Rest | Steensma | Wejzman |
| McGuire | Omann | Rice | Swenson | Welle |
| Milbert | Orenstein | Rodosovich | Thompson | Wenzel |
| Morrison | Orfield | Rukavina | Tompkins | Winter |
| Munger | Osthoff | Sarna | Trimble | Spk. Long |
| Murphy | Ostrom | Schreiber | Tunheim | |
| Nelson, K. | Ozment | Seaberg | Uphus | |

Those who voted in the negative were:

| | | | | |
|-----------------|-----------|-----------|----------|---------|
| Anderson, R. H. | Frerichs | Haukoos | Onnen | Stanius |
| Davids | Girard | Hugoson | Pellow | Sviggum |
| Dempsey | Goodno | Krinkie | Runbeck | Waltman |
| Dille | Gruenes | McPherson | Schafer | |
| Frederick | Gutknecht | Newinski | Skoglund | |

The bill was passed and its title agreed to.

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

RECESS

RECONVENED

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

S. F. No. 2111 was reported to the House.

Bishop, Jaros, Welle, Dempsey, Blatz, Vanasek and Hasskamp moved to amend S. F. No. 2111, as follows:

Page 5, after line 27, insert:

“Sec. 2. [145C.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this chapter.

Subd. 2. [ATTORNEY IN FACT.] “Attorney in fact” means an individual age 18 or older who is designated by a durable power of attorney for health care as an agent to make health care decisions on behalf of a principal and has consented to act in that capacity.

Subd. 3. [DURABLE POWER OF ATTORNEY FOR HEALTH

CARE.] “Durable power of attorney for health care” means a document authorizing an attorney in fact to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician, to make health care decisions.

Subd. 4. [HEALTH CARE.] “Health care” means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual’s physical or mental condition. “Health care” does not include the provision of nutrition or hydration except when they are required to be provided parenterally or through intubation.

Subd. 5. [HEALTH CARE DECISION.] “Health care decision” means the consent, refusal of consent, or withdrawal of consent to health care.

Subd. 6. [HEALTH CARE PROVIDER.] “Health care provider” means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care directly or through an arrangement with other health care providers.

Subd. 7. [PRINCIPAL.] “Principal” means an individual age 18 or older who has executed a durable power of attorney for health care.

Sec. 3. [145C.02] [DURABLE POWER OF ATTORNEY FOR HEALTH CARE.]

A durable power of attorney for health care authorizes the attorney in fact to make health care decisions for the principal if the durable power of attorney for health care substantially complies with the requirements of this chapter. A document executed prior to the effective date of sections 2 to 14 purporting to create a durable power of attorney for health care is valid if the document specifically authorizes the attorney in fact to make health care decisions and is signed by the principal.

Sec. 4. [145C.03] [REQUIREMENTS.]

Subdivision 1. [CONTENT; EXECUTION.] An attorney in fact shall make health care decisions only if the following requirements are satisfied:

(a) The durable power of attorney for health care must explicitly authorize the attorney in fact to make health care decisions. The durable power of attorney may also designate one or more alternative attorneys in fact to act if the named attorney in fact is unable, unavailable, or unwilling to serve.

(b) The durable power of attorney for health care must contain the

date of its execution and must be witnessed or acknowledged by one of the following methods:

(1) signed by at least two individuals age 18 or older who, in the presence of each other and the principal, witnessed the signing of the instrument by the principal or by another person acting on behalf of the principal at the principal's direction; or

(2) acknowledged before a notary public within this state.

Subd. 2. [INDIVIDUALS INELIGIBLE TO BE ATTORNEY IN FACT.] The following individuals shall not be designated as the attorney in fact to make health care decisions under a durable power of attorney for health care:

(1) a health care provider attending the principal on the date of execution; or

(2) an employee of a health care provider attending the principal on the date of execution, unless the individual designated is related to the principal by blood, marriage, or adoption within the third degree of consanguinity.

A durable health care power of attorney that designates an individual described in this section as the attorney in fact is void.

Subd. 3. [WITNESSES.] The following individuals shall not act as witnesses for a durable power of attorney for health care:

(1) a health care provider attending the principal on the date of execution;

(2) an employee of a health care provider attending the principal on the date of execution; or

(3) the individual designated in the durable power of attorney for health care as the attorney in fact.

At least one of the witnesses for a durable power of attorney for health care shall be an individual who is not a relative of the principal by blood, marriage, or adoption within the third degree of consanguinity.

Sec. 5. [145C.04] [EXECUTED IN ANOTHER STATE.]

A durable power of attorney for health care or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction is valid and enforceable in this state, to the extent the document is consistent with the laws of this state.

Sec. 6. [145C.05] [DURABLE POWER OF ATTORNEY FOR HEALTH CARE; FORM.]

Subdivision 1. [SUGGESTED CONTENT.] A durable power of attorney for health care executed pursuant to this chapter may, but need not, be in the following form:

I hereby designate as my attorney in fact (my agent) and give to my agent the power to make health care decisions for me. This power exists only when I am unable, in the judgment of my attending physician, to make health care decisions.

The attorney in fact must act consistently with my desires as stated in this document or otherwise made known.

Except as otherwise specified in this document, this document gives my agent the power, where otherwise consistent with the law of this state, to consent to my physician not giving health care or stopping health care which is necessary to keep me alive.

This document gives my agent power to make health care decisions on my behalf, including to consent, to refuse to consent, or to withdraw consent to the provision of any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of my desires and any limitations included in this document.

My agent has the right to examine my medical records and to consent to disclosure of those records.

Subd. 2. [ADDITIONAL PROVISIONS.] In addition to the foregoing, the principal may provide specific instructions in the document conferring the durable power of attorney for health care, consistent with the provisions of this chapter.

The principal may include a statement indicating that the designated attorney in fact and any alternative attorney in fact has been notified of and has consented to the designation.

Sec. 7. [145C.06] [WHEN OPERATIVE.]

A durable health care power of attorney becomes operative when it is delivered to the principal's attending physician or other health care provider.

Sec. 8. [145C.07] [ATTORNEY IN FACT; PRIORITY TO MAKE DECISIONS.]

Subdivision 1. [PRECEDENCE OVER OTHER DECISION MAKERS.] Unless the district court specifically finds that the attorney in

fact is acting in a manner contrary to the wishes of the principal or the durable power of attorney for health care provides otherwise, an attorney in fact who is known to the health care provider to be able, available, and willing to make health care decisions has priority over any other person, including a guardian or conservator appointed pursuant to chapter 525, to act for the principal in all matters of health care decisions. The attorney in fact has authority to make a particular health care decision only if the principal is unable, in the judgment of the attending physician, to make the health care decision. If the principal objects to a decision to withhold or withdraw health care, the principal shall be presumed to be able to make a decision.

Subd. 2. [DUTIES OF ATTORNEY IN FACT.] In exercising the authority under the durable power of attorney for health care, the attorney in fact has a duty to act in accordance with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact at any time. If the principal's desires are unknown, the attorney in fact has a duty to act in the best interests of the principal, taking into account the principal's overall medical condition and prognosis.

Sec. 9. [145C.08] [AUTHORITY TO REVIEW MEDICAL RECORDS.]

Except as limited by the durable power of attorney for health care, an attorney in fact has the same right as the principal to receive and review medical records of the principal, and to consent to the disclosure of medical records of the principal when acting pursuant to the durable power of attorney for health care.

Sec. 10. [145C.09] [REVOCATION OF DURABLE POWER OF ATTORNEY.]

Subdivision 1. [MANNER.] A durable power of attorney for health care may be revoked at any time and in any manner by which the principal is able to communicate the intent to revoke, without regard to mental or physical condition. Revocation may be accomplished by notifying the attorney in fact orally or in writing. Revocation may also be accomplished by notifying a health care provider orally or in writing while the provider is engaged in providing health care to the principal. A revocation is only effective as to a health care provider upon its communication to the provider by the principal or by another to whom the principal has communicated revocation. The health care provider shall document the revocation in the treatment records of the principal.

The principal is presumed to have the capacity to revoke a durable power of attorney for health care.

Subd. 2. [REVOCATION OF PRIOR DURABLE POWER OF

ATTORNEY.] Unless it provides otherwise, a valid durable power of attorney for health care revokes any prior durable power of attorney for health care.

Subd. 3. [REVOCATION AFTER MARRIAGE DISSOLUTION.] If after executing a durable power of attorney for health care designating a spouse as attorney in fact, the principal's marriage to the attorney in fact is dissolved, the power is thereby revoked. In the event of remarriage to each other, the power is reinstated unless otherwise revoked by the principal.

Subd. 4. [IMMUNITY FROM LIABILITY.] If authority granted by a durable power of attorney for health care is revoked under this section, an individual is not subject to criminal prosecution or civil liability for acting in good faith reliance upon the durable power of attorney for health care, unless the individual has actual knowledge of the revocation.

Subd. 5. [EFFECT ON HEALTH CARE.] The fact of execution and subsequent revocation of a durable power of attorney shall have no effect upon subsequent health care decisions made in accordance with accepted principles of law and standards of medical care governing those decisions.

Sec. 11. [145C.10] [IMMUNITIES AND RESPONSIBILITIES.]

A health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action if the health care provider relies on a health care decision and both of the following requirements are satisfied:

(1) the decision is made by an attorney in fact who the health care provider believes in good faith is authorized to make the decision; and

(2) the health care provider believes in good faith that the decision is not inconsistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the health care provider, and, if the decision is to withhold or withdraw health care necessary to keep the principal alive, the health care provider has provided an opportunity for the principal to object to the decision.

Unless either the declaration or the durable power of attorney for health care expressly provides otherwise, if a person, or the health care agent authorized to make health care decisions on behalf of a person, directs the provision of health care, nutrition, or hydration to keep the person alive, and there is a significant possibility that it will in fact sustain the person's life, the person's health care provider may not knowingly or negligently withhold it from the person. The

health care provider may instead transfer the person to a health care provider willing to provide the directed health care, nutrition, or hydration, but must ensure its provision until the transfer is completed. Nothing in this paragraph shall be construed to alter any legal obligation or lack of legal obligation of a health care provider to provide health care, nutrition, or hydration to a person who refuses or is unable to pay for them.

Notwithstanding a contrary health care decision of the attorney in fact, the health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action for failing to withhold or withdraw health care necessary to keep the principal alive. However, the attorney in fact may make provisions to transfer the responsibility for the care of the principal to another health care provider.

A health care provider or attorney in fact may presume that a durable power of attorney for health care is valid absent actual knowledge to the contrary.

An attorney in fact is not subject to criminal prosecution or civil liability for any health care decision made in good faith pursuant to a durable power of attorney for health care. It shall be presumed that an attorney in fact, and a health care provider acting pursuant to the direction of an attorney in fact, are acting in good faith and in the best interests of the principal, absent clear and convincing evidence to the contrary.

For purposes of this section, acting in "good faith" means acting consistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact, or where those desires are unknown, acting in the best interests of the principal, taking into account the principal's overall medical condition and prognosis.

Sec. 12. [145C.11] [EMERGENCY TREATMENT.]

This chapter does not affect the law governing health care treatment in an emergency.

Sec. 13. [145C.12] [PROHIBITED PRACTICES.]

Subdivision 1. [HEALTH CARE PROVIDER.] A health care provider, health care service plan, insurer, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not condition admission to a facility, or the providing of treatment, or insurance, on the requirement that an individual execute a durable power of attorney for health care.

Subd. 2. [INSURANCE.] A policy of life insurance shall not be

legally impaired or invalidated in any manner by the withholding or withdrawing of health care pursuant to the direction of an attorney in fact appointed pursuant to this chapter.

Sec. 14. [145C.13] [GENERAL PROVISIONS.]

This chapter does not create a presumption concerning the intention of an individual who has not executed a durable power of attorney for health care and does not impair or supersede any right or responsibility of an individual to consent, refuse to consent, or withdraw consent to health care on behalf of another in the absence of a durable power of attorney for health care.

This chapter shall not be construed to condone, authorize, or approve any affirmative or deliberate act or omission which would constitute mercy killing or euthanasia."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "establishing a durable health care power of attorney;"

Page 1, line 4, before the period insert "; proposing coding for new law as Minnesota Statutes, chapter 145C"

Onnen moved to amend the Bishop et al amendment to S. F. No. 2111, as follows:

Page 2, line 33 of the Bishop et al amendment, delete "witnessed or"

Page 2, of the Bishop et al amendment, delete line 34

Page 2, line 35 of the Bishop et al amendment, delete "(1)"

Page 3, line 2 of the Bishop et al amendment, after "direction" delete the semicolon and insert a period

Page 3, of the Bishop et al amendment, delete lines 3 and 4

The motion prevailed and the amendment to the amendment was adopted.

The Speaker called Rodosovich to the Chair.

The question recurred on the Bishop et al amendment, as amended, to S. F. No. 2111. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 2111, A bill for an act relating to living wills; adding certain information to the suggested health care declaration form; amending Minnesota Statutes 1990, section 145B.04.

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 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olson, E. | Smith |
| Anderson, I. | Garcia | Knickerbocker | Olson, K. | Solberg |
| Anderson, R. H. | Girard | Koppendrayer | Omann | Sparby |
| Battaglia | Goodno | Krambeer | Onnen | Stanius |
| Bauerly | Greenfield | Krinkie | Orenstein | Steensma |
| Beard | Gruenes | Krueger | Orfield | Swiggum |
| Begich | Gutknecht | Lasley | Osthoff | Swenson |
| Bertram | Hanson | Leppik | Ostrom | Thompson |
| Bettermann | Hartle | Lieder | Ozment | Tompkins |
| Bishop | Hasskamp | Limmer | Pauly | Trimble |
| Blatz | Haukoos | Lourey | Pellow | Tunheim |
| Bodahl | Hausman | Lynch | Pelowski | Uphus |
| Boo | Heir | Macklin | Peterson | Valento |
| Brown | Henry | Mariani | Pugh | Vanasek |
| Carlson | Hufnagle | McEachern | Reding | Vellenga |
| Carruthers | Hugoson | McGuire | Rest | Wagenius |
| Clark | Jacobs | McPherson | Rice | Waltman |
| Cooper | Janezich | Milbert | Rodosovich | Weaver |
| Dauner | Jaros | Morrison | Rukavina | Wejman |
| Davids | Jefferson | Munger | Runbeck | Welle |
| Dawkins | Jennings | Murphy | Sarna | Wenzel |
| Dempsey | Johnson, A. | Nelson, K. | Schafer | Winter |
| Dille | Johnson, R. | Nelson, S. | Schreiber | Spk. Long |
| Dorn | Johnson, V. | Newinski | Seaberg | |
| Erhardt | Kahn | O'Connor | Segal | |
| Farrell | Kalis | Ogren | Simoneau | |
| Frederick | Kelso | Olsen, S. | Skoglund | |

Those who voted in the negative were:

Marsh

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

S. F. No. 2499 was reported to the House.

Munger moved to amend S. F. No. 2499, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 88.01, is amended by adding a subdivision to read:

Subd. 24. [CAMPFIRE.] “Campfire” means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.

Sec. 2. Minnesota Statutes 1990, section 88.01, is amended by adding a subdivision to read:

Subd. 25. [SNOW COVERED.] “Snow covered” means that the ground has a continuous, unbroken cover of snow, to a depth of three inches or more, surrounding the immediate area of the fire sufficient to keep the fire from spreading.

Sec. 3. Minnesota Statutes 1990, section 88.16, subdivision 2, is amended to read:

Subd. 2. No permit is required for the following open fires:

(a) A cooking or warming fire contained in a fireplace, firering, charcoal grill, portable gas or liquid fueled camp stove or other similar container or device designed for the purpose of cooking or heating, or if the area within a radius of five feet of the fire is reasonably clear of all combustible material.

(b) The burning of grass, leaves, rubbish, garbage, branches, and similar combustible material between the hours of 6:00 p.m. and 8:00 a.m. in an approved incinerator. An approved incinerator shall be constructed of fire resistant material, have a capacity of at least three bushels, be maintained with a minimum burning capacity of at least two bushels, and have a cover which is closed when in use and openings in the top or sides of one inch maximum diameter. No combustible material shall be nearer than three feet to the burner or incinerator when in use.

Sec. 4. [103F.806] [APPLICATION.]

Sections 4 to 10 apply to the area of the counties of Mille Lacs, Crow Wing, and Aitkin located within one mile of Mille Lacs Lake. Sections 4 to 10 do not alter or expand the zoning jurisdiction of the counties within the exterior boundaries of the Mille Lacs Indian reservation.

Sec. 5. [103F.807] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 4 to 10.

Subd. 2. [BOARD.] "Board" means the Mille Lacs preservation and development board.

Subd. 3. [COMPREHENSIVE LAND USE PLAN; PLAN.] "Comprehensive land use plan" or "plan" means the Mille Lacs Lake comprehensive land use plan.

Subd. 4. [COUNTIES.] "Counties" means the counties of Mille Lacs, Crow, Wing, and Aitkin.

Sec. 6. [103F.808] [MILLE LACS PRESERVATION AND DEVELOPMENT BOARD.]

Subdivision 1. [AUTHORIZATION.] The governing bodies of the counties of Mille Lacs, Crow Wing, and Aitkin may establish the Mille Lacs preservation and development board.

Subd. 2. [MEMBERSHIP.] The board shall consist of six members. The governing body of each county shall appoint two of its members to serve on the board. The membership terms are two years beginning on the first Monday in January of odd-numbered years. Vacancies on the board must be filled for the remainder of the term by the governing body that made the original appointment.

Subd. 3. [OFFICERS.] The board shall annually appoint from among its members a chair, vice-chair, and secretary-treasurer.

Subd. 4. [STAFF AND CONTRACTS.] The board may employ staff and contract for goods and services necessary to carry out its duties.

Subd. 5. [FUNDING.] The board shall submit an annual budget to each county. The budget must include a detailed written estimate of the amount of money that the board expects to need to prepare and implement the comprehensive land use plan and to carry out its other duties. Each county shall, upon approval of the budget by its governing body, furnish the necessary amount of money to the board. The board may apply for, receive, and disburse federal, state, and other grants and donations.

Subd. 6. [ADVISORY COMMITTEE.] The board shall appoint an advisory committee to advise and assist the board in carrying out its duties. Members of the committee must include representatives of other local government units, owners of businesses, and owners of property located within the board's jurisdiction.

Subd. 7. [CONTACT WITH GOVERNMENT AGENCIES.] The board shall initiate and maintain contacts with governmental agencies as necessary to properly prepare the plan and shall negotiate cooperative management agreements with the United States Forest Service and Bureau of Land Management and the

state department of natural resources. The board and Mille Lacs, Crow Wing, and Aitkin counties shall initiate and maintain contacts with the governing body of the Mille Lacs Indian Reservation and shall negotiate a cooperative management and jurisdiction agreement with the reservation governing body.

Sec. 7. [103F809] [MILLE LACS LAKE COMPREHENSIVE LAND USE PLAN.]

Subdivision 1. [PREPARATION.] The board shall prepare the Mille Lacs Lake comprehensive land use plan. The standards specified in the plan must provide for the protection, enhancement, and coordinated development of the area surrounding Mille Lacs Lake.

Subd. 2. [ADOPTION.] The board may adopt the plan after a public hearing has been held on the question. Notice of the hearing must include the time and place of the hearing. Notice of the hearing must be given by publication in at least two issues of the official newspaper of each county. The two publications must be two weeks apart and the hearing must be held at least three days after the last publication.

Subd. 3. [AMENDMENTS.] The board may amend the plan after a hearing and notice as provided in subdivision 2.

Subd. 4. [IMPLEMENTATION.] The plan is effective and may be implemented in each county only after the governing body of each county has approved the plan by resolution. The counties shall adopt land use ordinances consistent with the approved plan.

Sec. 8. [103F810] [RESPONSIBILITIES OF OTHER GOVERNMENT UNITS.]

All local government units, districts, councils, commissions, and boards and state agencies and departments shall exercise their powers in conformance with sections 4 to 9 and the plan.

Sec. 9. [103F811] [REVIEW AND CERTIFICATION OF LAND USE ACTIONS.]

Subdivision 1. [PROCEDURE.] To assure that the comprehensive land use plan prepared by the board is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

(1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

(2) the granting of a variance from provisions of the land use ordinance; and

(3) the approval of a plat which is inconsistent with the land use ordinance.

Subd. 2. [CERTIFICATION.] Notwithstanding any provision of chapter 394 to the contrary, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the board has reviewed the action and certified that it is consistent with the comprehensive land use plan. In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (1) to (3), that is reviewed by the board under this section in the same manner as provided for review of a decision of a board of adjustment in section 394.27, subdivision 9, but only after the procedures prescribed under this section have been completed.

Subd. 3. [CERTIFICATION.] A copy of the notices of public hearings or, when a hearing is not required, a copy of the application to consider an action of a type specified in subdivision 1, clauses (1) to (3), must be forwarded to the board by the county at least 15 days before the hearing or meetings to consider the actions. The county shall notify the board of its final decision on the proposed action within ten days of the decision. Within 30 days after the board receives the notice, the board shall notify the county and the applicant of its approval or disapproval of the proposed action.

Subd. 4. [DISAPPROVAL OF ACTIONS.] (a) If a notice of disapproval is issued by the board, the county or the applicant may, within 30 days of the notice, file with the board a demand for a hearing. If a demand is not filed within the 30-day period, the disapproval becomes final.

(b) If a demand is filed within the 30-day period, a hearing must be held within 60 days of demand. The hearing must be preceded by two weeks' published notice. Within 30 days after the hearing, the board must:

(1) affirm its disapproval of the proposed action; or

(2) certify approval of the proposed action.

Sec. 10. [103F.812] [ENTERPRISE ZONES.]

After the comprehensive land use plan has been adopted and approved, the commissioner of trade and economic development may designate up to four areas within the jurisdiction of the board as enterprise zones as provided in section 469.167. Sections 469.167 to 469.173 apply to each enterprise zone designated under this section.

Sec. 11. [EFFECTIVE DATE.]

Sections 4 to 10 are effective on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of the counties of Mille Lacs, Crow Wing, and Aitkin."

Delete the title and insert:

"A bill for an act relating to economic development; authorizing the establishment of the Mille Lacs preservation and development board; providing for the designation of enterprise zones; changing restrictions on campfires; amending Minnesota Statutes 1990, sections 88.01, by adding subdivisions; and 88.16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 103F."

The motion prevailed and the amendment was adopted.

Munger moved to amend S. F. No. 2499, as amended, as follows:

Page 6, delete section 10

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "enterprise zones;"

The motion prevailed and the amendment was adopted.

S. F. No. 2499, A bill for an act relating to natural resources; authorizing the establishment of the Mille Lacs preservation and development board; proposing coding for new law in Minnesota Statutes, chapter 103F.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, I. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayner | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omann | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanisus |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Sviggum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Waltman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Dauids | Jefferson | Morrison | Rukavina | Wejcman |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |
| Frederick | Kelso | Ogren | Simoneau | |

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

H. F. No. 2804, A bill for an act relating to agriculture; requiring labels for packaged wild rice offered for wholesale or retail sale in Minnesota to customers or consumers in Minnesota to include the place of origin and the method of harvesting; eliminating annual reporting requirements and modifying record keeping requirements; amending Minnesota Statutes 1990, section 30.49, subdivisions 1, 2, 3, and by adding subdivisions.

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

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

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------------|---------|---------|------------|
| Abrams | Anderson, R. H. | Bauerly | Begich | Bettermann |
| Anderson, I. | Battaglia | Beard | Bertram | Bishop |

| | | | | |
|------------|---------------|------------|------------|-----------|
| Blatz | Hartle | Lasley | Onnen | Solberg |
| Bodahl | Hasskamp | Leppik | Orenstein | Sparby |
| Boo | Haukoos | Lieder | Orfield | Stanisus |
| Brown | Hausman | Limmer | Osthoff | Steensma |
| Carlson | Heir | Lourey | Ostrom | Sviggum |
| Carruthers | Henry | Lynch | Ozment | Swenson |
| Clark | Hufnagle | Macklin | Pauly | Thompson |
| Cooper | Hugoson | Mariani | Pellow | Tompkins |
| Dauner | Jacobs | Marsh | Pelowski | Trimble |
| Davids | Janezich | McEachern | Peterson | Tunheim |
| Dawkins | Jaros | McGuire | Pugh | Uphus |
| Dempsey | Jefferson | McPherson | Reding | Valento |
| Dille | Jennings | Milbert | Rest | Vanasek |
| Dorn | Johnson, A. | Morrison | Rice | Vellenga |
| Erhardt | Johnson, R. | Munger | Rodosovich | Wagenius |
| Farrell | Johnson, V. | Murphy | Rukavina | Waltman |
| Frederick | Kahn | Nelson, K. | Runbeck | Weaver |
| Frerichs | Kalis | Nelson, S. | Sarna | Wejeman |
| Garcia | Kelso | Newinski | Schafer | Welle |
| Girard | Kinkel | O'Connor | Schreiber | Wenzel |
| Goodno | Knickerbocker | Ogren | Seaberg | Winter |
| Greenfield | Koppendrayner | Olsen, S. | Segal | Spk. Long |
| Gruenes | Krambeer | Olson, E. | Simoneau | |
| Gutknecht | Krinkie | Olson, K. | Skoglund | |
| Hanson | Krueger | Omann | Smith | |

The bill was passed and its title agreed to.

S. F. No. 979 was reported to the House.

Brown and Clark moved to amend S. F. No. 979, the unofficial engrossment, as follows:

Page 2, line 17, delete "or butane or butane"

Page 2, line 18, delete "lighters,"

Page 2, line 21, delete "or butane or butane lighters,"

Page 2, after line 26, insert:

"(c) A business establishment that does not sell any toxic substance listed in subdivision 1 other than butane or butane lighters shall post a sign stating that it is illegal to sell butane or butane lighters to anyone under the age of 18. This sign shall fulfill the requirements under this subdivision."

ReNUMBER the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 979, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Clark moved that the action whereby S. F. No. 979, as amended, was given its third reading be now reconsidered. The motion prevailed.

S. F. No. 979, as amended, was again reported to the House.

Clark moved to amend S. F. No. 979, as amended, as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1990, section 145.406, is amended to read:

145.406 [INFORMATION ON THE SALE AND USE OF TOXIC SUBSTANCES.]

The commissioner of health shall prepare and distribute materials designed to provide information to retail businesses on the requirements of ~~sections 145.38 to 145.40~~ section 609.684.”

Page 2, lines 28 and 29, delete “and 145.39,” and insert “145.39, and 145.40”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 979, A bill for an act relating to crimes; providing that it is a misdemeanor to sell a toxic substance containing butane to a minor; moving certain misdemeanor provisions to the criminal code; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1990, sections 145.38; 145.385; and 145.39.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, I. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayer | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omamn | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanisus |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Sviggum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Waltman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Davids | Jefferson | Morrison | Rukavina | Wejcmam |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |
| Frederick | Kelso | Ogren | Simoneau | |

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

H. F. No. 1985, A bill for an act relating to the environment; providing protection from liability for releases of hazardous substances to persons not otherwise liable who undertake and complete cleanup actions under an approved cleanup plan; providing for submission and approval of cleanup plans and supervision of cleanup by the commissioner of the pollution control agency; authorizing the commissioner of the pollution control agency to issue determinations or enter into agreements with property owners near the source of releases of hazardous substances regarding future cleanup liability; appropriating money; amending Minnesota Statutes 1990, section 115B.17, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kinkel | Olsen, S. | Skoglund |
| Anderson, I. | Garcia | Knickerbocker | Olson, E. | Smith |
| Anderson, R. H. | Girard | Koppendrayer | Olson, K. | Solberg |
| Battaglia | Goodno | Krambeer | Omann | Sparby |
| Bauerly | Greenfield | Krinkie | Onnen | Stanius |
| Beard | Gruenes | Krueger | Orenstein | Steensma |
| Begich | Gutknecht | Lasley | Orfield | Svigum |
| Bertram | Hanson | Leppik | Osthoff | Swenson |
| Bettermann | Hartle | Lieder | Ostrom | Thompson |
| Bishop | Hasskamp | Limmer | Ozment | Tompkins |
| Blatz | Haukoos | Lourey | Pauly | Trimble |
| Bodahl | Hausman | Lynch | Pellow | Tunheim |
| Boo | Heir | Macklin | Pelowski | Uphus |
| Brown | Henry | Mariani | Peterson | Valento |
| Carlson | Hufnagle | Marsh | Pugh | Vanasek |
| Carruthers | Hugoson | McEachern | Reding | Vellenga |
| Clark | Jacobs | McGuire | Rest | Wagenius |
| Cooper | Janezich | McPherson | Rice | Walman |
| Dauner | Jaros | Milbert | Rodosovich | Weaver |
| Davids | Jefferson | Morrison | Rukavina | Wejman |
| Dawkins | Jennings | Munger | Runbeck | Welle |
| Dempsey | Johnson, A. | Murphy | Sarna | Wenzel |
| Dille | Johnson, R. | Nelson, K. | Schafer | Winter |
| Dorn | Johnson, V. | Nelson, S. | Schreiber | Spk. Long |
| Erhardt | Kahn | Newinski | Seaberg | |
| Farrell | Kalis | O'Connor | Segal | |
| Frederick | Kelso | Ogren | Simoneau | |

The bill was passed and its title agreed to.

H. F. No. 2437 was reported to the House.

McPherson moved to amend H. F. No. 2437, the second engrossment, as follows:

Page 4, after line 7, insert:

"Sec. 2. Minnesota Statutes 1990, section 116.61, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Beginning no later than July 1, 1991, each motor vehicle registered to an owner residing in the metropolitan area and each motor vehicle customarily domiciled in the metropolitan area but exempt from registration under section 168.012 or 473.448 must be inspected annually for air pollution emissions as provided in sections 116.60 to 116.65.

(b) The inspections must take place at a public or fleet inspection station. The inspections must take place within 90 days prior to the registration deadline for the vehicle or, for vehicles that are exempt from license fees under section 168.012 or 473.448, at a time set by the agency.

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 116.60 to 116.65 and received a certificate of compliance or a certificate of waiver. An owner of a diesel-powered motor vehicle that is exempt from testing may verify the exemption at the place of registration or reregistration rather than at an inspection station."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the McPherson amendment and the roll was called. There were 120 yeas and 4 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------------|-------------|---------------|------------|-----------|
| Abrams | Farrell | Kalis | O'Connor | Smith |
| Anderson, I. | Frederick | Kelso | Ogren | Solberg |
| Anderson, R. H. | Frerichs | Kinkel | Olsen, S. | Sparby |
| Battaglia | Garcia | Knickerbocker | Olson, E. | Stanius |
| Bauerly | Girard | Koppendrayer | Olson, K. | Steensma |
| Beard | Goodno | Krambeer | Omann | Sviggum |
| Begich | Greenfield | Krinkie | Onnen | Swenson |
| Bertram | Gruenes | Krueger | Orfield | Thompson |
| Bettermann | Gutknecht | Lasley | Ostrom | Tompkins |
| Blatz | Hanson | Leppik | Ozment | Trimble |
| Bodahl | Hartle | Lieder | Pauly | Tunheim |
| Boo | Hasskamp | Limmer | Pellow | Uphus |
| Brown | Haukoos | Lourey | Pelowski | Valento |
| Carlson | Hausman | Lynch | Peterson | Vanasek |
| Carruthers | Heir | Macklin | Reding | Vellenga |
| Clark | Henry | Marsh | Rest | Wagenius |
| Cooper | Hufnagle | McEachern | Rodosovich | Waltman |
| Dauner | Hugoson | McPherson | Runbeck | Weaver |
| Dauids | Janezich | Morrison | Sarna | Wejeman |
| Dawkins | Jefferson | Munger | Schafer | Welker |
| Dempsey | Jennings | Murphy | Schreiber | Welle |
| Dille | Johnson, A. | Nelson, K. | Seaberg | Wenzel |
| Dorn | Johnson, R. | Nelson, S. | Segal | Winter |
| Erhardt | Johnson, V. | Newinski | Simoneau | Spk. Long |

Those who voted in the negative were:

| | | | |
|-------|------|---------|----------|
| Jaros | Kahn | Mariani | Rukavina |
|-------|------|---------|----------|

The motion prevailed and the amendment was adopted.

H. F. No. 2437, A bill for an act relating to the environment;

pollution control; conforming certain pollution control measures to federal Clean Air Act amendments; authorizing assessment of emission fees; changing method used for calculating emission fees; changing the definition of chlorofluorocarbons; establishing a small business air quality compliance assistance program; providing for the appointment of an ombudsman for small business air quality compliance assistance; creating a small business air quality compliance advisory council; amending Minnesota Statutes 1990, sections 116.61, subdivision 1; and 116.70, subdivision 3; Minnesota Statutes 1991 Supplement, section 116.07, subdivision 4d; proposing coding for new law in Minnesota Statutes, chapter 116.

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 115 yeas and 18 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|---------------|------------|-----------|
| Abrams | Frerichs | Kalis | Newinski | Segal |
| Anderson, I. | Garcia | Kelso | O'Connor | Simoneau |
| Battaglia | Girard | Kinkel | Ogren | Skoglund |
| Bauerly | Goodno | Knickerbocker | Olsen, S. | Smith |
| Beard | Greenfield | Koppendrayner | Olson, E. | Solberg |
| Begich | Gruenes | Krambeer | Olson, K. | Sparby |
| Bertram | Gutknecht | Krueger | Omann | Steensma |
| Bishop | Hanson | Leppik | Orenstein | Swenson |
| Blatz | Hartle | Lieder | Orfield | Thompson |
| Bodahl | Hasskamp | Limmer | Osthoff | Tompkins |
| Boo | Hausman | Lourey | Ostrom | Trimble |
| Brown | Heir | Lynch | Ozment | Tunheim |
| Carlson | Henry | Macklin | Pauly | Uphus |
| Carruthers | Hugoson | Mariani | Pellow | Valento |
| Clark | Jacobs | Marsh | Pelowski | Vanasek |
| Cooper | Janezich | McEachern | Pugh | Vellenga |
| Dawkins | Jaros | McGuire | Reding | Wagenius |
| Dempsey | Jefferson | McPherson | Rest | Weaver |
| Dille | Jennings | Milbert | Rice | Wejzman |
| Dorn | Johnson, A. | Morrison | Rodosovich | Welle |
| Erhardt | Johnson, R. | Munger | Rukavina | Wenzel |
| Farrell | Johnson, V. | Murphy | Sarna | Winter |
| Frederick | Kahn | Nelson, K. | Schreiber | Spk. Long |

Those who voted in the negative were:

| | | | | |
|-----------------|----------|------------|----------|---------|
| Anderson, R. H. | Haukoos | Nelson, S. | Schafer | Waltman |
| Bettermann | Hufnagle | Onnen | Seaberg | Welker |
| Dauner | Krinkie | Peterson | Stanisus | |
| Davids | Lasley | Runbeck | Svigum | |

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

Welle moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Welle moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olson, K., moved that H. F. No. 1313 be returned to its author. The motion prevailed.

Bauerly moved that H. F. No. 2180 be returned to its author. The motion prevailed.

McPherson moved that H. F. No. 2381 be returned to its author. The motion prevailed.

Winter moved that H. F. No. 2634 be returned to its author. The motion prevailed.

Thompson moved that H. F. No. 2885 be returned to its author. The motion prevailed.

NOTICE FOR SPECIAL ORDER

Pursuant to House rule 1.09, Stanius gave notice that on Thursday, April 16, 1992, he will move to make the following bill a Special Order for 5:00 p.m., Thursday, April 16, 1992:

S. F. No. 1605, A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling, licensed organizations, distributors, and manufacturers; authorizing certain expenditures for senior citizens, real estate taxes and assessments, noncash gifts for blood donors, wildlife management projects, and the combined receipts tax as lawful purposes; placing employment restrictions on members or employees of the board; changing requirements for the annual financial audit; increasing the aggregate value of cover-all prizes and total prizes for bingo; adding bonanza bingo as a form of bingo; increasing maximum prizes for pull-tabs; amending Minnesota Statutes 1990, sections 299L.03, subdivisions 1 and 2; 349.12, subdivisions 1, 11, 18, 21, 23, 30, and by adding a subdivision; 349.153; 349.16, subdivision 8; 349.161, subdivisions 1, 3, and 5; 349.162, subdivisions 1, 2, 4, and 5; 349.163, subdivisions 1, 1a, 3, 4, 5, and 6; 349.164, subdivisions 1, 3, and 6; 349.1641; 349.166; 349.168, subdivisions 3 and 6; 349.169, subdivision 2; 349.174;

349.18, subdivision 2; 349.19, subdivision 6; 349.191, subdivisions 1 and 4; 349.211, subdivisions 1, 2, and 2a; 349.2124; 349.2125, subdivisions 1 and 3; and 349.2127, subdivisions 2 and 4; Minnesota Statutes 1991 Supplement, sections 299L.07, by adding a subdivision; 349.12, subdivision 25; 349.17, subdivision 5; 349.151, subdivision 4; 349.154, subdivision 2; 349.167, subdivision 4; 349.18, subdivisions 1 and 1a; 349.19, subdivisions 5 and 9; and 349.213, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 471.

ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 14, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and Speaker pro tempore Rodosovich declared the House stands adjourned until 12:00 noon, Tuesday, April 14, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

