

STATE OF MINNESOTA  
SEVENTY-EIGHTH SESSION -- 1993

TWENTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 18, 1993

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

Prayer was offered by Representative Carlos Mariani, District 65B, St. Paul, Minnesota.

The roll was called and the following members were present:

Abrams	Davids	Holsten	Lasley	Nelson	Rhodes	Van Dellen
Anderson, I.	Dawkins	Hugoson	Leppik	Ness	Rice	Vellenga
Anderson, R.	Dehler	Huntley	Lieder	Olson, E.	Rodosovich	Vickerman
Asch	Delmont	Jacobs	Limner	Olson, K.	Rukavina	Wagenius
Battaglia	Dempsey	Jaros	Lindner	Olson, M.	Sarna	Waltman
Bauerly	Dorn	Jefferson	Lourey	Onnen	Seagren	Weaver
Beard	Erhardt	Jennings	Luther	Opatz	Sekhon	Wejcman
Bergson	Evans	Johnson, A.	Lynch	Orenstein	Simoneau	Welle
Bertram	Farrell	Johnson, R.	Macklin	Orfield	Skoglund	Wenzel
Bettermann	Frerichs	Johnson, V.	Mahon	Osthoff	Smith	Winter
Bishop	Garcia	Kahn	Mariani	Ostrom	Solberg	Wolf
Blatz	Girard	Kalis	McCollum	Ozment	Sparby	Worke
Brown, C.	Goodno	Kelley	McGuire	Pauly	Stanius	Workman
Brown, K.	Greenfield	Kelso	Milbert	Pawlenty	Steensma	Spk. Long
Carlson	Greiling	Kinkel	Molnau	Pelowski	Swiggum	
Carruthers	Gruenes	Klinzing	Morrison	Perlt	Swenson	
Clark	Gutknecht	Knickerbocker	Mosel	Peterson	Tomassoni	
Commers	Hasskamp	Koppendrayner	Munger	Pugh	Tompkins	
Cooper	Haukoos	Krinkie	Murphy	Reding	Trimble	
Dauner	Hausman	Krueger	Neary	Rest	Tunheim	

A quorum was present.

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

REPORTS OF CHIEF CLERK

S. F. No. 19 and H. F. No. 117, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kinkel moved that S. F. No. 19 be substituted for H. F. No. 117 and that the House File be indefinitely postponed. The motion prevailed.

# PETITIONS AND COMMUNICATIONS

The following communications were received:

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

The Honorable Dee Long  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1993 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1993</i>	<i>Date Filed 1993</i>
119		5	2:03 p.m. March 10	March 11

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

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Speaker of the House of Representatives

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1993</i>	<i>Date Filed 1993</i>
48		6	2:55 p.m. March 12	March 12

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 57, A bill for an act relating to traffic regulations; making technical corrections; clarifying situations when certain school bus signals should not be used; providing evidentiary presumption regarding school buses; clarifying definition of special transportation as not including transportation of children by school bus; limiting weight of vehicles that may be towed by holder of class B driver's license; providing for revocation of school bus driver endorsement; amending Minnesota Statutes 1992, sections 169.443, subdivision 3; 169.444, subdivision 7; 171.01, subdivision 24; 171.02, subdivision 2; and 171.17, subdivision 1.

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

The report was adopted.

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

H. F. No. 95, A bill for an act relating to public lands; authorizing independent school district No. 577 of Willow River to sell certain lands to correct an erroneous boundary assumption.

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

The report was adopted.

Rice from the Committee on Economic Development, Infrastructure and Regulation Finance to which was referred:

H. F. No. 163, A bill for an act relating to campaign reform; limiting noncampaign disbursements to items specified by law; requiring political committees and funds to include their registration number on contributions; prohibiting certain "friends of" committees; requiring reports by certain solicitors of campaign contributions; increasing expenditure limits for certain first-time candidates; limiting use of contributions carried forward; requiring unused postage to be carried forward as an expenditure; requiring certain notices; changing contribution limits; limiting contributions by political parties; prohibiting transfers from one candidate to another, with certain exceptions; limiting contributions by certain political committees, funds, and individuals; changing distribution of campaign checkoff money; eliminating public subsidies to unopposed candidates; providing for a public subsidy to match in-district contributions; clarifying filing requirements for candidate agreements and the duration of the agreements; requiring return of public subsidies under certain conditions; imposing contribution limits on candidates for local offices; prohibiting political contributions by certain nonprofit corporations and partnerships; requiring a report of candidates on whose behalf political contributions have been refunded by the state; defining certain terms; clarifying certain language; appropriating money; amending Minnesota Statutes 1992, sections 10A.01, subdivisions 10b, 10c, and by adding a subdivision; 10A.14, subdivision 2; 10A.15, by adding subdivisions; 10A.19, subdivision 1; 10A.20, by adding subdivisions; 10A.25, subdivision 2, and by adding subdivisions; 10A.27, subdivisions 1, 2, 9, and by adding subdivisions; 10A.31, subdivisions 5, 6, 8, and by adding a subdivision; 10A.322, subdivisions 1 and 2; 10A.324, subdivisions 1 and 3; 211B.15; 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapters 10A and 211A.

Reported the same back with the following amendments:

Page 2, delete section 2

Page 3, after line 20, insert:

"Sec. 3. Minnesota Statutes 1992, section 10A.04, is amended by adding a subdivision to read:

Subd. 8. [REPORTS BY SOLICITORS.] A lobbyist who directly solicits and causes others to make aggregate contributions to candidates, political parties, or a caucus of the members of a political party in a house of the legislature in excess of \$5,000 between January 1 and 25 days before the primary or general election must file the information in the report required by section 10A.20, subdivision 14, ten days before the primary or general election. This disclosure requirement is in addition to the report required by section 10A.20, subdivision 14."

Page 4, line 19, before the first "POLITICAL" insert "LOBBYIST," and after "COMMITTEE" insert a comma

Page 4, lines 21 and 22, before "political committee" insert "lobbyist," and after "committee" insert a comma

Page 4, line 22, before "fund" insert "political"

Page 4, line 30, before the period insert "for each office sought or held"

Page 4, line 33, after "candidate" insert a comma and delete the colon

Page 4, line 34, delete "(1)"

Page 4, line 36, delete "; or" and insert a period

Page 5, delete lines 1 to 5

Page 5, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 1992, section 10A.20, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF REPORT.] Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$100 for legislative or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1, the name and address of each individual or association to whom aggregate noncampaign disbursements in excess of \$100 have been made within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each noncampaign disbursement; ~~and~~

(m) The sum of all noncampaign disbursements made within the year by or on behalf of a principal campaign committee, political committee, or political fund; ~~and~~

(n) A report filed under subdivision 2, clause (b) by a political committee or political fund that is subject to subdivision 14, must contain the information required by subdivision 14, if the political committee or political fund has solicited and caused others to make aggregate contributions greater than \$5,000 from January 1 to the end of the reporting period. This disclosure requirement is in addition to the report required by subdivision 14.

Page 5, line 28, delete "receives from others" and insert "causes others to make"

Page 5, line 31, delete "\$10,000 in an election cycle" and insert "\$5,000 in a calendar year"

Page 5, line 34, after "report" insert "for each calendar year"

Page 5, line 35, delete everything after the first "31"

Page 5, line 36, delete everything before "year" and insert "of the following"

Page 6, line 2, delete "that election cycle" and insert "the calendar year"

Page 6, delete section 10

Page 6, delete lines 26 to 33, and insert:

"Subd. 11. [CARRYFORWARD; DISPOSITION OF OTHER FUNDS.] After all campaign expenditures and noncampaign disbursements for an election cycle have been made, an amount up to 50 percent of the candidate's expenditure limit may be carried forward and used for noncampaign disbursements in a subsequent election cycle. Any remaining amount up to the total amount of the public subsidy from the state elections campaign fund and any public matching subsidy must be returned to the state treasury for credit to the general fund under section 10A.324. Any remaining amount in excess of the total public subsidy must be contributed to the state elections campaign fund or a political party for multicandidate expenditures as defined in section 10A.275."

Pages 6 and 7, delete section 12

Page 7, line 12, delete "13" and insert "12"

Page 8, line 3, delete "By February" and insert "As soon as possible but not later than April"

Page 14, line 4, after "fund" insert "or the public matching subsidy"

Page 14, line 29, delete "the" and after "aggregate" insert "contributions not greater than \$50 each" and delete "not fewer than 500"

Page 14, line 31, delete "the"

Page 14, line 32, after "aggregate" insert "contributions not greater than \$50 each" and delete "not fewer than 200"

Page 14, line 35, delete "the" and after "aggregate" insert "contributions not greater than \$50 each" and delete "not"

Page 14, line 36, delete "fewer than 80"

Page 15, line 1, delete the second "the" and after "aggregate" insert "contributions not greater than \$50 each"

Page 15, line 2, delete "not fewer than 40"

Page 15, line 5, delete "the" and after "aggregate" insert "contributions not greater than \$50 each" and delete "not fewer than 20"

Page 15, after line 10, insert:

"(c) After the last date for filing for office, a candidate who is unopposed in both the primary election and the general election is not eligible to receive any additional public matching subsidy."

Page 15, line 12, delete "of each"

Page 15, line 13, delete everything before "a" and insert "contributed by"

Page 15, line 30, after the headnote insert "(a)"

Page 15, after line 34, insert:

"(b) The amount necessary to make the payments required by this section is appropriated from the general fund to the ethical practices board."

Page 17, line 4, after "fund" insert "and any public matching subsidy received"

Page 17, line 5, reinstate the stricken "or" and before the period insert "section 10A.25, subdivision 11"

Page 18, after line 17, insert:

"Sec. 27. [211B.125] [PROHIBITED TRANSFERS.]

A candidate who seeks election to local office, including special districts, school districts, towns, and home rule charter and statutory cities must not accept contributions from, or make contributions to, a candidate as defined in section 10A.01, subdivision 5, or to the principal campaign committee of such a candidate."

Page 23, line 25, after "party" insert "during the preceding calendar year"

Page 23, line 31, delete "\$....." and insert "\$2,100,000"

Page 23, line 34, after the period insert "\$215,000 is appropriated from the general fund to the ethical practices board to fund its administrative costs, equipment, and supplies. Two and one-half new positions are authorized. The funds may be used in either of the fiscal years ending June 30, 1994 or June 30, 1995."

Page 24, line 3, delete "14" and insert "12"

Page 24, after line 3, insert:

"Sec. 32. [TRANSITIONAL REPORT REQUIREMENT.]

Principal campaign committees, political committees, and political funds shall file the report required by Minnesota Statutes, section 10A.20 on a form prepared by the ethical practices board to reflect activity from January 1, 1993 to the date of enactment of this act. The report form must be prepared by the board not later than June 15, 1993, and must be completed and filed with the board not later than August 1, 1993."

Page 24, line 5, after the period insert "Section 16 is effective January 1, 1994."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "requiring" insert "lobbyists and"

Page 1, delete line 8

Page 1, line 9, delete "candidates;"

Page 1, line 31, delete "subdivisions 10b," and insert "subdivision" and after the semicolon insert "10A.04, by adding a subdivision;"

Page 1, line 33, delete everything after "10A.20" and insert ", subdivision 3, and by adding a subdivision;"

Page 1, line 34, delete "subdivision 2, and"

Page 1, line 40, delete "and 211A" and insert "; 211A; and 211B"

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

The report was adopted.

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

H. F. No. 187, A bill for an act relating to insurance; workers' compensation; regulating refunds made by the Workers' Compensation Reinsurance Association; amending Minnesota Statutes 1992, section 79.34, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 79.34, is amended by adding a subdivision to read:

Subd. 2a. [DEFICIENCY.] If the board determines that a distribution of excess surplus resulted in inadequate funds being available to pay claims which arose during the period upon which that distribution was calculated, the board shall determine the amount of the deficiency and increase the premiums charged by the association by the amount necessary to make up any deficiency caused by the distribution. The increase to the premium shall not be required to result in the entire deficiency being recouped in one year, but may be spread over a period of time that will cause the least financial hardship to insureds. Insurer members may pass these premium increases on to insureds.

Sec. 2. [79.361] [POST-1992 DISTRIBUTION OF WORKERS' COMPENSATION REINSURANCE ASSOCIATION SURPLUS.]

Subdivision 1. [SCOPE.] This section governs the distribution of excess surplus of the workers' compensation reinsurance association declared after January 1, 1993. Distribution of that excess surplus must be made as provided in this section.

Subd. 2. [SELF-INSURED.] A self-insurer that is currently a member of the reinsurance association shall receive a distribution of excess surplus in an amount equal to the self-insurer's share of the premiums paid to the workers' compensation reinsurance association for the period for which the refund is made.

Subd. 3. [INSURER MEMBERS.] (a) The reinsurance association shall determine the amount of excess surplus refundable through each insurer member of the association. The amount must be allocated among insurer members based on the insurer member's reinsurance association premiums for the previous calendar year. Each insurer member shall receive, in trust for its policyholders, a share equal to the declared reinsurance association surplus less the amount of surplus distributed to self-insured members under subdivision 2 multiplied by a fraction with a numerator equal to the insurer member's previous year reinsurance association premium and a denominator equal to the total insurer paid reinsurance association premiums for the same period. Within 30 days of the effective date of this section or the declaration of an excess surplus, the reinsurance association shall notify the insurers of the amount of excess surplus returnable to policyholders through each insurer member. Within 30 days after receipt of notice from the reinsurance association, an insurer member shall submit to the reinsurance association board a plan for distribution of the excess surplus to the insurer member's policyholders through the insurer member based on the proportion of workers' compensation premium paid by each policyholder to the total workers' compensation premiums paid to the insurer member for the previous calendar year.

(b) The reinsurance association board shall approve, disapprove, or approve as modified, the proposed plan for distribution submitted by each insurer member. An approved plan must conform with this section.

(c) When a plan has been approved, the reinsurance association board shall distribute the amount refundable through the member insurer to the member insurer in trust for the policyholders specified in the plan. The member insurer is a fiduciary with respect to the amount received from the reinsurance association and shall, within 15 business days, pay to its policyholders the amounts to which the policyholders are entitled under the plan. Except as provided in paragraph (d), an insurer member of the reinsurance association shall not use the funds for any other purpose whatsoever.

(d) The distribution plan and compliance with the distribution plan of each insurer member shall be audited by an independent accounting firm. The plan proposed to the reinsurance association may include provision for payment of out-of-pocket costs for contracting with an independent accounting firm to prepare and certify the distribution plan as being in compliance with this section and actual administrative costs not to exceed five percent of the distribution under this section.

(e) The chief executive officer of the insurer member shall certify to the reinsurance association board, no later than 15 business days after the distribution from the reinsurance association, that the insurer member made the distributions in compliance with the plan.

(f) The reinsurance association shall report to the commissioner of commerce monthly for six months and after one year on the implementation of this section. The reinsurance association shall notify the commissioner of commerce of any failure of an insurer to comply with this subdivision.

Subd. 4. [INSURED EMPLOYERS.] A policyholder, other than a policyholder insured by the assigned risk plan or the state fund mutual insurance company, shall receive from its workers' compensation insurer a share of the distribution under this section equal to the policyholder's share of the reinsurance association surplus calculated under subdivision 3.

Subd. 5. [ASSIGNED RISK PLAN.] A policyholder of the assigned risk plan shall receive from the assigned risk plan a share of the distribution under this section equal to the policyholder's share of the reinsurance association surplus calculated under subdivision 3.

Subd. 6. [STATE FUND MUTUAL INSURANCE COMPANY.] A policyholder of the state fund mutual insurance company shall receive from the state fund a share of the distribution under this section equal to the policyholder's share of the reinsurance association surplus calculated under subdivision 3.

Subd. 7. [POLICYHOLDER.] For the purpose of this section, "policyholder" means a workers' compensation insurance policyholder in the calendar year preceding a declaration of excess surplus by the reinsurance association.



Subd. 8. [ADMINISTRATION.] The commissioner of commerce may issue any order necessary to implement this section. The orders are not rules subject to chapter 14. The workers' compensation reinsurance association shall perform any duties ordered by the commissioner to implement this section. The association shall not be reimbursed for the cost of performing any of those duties.

Subd. 9. [PENALTY.] Each day of failure to comply with this section is a separate violation of chapter 79 and is subject to all provisions of section 45.027.

Subd. 10. [UNCLAIMED REFUND.] If any part of the refund remains with a reinsurance association member one year after the due date of a distribution under this section due to the inability to identify or locate a policyholder, it shall be returned to the reinsurance association.

**Sec. 3. [79.362] [WORKERS' COMPENSATION REINSURANCE ASSOCIATION EXCESS SURPLUS DISTRIBUTION.]**

An order of the commissioner of the department of labor and industry relating to the distribution of excess surplus of the workers' compensation reinsurance association shall be reviewed by the commissioner of commerce. The commissioner may amend, approve, or reject an order or issue further orders to accomplish the purposes of sections 1, 2, and 5. The commissioner may not amend an order with respect to the total amount of a distribution. An order of the commissioner of commerce under this section is not a rule subject to chapter 14.

**Sec. 4. [79.363] [DISTRIBUTION OF EXCESS SURPLUS.]**

The distribution of excess surplus of the workers' compensation reinsurance association is not a distribution of excess premiums to members. Any amounts returned to the reinsurance association under section 5, subdivision 6, or 79.361, subdivision 10, are an asset of the reinsurance association and shall not be declared to be excess surplus.

**Sec. 5. [1992 WORKERS' COMPENSATION REINSURANCE ASSOCIATION EXCESS SURPLUS DISTRIBUTION.]**

Subdivision 1. [SCOPE.] This section governs any distribution of excess surplus made by the workers' compensation reinsurance association in 1992 other than distributions to self-insured members of the association.

Subd. 2. [STATE FUND MUTUAL INSURANCE COMPANY.] The state fund mutual insurance company is a fiduciary with respect to the distribution of excess surplus of the workers' compensation reinsurance association received in 1992. Within 30 days of the final enactment of this section, the state fund must return the excess surplus to its policyholders. Each policyholder shall receive a share of the distribution received by the state fund equal to the policyholder's proportionate share of the company's 1991 earned Minnesota workers' compensation insurance premium, as reported in the state fund's 1991 annual statement under Minnesota Statutes, section 60A.13, subdivision 8.

In no case shall the distribution exceed the policyholder's earned premium for 1991. If any portion of the refund remains after the distribution required under this subdivision has been made, a further distribution based upon 1990 earned premiums, or such additional years' earned premiums as necessary to fully distribute the refund, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 3. [ASSIGNED RISK PLAN.] The assigned risk plan is a fiduciary with respect to any distribution of excess surplus of the workers' compensation reinsurance association received by the assigned risk plan in 1992. Within 30 days of the final enactment of this section, the assigned risk plan must return the excess surplus to its policyholders. Each policyholder shall receive a share of the distribution received by the assigned risk plan equal to the policyholder's proportionate share of the assigned risk plan's 1991 earned Minnesota workers' compensation premium as reported in the assigned risk plan's 1991 annual statement under Minnesota Statutes, section 60A.13, subdivision 8.

In no case shall the distribution exceed the policyholder's earned premium for 1991. If any portion of the refund remains after the distribution required under this subdivision has been made, a further distribution based upon 1990 earned premiums, or such additional years' earned premiums as necessary to fully distribute the refund, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 4. [INSURER MEMBERS.] This subdivision applies to every insurer member of the reinsurance association that is not governed by subdivisions 2 and 3. Every insurer member of the reinsurance association is a fiduciary with respect to any distribution of excess surplus of the workers' compensation reinsurance association received by the insurer in 1992. Within 30 days of the final enactment of this section, each insurer member must return the excess surplus to its policyholders. Each policyholder shall receive a share of the distribution received by its company equal to the policyholder's proportionate share of its company's 1991 earned Minnesota workers' compensation premium, as reported in its company's 1991 annual statement under Minnesota Statutes, section 60A.13, subdivision 8.

In no case shall the distribution exceed the policyholder's earned premium for 1991. If any portion of the refund remains after the distribution required under this subdivision has been made, a further distribution based upon 1990 earned premiums, or such additional years' earned premiums as necessary to fully distribute the refund, shall be made by applying the method of calculation set forth in this subdivision.

Subd. 5. [PENALTY.] Except as provided in subdivision 6, any insurer which has not distributed its portion of the 1992 workers' compensation reinsurance association refund to its policyholders as of the effective date of this subdivision shall do so no later than 30 days after that date. Each day each distribution remains unpaid thereafter is a separate violation of Minnesota Statutes, chapter 79, and is subject to all provisions of Minnesota Statutes, section 45.027.

Subd. 6. [UNCLAIMED REFUNDS.] Any distribution that cannot be made to a policyholder within 30 days of the final enactment of this section due to difficulty in identifying or locating a policyholder shall be held in trust for the policyholder for one year. If any part of the distribution remains one year after it is required to be distributed due to the inability to identify or locate a policyholder, it shall be returned to the reinsurance association.

Subd. 7. [ADMINISTRATION.] The commissioner of commerce may issue any order necessary to implement this section. The orders are not rules subject to Minnesota Statutes, chapter 14. The workers' compensation reinsurance association shall perform any duties ordered by the commissioner necessary to implement this section. The association shall not be reimbursed for the cost of performing any of those duties.

Subd. 8. [COSTS.] The state fund mutual, the assigned risk plan, and any insurer member of the reinsurance association may retain up to five percent of the reinsurance association distribution for the actual administrative costs of complying with this section.

#### Sec. 6. [RESOLUTIONS AND ORDER NULLIFIED.]

Any resolution or plan of operation of the workers' compensation reinsurance association or order of the commissioner of labor and industry that purports to grant any claim to insurer members of the association to excess surplus and that conflicts with section 2 or 5 is nullified to the extent of the conflict.

#### Sec. 7. [DISTRIBUTION EARNINGS.]

For the purpose of section 5, the distribution to policyholders of excess surplus shall include any earnings on a surplus distribution during the period the distribution was in the possession of an insurer.

#### Sec. 8. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Sections 3 to 7 are retroactive to January 1, 1992."

Delete the title and insert:

"A bill for an act relating to insurance; workers' compensation; regulating distributions of excess surplus made by the workers' compensation reinsurance association; clarifying the law regulating distributions of excess surplus; providing penalties; amending Minnesota Statutes 1992, section 79.34, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 79."

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 208, A bill for an act relating to human rights; prohibiting discrimination against certain persons who have physical or sensory disabilities and who use service animals; clarifying certain language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; providing for office of administrative hearings costs to be charged in human rights cases; amending Minnesota Statutes 1992, sections 363.01, subdivisions 30a, 35, 41b, and by adding a subdivision; 363.03, subdivisions 2, 4, and 10; 363.06, subdivisions 1 and 4; and 363.071, subdivision 1a.

Reported the same back with the following amendments:

Page 6, line 13, delete "with" and insert "who is totally or partially blind, deaf, or has" and after "disability" insert "and"

Page 6, line 14, after "animal" insert a comma

Page 6, line 16, delete "with" and insert "who are totally or partially blind or deaf or have"

Pages 10 to 16, delete sections 7 to 10 and insert:

"Sec. 7. Minnesota Statutes 1992, section 363.03, subdivision 10, is amended to read:

Subd. 10. [DISCRIMINATION AGAINST BLIND, HANDICAPPED, OR DEAF, OR OTHER PERSONS WITH PHYSICAL OR SENSORY DISABILITIES PROHIBITED.] (a) It is an unfair discriminatory practice for an owner, operator or manager of a hotel, restaurant, public conveyance or other public place, to prohibit a blind, ~~physically handicapped~~, or deaf person or a person with a physical or sensory disability from taking a service animal into the public place or conveyance if the service animal can be properly identified as being from a ~~recognized school for seeing eye, hearing ear, service, or guide animals program which trains service animals to aid blind or deaf persons~~ or persons with physical or sensory disabilities, and if the animal is properly harnessed or leashed so that the blind, ~~physically handicapped~~, or deaf person or a person with a physical or sensory disability may maintain control of the animal.

(b) No person shall require a blind, physically handicapped, or deaf person to make an extra payment or pay an additional charge when taking a service animal into any of the public places referred to in paragraph (a).

Sec. 8. Minnesota Statutes 1992, section 363.071, is amended by adding a subdivision to read:

Subd. 1b. [COSTS OF CERTAIN HEARINGS.] The commissioner shall apply to the legislative advisory commission for additional funding under the procedures in section 3.30 if the cost of an individual hearing under subdivision 1a exceeds \$1,000 or if the total cost of hearings under subdivision 1a exceeds \$50,000 during a fiscal year.

Sec. 9. Minnesota Statutes 1992, section 473.144, is amended to read:

473.144 [CERTIFICATES OF COMPLIANCE FOR CONTRACTS.]

Neither the council nor an agency listed in section 473.143, subdivision 1, may accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$50,000 with any business having more than 20 full-time employees ~~in Minnesota~~ on a single working day during the previous 12 months, unless the business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance from the commissioner of human rights signifies that a business has an approved affirmative action plan. A certificate is valid for two years. Section 363.073 governs revocation of certificates. The rules adopted by the commissioner of human rights under section 363.074 apply to this section.

Sec. 10. [APPLICATION.]

Section 9 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, delete lines 12 and 13 and insert "363.071, by adding a subdivision; and 473.144."

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 216, A bill for an act relating to human rights; lengthening the statute of limitations for human rights act violations; amending Minnesota Statutes 1992, sections 363.06, subdivision 3; and 363.116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 363.03, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age; or, subject to section 363.02, subdivision 1, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(b) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age, unless for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(c) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age; or

(d) require or request the person to furnish information regarding any complaints or charges the person has made alleging unlawful discrimination.

Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under section 363.06.

(5) For an employer, an employment agency, or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work, including a duty to make reasonable accommodations as provided by paragraph (6).

(6) For an employer with a number of part-time or full-time employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor organization, not to make reasonable accommodation to the known disability of a qualified disabled person or job applicant unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable accommodation" may include but is not limited to, nor does it necessarily require: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

- (a) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;
- (b) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;
- (c) the nature and cost of the needed accommodation;
- (d) the reasonable ability to finance the accommodation at each site of business; and
- (e) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 2. Minnesota Statutes 1992, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within ~~one year~~ two years after the occurrence of the practice. The running of the ~~one year~~ two year limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under this chapter, including arbitration, conciliation, mediation or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, ordinance provisions for a civil service or other employment system or a school board sexual harassment or sexual violence policy. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of the participation in the process and the date the process commenced and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run unless ~~one year~~ two years plus a period of time equal to the suspension period has passed.

Sec. 3. Minnesota Statutes 1992, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. Notwithstanding the provisions of any ordinance or resolution to the contrary, a charge may be filed with a local commission within ~~one year~~ two years after the occurrence of the practice. The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of the party's rights under Laws 1967, chapter 897.

Where this chapter provides additional protections and remedies not provided for under a local antidiscrimination ordinance, the local commission shall advise a party bringing a charge under a local ordinance of those additional protections and remedies and of the option to file a charge under this chapter.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 4. [363.16] [LIMITATION ON DISCOVERY AND ADMISSION OF EVIDENCE.]

In any action, hearing, or proceeding involving allegations alleging sexual harassment, evidence regarding the complainant's sexual conduct with individuals other than the alleged perpetrator or evidence of the medical or psychological history of the complainant more than one year prior to the alleged sexual harassment is not discoverable or admissible unless the party seeking discovery or admission makes the showing required under this section. The

evidence is not discoverable unless the party establishes specific facts showing good cause to believe that the evidence is material and relevant to the subject matter of the action. The evidence is not admissible unless the party makes a substantial showing that the evidence is material and relevant to the subject matter of the action. The showing must be made by noticed motion and may not be made or considered ex parte.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 and 3 are effective August 1, 1993, and apply to unfair discriminatory practices that occur on or after August 1, 1992."

Delete the title and insert:

"A bill for an act relating to human rights; prohibiting employers from asking employees regarding unlawful discrimination complaints; lengthening the statute of limitations for human rights act violations; limiting the discovery and admission of certain evidence in sexual harassment cases; amending Minnesota Statutes 1992, sections 363.03, subdivision 1; 363.06, subdivision 3; and 363.116; proposing coding for new law in Minnesota Statutes, chapter 363."

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

The report was adopted.

Sparby from the Committee on General Legislation, Veterans Affairs and Elections to which was referred:

H. F. No. 232, A bill for an act relating to the military; entering into the National Guard mutual assistance counterdrug activities compact; proposing coding for new law in Minnesota Statutes, chapter 192.

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

The report was adopted.

Sparby from the Committee on General Legislation, Veterans Affairs and Elections to which was referred:

H. F. No. 233, A bill for an act relating to the military; clarifying the use by the governor of the military forces; amending Minnesota Statutes 1992, section 190.02.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 250, A bill for an act relating to wild animals; prohibiting certain equipment in taking; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 251, A bill for an act relating to child abuse reporting; expanding the definition of "neglect" to include failure to provide a child with necessary education; amending Minnesota Statutes 1992, section 626.556, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 21, after "shelter," insert "education."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Capital Investment to which was referred:

H. F. No. 261, A bill for an act relating to capital improvements; creating a capital bonding program for school building accessibility projects; modifying the capital expenditure disabled access levy; authorizing the issuance and sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 124.84, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 124C.

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 264, A bill for an act relating to juvenile justice; defining "child in need of protection services" and "child abuse"; amending Minnesota Statutes 1992, section 260.015, subdivision 2a, and by adding a subdivision.

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 278, A bill for an act relating to housing; limiting payment of loan balances by heirs and devisees of deceased borrowers; amending Minnesota Statutes 1992, section 462A.05, subdivision 14a.

Reported the same back with the following amendments:

Page 2, line 20, before "debt" insert "maximum"

Page 2, after line 25, insert:

"Sec. 2. [CONTRACT NOTICE.]

Notwithstanding any law to the contrary, the lender shall not be required to amend existing contracts other than to provide notice to the legal representative of the deceased borrower."

Page 2, line 26, delete "2" and insert "3"



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

The report was adopted.

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

H. F. No. 287, A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; authorizing counties to count waste reduction toward 1996 recycling goals; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous household products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; amending Minnesota Statutes 1992, sections 16B.122, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding a subdivision; 115A.034; 115A.5501, subdivision 3; 115A.551, subdivision 2a; 115A.552, subdivision 2; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.12; 325E.125, subdivision 1; 325E.1251; 325E.32; 400.08, subdivision 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 16B.121, is amended to read:

16B.121 [PURCHASE OF RECYCLED, REPAIRABLE, AND DURABLE MATERIALS.]

The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.

When purchasing commodities and services, the commissioner, and state agencies when purchasing under delegated authority, shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. The commissioner, and state agencies when purchasing under delegated authority, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the state resource recovery program and the extent to which the commodity or product contains postconsumer recycled material.

Sec. 2. Minnesota Statutes 1992, section 16B.122, is amended by adding a subdivision to read:

Subd. 3. [PUBLIC ENTITY PURCHASING.] (a) Notwithstanding section 365.37, 375.21, 412.331, or 473.705, a public entity may purchase recycled materials when the price of the recycled materials does not exceed the price of nonrecycled materials by more than ten percent. In order to maximize the quantity and quality of recycled materials purchased, a public entity also may use other appropriate procedures to acquire recycled materials at the most economical cost to the public entity.

(b) When purchasing commodities and services, a public entity shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. A public entity, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the applicable local or regional recycling program and the extent to which the commodity or product contains postconsumer recycled material.

Sec. 3. Minnesota Statutes 1992, section 17.135, is amended to read:

17.135 [FARM DISPOSAL OF SOLID WASTE.]

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

(b) This exemption does not apply to burning tires or plastics or to burning or burial of the following materials:

(1) household hazardous waste as defined in section 115A.96, subdivision 1;

(2) appliances, including but not limited, to major appliances as defined in section 115A.03, subdivision 17a;

(3) household batteries;

(4) used motor oil; and

(5) lead acid batteries from motor vehicles.

Sec. 4. Minnesota Statutes 1992, section 115.071, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of sections 103F.701 to 103F.761, chapters 115, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Sec. 5. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 22b. [PACKAGING.] "Packaging" means a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product. "Packaging" includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels.

Sec. 6. Minnesota Statutes 1992, section 115A.034, is amended to read:

115A.034 [ENFORCEMENT.]

This chapter may be enforced under sections 115.071 and 116.072.

Sec. 7. [115A.415] [SUBSTANDARD DISPOSAL FACILITIES.]

Beginning June 1, 1994:

(1) a person may not deliver unprocessed mixed municipal solid waste to a substandard disposal facility; and

(2) an operator of a substandard disposal facility may not accept unprocessed mixed municipal solid waste for deposit in the disposal facility.

For the purpose of this section, "substandard disposal facility" means a disposal facility that does not meet the design, construction, and operation requirements for a new mixed municipal solid waste facility contained in state rules in effect as of January 1, 1993.

For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste.

Sec. 8. Minnesota Statutes 1992, section 115A.54, subdivision 2a, is amended to read:

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

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

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

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

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

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

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

Sec. 9. Minnesota Statutes 1992, section 115A.5501, subdivision 3, is amended to read:

Subd. 3. [FACILITY COOPERATION AND REPORTS.] The owner or operator of a solid waste composting, incineration, refuse derived fuel or disposal facility shall allow access upon reasonable notice to authorized office, agency, or metropolitan council staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, information specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 10. Minnesota Statutes 1992, section 115A.551, subdivision 2a, is amended to read:

Subd. 2a. [SUPPLEMENTARY RECYCLING GOALS.] By December 31, 1996, each county will have as a goal to recycle the following amounts:

- (1) for a county outside of the metropolitan area, 30 percent by weight of total solid waste generation;
- (2) for a metropolitan county, 45 percent by weight of total solid waste generation.

Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal. For the purposes of this subdivision "recycle" and "total solid waste generation" have the meanings given them in subdivision 1, except that neither includes yard waste.

For a county that, by January 1, 1995, is implementing a solid waste reduction program that is approved by the director, the director shall apply three percentage points toward achievement of the recycling goals in this subdivision. In addition, the director shall apply demonstrated waste reduction that exceeds three percent reduction toward achievement of the goals in this subdivision.

Sec. 11. Minnesota Statutes 1992, section 115A.551, subdivision 4, is amended to read:

Subd. 4. [INTERIM MONITORING.] The office, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goals in subdivisions 2 and 2a and. The office shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. The metropolitan council shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. If the office or the council finds that a county is not progressing toward the goals in subdivisions 2 and 2a, it shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

In even-numbered years the office's progress report may be included in the solid waste management policy report required under section 115A.411. The metropolitan council's progress report shall be included in the report required by section 473.149.

Sec. 12. Minnesota Statutes 1992, section 115A.552, subdivision 2, is amended to read:

Subd. 2. [RECYCLING OPPORTUNITIES.] An opportunity to recycle must include:

- (1) a local recycling center in the county and sites for collecting recyclable materials that are located in areas convenient for persons to use them;
- (2) curbside pickup, centralized drop-off, or a local recycling center for at least four broad types of recyclable materials in cities with a population of 5,000 or more persons; and
- (3) monthly pickup of at least four broad types of recyclable materials in cities of the first and second class and cities with 5,000 or more population in the metropolitan area.

Under clauses (2) and (3) one broad type of materials collected for recycling must include at least newsprint and glossy paper magazines and catalogs.

Sec. 13. Minnesota Statutes 1992, section 115A.557, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY TO RECEIVE MONEY.] (a) To be eligible to receive money distributed by the office under this section, a county shall within one year of October 4, 1989:

- (1) create a separate account in its general fund to credit the money; and
- (2) set up accounting procedures to ensure that money in the separate account is spent only for the purposes in subdivision 2.

(b) In each following year, each county shall also:

(1) have in place an approved solid waste management plan or master plan including a recycling implementation strategy under section 115A.551, subdivision 7, or 473.803, subdivision 1e, and a household hazardous waste management plan under section 115A.96, subdivision 6, by the dates specified in those provisions;

(2) submit a report by ~~March~~ April 1 of each year to the ~~office~~ metropolitan council detailing how the money was spent and the resulting gains achieved in solid waste management practices during the previous calendar year; and

(3) provide evidence to the office that local revenue equal to 25 percent of the money sought for distribution under this section will be spent for the purposes in subdivision 2.

(c) The office shall withhold all or part of the funds to be distributed to a county under this section if the county fails to comply with this subdivision and subdivision 2.

Sec. 14. Minnesota Statutes 1992, section 115A.56, is amended to read:

115A.56 [RECYCLED CONTENT; LABELS.]

(a) A person may not label or otherwise indicate on a product or package for sale or distribution that the product or package contains recycled material unless the label or other indication states the minimum percentage of postconsumer material in the product or package:

(1) by weight for a finished nonpaper product or package; and

(2) by fiber content for a finished paper product or package.

For the purposes of this section "product" includes advertising materials and campaign material as defined in section 211B.01, subdivision 2.

(b) Paragraph (a) does not apply to products that qualify for and use the recycling emblem established by the state of New York that was in effect on December 14, 1990.

Sec. 15. Minnesota Statutes 1992, section 115A.916, is amended to read:

115A.916 [USED OIL; LAND DISPOSAL PROHIBITED MOTOR AND VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.]

A person may not place used motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze:

(1) in mixed municipal solid waste or place used oil;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system. This section may be enforced by the agency pursuant to sections 115.071 and 116.072.

For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

Sec. 16. Minnesota Statutes 1992, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

Each local government unit ~~that collects a fee under section 115A.919, 115A.921, or 115A.923~~ shall account for all revenue collected from the waste management fees, together with interest earned on the revenue from the fee fees, separately from other revenue collected by the local government unit and shall report revenue collected from the fee fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. For the purposes of this section, "waste management fees" means:

- (1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;
- (2) all tipping fees collected at waste management facilities owned or operated by the local government unit;
- (3) all charges imposed by the local government unit for waste collection and management services; and
- (4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the local government unit.

Sec. 17. [115A.9302] [WASTE DEPOSIT DISCLOSURE.]

Subdivision 1. [DISCLOSURE REQUIRED.] A person that collects construction debris, industrial waste, or mixed municipal solid waste for transportation to a waste facility shall disclose to each nonresidential waste generator from whom waste is collected the name and location of the processing or disposal facility or facilities, excluding a transfer station, at which the waste will be deposited. The collector shall note both the primary facility at which the collector most often deposits waste and any alternative facilities regularly used by the collector.

Subd. 2. [FORM OF DISCLOSURE.] A collector shall make the disclosure on each invoice or statement of charges for service sent by the collector to waste generators and on any written contract for collection services. A local government unit that collects solid waste without direct charges to waste generators shall make the disclosure on any statement that includes an amount for waste management, provided that, at a minimum, disclosure to waste generators must be made at least twice annually in a form likely to be available to all generators.

Subd. 3. [TRANSFER STATIONS.] If the collector deposits waste at a transfer station, the collector need not disclose the name and location of the transfer station but must disclose the destination of the waste when it leaves the transfer station.

Sec. 18. Minnesota Statutes 1992, section 115A.932, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITIONS.] (a) A person may not place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in solid waste; or
- (2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in a solid waste processing facility; or
- (2) in a solid waste disposal facility, as defined in section 115.01, subdivision 4.

(c) A person may not knowingly place a fluorescent or high intensity discharge lamp:

- (1) in solid waste; or
- (2) in a solid waste facility, except a household hazardous waste collection or recycling facility.

This paragraph does not apply to waste lamps generated by households until August 1, 1994.

Sec. 19. Minnesota Statutes 1992, section 115A.94, subdivision 5, is amended to read:

Subd. 5. [COUNTY ORGANIZED COLLECTION.] (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

- (1) require cities and towns to require the separation and separate collection of recyclable materials;
- (2) specify the material to be separated; and
- (3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under subdivision 4 in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Sec. 20. Minnesota Statutes 1992, section 115A.94, subdivision 6, is amended to read:

Subd. 6. [ORGANIZED COLLECTION NOT REQUIRED OR PREVENTED.] (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

- (1) required to organize collection; or
- (2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

Sec. 21. Minnesota Statutes 1992, section 115A.941, is amended to read:

115A.941 [SOLID WASTE; REQUIRED COLLECTION.]

(a) Except as provided in paragraph (b), each city and town with a population of ~~5,000~~ 1,000 or more shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection, or require by ordinance that every household and business has a contract for collection services. An ordinance adopted under this section must provide for enforcement.

(b) A city or town with a population of ~~5,000~~ 1,000 or more may exempt a residential household or business in the city or town from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

(c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Sec. 22. [115A.9523] [HAZARDOUS PRODUCTS; LABELING.]

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

(b) "Hazardous product" means a product that, as a product or when it becomes a waste, exhibits a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, or any combination of these characteristics, as defined and listed under the criteria in Code of Federal Regulation, title 40, sections 261.20 to 261.24. "Hazardous product" does not include:

(1) a pesticide that is registered under chapter 18B;

(2) a product that is required to be labeled for proper waste management under other state law;

(3) a battery that complies with sections 115A.961 and 325E.125 as applicable to the battery; or

(4) a prescription drug.

(c) "Product" means tangible personal property that is manufactured or imported for sale or use in this state. "Product" does not include a durable good with an expected useful life of three years or more.

Subd. 2. [UNIFORM LABEL.] The director shall adopt a rule to establish a uniform label for hazardous products that must include at least a warning that the product contains a hazardous material that can harm human health or the environment and a directive not to place any portion of the product in solid waste.

Subd. 3. [LABEL; REQUIRED USE.] On and after January 1, 1996, a hazardous product may not be offered for sale or use in this state unless the product is labeled, on the product itself or on the container that remains with the product during its useful life, with the label adopted under subdivision 2. This subdivision is not effective if the federal government adopts and implements uniform labeling of hazardous products by January 1, 1996, and if the label required both warns of the presence of hazardous material and prohibits placement in solid waste.

Sec. 23. Minnesota Statutes 1992, section 115A.961, is amended to read:

115A.961 [TOXICS IN PRODUCTS; ENFORCEMENT.]

After July 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

This section does not apply to electrodeposition primer coating used on a motor vehicle or aircraft until July 1, 1997.

This section does not apply to art supplies.

This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

Sec. 24. Minnesota Statutes 1992, section 115A.981, is amended to read:

115A.981 [SOLID WASTE MANAGEMENT; ECONOMIC STATUS AND OUTLOOK.]

Subdivision 1. [RECORD KEEPING REQUIREMENTS.] The owner or operator of a solid waste disposal facility must maintain the records necessary to comply with the requirements of subdivision 2.

Subd. 2. [ANNUAL REPORTING.] (a) The owner or operator of a solid waste disposal facility shall submit an annual report to the commissioner that includes:

(1) a certification that the owner or operator has established financial assurance for closure, postclosure care, and corrective action at the facility by using one or more of the financial assurance mechanisms specified by rule and specification of the financial assurance mechanism used, including the amount paid in or assured during the past year and the total amount of financial assurance accumulated to date; and

(2) a schedule of fees charged by at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customer.

(b) The owner or operator of a solid waste facility that is not a disposal facility and that is not governed by paragraph (c) shall submit an annual report to the commissioner that includes a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers.



(c) The owner or operator of a solid waste facility whose construction or operation was or is wholly or partially publicly financed, except when the public financing consists entirely of a grant for less than 15 percent of the cost of construction or consists solely of the sale of revenue bonds, and a local government unit that is the owner or operator of a solid waste facility shall submit an annual report to the commissioner that includes:

(1) a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers;

(2) a description of the amounts and sources of capital financing for the facility, including current debt and principal and interest payments made on the debt to date;

(3) an accounting of the costs of administration and operation of the facility;

(4) identification of the source and amount of any additional financing for the administration or operation of the facility not included in the fees reported under clause (1); and

(5) identification of the purposes of expenditure of any fees reported under clause (1) that are not expended for servicing or repaying debt on the facility or for administration and operation of the facility.

(d) The agency may suspend the operation of a disposal facility whose permittee fails to file the information required under this subdivision. The owner or operator of a facility may not increase fees until 30 days after the owner or operator has submitted a fee schedule amendment to the commissioner.

Subd. 3. [REPORT.] (a) The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including:

(1) an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices;

~~(2) a discussion of how the market structure for solid waste management influences prices, considering:~~

~~(i) changes in the solid waste management market structure;~~

~~(ii) the relationship between public and private involvement in the market; and~~

~~(iii) the effect on market structures of waste management laws and rules; and~~

~~(3) any recommendations for strengthening or improving the market structure for solid waste management to ensure protection of human health and the environment, taking into account the preferred waste management practices listed in section 115A.02 and considering the experiences of other states.~~

(b) In preparing the report, the commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste disposal facilities; and other interested persons;

(2) consider information received under subdivision 2; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

~~(c) If an action recommended by the commissioner under paragraph (a) would significantly affect the solid waste management market structure, the commissioner shall, in consultation with the entities listed in paragraph (b), clause (1), prepare and include in the report an analysis of the potential impacts and effectiveness of the action, including impacts on:~~

~~(1) the public and private waste management sectors;~~

~~(2) future innovation and responsiveness to new approaches to solid waste management; and~~

~~(3) the costs of waste management.~~

~~(d) The report must also include:~~

(1) statewide and facility by facility estimates of the total potential costs and liabilities associated with solid waste disposal facilities for closure and postclosure care, response costs under chapter 115B, and any other potential costs, liabilities, or financial responsibilities;

(2) statewide and facility by facility requirements for proof of financial responsibility under section 116.07, subdivision 4h, and how each facility is meeting those requirements.

Sec. 25. Minnesota Statutes 1992, section 116.78, is amended by adding a subdivision to read:

Subd. 3a. [WASTE CONTAINERS.] Noninfectious mixed municipal solid waste generated by a facility must be placed for containment, collection, and processing or disposal in containers that are sufficiently transparent that the contents of the containers may be viewed from the exterior of the containers. The operator of a mixed municipal solid waste facility may not refuse to accept mixed municipal solid waste generated by a facility that complies with this subdivision, unless the operator observes that the waste contains sharps or other infectious waste.

Sec. 26. Minnesota Statutes 1992, section 116.92, subdivision 7, is amended to read:

Subd. 7. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; LARGE USE APPLICATIONS.] (a) A person who sells fluorescent or high intensity discharge lamps that contain mercury to the owner or manager of an industrial, commercial, office, or multiunit residential building, or to any person who replaces or removes from service outdoor lamps that contain mercury, shall clearly inform the purchaser in writing on the invoice for the lamps, or in a separate writing, that the lamps contain mercury, a hazardous substance that is regulated by federal or state law and that they may not be placed in solid waste. This paragraph does not apply to a person who incidentally sells fluorescent or high intensity discharge lamps at retail to the specified purchasers.

(b) A person who contracts with the owner or manager of an industrial, commercial, office, or multiunit residential building, or with a person responsible for outdoor lighting, to remove from service fluorescent or high intensity discharge lamps that contain mercury shall clearly inform, in writing, the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.

Sec. 27. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 5. [CONSERVATION IMPROVEMENT PROGRAM; EFFICIENT LIGHTING.] (a) Each public utility, cooperative electric association, and municipal utility that provides electric service to retail customers shall include as part of its conservation improvement activities a program to strongly encourage the use of fluorescent and high intensity discharge lamps. The program must include at least a public information campaign to encourage use of the lamps and proper management of spent lamps by all customer classifications.

(b) A public utility and a cooperative electric association that is regulated like a public utility under this chapter shall establish, either directly or through contracts with other persons, including local government units, a system to collect for delivery to a reclamation or recycling facility spent fluorescent and high intensity discharge lamps from households and from small businesses as defined in section 645.445 that generate an average of fewer than ten spent lamps per year.

(c) A collection system must include establishing reasonably convenient locations for collecting spent lamps from households and financial incentives sufficient to encourage spent lamp generators to take the lamps to the collection locations. Financial incentives may include coupons for purchase of new fluorescent or high intensity discharge lamps, a cash back system, or any other financial incentive or group of incentives designed to collect the maximum number of spent lamps from households and small businesses that is reasonably feasible.

(d) A cooperative electric association or a municipal utility that provides electric service at retail to customers may establish a collection system under paragraphs (b) and (c) as part of conservation improvement activities required under this section.

(e) The commissioner of the pollution control agency may not, unless clearly required by federal law, require a public utility, cooperative electric association, or municipality that establishes a household fluorescent and high intensity discharge lamp collection system under this section to manage the lamps as hazardous waste as long as the lamps are managed to avoid breakage and are delivered to a recycling or reclamation facility that removes mercury and other toxic materials contained in the lamps prior to placement of the lamps in solid waste.

(f) If a public utility, cooperative electric association, or municipal utility contracts with a local government unit to provide a collection system under this subdivision, the contract must provide for payment to the local government unit of all the unit's incremental costs of collecting and managing spent lamps.

(g) All the costs incurred for promotion and collection of fluorescent and high intensity discharge lamps under this subdivision are conservation improvement spending under this section.

Sec. 28. Minnesota Statutes 1992, section 325E.1151, subdivision 1, is amended to read:

Subdivision 1. [PURCHASERS MUST RETURN BATTERY OR PAY \$5.] (a) A person who purchases a lead acid battery at retail, except a lead acid battery that is designed to provide power for a boat motor that is purchased at the same time as the battery, must:

(1) return a lead acid battery to the retailer; or

(2) pay the retailer a \$5 surcharge.

(b) A person who has paid a \$5 surcharge under paragraph (a) must receive a \$5 refund from the retailer if the person returns a lead acid battery with a receipt for the purchase of a new battery from that retailer within 30 days after purchasing a new lead acid battery.

(c) A retailer may keep the unrefunded surcharges for lead acid batteries not returned within 30 days.

Sec. 29. Minnesota Statutes 1992, section 325E.12, is amended to read:

325E.12 [PENALTY.]

Any person violating Violation of sections 325E.10 to 325E.12 shall be guilty of 325E.1151 is a petty misdemeanor. Sections 325E.10 to 325E.1151 may be enforced under section 115.071.

Sec. 30. Minnesota Statutes 1992, section 325E.125, subdivision 1, is amended to read:

Subdivision 1. [LABELING.] (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Sec. 31. Minnesota Statutes 1992, section 325E.1251, is amended to read:

325E.1251 [PENALTY ENFORCEMENT.]

Subdivision 1. [PENALTY.] Violation of ~~sections 115A.9155 and~~ section 325E.125 is a misdemeanor. A manufacturer who violates ~~section 115A.9155 or~~ section 325E.125 is also subject to a minimum fine of \$100 per violation.

Subd. 2. [RECOVERY OF COSTS.] Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.

Sec. 32. Minnesota Statutes 1992, section 325E.32, is amended to read:

325E.32 [WASTE TIRES; COLLECTION.]

A person who sells automotive tires at retail must accept waste tires from customers for collection and recycling. The person must accept as many waste tires from each customer as tires are bought by that customer. The person may neither add an additional charge for accepting a number of waste tires that is the same as or fewer than the number of tires purchased by the consumer nor reduce the price of tires sold at retail if the customer returns a number of waste tires that is the same as or fewer than the number of tires purchased.

Sec. 33. Minnesota Statutes 1992, section 400.04, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION, CONSTRUCTION, AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes. Notwithstanding any other law to the contrary, a county may ~~contract for recycling services, and~~ purchase and lease materials, equipment, machinery, and such other personal property as is necessary for such purposes including recycling upon terms and conditions determined by the board, with or without advertisement for bids including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct such negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705. If a county contract is to be awarded by bid, the county may, after notice to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 34. Minnesota Statutes 1992, section 400.04, subdivision 4, is amended to read:

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] Notwithstanding any provision to the contrary in section 375.21 or 471.345, a county may enter into contracts for the construction, installation, maintenance and operation of property and facilities on private or public lands and may contract for the furnishing of solid waste management services: upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct negotiations and award the contract using a fair and open procedure and in full compliance with section 471.705.

Sec. 35. Minnesota Statutes 1992, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties, including properties owned, leased, or used by the state or a political subdivision of the state, including the regional transit board established in section 473.373, the metropolitan airports commission established in section 473.603, the state agricultural society established in section 37.01, a local government unit, and any other political subdivision, and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 36. Minnesota Statutes 1992, section 473.149, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] The council shall report on abatement to the legislative commission on waste management by ~~November~~ July 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. The report shall include the reports required by sections 115A.551, subdivision 5; 473.846; and 473.848, subdivision 4. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report in each even-numbered year must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 37. Minnesota Statutes 1992, section 473.803, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] By April 1 of each year, each metropolitan county shall prepare and submit ~~annually~~ to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1c. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

The report shall contain the recycling development grant report required by section 473.8441 and the annual certification report required by section 473.848.

Sec. 38. Minnesota Statutes 1992, section 473.8441, subdivision 5, is amended to read:

Subd. 5. [GRANT ALLOCATION PROCEDURE.] (a) The council shall distribute the funds annually so that each qualifying county receives an equal share of 50 percent of the council's allocation to the program described in this section, plus a proportionate share of the remaining funds available for the program. A county's proportionate share is an amount that has the same proportion to the total remaining funds as the number of households in the county has to the total number of households in all metropolitan counties.

(b) To qualify for distribution of funds, a county, by ~~August 15~~ April 1 of each year, must submit for council approval a report on expenditures and activities under the program during the preceding fiscal year and any proposed changes in its recycling implementation strategy or performance funding system. The report shall be included in the county report required by section 473.803, subdivision 3.

Sec. 39. Minnesota Statutes 1992, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

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

Sec. 40. Minnesota Statutes 1992, section 473.848, subdivision 2, is amended to read:

Subd. 2. [COUNTY CERTIFICATION; COUNCIL APPROVAL.] (a) By April 1 of each year, each county shall submit ~~a semiannual~~ an annual certification report to the council detailing:

(1) the quantity of waste generated in the county that was not processed prior to transfer to a disposal facility during the ~~six months~~ year preceding the report;

(2) the reasons the waste was not processed;

(3) a strategy for development of techniques to ensure processing of waste including a specific timeline for implementation of those techniques; and

(4) any progress made by the county in reducing the amount of unprocessed waste.

The report shall be included in the county report required by section 473.803, subdivision 3.

(b) The council shall approve a county's certification report if it determines that the county is reducing and will continue to reduce the amount of unprocessed waste, based on the report and the county's progress in development and implementation of techniques to reduce the amount of unprocessed waste transferred to disposal facilities. If the council does not approve a county's report, it shall negotiate with the county to develop and implement specific techniques to reduce unprocessed waste. If the council does not approve ~~three~~ two or more consecutive reports from any one county, the council shall develop specific reduction techniques that are designed for the particular needs of the county. The county shall implement those techniques by specific dates to be determined by the council.

Sec. 41. Minnesota Statutes 1992, section 473.848, subdivision 3, is amended to read:

Subd. 3. [FACILITY CERTIFICATION; ~~COUNTY REPORTS~~.] (a) The operator of each resource recovery facility that receives waste from counties in the metropolitan area shall certify as unprocessable each load of mixed municipal solid waste it does not process. Certification must be made to each county that sends its waste to the facility at intervals specified by the county. Certification must include at least the number and size of loads certified as unprocessable and the reasons the waste is unprocessable. Loads certified as unprocessable must include the loads that would otherwise have been processed but were not processed because the facility was not in operation, but nothing in this section relieves the operator of its contractual obligations to process mixed municipal solid waste.

~~(b) A county that sends its waste to a resource recovery facility shall submit a semiannual report to the council detailing the quantity of waste generated within the county that was not processed during the six months preceding the report, the reasons the waste was not processed, and a strategy for reducing the amount of unprocessed mixed municipal solid waste.~~

Sec. 42. Laws 1991, chapter 347, article 1, section 15, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in Minnesota Statutes, section 116.06, subdivision 10, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose or otherwise manage the waste.

Sec. 43. Laws 1991, chapter 347, article 1, section 15, subdivision 6, is amended to read:

Subd. 6. [STUDY OF FIELD CITATION PILOT PROGRAM.] The pollution control agency, in consultation with the department of natural resources and the attorney general, shall prepare a study on the effectiveness and limitations of the field citation pilot program. The study must make recommendations about the continued use of field citations. The study must be submitted to the legislative commission on waste management by November 15, 1992, and must be updated and resubmitted to the commission by November 15, 1993.

Sec. 44. Laws 1991, chapter 347, article 1, section 20, is amended to read:

Sec. 20. [EFFECTIVE DATE.]

Section 19 is effective July 1, 1993 1994.

Sec. 45. Laws 1992, chapter 593, article 1, section 55, is amended to read:

Sec. 55. [EFFECTIVE DATE.]

Except as provided in this section, article 1 is effective August 1, 1992.

Sections 22, 31 to 34, 37 to 40, and 45 are effective the day following final enactment.

Section 43 is effective August, 1991.

Sections 12; 17; 24; 27, subdivision 1; 29, subdivision 3; and 36 are effective January 1, 1993, and section 36 applies to sweeping compound manufactured on or after that date.

Section 18 is effective for products and packaging manufactured on or after January 1, 1993.

Section 35, paragraph (a), is effective July 1, 1993 January 1, 1997, and paragraph (b) is effective July 1, 1993, and applies those paragraphs apply to batteries manufactured on or after ~~that date~~ those dates.

~~Sections 3 and 29, subdivision 2, are~~ is effective August 1, 1993.

Sections 26 and 27, subdivision 2, are effective January 1, 1994.

Section 29, ~~subdivision~~ subdivisions 2 and 4, clauses (1) and (2), are effective August 1, 1994.

Sec. 46. [POLICY PLAN AMENDMENT.]

The metropolitan council shall amend the policy plan required by Minnesota Statutes, section 473.149, to incorporate the requirements imposed by sections 37 to 41.

Sec. 47. [WASTE TIRE REPORT; INCLUSION.]

The waste tire report due to the legislative commission on waste management under Minnesota Statutes, section 115A.913, by November 15, 1993, must include an evaluation of the adequacy of existing mechanisms and systems for managing waste tires as they are generated. The commissioner of the pollution control agency shall include in the report recommendations for legislation, if needed, to ensure that mechanisms are in place or are put in place to collect, store, transport, recycle, and otherwise manage waste tires properly.

Sec. 48. [SOLID WASTE MANAGEMENT POLICY REPORT; POSTPONEMENT.]

Under Minnesota Statutes, section 115A.411, a solid waste management policy report is not due to the legislative commission on waste management until July 1, 1996. In the interim, any reports authorized to be included with that report may be submitted as a combined report on or before the dates required for their submission.

Sec. 49. [FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; COLLECTION STUDY.]

The director of the office of waste management, in consultation with representatives of public utilities, electric cooperative associations, and municipal utilities that provide electric service to retail customers, the commissioners of the pollution control agency and the department of public service, the Minnesota technical assistance program, the director of the legislative commission on waste management, residential, commercial, and industrial electric power consumers, local government units, and other interested persons, shall examine and evaluate the potential for a statewide collection system for spent fluorescent and high intensity discharge lamps. The director shall identify barriers to an effective collection system and approaches to reduce and remove those barriers.

By November 1, 1993, the director shall submit a report to the legislative commission on waste management that, at a minimum, recommends:

(1) collection and management systems for spent lamps that are generated within the service areas of cooperative electric associations and municipal utilities that provide electric service to retail customers; and

(2) an implementation plan that includes provisions for technical assistance to public utilities, electric cooperative associations, and municipal utilities as they establish fluorescent and high intensity discharge lamp promotion programs and collection systems as required in Minnesota Statutes, section 216B.241, subdivision 5, and this section.

Sec. 50. [VOLUME OR WEIGHT BASED FEES; POSTPONEMENT OF EFFECTIVE DATE.]

A local government unit affected by the requirement in Minnesota Statutes 1992, section 115A.9301, to implement volume or weight based fees for solid waste collection may apply to the director of the office of waste management for postponement of the date for implementation of the fees. The director may grant a postponement only if the local government unit submits with its application a plan for evaluating alternative methods for complying with the law and a schedule for implementation of the required volume or weight based fees that the director determines will result in compliance with the law not later than January 1, 1995.

Sec. 51. [METROPOLITAN LANDFILL SITING; EFFECT OF MORATORIUM AND REPEAL.]

(a) The effects of Laws 1991, chapter 337, sections 84 and 90, paragraph (b), that were effective June 5, 1991 and August 1, 1992 respectively, include that:

(1) no development limitation continued under Minnesota Statutes 1982 to 1990, section 473.806, after December 31, 1992, and no claim for compensation for temporary development rights exists for any time period after that date;

(2) the metropolitan council may use the proceeds of bonds issued under Minnesota Statutes 1980 to 1990, section 473.831, to compensate property owners for temporary development rights or to purchase property under Minnesota Statutes 1984 to 1990, section 473.840, if the time period for which compensation for temporary development rights is claimed occurred prior to December 31, 1992, or if the request for purchase of the property was received prior to June 5, 1991; and

(3) a metropolitan county that acquired property under Minnesota Statutes 1984 to 1990, section 473.840, shall sell the property, subject to the approval of the metropolitan council.

(b) A county may lease or rent property that must be sold under paragraph (a), subject to approval of the metropolitan council, and may maintain property and casualty insurance on the property until ownership of the property is transferred. The county shall remit to the council any proceeds from leasing, renting, or selling property subject to this paragraph, less the reasonable expenses of the county to maintain the value of the property and to transfer ownership. The council shall use money remitted to it under this paragraph to retire solid waste debt incurred under Minnesota Statutes 1980 to 1990, section 473.831.

Sec. 52. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall delete the phrases "used oil" and "used motor oil" in Minnesota Statutes, sections 115A.03, subdivision 21; 115A.551, subdivision 1; and 115A.935; and insert the phrase "motor and vehicle fluids and filters."

Sec. 53. [EFFECTIVE DATE.]

Section 12 is effective July 1, 1994. Section 15 is effective January 1, 1994, except it is effective for motor oil filters generated by households on January 1, 1995. Section 24 is effective the day following final enactment, except subdivision 2 is effective August 1, 1993. Section 27 is effective August 1, 1994. Section 30 is effective January 1, 1997. Section 35 is effective May 20, 1971."

Delete the title and insert:

"A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; extending the time to construct certain projects with grant money; authorizing counties to count waste reduction toward 1996 recycling goals; providing for county management and service contracts; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that



organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous household products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; requiring a study of such lamps; extending by one year the solid waste field citation pilot program; providing for the postponement of certain waste collection fees; clarifying the effects of the repeal of the metropolitan landfill siting process; providing for reports; amending Minnesota Statutes 1992, sections 16B.121; 16B.122, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding a subdivision; 115A.034; 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.551, subdivisions 2a and 4; 115A.552, subdivision 2; 115A.557, subdivision 3; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.1151, subdivision 1; 325E.12; 325E.125, subdivision 1; 325E.1251; 325E.32; 400.04, subdivisions 3 and 4; 400.08, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; 473.8441, subdivision 5; 473.846; and 473.848, subdivisions 2 and 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapter 115A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 295, A bill for an act relating to utilities; authorizing utilities to make automatic annual rate adjustments for costs of conservation improvements; amending Minnesota Statutes 1992, section 216B.16, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 216B.16, subdivision 6b, is amended to read:

Subd. 6b. [ENERGY CONSERVATION IMPROVEMENTS.] All investments and expenses of a public utility as defined in section 216B.241, subdivision 1, paragraph (d), incurred in connection with energy conservation improvements shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service. The commission may permit a public utility to file rate schedules providing for annual recovery of the costs of energy conservation improvements."

Amend the title as follows:

Page 1, line 5, delete "7" and insert "6b"

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

The report was adopted.

Sparby from the Committee on General Legislation, Veterans Affairs and Elections to which was referred:

H. F. No. 327, A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1992, section 168.125, subdivision 1.

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

The report was adopted.

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

H. F. No. 333, A bill for an act relating to economic development; authorizing planning and final system design for connecting rural southwest Minnesota water systems to a federal water system; appropriating money.

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

The report was adopted.

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

H. F. No. 390, A bill for an act relating to solid waste; requiring the commissioner of revenue to separately account for revenue from sales taxes on solid waste collection services; appropriating money; amending Minnesota Statutes 1992, section 297A.45, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 399, A bill for an act relating to commerce; unclaimed property; regulating certain notices; amending Minnesota Statutes 1992, section 345.42, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 345.41, is amended to read:

345.41 [REPORT OF ABANDONED PROPERTY.]

(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under sections 345.31 to 345.60 shall report annually to the commissioner with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of ~~\$25~~ \$100 or more presumed abandoned under sections 345.31 to 345.60;

(2) in case of unclaimed funds of life insurance corporations, the full name of the policyholder, insured or annuitant and that person's last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under ~~\$25~~ \$100 each may be reported in aggregate;

(4) the date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the commissioner prescribes by rule as necessary for the administration of sections 345.31 to 345.60.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed a name while holding the property, the holder shall file with the report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before October 1 of each year as of December 31 next preceding. The commissioner may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under sections 345.31 to 345.60 knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, inform the owner of the steps necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer, and if made by a public corporation, by its chief fiscal officer.

(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clause (a), (b) or (c).

(h) Any person who has possession of property which the person has reason to believe will be reportable in the future as unclaimed property may, with the permission of the commissioner, report and deliver such property prior to the date required for reporting in accordance with this section."

Page 2, line 21, delete "Sections 1 and 2 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the semicolon insert "and reports"

Page 1, line 4, delete "section" and insert "sections 345.41; and"

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

The report was adopted.

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

H. F. No. 408, A bill for an act relating to human services; requiring parent's social security numbers on birth certificates; modifying various child support provisions; amending Minnesota Statutes 1992, sections 144.215, by adding a subdivision; 518.551, subdivision 5; 518.611, subdivisions 1, 2, 6, and by adding a subdivision; and 518.613, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Page 7, delete lines 1 to 36, and insert:

"Subd. 2. [CONDITIONS OF INCOME WITHHOLDING.] (a) Withholding shall result ~~whenever~~ when:

(1) the obligor requests it in writing to the public authority;

(2) the custodial parent requests it by making a motion to the court; or

(3) the obligor fails to make the maintenance or support payments, and the following conditions are met:

(4) (i) the obligor is at least 30 days in arrears;

(2) (ii) the obligee or the public authority serves written notice of income withholding, showing arrearage, on the obligor at least 15 days before service of the notice of income withholding and a copy of the court's order on the payor of funds;

(3) (iii) within the 15-day period, the obligor fails to move the court to deny withholding on the grounds that an arrearage of at least 30 days does not exist as of the date of the notice of income withholding, or on other grounds limited to mistakes of fact, and, ex parte, to stay service on the payor of funds until the motion to deny withholding is heard;

(4) (iv) the obligee or the public authority serves a copy of notice of income withholding, a copy of the court's order or notice of order, and the provisions of this section on the payor of funds; and

(5) (v) the obligee serves on the public authority a copy of the notice of income withholding, a copy of the court's order, an application, and the fee to use the public authority's collection services.

For those persons not applying for the public authority's IV-D services, a monthly service fee of \$15 must be charged and withheld from any collection before payment to the family. For those persons applying for the public authority's IV-D services, the service fee under section 518.551, subdivision 7, applies.

(b) To pay the arrearage specified in the notice of income withholding, the employer or payor of funds shall withhold from the obligor's income an additional amount equal to 20 percent of the monthly child support or maintenance obligation until the arrearage is paid."

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 427, A bill for an act relating to taxation; making technical corrections and administrative changes to sales and use taxes, income and franchise taxes, property taxes, and tax administration and enforcement; changing penalties; appropriating money; amending Minnesota Statutes 1992, sections 82B.035, by adding a subdivision; 84.82, subdivision 10; 86B.401, subdivision 12; 270.071, subdivision 2; 270.072, subdivision 2; 271.06, subdivision 1; 271.09, subdivision 3; 272.02, subdivisions 1 and 4; 272.025, subdivision 1; 272.12; 273.03, subdivision 2; 273.061, subdivision 8; 273.124, subdivisions 9 and 13; 273.13, subdivision 25; 273.138, subdivision 5; 273.1398, subdivisions 1, 3, and 5b; 274.13, subdivision 1; 274.18; 275.065, subdivision 5a; 275.07, subdivisions 1 and 4; 275.28, subdivision 3; 275.295; 277.01, subdivision 2; 277.15; 277.17; 278.01, subdivision 1; 278.02; 278.03; 278.04; 278.08; 278.09; 287.21, subdivision 4; 287.22; 289A.08, subdivisions 3, 10, and 15; 289A.09, subdivision 1; 289A.11, subdivisions 1 and 3; 289A.12, subdivisions 2, 3, 4, 7, 8, 9, 10, 11, 12, and 14; 289A.18, subdivisions 1 and 4; 289A.20, subdivision 4; 289A.25, subdivisions 1, 2, 5a, 6, 8, 10, and 12; 289A.26, subdivisions 1, 4, and 6; 290A.04, subdivisions 1 and 2h; 296.14, subdivision 2; 297A.01, subdivision 3; 297B.01, subdivision 5; 297B.03; 347.10; 348.04; 469.175, subdivision 5; and 473H.10, subdivision 3; Laws 1991, chapter 291, article 1, section 65, as amended; Laws 1992, chapter 511, article 2, section 61; proposing coding for new law in Minnesota Statutes, chapters 273; 289A; and 297; repealing Minnesota Statutes 1992, sections 60A.13, subdivision 1a; 273.49; 274.19; 274.20; 277.011; 289A.08, subdivisions 9 and 12; 297A.258; and 348.03.

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

The report was adopted.

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

H. F. No. 436, A bill for an act relating to medical assistance; modifying hospital reimbursement rates; amending Minnesota Statutes 1992, section 256.969, subdivisions 9, 20, and by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 256.969, subdivision 9, is amended to read:

Subd. 9. [DISPROPORTIONATE NUMBERS OF LOW-INCOME PATIENTS SERVED.] For admissions occurring on or after October 1, 1992, through December 31, 1992, the medical assistance disproportionate population adjustment shall comply with federal law and shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The adjustment must be determined as follows:

(1) for a hospital with a medical assistance inpatient utilization rate above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service but less than or equal to one standard deviation above the mean, the adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service; and

(2) for a hospital with a medical assistance inpatient utilization rate above one standard deviation above the mean, the adjustment must be determined by multiplying the adjustment that would be determined under clause (1) for that hospital by 1.1. If federal matching funds are not available for all adjustments under this subdivision, the commissioner shall reduce payments on a pro rata basis so that all adjustments qualify for federal match. The commissioner may establish a separate disproportionate population operating payment rate adjustment under the general assistance medical care program. For purposes of this subdivision medical assistance does not include general assistance medical care. The commissioner shall report annually on the number of hospitals likely to receive the adjustment authorized by this section. The commissioner shall specifically report on the adjustments received by public hospitals and public hospital corporations located in cities of the first class.

Sec. 2. Minnesota Statutes 1992, section 256.969, is amended by adding a subdivision to read:

Subd. 9a. [DISPROPORTIONATE POPULATION ADJUSTMENTS AFTER JANUARY 1, 1993.] (a) For admissions occurring between January 1, 1993, and June 30, 1993, the adjustment under this subdivision shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of one standard deviation above the arithmetic mean. The adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service, and the result must be multiplied by 1.1.

(b) For admissions occurring on or after July 1, 1993, the medical assistance disproportionate population adjustment shall comply with federal law and shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of one standard deviation above the arithmetic mean. The adjustment must be determined by multiplying the operating payment rate by the difference between the hospital's actual medical assistance inpatient utilization rate and one standard deviation above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service.

(c) If federal matching funds are not available for all adjustments under this subdivision, the commissioner shall reduce payments on a pro rata basis so that all adjustments qualify for federal match. The commissioner may establish a separate disproportionate population operating payment rate adjustment under the general assistance medical care program. For purposes of this subdivision, medical assistance does not include general assistance medical care. The commissioner shall report annually on the number of hospitals likely to receive the adjustment authorized by this section. The commissioner shall specifically report on the adjustments received by public hospitals and public hospital corporations located in cities of the first class.

Sec. 3. Minnesota Statutes 1992, section 256.969, is amended by adding a subdivision to read:

Subd. 9b. [IMPLEMENTATION OF RATABLE REDUCTIONS.] Notwithstanding the provisions in subdivision 9, any ratable reductions required under that subdivision or subdivision 9a for fiscal year 1993 shall be implemented as follows:

(1) no ratable reductions shall be applied to admissions occurring between October 1, 1992, and December 31, 1992; and

(2) sufficient ratable reductions shall be taken from hospitals receiving a payment under subdivision 9a for admissions occurring between January 1, 1993, and June 30, 1993, to ensure that all state payments under subdivisions 9 and 9a during federal fiscal year 1993 qualify for federal match.

Sec. 4. Minnesota Statutes 1992, section 256.969, subdivision 20, is amended to read:

Subd. 20. [INCREASES IN MEDICAL ASSISTANCE INPATIENT PAYMENTS; CONDITIONS.] (a) Medical assistance inpatient payments shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988, and December 31, 1990, if: (i) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For purposes of this paragraph, medical assistance does not include general assistance medical care.

(b) Medical assistance inpatient payments shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988, and December 31, 1990, if: (i) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For purposes of this paragraph, medical assistance does not include general assistance medical care.

(c) Medical assistance inpatient payment rates shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur on or after October 1, 1992, if: (i) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9, 9a, or 22, the hospital must be paid the adjustment under ~~subdivision~~ subdivisions 9, 9a, and 22, as applicable, plus any amount by which the adjustment under this paragraph exceeds the adjustment under ~~subdivision 9~~ those subdivisions. For this paragraph, medical assistance does not include general assistance medical care.

(d) Medical assistance inpatient payment rates shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur after September 30, 1992, if: (i) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9, 9a, or 22, the hospital must be paid the adjustment under ~~subdivision~~ subdivisions 9, 9a, and 22, as applicable, plus any amount by which the adjustment under this paragraph exceeds the adjustment under ~~subdivision 9~~ those subdivisions. For purposes of this paragraph, medical assistance does not include general assistance medical care.

Sec. 5. Minnesota Statutes 1992, section 256.969, is amended by adding a subdivision to read:

Subd. 22. [HOSPITAL PAYMENT ADJUSTMENT.] For admissions occurring from January 1, 1993, until June 30, 1993, the commissioner shall adjust the medical assistance payment paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The adjustment must be determined as follows:

(1) for a hospital with a medical assistance inpatient utilization rate above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service, the adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service; and

(2) for a hospital with a medical assistance inpatient utilization rate above one standard deviation above the mean, the adjustment must be determined by multiplying the adjustment under clause (1) for that hospital by 1.1. Any payment under this clause must be reduced by the amount of any payment received under subdivision 9. For purposes of this subdivision, medical assistance does not include general assistance medical care.

Sec. 6. [HEALTH MAINTENANCE ORGANIZATION REIMBURSEMENT.]

Effective January 1, 1993, the commissioner of human services shall adjust rates paid to a health maintenance organization under contract with the commissioner to reflect rate increases provided under Minnesota Statutes, section 256.969, subdivision 22. The adjustment must be made on a nondiscounted hospital-specific basis.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective retroactive to January 1, 1993."

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

The report was adopted.

Sparby from the Committee on General Legislation, Veterans Affairs and Elections to which was referred:

H. F. No. 509, A bill for an act relating to elections; changing registration, filing, boundary change, ballot preparation, canvassing, system testing, and notice requirements and procedures; changing certain duties of election officials; clarifying certain language; adding to reimbursable expenses; amending Minnesota Statutes 1992, sections 201.071, subdivision 1; 201.081; 201.11; 201.13, subdivision 2, and by adding a subdivision; 201.15; 204B.06, subdivisions 4 and 6; 204B.14, subdivision 4; 204B.16, by adding a subdivision; 204B.46; 204C.06, subdivision 1; 204C.31, subdivision 2; 204C.32; 204D.04, subdivision 2; 204D.11, subdivisions 2, 3, and 6; 204D.24, subdivision 2; 204D.27, subdivision 11; 206.83; 206.90, subdivision 6; 207A.02, subdivision 1; 207A.10; subdivision 2; 211B.11, subdivision 1; 211B.14; and 365.51, subdivision 2.

Reported the same back with the following amendments:

Page 13, line 2, delete "and" and insert "offices;"

Page 14, line 10, delete "100 feet"

Page 14, line 11, delete "of the entrance to" and reinstate the stricken language

Page 14, line 12, reinstate the stricken language and before "on" insert ", or anywhere on the public property on which a polling place is situated,"

Page 15, after line 14, insert:

"Sec. 28. [EFFECTIVE DATE.]

Section 24 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 513, A bill for an act relating to the environment; prohibiting state permits for expansion or enhancement of coal-fired steam heating facilities within a certain portion of the Mississippi river critical area; proposing coding for new law in Minnesota Statutes, chapter 116G.

Reported the same back with the following amendments:

Page 2, after line 22, insert:

"The prohibition in this section does not apply to issuance of a permit or modification of an existing permit necessary to retrofit or renovate pollution control equipment at an existing facility for the purpose of complying with sulphur dioxide emission standards."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sparby from the Committee on General Legislation, Veterans Affairs and Elections to which was referred:

H. F. No. 516, A bill for an act relating to elections; changing certain margins requiring automatic recounts; amending Minnesota Statutes 1992, section 204C.35, subdivision 1.

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

The report was adopted.

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

H. F. No. 532, A bill for an act relating to human services; modifying the STRIDE program; requiring a work component; modifying the aid to families with dependent children program; amending Minnesota Statutes 1992, sections 256.73, subdivisions 2, 3a, and 5; 256.736, subdivisions 10, 10a, 14, and 16; 256.737, subdivisions 1, 1a, 2, and by adding subdivisions; and 256.74, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(1) pursuant to section 13.05;

(2) pursuant to court order;



- (3) pursuant to a statute specifically authorizing access to the private data;
  - (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
  - (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
  - (6) to administer federal funds or programs;
  - (7) between personnel of the welfare system working in the same program;
  - (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
  - (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
  - (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
  - (11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;
  - (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person; or
  - (13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5); or
  - (14) data collected by the telephone assistance plan may be disclosed to the department of revenue to conduct an electronic data match to the extent necessary to determine eligibility under section 237.70, subdivision 4a.
- (b) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 2. Minnesota Statutes 1992, section 256.73, subdivision 2, is amended to read:

Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.] Ownership by an assistance unit of property as follows is a bar to any allowance under sections 256.72 to 256.87:

(1) The value of real property other than the homestead, which when combined with other assets exceeds the limits of paragraph (2), unless the assistance unit is making a good faith effort to sell the nonexcludable real property. The time period for disposal must not exceed nine consecutive months ~~and~~. The assistance unit ~~shall execute~~ must sign an agreement to dispose of the property and to repay assistance received during the nine months ~~up to that would not have been paid had the property been sold at the beginning of such period, but not to exceed the amount of the net sale proceeds. The payment must be made when the property is sold~~ family has five working days from the date it realizes cash from the sale of the property to repay the overpayment. If the property is not sold within the required time or the assistance unit becomes ineligible for any reason ~~the entire amount received during the nine months is an overpayment and subject to recovery during the nine-month period, the amount payable under the agreement will not be determined and recovery will not begin until the property is in fact sold. If the property is intentionally sold~~

at less than fair market value or if a good faith effort to sell the property is not being made, the overpayment amount shall be computed using the fair market value determined at the beginning of the nine-month period. For the purposes of this section, "homestead" means the home that is owned by, and is the usual residence of, the child, relative, or other member of the assistance unit together with the surrounding property which is not separated from the home by intervening property owned by others. "Usual residence" includes the home from which the child, relative, or other members of the assistance unit is temporarily absent due to an employability development plan approved by the local human service agency, which includes education, training, or job search within the state but outside of the immediate geographic area. Public rights-of-way, such as roads which run through the surrounding property and separate it from the home, will not affect the exemption of the property; or

(2) Personal property of an equity value in excess of \$1,000 for the entire assistance unit, exclusive of personal property used as the home, one motor vehicle of an equity value not exceeding \$1,500 or the entire equity value of a motor vehicle determined to be necessary for the operation of a self-employment business, one burial plot for each member of the assistance unit, one prepaid burial contract with an equity value of no more than \$1,000 for each member of the assistance unit, clothing and necessary household furniture and equipment and other basic maintenance items essential for daily living, in accordance with rules promulgated by and standards established by the commissioner of human services.

Sec. 3. Minnesota Statutes 1992, section 256.73, subdivision 3a, is amended to read:

Subd. 3a. [PERSONS INELIGIBLE.] No assistance shall be given under sections 256.72 to 256.87:

(1) on behalf of any person who is receiving supplemental security income under title XVI of the Social Security Act unless permitted by federal regulations;

(2) for any month in which the assistance unit's gross income, without application of deductions or disregards, exceeds 185 percent of the standard of need for a family of the same size and composition; except that the earnings of a dependent child who is a full-time student may be disregarded for six ~~calendar~~ months per calendar year and the earnings of a dependent child ~~who is a full-time student~~ that are derived from the jobs training and partnership act (JTPA) may be disregarded for six ~~calendar~~ months per calendar year. These two earnings disregards cannot be combined to allow more than a total of six months per calendar year when the earned income of a full-time student is derived from participation in a program under the JTPA. If a stepparent's income is taken into account in determining need, the disregards specified in section 256.74, subdivision 1a, shall be applied to determine income available to the assistance unit before calculating the unit's gross income for purposes of this paragraph;

(3) to any assistance unit for any month in which any caretaker relative with whom the child is living is, on the last day of that month, participating in a strike;

(4) on behalf of any other individual in the assistance unit, nor shall the individual's needs be taken into account for any month in which, on the last day of the month, the individual is participating in a strike;

(5) on behalf of any individual who is the principal earner in an assistance unit whose eligibility is based on the unemployment of a parent when the principal earner, without good cause, fails or refuses to accept employment, or to register with a public employment office, unless the principal earner is exempt from these work requirements.

Sec. 4. Minnesota Statutes 1992, section 256.73, subdivision 5, is amended to read:

Subd. 5. [AID FOR UNBORN CHILDREN PREGNANT WOMEN.] (a) For the purposes of sections 256.72 to 256.87, assistance payments shall be made ~~during the final three months of pregnancy~~ to a pregnant woman who has with no other children but who otherwise qualifies for assistance except for medical assistance payments which shall be made at the time that pregnancy is confirmed by a physician if the pregnant woman has no other children and otherwise qualifies for assistance as provided in sections 256B.055 and 256B.056 receiving assistance when it is medically verified that the unborn child is expected to be born in the month the payment is made or within the three-month period following the month of payment. Eligibility must be determined as if the unborn child had been born and was living with her, considering the needs, income, and resources of all individuals in the filing unit. If eligibility exists for this fictional unit, the pregnant woman is eligible and her payment amount is determined based solely on her needs, income, including deemed income, and resources. No payments shall be made for the needs of the unborn or for any special needs occasioned by the pregnancy except as provided in ~~clause paragraph~~ (b). The commissioner of human services shall promulgate, pursuant to the administrative procedures act, rules to implement this subdivision.

(b) The commissioner may, according to rules, make payments for the purpose of meeting special needs occasioned by or resulting from pregnancy both for a pregnant woman with no other children receiving assistance as well as for a pregnant woman receiving assistance as provided in sections 256.72 to 256.87. The special needs payments shall be dependent upon the needs of the pregnant woman and the resources allocated to the county by the commissioner and shall be limited to payments for medically recognized special or supplemental diet needs and the purchase of a crib and necessary clothing for the future needs of the unborn child at birth. ~~The commissioner shall, according to rules, make payments for medically necessary prenatal care of the pregnant woman and the unborn child.~~

Sec. 5. Minnesota Statutes 1992, section 256.736, subdivision 10, is amended to read:

Subd. 10. [COUNTY DUTIES.] (a) To the extent of available state appropriations, county boards shall:

(1) refer all mandatory and eligible volunteer caretakers ~~required to register~~ permitted to participate under subdivision 3 3a to an employment and training service provider for participation in employment and training services;

(2) identify to the employment and training service provider ~~caretakers who fall into the targeted groups~~ the target group of which the referred caretaker is a member;

(3) provide all caretakers with an orientation which meets the requirements in subdivisions 10a and 10b;

(4) work with the employment and training service provider to encourage voluntary participation by caretakers in the ~~targeted~~ target groups;

(5) work with the employment and training service provider to collect data as required by the commissioner;

(6) to the extent permissible under federal law, require all caretakers coming into the AFDC program to attend orientation;

(7) encourage ~~nontargeted~~ nontarget caretakers to develop a plan to obtain self-sufficiency;

(8) notify the commissioner of the caretakers required to participate in employment and training services;

(9) inform appropriate caretakers of opportunities available through the head start program and encourage caretakers to have their children screened for enrollment in the program where appropriate;

(10) provide transportation assistance using available funds to caretakers who participate in employment and training programs;

(11) ensure that orientation, job search, services to custodial parents under the age of 20, educational activities and work experience for AFDC-UP families, and case management services are made available to appropriate caretakers under this section, except that payment for case management services is governed by subdivision 13;

(12) explain in its local service unit plan under section 268.88 how it will ensure that ~~targeted~~ target caretakers determined to be in need of social services are provided with such social services. The plan must specify how the case manager and the county social service workers will ensure delivery of needed services;

(13) to the extent allowed by federal laws and regulations, provide a job search program as defined in subdivision 14, a community work experience program as defined in section 256.737, and at least one of the following employment and training services: ~~community work experience program (CWEP) as defined in section 256.737~~, grant diversion as defined in section 256.739, on-the-job training as defined in section 256.738, or another work and training program approved by the commissioner and the secretary of the United States Department of Health and Human Services. Planning and approval for employment and training services listed in this clause must be obtained through submission of the local service unit plan as specified under section 268.88. ~~Each county is urged to adopt grant diversion as the second program required under this clause;~~

(14) prior to participation, provide an assessment of each AFDC recipient who is required or volunteers to participate in an approved employment and training service. The assessment must include an evaluation of the participant's (i) educational, child care, and other supportive service needs; (ii) skills and prior work experience; and (iii) ability to secure and retain a job which, when wages are added to child support, will support the participant's

family. The assessment must also include a review of the results of the early and periodic screening, diagnosis and treatment (EPSDT) screening and preschool screening under chapter 123, if available; the participant's family circumstances; and, in the case of a custodial parent under the age of 18, a review of the effect of a child's development and educational needs on the parent's ability to participate in the program;

(15) develop an employability development plan for each recipient for whom an assessment is required under clause (14) which: (i) reflects the assessment required by clause (14); (ii) takes into consideration the recipient's physical capacity, skills, experience, health and safety, family responsibilities, place of residence, proficiency, child care and other supportive service needs; (iii) is based on available resources and local employment opportunities; (iv) specifies the services to be provided by the employment and training service provider; (v) specifies the activities the recipient will participate in; (vi) specifies necessary supportive services such as child care; (vii) to the extent possible, reflects the preferences of the participant; and (viii) specifies the recipient's long-term employment goal which shall lead to self-sufficiency; ~~and~~

(16) obtain the written concurrence of the appropriate exclusive bargaining representatives with respect to job duties to assure that no work assignment under this section or sections 256.737, 256.738, and 256.739 results in: (i) termination, layoff, or reduction of the work hours of an employee for the purpose of hiring an individual under this section or sections 256.737, 256.738, and 256.739; (ii) the hiring of an individual if any other person is on layoff from the same or a substantially equivalent job; (iii) any infringement of the promotional opportunities of any currently employed individual; (iv) the impairment of existing contracts for services or collective bargaining agreements; or (v) except for on-the-job training under section 256.738, a participant filling an established unfilled position vacancy; ~~and~~

(17) assess each caretaker in an AFDC-UP family who is under age 25, has not completed high school or a high school equivalency program, and who would otherwise be required to participate in a work experience placement under section 256.737 to determine if an appropriate secondary education option is available for the caretaker. If an appropriate secondary education option is determined to be available for the caretaker, the caretaker must, in lieu of participating in work experience, enroll in and meet the educational program's participation and attendance requirements. "Secondary education" for this paragraph means high school education or education designed to prepare a person to qualify for a high school equivalency certificate, basic and remedial education, and English as a second language education. A caretaker required to participate in secondary education who, without good cause, fails to participate shall be subject to the provisions of subdivision 4a and the sanction provisions of subdivision 4, clause (6). For purposes of this clause, "good cause" means the inability to obtain licensed or legal nonlicensed child care services needed to enable the caretaker to attend, inability to obtain transportation needed to attend, illness or incapacity of the caretaker or another member of the household which requires the caretaker to be present in the home, or being employed for more than 30 hours per week.

(b) Funds available under this subdivision may not be used to assist, promote, or deter union organizing.

(c) A county board may provide other employment and training services that it considers necessary to help caretakers obtain self-sufficiency.

(d) Notwithstanding section 256G.07, when a ~~targeted~~ target caretaker relocates to another county to implement the provisions of the caretaker's case management contract or other written employability development plan approved by the county human service agency, its case manager or employment and training service provider, the county that approved the plan is responsible for the costs of case management and other services required to carry out the plan, including employment and training services. The county agency's responsibility for the costs ends when all plan obligations have been met, when the caretaker loses AFDC eligibility for at least 30 days, or when approval of the plan is withdrawn for a reason stated in the plan, whichever occurs first. Responsibility for the costs of child care must be determined under chapter 256H. A county human service agency may pay for the costs of case management, child care, and other services required in an approved employability development plan when the ~~nontargeted~~ nontargeted caretaker relocates to another county or when a ~~targeted~~ target caretaker again becomes eligible for AFDC after having been ineligible for at least 30 days.

Sec. 6. Minnesota Statutes 1992, section 256.736, subdivision 10a, is amended to read:

Subd. 10a. [ORIENTATION.] (a) Each county agency must provide an orientation to all caretakers within its jurisdiction ~~who are determined eligible for AFDC on or after July 1, 1989, and who are required to attend an orientation. The county agency shall require attendance at orientation of all caretakers except in the time limits described in this paragraph:~~

~~(1) caretakers who are exempt from registration under subdivision 3 within 60 days of being determined eligible for AFDC for caretakers with a continued absence or incapacitated parent basis of eligibility; and or~~

~~(2) caretakers who are not within 30 days of being determined eligible for AFDC for caretakers with an unemployed parent basis of eligibility.~~

~~(b) Caretakers are required to attend an in-person orientation if the caretaker is a member of one of the groups listed in subdivision 3a, paragraph (a), and who are either responsible for the care of an incapacitated person or a dependent child under the age of six or enrolled at least half time in any recognized school, training program, or institution of higher learning unless the caretaker is exempt from registration under subdivision 3 and the caretaker's exemption basis will not expire within 60 days of being determined eligible for AFDC, or the caretaker is enrolled at least half time in any recognized school, training program, or institution of higher learning and the in-person orientation cannot be scheduled at a time that does not interfere with the caretaker's school or training schedule. The county agency shall require attendance at orientation of caretakers described in subdivision 3a, paragraph (b) or (c), if they become the commissioner determines that the groups are eligible for participation in employment and training services.~~

~~(b) Except as provided in paragraph (c), (c) The orientation must consist of a presentation that informs caretakers of:~~

~~(1) the identity, location, and phone numbers of employment and training and support services available in the county;~~

~~(2) the types and locations of child care services available through the county agency that are accessible to enable a caretaker to participate in educational programs or employment and training services;~~

~~(3) the child care resource and referral program designated by the commissioner providing education and assistance to select child care services and a referral to the child care resource and referral when assistance is requested;~~

~~(4) the obligations of the county agency and service providers under contract to the county agency;~~

~~(5) the rights, responsibilities, and obligations of participants;~~

~~(6) the grounds for exemption from mandatory employment and training services or educational requirements;~~

~~(7) the consequences for failure to participate in mandatory services or requirements;~~

~~(8) the method of entering educational programs or employment and training services available through the county;~~

~~(9) the availability and the benefits of the early and periodic, screening, diagnosis and treatment (EPSDT) program and preschool screening under chapter 123;~~

~~(10) their eligibility for transition year child care assistance when they lose eligibility for AFDC due to their earnings; and~~

~~(11) their eligibility for extended medical assistance when they lose eligibility for AFDC due to their earnings; and~~

~~(12) the availability and benefits of the Head Start program.~~

~~(e) (d) Orientation must encourage recipients to view AFDC as a temporary program providing grants and services to individuals who set goals and develop strategies for supporting their families without AFDC assistance. The content of the orientation must not imply that a recipient's eligibility for AFDC is time limited. Orientation may be provided through audio-visual methods, but the caretaker must be given an opportunity for face-to-face interaction with staff of the county agency or the entity providing the orientation, and an opportunity to express the desire to participate in educational programs and employment and training services offered through the county agency.~~

~~(d) (e) County agencies shall not require caretakers to attend orientation for more than three hours during any period of 12 continuous months. The county agency shall also arrange for or provide needed transportation and child care to enable caretakers to attend.~~

(e) Orientation for caretakers not eligible for participation in employment and training services under the provisions of subdivision 3a, paragraphs (a) and (b), shall present information only on those employment, training, and support services available to those caretakers, and information on clauses (2), (3), (9), (10), and (11) of paragraph (a) and all of paragraph (c), and may not last more than two hours. The county or, under contract, the county's employment and training service provider shall mail written orientation materials containing the information specified in clause (c), paragraphs (1) to (3) and (8) to (12), to each caretaker exempt from attending an in-person orientation or who has good cause for failure to attend after at least two dates for their orientation have been scheduled.

(f) Persons required to attend orientation must be informed of the penalties for failure to attend orientation, support services to enable the person to attend, what constitutes good cause for failure to attend, and rights to appeal. Persons required to attend orientation must be offered a choice of at least two dates for their first scheduled orientation. No person may be sanctioned for failure to attend orientation until after a second failure to attend.

(g) Good cause for failure to attend an in-person orientation exists when a caretaker cannot attend because of:

(1) temporary illness or injury of the caretaker or of a member of the caretaker's family that prevents the caretaker from attending an orientation during the hours when the orientation is offered;

(2) a judicial proceeding that requires the caretaker's presence in court during the hours when orientation is scheduled; or

(3) a nonmedical emergency that prevents the caretaker from attending an orientation during the hours when orientation is offered. "Emergency" for the purposes of this paragraph means a sudden, unexpected occurrence or situation of a serious or urgent nature that requires immediate action.

(h) Caretakers must receive a second orientation only when:

(1) there has been a 30-day break in AFDC eligibility; and

(2) the caretaker has not attended an orientation within the previous 12-month period, excluding the month of reapplication for AFDC.

Sec. 7. Minnesota Statutes 1992, section 256.736, subdivision 14, is amended to read:

Subd. 14. [JOB SEARCH.] (a) The commissioner of human services shall ~~Each county agency must~~ establish and operate a job search program as provided under Public Law Number 100-485 this section. Unless exempt, the principal wage earner in an AFDC-UP assistance unit must be referred to and begin participation in the job search program within 30 days of being determined eligible for AFDC, ~~and must begin participation within four months of being determined eligible.~~ If the principal wage earner is exempt from participation in job search, the other caretaker must be referred to and begin participation in the job search program within 30 days of being determined eligible for AFDC. The principal wage earner or the other caretaker is exempt from job search participation if:

(1) the caretaker is already participating in another approved employment and training service;

(2) the caretaker's employability plan specifies other activities;

(3) the caretaker is exempt from registration under subdivision 3; or

(4) the caretaker is unable to secure employment due to inability to communicate in the English language, is participating in an English as a second language course, and is making satisfactory progress towards completion of the course. If an English as a second language course is not available to the caretaker, the caretaker is exempt from participation until a course becomes available (2) the caretaker is under age 25, has not completed a high school diploma or an equivalent program, and is participating in a secondary education program as defined in subdivision 10, paragraph (a), clause (17), which is approved by the employment and training service provider in the employability development plan.

(b) The job search program must provide the following services:

(1) ~~an initial period of up to four consecutive weeks of job search activities for no less than 20 hours per week but not more than 32 hours per week. The employment and training service provider shall specify for each participating caretaker the number of weeks and hours of job search to be conducted and shall report to the county board agency if the caretaker fails to cooperate with the job search requirements; and~~

~~(2) an additional period of job search following the first period at the discretion of the employment and training service provider. The total of these two periods of job search may not exceed eight weeks for any 12 consecutive month period beginning with the month of application.~~

(c) The job search program may provide services to non-AFDC-UP caretakers.

(d) After completion of job search requirements in this section, nonexempt caretakers shall be placed in and must participate in and cooperate with the work experience program under section 256.737.

Sec. 8. Minnesota Statutes 1992, section 256.736, subdivision 16, is amended to read:

Subd. 16. [ALLOCATION AND USE OF MONEY.] (a) State money appropriated for employment and training services under this section must be allocated to counties as specified in paragraphs (b) to (i) ~~(i)~~.

(b) For purposes of this ~~section~~ subdivision, "targeted caretaker" means a recipient who:

(1) is a custodial parent under the age of 24 who: (i) has not completed a high school education and at the time of application for AFDC is not enrolled in high school or in a high school equivalency program; or (ii) had little or no work experience in the preceding year;

(2) is a member of a family in which the youngest child is within two years of being ineligible for AFDC due to age; or

(3) has received 36 months or more of AFDC over the last 60 months.

(c) One hundred percent of the money appropriated for case management services as described in subdivision 11 must be allocated to counties based on the average number of cases in each county described in clause (1). Money appropriated for employment and training services as described in subdivision 1a, paragraph (d), other than case management services, must be allocated to counties as follows:

(1) Forty percent of the state money must be allocated based on the average number of cases receiving AFDC in the county which either have been open for 36 or more consecutive months or have a caretaker who is under age 24 and who has no high school or general equivalency diploma. The average number of cases must be based on counts of these cases as of March 31, June 30, September 30, and December 31 of the previous year.

(2) Twenty percent of the state money must be allocated based on the average number of cases receiving AFDC in the county which are not counted under clause (1). The average number of cases must be based on counts of cases as of March 31, June 30, September 30, and December 31 of the previous year.

(3) Twenty-five percent of the state money must be allocated based on the average monthly number of assistance units in the county receiving AFDC-UP for the period ending December 31 of the previous year.

(4) Fifteen percent of the state money must be allocated at the discretion of the commissioner based on participation levels for ~~targeted~~ target group members in each county.

(d) No more than 15 percent of the money allocated under paragraph (b) and no more than 15 percent of the money allocated under paragraph (c) may be used for administrative activities.

(e) At least 55 percent of the money allocated to counties under paragraph (c) must be used for employment and training services for caretakers in the ~~targeted~~ target groups, and up to 45 percent of the money may be used for employment and training services for ~~nontargeted~~ nontarget caretakers. One hundred percent of the money allocated to counties for case management services must be used to provide those services to caretakers in the ~~targeted~~ target groups.

(f) Money appropriated to cover the nonfederal share of costs for bilingual case management services to refugees for the employment and training programs under this section are allocated to counties based on each county's proportion of the total statewide number of AFDC refugee cases. However, counties with less than one percent of the statewide number of AFDC refugee cases do not receive an allocation.

(g) Counties and, the department of jobs and training, and entities under contract with either the department of jobs and training or the department of human services for provision of Project STRIDE related services shall bill the commissioner of human services for any expenditures incurred by the county, the county's employment and training service provider, or the department of jobs and training that may be reimbursed by federal money. The commissioner of human services shall bill the United States Department of Health and Human Services and the United States Department of Agriculture for the reimbursement and appropriate the reimbursed money to the county, the department of jobs and training, or employment and training service provider that submitted the original bill. The reimbursed money must be used to expand employment and training services.

(h) The commissioner of human services shall review county expenditures of case management and employment and training block grant money at the end of the ~~fourth~~ third quarter of the biennium and each quarter after that, and may reallocate unencumbered or unexpended money allocated under this section to those counties that can demonstrate a need for additional money. Reallocation of funds must be based on the formula set forth in paragraph (a), excluding the counties that have not demonstrated a need for additional funds.

(i) The county agency may continue to provide case management and supportive services to a participant for up to 90 days after the participant loses AFDC eligibility and may continue providing a specific employment and training service for the duration of that service to a participant if funds for the service are obligated or expended prior to the participant losing AFDC eligibility.

(j) One hundred percent of the money appropriated for an unemployed parent work experience program under section 256.737 must be allocated to counties based on the average monthly number of assistance units in the county receiving AFDC-UP for the period ending December 31 of the previous year.

Sec. 9. Minnesota Statutes 1992, section 256.736, is amended by adding a subdivision to read:

Subd. 19. [EVALUATION.] In order to evaluate the services provided under this section, the commissioner may randomly assign no more than 2,500 families to a control group. Families assigned to the control group shall not participate in services under this section, except that families participating in services under this section at the time they are assigned to the control group may continue such participation. Once assigned to the control group, a family must remain in that group for the duration of the evaluation period. The evaluation period shall coincide with the demonstration authorized in section 256.031, subdivision 3.

Sec. 10. [256.7366] [FEDERAL WAIVER.]

The commissioner of human services shall make changes in the state plan and seek waivers or demonstration authority needed to minimize the barriers to effective and efficient use of grant diversion under section 256.739 as a method of placing AFDC recipients in suitable employment. The commissioner shall implement the federally approved changes as soon as possible.

Sec. 11. Minnesota Statutes 1992, section 256.737, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT AND PURPOSE.] In order that persons receiving aid under this chapter may be assisted in achieving self-sufficiency by enhancing their employability through meaningful work experience and training and the development of job search skills, the commissioner of human services shall continue the pilot community work experience demonstration programs that were approved by January 1, 1984. The commissioner may establish additional community work experience programs in as many counties as necessary to comply with the participation requirements of the Family Support Act of 1988, Public Law Number 100-485. Programs established on or after July 1, 1989, must be operated on a volunteer basis and must be operated according to the Family Support Act of 1988, Public Law Number 100-485. To the degree required by federal law or regulation, each county agency must establish and operate a community work experience program to assist nonexempt caretakers in AFDC-UP households achieve self-sufficiency by enhancing their employability through participation in meaningful work experience and training and the development of job search skills. This subdivision does not apply to AFDC recipients participating in the Minnesota family investment plan under sections 256.031 to 256.0361.



Sec. 12. Minnesota Statutes 1992, section 256.737, subdivision 1a, is amended to read:

Subd. 1a. [COMMISSIONER'S DUTIES.] The commissioner shall: (a) assist counties in the design and implementation of these programs; (b) promulgate, in accordance with chapter 14, emergency rules necessary for the implementation of this section, except that the time restrictions of section 14.35 shall not apply and the rules may be in effect until June 30, 1993, unless superseded by permanent rules; (c) seek any federal waivers necessary for proper implementation of this section in accordance with federal law; and (d) prohibit the use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position established as of January 1, 1989 1993. The exclusive bargaining representative shall be notified no less than 14 days in advance of any placement by the community work experience program. Written concurrence with respect to job duties of persons placed under the community work experience program shall be obtained from the appropriate exclusive bargaining representative. The appropriate oversight committee shall be given monthly lists of all job placements under a community work experience program.

Sec. 13. Minnesota Statutes 1992, section 256.737, subdivision 2, is amended to read:

Subd. 2. [PROGRAM REQUIREMENTS.] (a) Programs Worksites developed under this section are limited to projects that serve a useful public service such as: health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, community service, services to aged or disabled citizens, and child care. To the extent possible, the prior training, skills, and experience of a recipient must be used in making appropriate work experience assignments.

(b) As a condition to placing a person receiving aid to families with dependent children in a program under this subdivision, the county agency shall first provide the recipient the opportunity ~~to participate in the following services:~~

(1) for placement in suitable subsidized or unsubsidized employment through participation in job search under section 256.736, subdivision 14; or

(2) basic educational or vocational or occupational training for an identifiable job opportunity for placement in suitable employment through participation in on-the-job training under section 256.738 or grant diversion under section 256.739, if such employment is available.

(c) ~~A recipient who has completed a caretaker referred to job search under section 256.736, subdivision 14, and who is unable has failed~~ to secure suitable employment, ~~and who is not enrolled in an approved training program may must~~ participate in a community work experience program.

(d) The county agency shall limit the maximum number of hours any participant under this section may work in any month to:

(1) for counties operating an approved mandatory community work experience program as of January 1, 1993, who elect this method for countywide operations, a number equal to the amount of the aid to families with dependent children payable to the family divided by the greater of the federal minimum wage or the applicable state minimum wage; or

(2) for all other counties, a caretaker must participate 20 hours in any week with no less than 16 hours in any week spent participating in a work experience placement and no more than four of the hours spent in alternate activities as described in the caretaker's employability development plan. Caretakers participating under this clause may be allowed excused absences from the assigned job site of up to eight hours per month. For the purposes of this clause, "excused absence" means absence due to temporary illness or injury of the caretaker or a member of the caretaker's family, the unavailability of licensed child care or transportation needed to participate in the work experience placement, or a nonmedical emergency. For purposes of this clause, "emergency" has the meaning given it in section 256.736, subdivision 10a, paragraph (g), clause (3).

(e) After a participant has been assigned to a position under ~~this section paragraph (d), clause (1),~~ for nine months, the participant may not continue in that assignment unless the maximum number of hours a participant works is no greater than the amount of the aid to families with dependent children payable with respect to the family divided by the higher of (1) the federal minimum wage or the applicable state minimum wage, whichever is greater, or (2) the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site.

(f) After each six months of a recipient's participation in an assignment, and at the conclusion of each assignment under this section, the county agency shall reassess and revise, as appropriate, each participant's employability development plan.

(g) Structured, supervised volunteer work with an agency or organization which is monitored by the county service provider may, with the approval of the commissioner of jobs and training, be used as a work experience placement.

Sec. 14. Minnesota Statutes 1992, section 256.737, is amended by adding a subdivision to read:

Subd. 3. [EXEMPTIONS.] A caretaker is exempt from participation in a work experience placement under this section if the caretaker is exempt from participation in job search under section 256.736, subdivision 14, or the caretaker is suitably employed in a grant diversion or an on-the-job training placement. Caretakers who, as of October 1, 1993, are participating in an education or training activity approved under a Project STRIDE employability development plan are exempt from participation in a work experience placement until July 1, 1994.

Sec. 15. Minnesota Statutes 1992, section 256.737, is amended by adding a subdivision to read:

Subd. 4. [GOOD CAUSE.] A caretaker shall have good cause for failure to cooperate if:

(1) the worksite participation adversely affects the caretaker's physical or mental health as verified by a physician, licensed or certified psychologist, physical therapist, vocational expert, or by other sound medical evidence; or

(2) the caretaker does not possess the skill or knowledge required for the work.

Sec. 16. Minnesota Statutes 1992, section 256.737, is amended by adding a subdivision to read:

Subd. 5. [FAILURE TO COMPLY.] A caretaker required to participate under this section who has failed without good cause to participate shall be provided with notices, appeal opportunities, and offered a conciliation conference under the provisions of section 256.736, subdivision 4a, and shall be subject to the sanction provisions of section 256.736, subdivision 4, clause (6).

Sec. 17. Minnesota Statutes 1992, section 256.737, is amended by adding a subdivision to read:

Subd. 6. [FEDERAL REQUIREMENTS.] If the Family Support Act of 1988, Public Law Number 100-485, is revised or if federal implementation of that law is revised so that Minnesota is no longer obligated to operate a mandatory work experience program for AFDC-UP families, the commissioner shall operate the work experience program under this section as a volunteer program, and shall utilize the funding authorized for work experience to improve and expand the availability of other employment and training services authorized under this section.

Sec. 18. Minnesota Statutes 1992, section 256.74, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based on the method of budgeting required in Public Law Number 97-35, section 2315, United States Code, title 42, section 602, as amended and federal regulations at Code of Federal Regulations, title 45, section 233. Nonrecurring lump sum income received by an assistance-unit AFDC family must be budgeted in the normal retrospective cycle. ~~The number of months of ineligibility is determined by dividing the amount of the lump sum income and all other~~ When the family's income, after application of the applicable disregards, by exceeds the standard of need standard for the assistance-unit family because of receipt of earned or unearned lump sum income, the family will be ineligible for the full number of months derived by dividing the sum of the lump sum income and other income by the monthly need standard for a family of that size. An amount Any income remaining after from this calculation is income in the first month following the period of eligibility ineligibility. If the total monthly income including the lump sum income is larger than the standard of need for a single month The first month of ineligibility is the payment month that corresponds with the budget month in which the lump sum income was received. For purposes of applying the lump sum provision, family includes those persons defined in the Code of Federal Regulations, title 45, section 233.20(a)(3)(ii)(F). A period of ineligibility must be shortened when the standard of need increases and the amount the family would have received also changes, an amount is documented as stolen, an amount is unavailable because a member of the family left the household with that amount and has not

returned, an amount is paid by the family during the period of ineligibility to cover a cost that would otherwise qualify for emergency assistance, or the family incurs and pays for medical expenses which would have been covered by medical assistance if eligibility existed. In making its determination the county agency shall disregard the following from family income:

(1) all the earned income of each dependent child applying for AFDC if the child is a full-time student and all of the earned income of each dependent child receiving aid to families with dependent children AFDC who is a full-time student or is a part-time student, and who is not a full-time employee. A student is one who is attending a school, college, or university, or a course of vocational or technical training designed to fit students for gainful employment as well as and includes a participant in the Job Corps program under the Job Training Partnership Act (JTPA). Also, disregard all the earned income derived from the job training and partnership act (JTPA) for a of each dependent child for applying for or receiving AFDC when the income is derived from a program carried out under JTPA, except that disregard of earned income may not exceed six calendar months per calendar year, together with unearned income derived from the job training and partnership act;

(2) all educational grants and loans;

(3) the first \$90 of each individual's earned income. For self-employed persons, the expenses directly related to producing goods and services and without which the goods and services could not be produced shall be disregarded pursuant to rules promulgated by the commissioner;

(4) thirty dollars plus one-third of each individual's earned income for individuals found otherwise eligible to receive aid or who have received aid in one of the four months before the month of application. With respect to any month, the county welfare agency shall not disregard under this clause any earned income of any person who has: (a) reduced earned income without good cause within 30 days preceding any month in which an assistance payment is made; (b) refused without good cause to accept an offer of suitable employment; (c) left employment or reduced earnings without good cause and applied for assistance so as to be able later to return to employment with the advantage of the income disregard; or (d) failed without good cause to make a timely report of earned income in accordance with rules promulgated by the commissioner of human services. Persons who are already employed and who apply for assistance shall have their needs computed with full account taken of their earned and other income. If earned and other income of the family is less than need, as determined on the basis of public assistance standards, the county agency shall determine the amount of the grant by applying the disregard of income provisions. The county agency shall not disregard earned income for persons in a family if the total monthly earned and other income exceeds their needs, unless for any one of the four preceding months their needs were met in whole or in part by a grant payment. The disregard of \$30 and one-third of earned income in this clause shall be applied to the individual's income for a period not to exceed four consecutive months. Any month in which the individual loses this disregard because of the provisions of subclauses (a) to (d) shall be considered as one of the four months. An additional \$30 work incentive must be available for an eight-month period beginning in the month following the last month of the combined \$30 and one-third work incentive. This period must be in effect whether or not the person has earned income or is eligible for AFDC. To again qualify for the earned income disregards under this clause, the individual must not be a recipient of aid for a period of 12 consecutive months. When an assistance unit becomes ineligible for aid due to the fact that these disregards are no longer applied to income, the assistance unit shall be eligible for medical assistance benefits for a 12-month period beginning with the first month of AFDC ineligibility;

(5) an amount equal to the actual expenditures for the care of each dependent child or incapacitated individual living in the same home and receiving aid, not to exceed: (a) \$175 for each individual age two and older, and \$200 for each individual under the age of two, ~~when the family member whose needs are included in the eligibility determination is employed for 30 or more hours per week; or (b) \$174 for each individual age two or older, and \$199 for each individual under the age of two, when the family member whose needs are included in the eligibility determination is not employed throughout the month or when employment is less than 30 hours per week.~~ The dependent care disregard must be applied after all other disregards under this subdivision have been applied;

(6) the first \$50 per assistance unit of the monthly support obligation collected by the support and recovery (IV-D) unit. The first \$50 of periodic support payments collected by the public authority responsible for child support enforcement from a person with a legal obligation to pay support for a member of the assistance unit must be paid to the assistance unit within 15 days after the end of the month in which the collection of the periodic support payments occurred and must be disregarded when determining the amount of assistance. A review of a payment decision under this clause must be requested within 30 days after receiving the notice of collection of assigned support or within 90 days after receiving the notice if good cause can be shown for not making the request within the 30-day limit;

(7) that portion of an insurance settlement earmarked and used to pay medical expenses, funeral and burial costs, or to repair or replace insured property; and

(8) all earned income tax credit payments received by the family as a refund of federal income taxes or made as advance payments by an employer.

Sec. 19. Minnesota Statutes 1992, section 256.78, is amended to read:

**256.78 [ASSISTANCE GRANTS RECONSIDERED.]**

All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. ~~The period of ineligibility for AFDC which results when an assistance unit receives lump sum income must be reduced when:~~

~~(1) the assistance unit's standard of need increases due to changes in state law or due to changes in the size or composition of the assistance unit, so that the amount of aid the assistance unit would have received would have increased had it not become ineligible;~~

~~(2) the lump sum income, or a portion of it becomes unavailable to the assistance unit due to expenditures to avoid a life-threatening circumstance, theft, or dissipation which is beyond the family's control by a member of the family who is no longer part of the assistance unit when the lump sum income is not used to meet the needs of members of the assistance unit; or~~

~~(3) the assistance unit incurs and pays medical expenses for care and services specified in sections 256B.02, subdivision 8, and 256B.0625.~~

The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When assistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.045.

Sec. 20. Minnesota Statutes 1992, section 270B.14, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE TO COMMISSIONER OF HUMAN SERVICES.] (a) On the request of the commissioner of human services, the commissioner shall disclose return information regarding taxes imposed by chapter 290, and claims for refunds under chapter 290A, to the extent provided in paragraph (b) and for the purposes set forth in paragraph (c).

(b) Data that may be disclosed are limited to data relating to the identity, whereabouts, employment, income, and property of a person owing or alleged to be owing an obligation of child support.

(c) The commissioner of human services may request data only for the purposes of carrying out the child support enforcement program and to assist in the location of parents who have, or appear to have, deserted their children. Data received may be used only as set forth in section 256.978.

(d) The commissioner shall provide the records and information necessary to administer the supplemental housing allowance to the commissioner of human services.

(e) On the request of the commissioner of human services, the commissioner shall disclose property tax refund information to the extent necessary to determine eligibility for the telephone assistance plan under section 237.70, subdivision 4a.

Sec. 21. [EFFECTIVE DATE.]

Sections 1 to 4, 18, and 19 are effective July 1, 1993.

Sections 5 to 17 are effective October 1, 1993."

Delete the title and insert:

"A bill for an act relating to human services; modifying the STRIDE program; requiring a work component; modifying the aid to families with dependent children program; amending Minnesota Statutes 1992, sections 13.46, subdivision 2; 256.73, subdivisions 2, 3a, and 5; 256.736, subdivisions 10, 10a, 14, and 16, and by adding a subdivision; 256.737, subdivisions 1, 1a, 2, and by adding subdivisions; 256.74, subdivision 1; 256.78; and 270B.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256."

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 538, A bill for an act relating to housing; appropriating money for operating costs of transitional housing.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 554, A bill for an act relating to occupations and professions; requiring roofers to be licensed by the state; amending Minnesota Statutes 1992, sections 326.83, subdivisions 8 and 10; 326.89, subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 45.027, is amended by adding a subdivision to read:

Subd. 11. [ACTIONS AGAINST LAPSED LICENSE.] If a license lapses, is surrendered, withdrawn, terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the license was last effective and enter a revocation or suspension order as of the last date on which the license was in effect, or impose a civil penalty as provided for in subdivision 6.

Sec. 2. Minnesota Statutes 1992, section 326.83, subdivision 4, is amended to read:

Subd. 4. [LICENSEE.] "Licensee" means a residential building contractor, remodeler, roofer, or specialty contractor licensed under sections 326.83 to 326.98.

Sec. 3. Minnesota Statutes 1992, section 326.83, is amended by adding a subdivision to read:

Subd. 9a. [ROOFER.] "Roofer" means a person engaged in the business of doing work on residential real estate in roof coverings, roof sheathing, roof weatherproofing and insulation, and repair of roof systems, but not construction of new roof systems.

Sec. 4. Minnesota Statutes 1992, section 326.83, subdivision 10, is amended to read:

Subd. 10. [SPECIALTY CONTRACTOR.] "Specialty contractor" means a person other than a residential building contractor, remodeler, or material supplier in the business of contracting or offering to contract to make part of an improvement to residential real estate, ~~including roofing.~~

## Sec. 5. [326.842] [ROOFERS.]

Roofers are subject to all of the requirements of sections 326.83 to 326.98.

## Sec. 6. [TEMPORARY LICENSES AND FEES.]

Until March 31, 1994, the licensee fee for roofers is \$60 per year. Licensees will not be required to satisfy the examination requirement of Minnesota Statutes, section 326.89, subdivision 3, until April 4, 1994. Licenses will not be issued or renewed after that date if the examination requirement is not satisfied.

Any person issued a building contractor's or remodeler's license prior to the effective date of sections 1 to 6 may apply to the commissioner for a roofer's license in lieu of that license. The application must include the appropriate bond in the amount specified in Minnesota Statutes, section 326.94, as amended by section 5. The commissioner shall issue that applicant a roofer's license on the same basis as any of the amended licenses. The applicant must complete the examination as specified in Minnesota Statutes, section 326.89, by April 1, 1994.

## Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to occupations and professions; authorizing actions against lapsed licenses; requiring roofers to be licensed by the state; providing for temporary licenses and fees; amending Minnesota Statutes 1992, sections 45.027, by adding a subdivision; and 326.83, subdivisions 4, 10, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 577, A bill for an act relating to crime victims; providing priority for payment of restitution obligations under the revenue recapture act; authorizing collection of restitution from inmate wages when the restitution is court ordered as a sanction for the conviction of an offense which is not the offense of commitment; authorizing the use of forfeited bail to pay delinquent restitution obligations; amending Minnesota Statutes 1992, sections 270A.10; 243.23, subdivision 3; 485.018, subdivision 5; and 611A.04, by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 to 4, delete sections 2 to 4

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete lines 5 to 8

Page 1, line 9, delete everything before "amending"

Page 1, line 10, delete "sections" and insert "section" and delete everything after "270A.10" and insert a period

Page 1, delete lines 11 and 12

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

The report was adopted.

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

H. F. No. 582, A bill for an act relating to capital improvements; authorizing bonds and appropriating money to acquire land in and for Sibley state park.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 591, A bill for an act relating to courts; conciliation court; adopting one body of law to govern conciliation courts; proposing coding for new law as Minnesota Statutes, chapter 491A; repealing Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34; and Laws 1992, chapter 591, section 21.

Reported the same back with the following amendments:

Page 1, line 24, delete "\$5,000" and insert "\$6,000, or, on and after July 1, 1994, \$7,500"

Page 2, line 27, delete "\$5,000" and insert "\$6,000, or, on and after July 1, 1994, \$7,500"

Page 6, line 36, delete "award the"

Page 7, line 1, delete "opposing party" and insert "order" and after "\$250" insert "to be paid to the court" and after the period insert "If the removing party is eligible to proceed under section 563.01, the costs shall be waived unless the court finds that the appeal was brought in bad faith."

Page 9, lines 9 and 10, delete "; and Laws 1992, chapter 591, section 21"

Amend the title as follows:

Page 1, line 8, delete "; and Laws 1992, chapter 591, section 21"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 607, A bill for an act relating to game and fish; allowing all big game to be taken under a crossbow permit for hunters with disabilities; amending Minnesota Statutes 1992, section 97B.106.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 608, A bill for an act relating to agriculture; exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate; proposing coding for new law in Minnesota Statutes, chapter 18.

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

The report was adopted.

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

H. F. No. 611, A bill for an act relating to health care; creating the children's mental health integrated fund; establishing an integrated service system for delivering mental health services to children; creating local children's mental health collaboratives; extending the statewide task force; appropriating money; amending Minnesota Statutes 1992, sections 245.4873, subdivision 2, and by adding a subdivision; and 256B.0625, by adding subdivisions; Laws 1991, chapter 292, article 6, section 57, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 245.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 245.4873, subdivision 2, is amended to read:

Subd. 2. [STATE LEVEL; COORDINATION.] The state coordinating council consists of the commissioners or designees of commissioners of the departments of human services, health, education, state planning, and corrections, and a representative of the Minnesota district judges association juvenile committee, in conjunction with the commissioner of commerce or a designee of the commissioner. The members of the council shall annually alternate chairing the council beginning with the commissioner of human services and proceeding in the order as listed in this subdivision. The council shall meet at least quarterly to:

(1) educate each agency about the policies, procedures, funding, and services for children with emotional disturbances of all agencies represented;

(2) develop mechanisms for interagency coordination on behalf of children with emotional disturbances;

(3) identify barriers including policies and procedures within all agencies represented that interfere with delivery of mental health services for children;

(4) recommend policy and procedural changes needed to improve development and delivery of mental health services for children in the agency or agencies they represent;

(5) identify mechanisms for better use of federal and state funding in the delivery of mental health services for children; and

(6) ~~until February 15, 1992, prepare an annual report on the policy and procedural changes needed to implement a coordinated, effective, and cost-efficient children's mental health delivery system.~~

~~This report shall be submitted to the legislature and the state mental health advisory council annually as part of the report required under section 245.487, subdivision 4. The report shall include information from each department represented on:~~

~~(1) the number of children in each department's system who require mental health services;~~



- (2) ~~the number of children in each system who receive mental health services;~~
- (3) ~~how mental health services for children are funded within each system;~~
- (4) ~~how mental health services for children could be coordinated to provide more effectively appropriate mental health services for children; and~~
- (5) recommendations for the provision of early screening and identification of mental illness in each system perform the duties required under sections 245.494 to 245.496.

Sec. 2. [245.491] [CITATION; DECLARATION OF PURPOSE.]

Subdivision 1. [CITATION.] Sections 245.491 to 245.496 may be cited as "the children's mental health integrated fund."

Subd. 2. [PURPOSE.] The legislature finds that children with emotional or behavioral disturbances or who are at risk of suffering such disturbances often require services from multiple service systems including mental health, social services, education, corrections, juvenile court, health, and jobs and training. In order to better meet the needs of these children, it is the intent of the legislature to establish an integrated children's mental health service system that:

- (1) allows local service decision makers to draw funding from a single local source so that funds follow clients and eliminates the need to match clients, funds, services, and provider eligibilities;
- (2) creates a local pool of state, local, and private funds to procure a greater medical assistance federal financial participation;
- (3) improves the efficiency of use of existing resources;
- (4) minimizes or eliminates the incentives for cost and risk shifting; and
- (5) increases the incentives for earlier identification and intervention.

The children's mental health integrated fund established under sections 245.491 to 245.496 must be used to develop and support this integrated mental health service system. In developing this integrated service system, it is not the intent of the legislature to limit any rights available to children and their families through existing federal and state laws.

Sec. 3. [245.492] [DEFINITIONS.]

Subdivision 1. [DEFINITIONS.] The definitions in this section apply to sections 245.491 to 245.496.

Subd. 2. [BASE LEVEL FUNDING.] "Base level funding" means funding received from state, federal, or local sources and expended across the local system of care in fiscal year 1993 for children's mental health services or for special education services for children with emotional or behavioral disturbances.

Subd. 3. [CHILDREN WITH EMOTIONAL OR BEHAVIORAL DISTURBANCES.] "Children with emotional or behavioral disturbances" includes children with emotional disturbances as defined in section 245.4871, subdivision 15, and children with emotional or behavioral disorders as defined in Minnesota Rules, part 3525.1329, subpart 1.

Subd. 4. [FAMILY.] "Family" has the definition provided in section 245.4871, subdivision 16.

Subd. 5. [INITIAL TARGET POPULATION.] "Initial target population" means a population of children that the local children's mental health collaborative agrees to serve in the start-up phase and who meet the criteria for the target population. The initial target population may be less than the target population.

Subd. 6. [INTEGRATED FUND.] "Integrated fund" is a pool of both public and private local, state, and federal resources, consolidated at the local level, to accomplish locally agreed upon service goals for the target population. The fund is used to help the local children's mental health collaborative to serve the mental health needs of children in the target population by allowing the local children's mental health collaboratives to develop and implement an integrated service system.

Subd. 7. [INTEGRATED SERVICE SYSTEM.] "Integrated service system" means a coordinated set of procedures established by the local children's mental health collaborative for coordinating services and actions across categorical systems and agencies that results in:

- (1) integrated funding;
- (2) outreach, early identification, and intervention across systems;
- (3) strong collaboration between parents and professionals in identifying children in the target population facilitating access to the integrated system, and coordinating care and services for these children;
- (4) a coordinated assessment process across systems that determines which children need multiagency care coordination and wraparound services;
- (5) multiagency plan of care; and
- (6) wraparound services.

Services provided by the integrated service system must meet the requirements set out in sections 245.487 to 245.4887. Children served by the integrated service system must be economically and culturally representative of children in the service delivery area.

Subd. 8. [INTEGRATED FUND TASK FORCE.] "The integrated fund task force" means the statewide task force established in Laws 1991, chapter 292, article 6, section 57.

Subd. 9. [INTERAGENCY EARLY INTERVENTION COMMITTEE.] "Interagency early intervention committee" refers to the committee established under section 120.17, subdivision 12.

Subd. 10. [LOCAL CHILDREN'S ADVISORY COUNCIL.] "Local children's advisory council" refers to the council established under section 245.4875, subdivision 5.

Subd. 11. [LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVE.] "Local children's mental health collaborative" means an entity formed by the contractual agreement of representatives of the local system of care including mental health services, social services, correctional services, education services, health services, and vocational services for the purpose of developing and governing an integrated service system. A local coordinating council or an interagency early intervention committee may serve as a local children's mental health collaborative if its representatives are capable of carrying out the duties of the local children's mental health collaborative set out in sections 245.491 to 245.496. Where a local coordinating council is not the local children's mental health collaborative, the local children's mental health collaborative must work closely with the local coordinating council in designing the integrated service system.

Subd. 12. [LOCAL COORDINATING COUNCIL.] "Local coordinating council" refers to the council established under section 245.4875, subdivision 6.

Subd. 13. [LOCAL SYSTEM OF CARE.] "Local system of care" has the definition provided in section 245.4871, subdivision 24.

Subd. 14. [MENTAL HEALTH SERVICES.] "Mental health services" has the definition provided in section 245.4871, subdivision 28.

Subd. 15. [MULTIAGENCY PLAN OF CARE.] "Multiagency plan of care" means a written plan of intervention and integrated services developed by a multiagency team in conjunction with the child and family based on their unique strengths and needs as determined by a multiagency assessment. The plan must outline measurable client outcomes and specific services needed to attain these outcomes, the agencies responsible for providing the specified services, funding responsibilities, timelines, the judicial or administrative procedures needed to implement the plan of care, the agencies responsible for initiating these procedures and designate one person with lead responsibility for overseeing implementation of the plan.

Subd. 16. [RESPITE CARE.] "Respite care" is planned routine care to support the continued residence of a child with emotional or behavioral disturbance with the child's family or long-term primary caretaker.

Subd. 17. [SERVICE DELIVERY AREA.] "Service delivery area" means the geographic area to be served by the local children's mental health collaborative and must include at a minimum a part of a county and school district or a special education cooperative.

Subd. 18. [START-UP FUNDS.] "Start-up funds" means the funds available to assist a local children's mental health collaborative in planning and developing the integrated service system for children in the target population and in setting up a local integrated fund.

Subd. 19. [STATE COORDINATING COUNCIL.] "State coordinating council" means the council established under section 245.4873, subdivision 2.

Subd. 20. [TARGET POPULATION.] "Target population" means children up to age 18 with an emotional or behavioral disturbance or who are at risk of suffering an emotional or behavioral disturbance as evidenced by a behavior or condition that affects the child's ability to function in a primary aspect of daily living including personal relations, living arrangements, work, school, and recreation, and a child who can benefit from:

- (1) multiagency service coordination and wraparound services; or
- (2) informal coordination of traditional mental health services provided on a temporary basis.

Children between the ages of 18 and 21 who meet this criteria may be included in the target population at the option of the local children's mental health collaborative.

Subd. 20. [WRAPAROUND SERVICES.] "Wraparound services" are alternative, flexible, coordinated, and highly individualized services that are based on a multiagency plan of care. These services are designed to build on the strengths and respond to the needs identified in the child's multiagency assessment and to improve the child's ability to function in the home, school, and community. Wraparound services may include, but are not limited to, respite services, services that assist the child or family in enrolling in or participating in recreational activities, assistance in purchasing otherwise unavailable items or services important to maintain a specific child in the family, and services that assist the child to participate in more traditional services and programs.

#### Sec. 4. [245.493] [LOCAL LEVEL COORDINATION.]

Subdivision 1. [REQUIREMENTS TO QUALIFY AS A LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVE.] In order to qualify as a local children's mental health collaborative and be eligible to receive start-up funds, the representatives of the local system of care, or at a minimum one county, one school district or special education cooperative, and one mental health entity must agree to the following:

- (1) to establish a local children's mental health collaborative and develop an integrated service system;
- (2) to meet the duties described in subdivision 2; and
- (3) to commit resources to providing services through the local children's mental health collaborative.

Subd. 2. [GENERAL DUTIES OF THE LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVES.] Each local children's mental health collaborative must:

(1) identify a service delivery area and an initial target population within that service delivery area. The initial target population must be economically and culturally representative of children in the service delivery area to be served by the local children's mental health collaborative. The size of the initial target population must also be economically viable for the service delivery area;

(2) develop and communicate to agencies in the local system of care eligibility criteria for services received through the local children's mental health collaborative and a process for determining eligibility. The process shall place strong emphasis on outreach to families, respecting the family role in identifying children in need, and valuing families as partners;

(3) seek to maximize federal revenues available to serve children in the target population by designating local expenditures for mental health services that can be matched with federal dollars and by designing services to meet the requirements for state and federal reimbursement;

(4) in consultation with the local children's advisory council and the local coordinating council, if it is not the local children's mental health collaborative, design, develop, and ensure implementation of an integrated service system and develop interagency agreements necessary to implement the system;

(5) expand membership to include representatives of other services in the local system of care;

(6) develop mechanisms for integrating funds to either expand the initial target population or expand services to the target population;

(7) create or designate a management structure for fiscal and clinical responsibility, data collection, outcome evaluation, and information flow;

(8) develop mechanisms for quality assurance, outcome management, and appeals;

(9) involve the family, and where appropriate the individual child, in developing multiagency service plans to the extent required in sections 120.17, subdivision 3a; 245.4871, subdivision 21; 245.4881, subdivision 4; 253B.03, subdivision 7; 257.071, subdivision 1; 260.191, subdivision 1e; and Minnesota Rules, parts 3525.0700 and 3525.2900;

(10) meet all standards and provide all mental health services as required in sections 245.487 to 245.4888 and ensure that the services provided are culturally appropriate;

(11) spend funds generated by the local children's mental health collaborative as required in sections 245.491 to 245.496;

(12) maintain base level funding for services for children with emotional or behavioral disturbances;

(13) explore methods and recommend changes needed at the state level to reduce duplication and promote coordination of services including the use of uniform forms for reporting, billing, and planning of services;

(14) provide documentation and meet reporting requirements requested by the state coordinating council and state agencies;

(15) negotiate contracts with state agencies and other funding sources for receipt of funds to further the goals of the local children's mental health collaborative;

(16) in designing and implementing the integrated service system, encourage public-private partnerships to increase efficiency, reduce redundancy, and promote quality of care; and

(17) if the county participant of the local children's mental health collaborative is also a provider of child welfare targeted case management as authorized by the 1993 legislature, then federal reimbursement received by the county for child welfare targeted case management provided to the target population must be directed to the integrated fund.

Sec. 5. [245.494] [STATE LEVEL COORDINATION.]

Subdivision 1. [STATE COORDINATING COUNCIL.] The state coordinating council, in consultation with the integrated fund task force, shall:

(1) assist local children's mental health collaboratives in meeting the requirements of sections 245.491 to 245.496; by seeking consultation and technical assistance from national experts and coordinating presentations and assistance from these experts to local children's mental health collaboratives;

(2) assist local children's mental health collaboratives in identifying an economically viable initial target population;

(3) develop methods to reduce duplication and promote coordinated services including uniform forms for reporting, billing, and planning of services;

(4) by September 1, 1994, develop a model multiagency plan of care that can be used by local children's mental health collaboratives in place of an individual education plan, individual family community support plan, individual family support plan, and an individual treatment plan;

(5) assist in the implementation and operation of local children's mental health collaboratives by facilitating the integration of funds, coordination of services, and measurement of results, and by providing other assistance as needed;

(6) by September 1, 1993, develop a procedure for awarding start-up funds. Development of this procedure shall be exempt from chapter 14;

(7) develop procedures and provide technical assistance to allow local children's mental health collaboratives to integrate resources for children's mental health services with other resources available to serve children in the target population in order to maximize federal participation and improve efficiency of funding;

(8) ensure that local children's mental health collaboratives and the services received through these collaboratives meet the requirements set out in sections 245.491 to 245.496;

(9) identify base level funding from state and federal sources across systems and work with local children's mental health collaboratives to determine local base level funding;

(10) develop mechanisms to ensure that start-up funds and any additional federal funds generated by local children's mental health collaboratives are spent as required in sections 245.491 to 245.496;

(11) explore ways to access additional federal funds and enhance revenues available to address the needs of the target population;

(12) develop a mechanism for identifying the state share of funding for services to children in the target population and for making these funds available on a per capita basis for services provided through the local children's mental health collaborative to children in the target population. Each year beginning January 1, 1994, forecast the growth in the state share and increase funding for local children's mental health collaboratives accordingly;

(13) identify data to be collected and outcome measures to be reported by local children's mental health collaboratives;

(14) identify barriers to integrated service systems that arise from data practices and make recommendations including legislative changes needed in the data privacy act to address these barriers;

(15) annually review the expenditures of local children's mental health collaboratives to ensure that funding for services provided to the target population continues from sources other than the federal funds earned under sections 245.491 to 245.496 and that federal funds earned are spent consistent with sections 245.491 to 245.496; and

(16) provide the integrated fund task force with information requested.

Subd. 2. [STATE COORDINATING COUNCIL REPORT.] Each year, beginning February 1, 1995, the state coordinating council must submit a report to the legislature on the status of the local children's mental health collaboratives. The report must include the number of local children's mental health collaboratives, the amount and type of resources committed to local children's mental health collaboratives, the additional federal revenue received as a result of local children's mental health collaboratives, the services provided, the number of children served, outcome indicators, the identification of barriers to additional collaboratives and funding integration, and recommendations for further improving service coordination and funding integration.

Subd. 3. [DUTIES OF THE COMMISSIONER OF HUMAN SERVICES.] The commissioner of human services, in consultation with the integrated fund task force, shall:

(1) separate all medical assistance, general assistance medical care, and MinnesotaCare resources devoted to mental health services including inpatient, outpatient, medication management, services under the rehabilitation option, and related physician services from the total health capitation under section 256B.69 and develop a separate contract for managing these mental health benefits that will require all contractors to:

(i) provide mental health services eligible for medical assistance reimbursement;

(ii) meet performance standards established by the commissioner of human services including providing services consistent with the requirements and standards set out in sections 245.487 to 245.488 and 245.491 to 245.496;

(iii) provide the commissioner of human services with data consistent with that collected under sections 245.487 to 245.488; and

(iv) in service delivery areas where there is a local children's mental health collaborative for the target population defined by local children's mental health collaborative:

(A) participate in the local children's mental health collaborative;

(B) commit resources to local children's mental health collaboratives that are actuarially equivalent to resources received for the target population being served by local children's mental health collaboratives; and

(C) meet the requirements and the performance standards developed for local children's mental health collaboratives;

(2) develop a mechanism for integrating medical assistance resources for mental health service with resources for general assistance medical care, MinnesotaCare, and any other state and local resources available for services for children in the target population and develop a procedure for making these resources available for use by a local children's mental health collaborative;

(3) gather data needed to manage mental health care including evaluation data and data necessary to establish a separate capitation rate for children's mental health services if that option is selected;

(4) by January 1, 1994, develop a model contract for providers of mental health managed care that meets the requirements set out in sections 245.491 to 245.496 and 256B.69, and utilize this contract for all subsequent awards;

(5) by January 1, 1994, develop revenue enhancement or rebate mechanisms and procedures to certify expenditures made through local children's mental health collaboratives for mental health services that may be eligible for federal financial participation under medical assistance and other federal programs;

(6) provide technical assistance to help local children's mental health collaboratives certify local expenditures for federal financial participation;

(7) assist local children's mental health collaboratives in identifying an economically viable initial target population;

(8) seek all necessary federal waivers or approvals and recommend necessary legislation to enhance federal revenue, provide clinical and management flexibility, and otherwise meet the goals of local children's mental health collaboratives and request necessary state plan amendments to maximize the availability of medical assistance for activities undertaken by the local children's mental health collaborative;

(9) take all steps necessary to secure medical assistance reimbursement under the rehabilitation option for residential treatment wraparound services, therapeutic support of foster care, and for family community support services when these services are provided through a local children's mental health collaborative; and

(10) provide a mechanism to identify separately the reimbursement to a county for child welfare targeted case management provided to the target population for purposes of subsequent transfer by the county to the integrated fund.

Subd. 4. [RULEMAKING.] The commissioners of human services, health, education, and corrections shall adopt or amend rules as necessary to implement sections 245.491 to 245.496.

Subd. 5. [RULE MODIFICATION.] The commissioner of human services shall modify the service and claiming requirements set out in Minnesota Rules, parts 9505.0323 and 9520.0900 to 9520.0926, as it pertains to mental health, to correspond with similar provisions proposed under the Family Preservation Investment Project-Federal Revenue Enhancement Initiative.

Sec. 6. [245.495] [ADDITIONAL FEDERAL REVENUES.]

Each local children's mental health collaborative shall report expenditures eligible for federal reimbursement in a manner prescribed by the commissioner of human services under section 256.01, subdivision 2, clause (17). The commissioner of human services shall pay all funds earned by each local children's mental health collaborative to the

collaborative. Each local children's mental health collaborative must use these funds to expand the initial target population or to develop or provide mental health services through the local integrated service system to children in the target population. Funds may not be used to supplant funding for services to children in the target population.

For purposes of this section, "mental health services" are community-based, nonresidential services, which may include respite care, that are identified in the child's multiagency plan of care.

Sec. 7. [245.496] [IMPLEMENTATION.]

Subdivision 1. [APPLICATIONS FOR START-UP FUNDS FOR LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVES.] By September 1, 1993, the commissioner of human services shall publish the procedures for awarding start-up funds. Applications for local children's mental health collaboratives shall be obtained through the commissioner of human services and submitted to the state coordinating council. The application must state the amount of start-up funds requested by the local children's mental health collaborative and how the local children's mental health collaborative intends on using these funds.

Subd. 2. [DISTRIBUTION OF START-UP FUNDS.] By January 1, 1994, the state coordinating council must ensure distribution of start-up funds to local children's mental health collaboratives that meet the requirements established in section 245.493 and whose applications have been approved by the council. If the number of applications received exceed the number of local children's mental health collaboratives that can be funded, the funds must be geographically distributed across the state and preference must be given to collaboratives that include multiple counties, multiple school districts, the juvenile court and correctional systems, or other multiple government entities from the local system of care.

Subd. 3. [SUBMISSION AND APPROVAL OF LOCAL COLLABORATIVE PROPOSALS FOR INTEGRATED SYSTEMS.] By December 31, 1994, a local children's mental health collaborative that received start-up funds must submit to the state coordinating council its proposal for creating and funding an integrated service system for children in the target population. Within 60 days of receiving the local collaborative proposal the state coordinating council must review the proposal and notify the local children's mental health collaborative as to whether or not the proposal has been approved. If the proposal is not approved, the state coordinating council must indicate changes needed to receive approval.

Sec. 8: Minnesota Statutes 1992, section 256B.0625, is amended by adding a subdivision to read:

Subd. 32. [FAMILY COMMUNITY SUPPORT SERVICES.] Medical assistance covers family community support services as defined in section 245.4871, subdivision 17.

Sec. 9. Minnesota Statutes 1992, section 256B.0625, is amended by adding a subdivision to read:

Subd. 33. [THERAPEUTIC SUPPORT OF FOSTER CARE.] Medical assistance covers therapeutic support of foster care as defined in section 245.4871, subdivision 34.

Sec. 10. Minnesota Statutes 1992, section 256B.0625, is amended by adding a subdivision to read:

Subd. 34. [WRAPAROUND SERVICES.] Medical assistance covers wraparound services as defined in this chapter.

Sec. 11. Laws 1991, chapter 292, article 6, section 57, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE TASK FORCE.] The commissioner of human services shall convene a task force to study the feasibility of establishing an integrated children's mental health fund. The task force shall consist of mental health professionals, county social services personnel, service providers, advocates, and parents of children who have experienced episodes of emotional disturbance. The task force shall also include representatives of the children's mental health subcommittee of the state advisory council and local coordinating councils established under Minnesota Statutes, sections 245.487 to 245.4887. The task force shall include the commissioners of education, health, and human services; two members of the senate; and two members of the house of representatives. The task force shall examine all possible county, state, and federal sources of funds for children's mental health with a view to designing an integrated children's mental health fund, improving methods of coordinating and maximizing all funding sources, and increasing federal funding. Programs to be examined shall include, but not be limited to, the following: medical assistance, title IV-E of the social security act, title XX social service programs, chemical dependency programs, education and special education programs, and, for children with a dual diagnosis, programs for the developmentally

disabled. The task force may consult with experts in the field, as necessary. The task force shall make a preliminary report and recommendations on local coordination of funding sources by January 1, 1992, to facilitate the development of local protocols and procedures under subdivision 2. The task force shall submit a final report to the legislature by January 1, 1993, with its findings and recommendations. By January 1, 1994, the task force shall provide a report to the legislature with recommendations of the task force for promoting integrated funding and services for children's mental health. The report must include the following recommendations: (1) how to phase in all delivery systems, including the juvenile court and correctional systems; (2) how to expand the initial target population so that the state eventually has a statewide integrated children's mental health service system that integrates funding regardless of source for children with emotional or behavioral disturbances or those at risk of suffering such disturbances; (3) possible outcome measures of the local children's mental health collaboratives; and (4) for any necessary legislative changes in the data practices act. The task force shall continue through June 30, 1995, and shall advise and assist the state coordinating council and local children's mental health collaboratives as required in sections 245.491 to 245.496.

Sec. 12. Laws 1991, chapter 292, article 6, section 57, subdivision 3, is amended to read:

Subd. 3. [FINAL REPORT.] By February 15, 1993, the commissioner of human services shall provide a report to the legislature that describes the reports and recommendations of the statewide task force under subdivision 1 and of the local coordinating councils under subdivision 2, and provides the commissioner's recommendations for legislation or other needed changes.

Sec. 13. [APPROPRIATIONS.]

Subdivision 1. \$100,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1995, to be administered by the state coordinating council for consultation and technical assistance to local children's mental health collaboratives as provided in section 5.

Subd. 2. \$60,000 in fiscal year 1994 and \$60,000 in fiscal year 1995 are appropriated from the general fund to the commissioner of human services for additional staff to be assigned to the medical assistance program.

Subd. 3. \$800,000 is appropriated from the general fund to the state coordinating council to be available for the biennium ending June 30, 1995, for start-up funds for local children's mental health collaboratives.

Subd. 4. \$200,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1995, for four additional staff positions, one to be assigned to the state coordinating council, one to be assigned to the department of education, one to be assigned to the department of health, and one to remain at the department of human services.

Subd. 5. \$60,000 is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1995, for one staff person to be assigned to the integrated fund task force.

Sec. 14. [EFFECTIVE DATE.]

Sections 8 and 9 are effective January 1, 1994."

Delete the title and insert:

"A bill for an act relating to health care; creating the children's mental health integrated fund; establishing an integrated service system for delivering mental health services to children; creating local children's mental health collaboratives; extending the statewide task force; appropriating money; amending Minnesota Statutes 1992, sections 245.4873, subdivision 2; and 256B.0625, by adding subdivisions; Laws 1991, chapter 292, article 6, section 57, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 245."

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

The report was adopted.



Reding from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 639, A bill for an act relating to insurance; Medicare supplement; regulating coverages; conforming state law to federal requirements; making technical changes; amending Minnesota Statutes 1992, sections 62A.31, subdivisions 1, 4, and by adding a subdivision; 62A.315; 62A.316; 62A.318; 62A.36, subdivision 1; 62A.39; 62A.436; and 62A.44, subdivision 2; Laws 1992, chapter 554, article 1, section 18.

Reported the same back with the following amendments:

Page 10, line 11, after the period insert:

"Subd. 1t. [NOTICE OF LACK OF DRUG COVERAGE.]"

Page 10, line 11, after "Each" insert "policy or"

Page 10, line 30, before the period insert ", except as permitted under subdivision 1b"

Page 11, line 19, delete "subject to" and insert "and"

Page 11, line 23, after "program" insert "or state law"

Page 14, line 20, reinstate "copayment"

Page 15, delete lines 4 to 10, and insert:

"(2) a minimum of 80 percent of ~~usual and customary~~ eligible medical expenses, ~~not to exceed any charge limitation established by the Medicare program, and supplies not covered by Medicare part B. This does not include outpatient prescription drugs, not to exceed any charge limitation established by the Medicare program or state law;~~"

Page 34, line 20, after "date" insert ", except that subdivision 1r of section 1 applies to policies or certificates issued before or after that date"

Page 34, after line 21, insert:

"Sec. 12. [REVISOR INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes 1992, section 62A.31, subdivision 1a, as subdivision 5 of that section.

Page 34, line 22, delete "12" and insert "13"

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

The report was adopted.

Reding from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 640, A bill for an act relating to insurance; property; regulating the FAIR plan; modifying its provisions; making various technical changes; amending Minnesota Statutes 1992, sections 65A.31; 65A.32; 65A.33, subdivisions 4, 5, and 6; 65A.34; 65A.35; 65A.36; 65A.37; 65A.375; 65A.38; 65A.39; 65A.40; 65A.41; and 65A.42; repealing Minnesota Statutes 1992, sections 65A.33, subdivision 8; and 65A.43.

Reported the same back with the following amendments:

Page 10, line 4, delete "to 60A.31"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 643, A bill for an act relating to commerce; making technical changes in the department's enforcement powers; regulating cosmetology; prescribing powers and duties; setting fees; amending Minnesota Statutes 1992, sections 45.011, subdivision 1, and by adding a subdivision; 45.027, subdivisions 1, 2, 5, 6, and 8; 155A.03, subdivision 1; 155A.05; 155A.06; 155A.07, subdivisions 2, 4, 7, and 8; 155A.08, subdivisions 2, 3, and 5; 155A.09, subdivisions 2, 5, 6, and 9; 155A.10; 155A.14; 155A.15; and 155A.16; proposing coding for new law in Minnesota Statutes, chapter 155A; repealing Minnesota Statutes 1992, sections 155A.06; 155A.09, subdivision 7; 155A.11; 155A.12; 155A.13; and 155A.18; Minnesota Rules, parts 2642.0310, subparts 3, 4, and 5; 2642.0330, subparts 3 and 4; 2642.0800; 2642.0810; 2644.0310, subparts 2, 3, and 4; 2644.0800; and 2644.0810.

Reported the same back with the following amendments:

Page 7, lines 11 and 12, restore the stricken language

Page 7, line 21, strike "and the council shall expire"

Page 7, line 22, delete "Minnesota Statutes 1990," and before the period insert "and the council shall expire on June 30, 1997"

Page 9, delete section 17

Page 12, line 7, delete "licensing period" and insert "year"

Page 13, lines 24 and 25, delete "155A.09, subdivision 7;"

Page 13, delete lines 26 and 27

Renumber the remaining sections

Amend the title as follows:

Page 1, line 9, delete ", 3,"

Page 1, lines 13 and 14, delete "155A.06; 155A.09, subdivision 7;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 654, A bill for an act relating to commerce; regulating corporate registrations and administrative dissolutions; regulating limited partnership registrations; regulating trademarks; regulating various lien filings; making various housekeeping changes relating to the powers and duties of the secretary of state; amending Minnesota Statutes 1992, sections 302A.821, subdivision 6; 303.13, subdivisions 1 and 2; 317A.823, subdivision 1; 317A.827, subdivision 3; 322A.70; 333.20, subdivision 3; 336.9-403; 514.27; 514.661, subdivision 4; 514.945, subdivision 1; 514.956, subdivision 3; and 514.960, subdivision 3.

Reported the same back with the following amendments:

Page 6, after line 12, insert:

"Sec. 7. Minnesota Statutes 1992, section 331A.07, is amended to read:

**331A.07 [AFFIDAVIT OF PUBLICATION.]**

No compensation shall be recoverable for publishing legal or official matter in any newspaper not qualified, until there is filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name and location of the newspaper and the existence of conditions constituting its qualifications as a qualified newspaper as set forth in section 331A.02. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor. The affidavit, if it states the required facts, shall be prima facie evidence of them and of the qualification. No compensation shall be recoverable for publishing legal or official matter in any newspaper unless the bill is accompanied by an affidavit of the publisher, ~~or printer in charge~~, of the newspaper ~~or the publisher's designated agent~~, having knowledge of the facts, setting forth the fact that the newspaper has complied with all the requirements to constitute a legal newspaper. The affidavit must set forth the dates of the month and year and the day of the week upon which the legal or official matter was published in the newspaper. The affidavit must also include the publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to section 331A.06, the maximum charge allowable by law for the publication of the specific legal or official matter in question, and the rate actually charged for that publication."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "regulating legal newspapers;"

Page 1, line 10, after "322A.70;" insert "331A.07;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 658, A bill for an act relating to transportation; requiring handicapped individual desiring to use paratransit services to obtain physician's statement certifying disability; imposing a penalty; amending Minnesota Statutes 1992, sections 174.255, by adding a subdivision; and 473.384, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [174.295] [ELIGIBILITY CERTIFICATION; PENALTY FOR FRAUDULENT STATEMENTS.]

Subdivision 1. [NOTICE.] A provider of special transportation service, as defined in section 174.29, receiving financial assistance under section 174.24, shall include on the application form for special transportation service, and on the eligibility certification form if different from the application form, a notice of the penalty for fraudulent certification under subdivision 4.

Subd. 2. [CERTIFIER STATEMENT.] A provider shall include on the application or eligibility certification form a place for the person certifying the applicant as eligible for special transportation service to sign, and the person certifying the applicant shall sign, stating that the certifier understands the penalty for fraudulent certification and that the certifier believes the applicant to be eligible.

Subd. 3. [APPLICANT STATEMENT.] A provider shall include on the application form a place for the applicant to sign, and the applicant shall sign, stating that the applicant understands the penalty for fraudulent certification and that the information on the application is true.

Subd. 4. [PENALTY.] A person is guilty of a misdemeanor if:

(1) the person fraudulently certifies to the special transportation service provider that the applicant is eligible for special transportation service; or

(2) the person obtains certification for special transportation service by misrepresentation or fraud.

Sec. 2. Minnesota Statutes 1992, section 473.386, is amended by adding a subdivision to read:

Subd. 2a. [ELIGIBILITY CERTIFICATION.] The board shall include the notice of penalty for fraudulent certification, and require the person certifying the applicant to sign the eligibility certification form and the applicant to sign the application form, as provided in section 174.295.

Sec. 3. [APPLICATION.]

Section 2 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to transportation; requiring certification of disability for disabled person to receive metropolitan paratransit service; imposing penalty; amending Minnesota Statutes 1992, section 473.386, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 174."

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

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 659, A bill for an act relating to traffic regulations; directing commissioner of public safety to issue temporary permit immediately to applicant for special disabled license plates or parking certificate; providing penalty for unauthorized use of temporary permit; amending Minnesota Statutes 1992, sections 168.021, subdivisions 1, 1a, and 3; 169.345, subdivisions 3 and 4; and 169.346, subdivisions 1, 2, and 3.

Reported the same back with the following amendments:

Page 4, line 12, after "certificate" insert "or temporary permit"

Page 4, line 14, after "certificate" insert "or temporary permit"

Page 4, line 15, delete "temporary permit valid for 30 days" and insert "certificate"

Page 4, delete line 16 and insert "who has paid a fee for issuance of a temporary permit."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 661, A bill for an act relating to agriculture; regulating dairy trade practices; providing for fees; changing enforcement procedures; amending Minnesota Statutes 1992, sections 32A.01; 32A.02; 32A.04; 32A.05, subdivisions 1, 4, and by adding subdivisions; 32A.07; 32A.071; 32A.08; and 32A.09, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 32A; repealing Minnesota Statutes 1992, sections 32A.03; 32A.05, subdivision 3; and 32A.09, subdivisions 5 and 6.

Reported the same back with the following amendments:

Page 5, line 18, after the period insert "A delivery of selected dairy products to a retailer in Minnesota is a sale at wholesale if an assessment required under section 32A.071 has not been paid."

Page 13, line 18, after "(2)" insert "only"

Page 13, line 19, after "documents" insert "that are necessary"

Page 20, lines 30 and 33, after "wholesale" insert "for ultimate retail sale"

Page 21, line 2, after "wholesale" insert "for ultimate retail sale"

Page 21, after line 3, insert:

"Subd. 2b. [EXEMPTION.] A processor that operates retail home delivery sales accounting for 50 percent or more of all sales of selected dairy products is exempt from the assessments under this section."

Page 25, after line 30, insert:

"Sec. 19. [SEVERABILITY.]

If any provision of Minnesota Statutes, section 32A.071, is held to be unconstitutional, then all of Minnesota Statutes, section 32A.071, is inoperative and of no effect. If Minnesota Statutes, section 32A.071, becomes inoperative and of no effect, the balance of this act is severable and remains in effect."

Page 25, line 31, delete "19." and insert "20."

Page 25, line 34, delete "20." and insert "21."

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

The report was adopted.

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

H. F. No. 678, A bill for an act relating to labor management relations; establishing a grant program to support education in total quality management techniques in the small employer environment; appropriating money; amending Minnesota Statutes 1992, section 179.02, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 699, A bill for an act relating to natural resources; mineral leasing; environmental research and protection; exploratory mineral borings and data; lean ore stockpile removal; oil and gas well spacing, pooling, and unitization; amending Minnesota Statutes 1992, sections 92.50, subdivision 1; 93.001; 93.002, subdivisions 1 and 3; 93.25; 93.46, by adding a subdivision; 93.481, subdivisions 1 and 2; 103L.113; 103L.601, subdivision 1; 103L.605, subdivision 4; and 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 93.

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

The report was adopted.

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

H. F. No. 700, A bill for an act relating to labor; protecting interests of employees following railroad acquisitions; imposing a penalty; amending Minnesota Statutes 1992, sections 222.86, subdivision 3; 222.87, by adding a subdivision; and 222.88.

Reported the same back with the following amendments:

Page 2, line 13, delete "2, or 2a" and insert "or 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 824, A bill for an act relating to public safety; modifying excavation; modifying the notice requirement; amending Minnesota Statutes 1992, sections 116L.07, subdivision 2; and 216D.01, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 18, after the semicolon insert "or"

Page 2, line 20, strike the semicolon

Page 2, line 21, strike "or" and insert a period

Page 2, line 22, delete "(6)" and strike "planting of windbreaks, shelterbelts, and tree"

Page 2, strike lines 23 and 24 and insert:

"Sec. 3. Minnesota Statutes 1992, section 216D.04, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF EXCAVATION REQUIRED; CONTENTS.] (a) Except in an emergency, an excavator ~~or land surveyor shall, and a land surveyor may,~~ contact the notification center and provide an excavation or location notice at least 48 hours before beginning any excavation or boundary survey, excluding Saturdays, Sundays, and holidays. An excavation or boundary survey begins; for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in an excavation or boundary survey notice.

- (b) The excavation or boundary survey notice may be oral or written, and must contain the following information:
- (1) the name of the individual providing the excavation or boundary survey notice;
  - (2) the precise location of the proposed area of excavation or boundary survey;
  - (3) the name, address, and telephone number of the excavator or land surveyor or excavator's or land surveyor's company;
  - (4) the excavator's or land surveyor's field telephone number, if one is available;
  - (5) the type and the extent of the proposed excavation or boundary survey work;
  - (6) whether or not the discharge of explosives is anticipated; and
  - (7) the date and time when excavation or boundary survey is to commence."

Amend the title as follows:

Page 1, line 4, delete "and"

Page 1, line 5, after "5" insert "; and 216D.04, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 834, A bill for an act relating to energy; abolishing certain duties of commissioner of public service relating to energy; amending Minnesota Statutes 1992, sections 216B.241, subdivision 2a; 216C.02, subdivision 1; and 216C.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) [CHILD CARE FACILITIES IN CHURCHES; GROUND LEVEL EXIT.] A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [CHILD CARE FACILITIES IN CHURCHES; VERTICAL ACCESS.] Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 1, clause (5), shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the state building code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.

(f) [FAMILY AND GROUP FAMILY DAY CARE.] The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(g) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(h) [ENCLOSED STAIRWAYS.] No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(i) [DOUBLE CYLINDER DEAD BOLT LOCKS.] No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(j) [RELOCATED RESIDENTIAL BUILDINGS.] A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(k) [AUTOMATIC GARAGE DOOR OPENING SYSTEMS.] The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(l) [EXIT SIGN ILLUMINATION.] For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power ~~with a maximum total power consumption of 40 volt amperes (VA).~~ All other requirements in the code for exit signs must be complied with. ~~Power consumption in volt amperes is the resistive power divided by the power factor.~~

Sec. 2. Minnesota Statutes 1992, section 116C.54, is amended to read:

**116C.54 [ADVANCE FORECASTING FORECAST REQUIREMENT.]**

Subdivision 1. [REPORT.] Every utility which owns or operates, or plans within the next 15 years to own or operate large electric power generating plants or high voltage transmission lines shall develop forecasts as specified in this section. On or before July 1 of each even-numbered year, every such utility shall submit a report of its forecast to the board. The report may be appropriate portions of a single regional forecast or may be jointly prepared and submitted by two or more utilities and shall contain the following information:



- (1) Description of the tentative regional location and general size and type of all large electric power generating plants and high voltage transmission lines to be owned or operated by the utility during the ensuing 15 years or any longer period the board deems necessary;
- (2) Identification of all existing generating plants and transmission lines projected to be removed from service during any 15 year period or upon completion of construction of any large electric power generating plants and high voltage transmission lines;
- (3) Statement of the projected demand for electric energy for the ensuing 15 years and the underlying assumptions for this forecast, such information to be as geographically specific as possible where this demand will occur;
- (4) Description of the capacity of the electric power system to meet projected demands during the ensuing 15 years;
- (5) Description of the utility's relationship to other utilities and regional associations, power pools or networks; and
- (6) Other relevant information as may be requested by the board.

On or before July 1 of each odd-numbered year, a utility shall verify or submit revisions to items (1) and (2).

Subd. 2. [EXCEPTION.] Public electric utilities submitting advance forecasts containing all information specified in subdivision 1 as part of an integrated resource plan filed pursuant to public utilities commission rules shall be excluded from the annual reporting requirement of this section.

Sec. 3. Minnesota Statutes 1992, section 216B.241, subdivision 2a, is amended to read:

Subd. 2a. [ENERGY AND CONSERVATION ACCOUNT.] The commissioner shall deposit money contributed under subdivisions 1a and 1b in the energy and conservation account in the general fund. Money in the account is appropriated to the department for programs designed to meet the energy conservation needs of low-income persons and to make energy conservation improvements in areas not adequately served under subdivision 2. Interest on money in the account accrues to the account. ~~Using information collected under section 216C.02, subdivision 1, paragraph (b),~~ The commissioner shall, to the extent possible, allocate enough money to programs for low-income persons to assure that their needs are being adequately addressed. The commissioner shall request the commissioner of finance to transfer money from the account to the commissioner of jobs and training for an energy conservation program for low-income persons. In establishing programs, the commissioner shall consult political subdivisions and nonprofit and community organizations, especially organizations engaged in providing energy and weatherization assistance to low-income persons. At least one program must address the need for energy conservation improvements in areas in which a high percentage of residents use fuel oil or propane to fuel their source of home heating. The commissioner may contract with a political subdivision, a nonprofit or community organization, a public utility, a municipality, or a cooperative electric association to implement its programs.

Sec. 4. Minnesota Statutes 1992, section 216C.02, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] (a) The commissioner may:

- (1) apply for, receive, and spend money received from federal, municipal, county, regional, and other government agencies and private sources;
- (2) apply for, accept, and disburse grants and other aids from public and private sources;
- (3) contract for professional services if work or services required or authorized to be carried out by the commissioner cannot be satisfactorily performed by employees of the department or by another state agency;
- (4) enter into interstate compacts to carry out research and planning jointly with other states or the federal government when appropriate;
- (5) upon reasonable request, distribute informational material at no cost to the public; and
- (6) enter into contracts for the performance of the commissioner's duties with federal, state, regional, metropolitan, local, and other agencies or units of government and educational institutions, including the University of Minnesota, without regard to the competitive bidding requirements of chapters 16A and 16B.

~~(b) The commissioner shall collect information on conservation and other energy-related programs carried on by other agencies, by public utilities, by cooperative electric associations, by municipal power agencies, by other fuel suppliers, by political subdivisions, and by private organizations. Other agencies, cooperative electric associations, municipal power agencies, and political subdivisions shall cooperate with the commissioner by providing information requested by the commissioner. The commissioner may by rule require the submission of information by other program operators. The commissioner shall make the information available to other agencies and to the public and, as necessary, shall recommend to the legislature changes in the laws governing conservation and other energy-related programs to ensure that:~~

- ~~(1) expenditures on the programs are adequate to meet identified needs;~~
- ~~(2) the needs of low-income energy users are being adequately addressed;~~
- ~~(3) duplication of effort is avoided or eliminated;~~
- ~~(4) a program that is ineffective is improved or eliminated; and~~
- ~~(5) voluntary efforts are encouraged through incentives for their operators.~~

~~The commissioner shall appoint an advisory task force to help evaluate the information collected and formulate recommendations to the legislature. The task force must include low-income energy users.~~

~~(c) By January 15 of each year, the commissioner shall report to the legislature on the projected amount of federal money likely to be available to the state during the next fiscal year, including grant money and money received by the state as a result of litigation or settlements of alleged violations of federal petroleum pricing regulations. The report must also estimate the amount of money projected as needed during the next fiscal year to finance a level of conservation and other energy-related programs adequate to meet projected needs, particularly the needs of low-income persons and households, and must recommend the amount of state appropriations needed to cover the difference between the projected availability of federal money and the projected needs.~~

Sec. 5. Minnesota Statutes 1992, section 216C.11, is amended to read:

216C.11 [ENERGY CONSERVATION INFORMATION CENTER.]

The commissioner shall establish an energy information center in the department's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and alternative sources of energy.

The energy information center shall serve as the official Minnesota alcohol fuels information center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The commissioner shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

The information center shall ~~use the information collected under section 216C.02, subdivision 1,~~ to maintain a central source of information on conservation and other energy-related programs, including both programs required by law or rule and programs developed and carried on voluntarily. In particular, the information center shall compile and maintain information on policies covering disconnections or denials of fuel during cold weather adopted by public utilities and other fuel suppliers not governed by Minnesota Rules, parts 7820.1500 to 7820.2300, including the number of households disconnected or denied fuel and the duration of the disconnections or denials.

Sec. 6. Minnesota Statutes 1992, section 216C.17, subdivision 3, is amended to read:

Subd. 3. [DUPLICATION.] The commissioner shall, to the maximum extent feasible, provide that forecasts required under this section be consistent with material required by other state and federal agencies in order to prevent unnecessary duplication. Public electric utilities submitting advance forecasts containing all information specified in section 116C.54, subdivision 1, as part of an integrated resource plan filed pursuant to public utilities commission rules shall be excluded from the annual reporting requirement in subdivision 2.

Sec. 7. Minnesota Statutes 1992, section 216C.37, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] In this section:

(a) "Commissioner" means the commissioner of public service. ~~Upon passage of legislation creating a body known as the Minnesota public facilities authority, the duties assigned to the commissioner in this section are delegated to the authority.~~

(b) "Maxi-audit" means a detailed engineering analysis of energy-saving improvements to existing buildings or stationary energy-using systems, including (1) modifications to building structures; (2) heating, ventilating, and air conditioning systems; (3) operation practices; (4) lighting; and (5) other factors that relate to energy use. The primary purpose of the engineering analysis is to quantify the economic and engineering feasibility of energy-saving improvements that require capital expenditures or major operational modifications.

(c) "Energy conservation investments" ~~mean~~ means all capital expenditures that are associated with conservation measures identified in a maxi-audit or energy project study, and that have a ten-year or less payback period. ~~Public school districts that received a federal institutional building grant in 1984 to convert a heating system to wood, and that apply for an energy conservation investment loan to match a federal grant for wood conversion, shall be allowed to calculate payback of conservation measures based on the costs of the traditional fuel in use prior to the wood conversion.~~

(d) "Municipality" means any county, statutory or home rule charter city, town, school district, or any combination of those units operating under an agreement to jointly undertake projects authorized in this section.

(e) "Energy project study" means a study of one or more energy-related capital improvement projects analyzed in sufficient detail to support a financing application. At a minimum, it must include one year of energy consumption and cost data, a description of existing conditions, a description of proposed conditions, a detailed description of the costs of the project, and calculations sufficient to document the proposed energy savings.

Sec. 8. Minnesota Statutes 1992, section 299F.011, subdivision 4c, is amended to read:

Subd. 4c. [EXIT SIGN ILLUMINATION.] For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the uniform fire code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power with a maximum total power consumption of 40 volt amperes (VA). All other requirements in the code for exit signs must be complied with. ~~Power consumption in volt amperes is the resistive power divided by the power factor.~~

Sec. 9. Minnesota Statutes 1992, section 446A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota public facilities authority consists of the commissioner of trade and economic development, the commissioner of finance, ~~the commissioner of public service~~, the commissioner of the pollution control agency, and three additional members appointed by the governor from the general public with the advice and consent of the senate.

Sec. 10. Minnesota Statutes 1992, section 446A.10, subdivision 2, is amended to read:

Subd. 2. [OTHER RESPONSIBILITIES.] (a) The responsibilities for the health care equipment loan program under Minnesota Statutes 1986, section 116M.07, subdivisions 7a, 7b, and 7c; ~~the public school energy conservation loan program under section 216C.37;~~ and the district heating and qualified energy improvement loan program under section 216C.36, are transferred from the Minnesota energy and economic development authority to the Minnesota public facilities authority. The commissioner of public service shall continue to administer the municipal energy grant

and loan programs under section 216C.36 ~~and the school energy loan program under section 216C.37~~ until the commissioner of trade and economic development has adopted rules to implement the financial administration of the programs as provided under ~~sections~~ section 216C.36, subdivisions 2, 3b, 3c, 8, 8a, and 11, and 216C.37, subdivisions 1 and 8.

(b) Except as otherwise provided in this paragraph, section 15.039 applies to the transfer of responsibilities. The transfer includes 8-1/2 positions from the financial management division of the department of trade and economic development to the community development division of the department of trade and economic development. The commissioner of trade and economic development and the commissioner of public service shall determine which classified and unclassified positions associated with the responsibilities of the grant and loan programs under section 216C.36 and the school energy loan program under section 216C.37 are transferred to the commissioner of public service and which positions are transferred to the commissioner of trade and economic development in order to carry out the purposes of Laws 1987, chapter 386, article 3.

Sec. 11. [REPEALER.]

Minnesota Statutes 1992, section 216C.36, is repealed.

Minnesota Rules, parts 7665.0200; 7665.0210; 7665.0220; 7665.0230; 7665.0240; 7665.0250; 7665.0300; 7665.0310; 7665.0320; 7665.0330; 7665.0340; 7665.0350; 7665.0360; 7665.0370; and 7665.0380, are repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 and 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy conservation; updating the municipal energy conservation loan program; transferring authority for the energy conservation loan program from the public facilities authority to the department of public service; removing the commissioner of public service from the Minnesota public facilities authority; abolishing certain duties of commissioner of public service relating to energy; eliminating advance forecast reporting requirements for public electric utilities submitting advance forecasts in an integrated resource plan; eliminating the district heating loan program; amending Minnesota Statutes 1992, sections 16B.61, subdivision 3; 116C.54; 216B.241, subdivision 2a; 216C.02, subdivision 1; 216C.11; 216C.17, subdivision 3; 216C.37, subdivision 1; 299F.011, subdivision 4c; 446A.03, subdivision 1; and 446A.10, subdivision 2; repealing Minnesota Statutes 1992, section 216C.36; Minnesota Rules, parts 7665.0200; 7665.0210; 7665.0220; 7665.0230; 7665.0240; 7665.0250; 7665.0300; 7665.0310; 7665.0320; 7665.0330; 7665.0340; 7665.0350; 7665.0360; 7665.0370; and 7665.0380."

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

The report was adopted.

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

H. F. No. 882, A bill for an act relating to outdoor recreation; creating the Lake Superior water trail; proposing coding for new law in Minnesota Statutes, chapter 85.

Reported the same back with the following amendments:

Page 1, line 15, after "agencies" insert "and private resorts"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 57, 95, 208, 232, 233, 250, 251, 264, 287, 295, 399, 427, 509, 513, 516, 554, 591, 607, 608, 639, 640, 643, 654, 659, 699, 700, 824 and 882 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 19 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Greenfield and Lourey introduced:

H. F. No. 1178, A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary commitments by health plans and providers to limit the rate of growth in total revenues; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.09, subdivisions 2, 5, and 8; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, and 7; 62J.33; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353, subdivisions 2, 3, 5, and 6; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 62N; 62O; 256; and 295; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; and Laws 1992, chapter 549, article 9, section 19, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Greenfield introduced:

H. F. No. 1179, A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary commitments by health plans and providers to limit the rate of growth in total revenues; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.09, subdivisions 2, 5, and 8; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, and 7; 62J.33; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 214.16, subdivision 3;

256.9351, subdivision 3; 256.9353, subdivisions 2, 3, 5, and 6; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 62N; 62O; 256; and 295; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; and Laws 1992, chapter 549, article 9, section 19, subdivision 2.

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

Greenfield introduced:

H. F. No. 1180, A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary commitments by health plans and providers to limit the rate of growth in total revenues; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.09, subdivisions 2, 5, and 8; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, and 7; 62J.33; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353, subdivisions 2, 3, 5, and 6; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 62N; 62O; 256; and 295; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; and Laws 1992, chapter 549, article 9, section 19, subdivision 2.

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

Dauids introduced:

H. F. No. 1181, A bill for an act relating to commerce; petroleum tank release compensation board; regulating reimbursement for consultant services; amending Minnesota Statutes 1992, section 115C.07, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jefferson, Wagenius and Clark introduced:

H. F. No. 1182, A bill for an act relating to state lands; providing for the release of a state interest in certain property in the city of Minneapolis.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 1183, A bill for an act relating to animals; tightening laws prohibiting cruel treatment of certain animals; increasing certain penalties; amending Minnesota Statutes 1992, sections 343.21, subdivisions 9 and 10; and 346.44; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Farrell, Welle, Rukavina and Skoglund introduced:

H. F. No. 1184, A bill for an act relating to insurance; workers' compensation; modifying the board membership and administration of the workers' compensation assigned risk plan; establishing a market assistance plan; transferring supervisory authority over the workers' compensation reinsurance association to the commissioner of commerce; making the commissioner of commerce a board member of the state fund mutual insurance company; amending Minnesota Statutes 1992, sections 79.251, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 79.252, subdivisions 2, 5, and by adding a subdivision; and 176A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 79.

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

Farrell introduced:

H. F. No. 1185, A bill for an act relating to workers' compensation; modifying provisions relating to charges by certain nursing homes; amending Minnesota Statutes 1992, section 176.136, subdivision 1b.

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

Sekhon; Munger; Johnson, V.; Wagenius and McCollum introduced:

H. F. No. 1186, A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Perlt, Beard and Goodno introduced:

H. F. No. 1187, A bill for an act relating to labor and employment; advisory councils; extending the expiration date of labor and employment related advisory councils; amending Minnesota Statutes 1992, sections 79.51, subdivision 4; 175.008; 178.02, subdivision 2; 182.656, subdivision 3; 268.363; and 326.41.

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

Mariani, Pugh, Tompkins, Weaver and Pawlenty introduced:

H. F. No. 1188, A bill for an act relating to metropolitan government; revitalizing and strengthening the metropolitan council's role in metropolitan area transportation and sewer systems planning; abolishing the regional transit board; creating a new metropolitan transit authority as an agency of the council; providing for the powers, duties, and administration of the metropolitan transit authority; authorizing the council to issue debt for the authority's activities and for transit; providing procedures for design, approval, and construction of light rail transit; abolishing the metropolitan transit commission; creating metro transit as an operating agency of the council; providing for the administration of metro transit; transferring functions of the metropolitan transit commission to metro transit; authorizing the metropolitan council to levy taxes to support metro transit's and the metropolitan transit authority's activities and for debt service; authorizing the commissioner of transportation to construct transit facilities in the metropolitan area with approval of the council; changing the administration of the metropolitan waste control commission; changing obsolete references; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivisions 1 and 7; 174.04; 174.22, by adding a subdivision; 174.23, subdivision 4; 174.24, subdivision 2; 174.32, subdivisions 2 and 3; 252.478, subdivision 2; 352.01, subdivision 2b; 352.75, subdivision 2; 352D.02, subdivision 1; 473.121, subdivision 11, and by adding subdivisions; 473.141, subdivision 2; 473.143; 473.146, subdivisions 1, 2, and 4; 473.1623, subdivision 2; 473.1631; 473.164, subdivision 3; 473.167, subdivision 1; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.181, subdivision 3; 473.223; 473.303, subdivision 4; 473.371, subdivision 1; 473.373, subdivisions 1, 1a, and by adding subdivisions; 473.375, subdivisions 1, 5, 8, 11, 13, and 17; 473.382; 473.384, subdivisions 3 and 7; 473.385, subdivision 2; 473.386, subdivisions 2 and 3; 473.388; 473.39; 473.391; 473.392; 473.399, subdivision 1; 473.3993; 473.3994; 473.3996; 473.3997; 473.3998; 473.405, subdivision 5; 473.4051; 473.408, subdivision

2a; 473.409; 473.415; 473.435; 473.436, subdivision 6; 473.446, subdivisions 1, 1a, 3, 7, and 8; 473.503; 473.504, subdivisions 8 and 9; 473.511, subdivision 4; 473.516, subdivisions 2 and 3; 473.517, subdivisions 6, 8, and 9; 473.521, subdivision 4; 473.523; 473.542; 473.543, subdivisions 1, 2, and 4; 473.547; 473.553, subdivision 4; 473.561; 473.595, subdivision 3; 473.811, subdivision 1a; 473.852, subdivision 8; and 629.40, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 174.22, subdivision 4; 473.121, subdivisions 14a and 15; 473.141, subdivisions 3, 4, 4a, and 5; 473.153; 473.161; 473.163; 473.373, subdivisions 4a, 5, 6, and 8; 473.375, subdivisions 7, 15, and 16; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.399, subdivisions 2 and 3; 473.3991; 473.3994, subdivision 6; 473.404; 473.405, subdivision 2; 473.415, subdivision 1; 473.416; 473.417; 473.418; 473.436, subdivision 7; 473.445; 473.511, subdivision 5; and 473.535; Laws 1991, chapter 291, article 4, section 20.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rest, Long, Bauerly and Abrams introduced:

H. F. No. 1189, A bill for an act relating to public financing for cleanup of polluted lands and for manufacturing development; authorizing manufacturing tax increment financing districts; modifying the computation of original tax capacity; imposing a state tax on contaminated properties; establishing a grant program for cleanup of polluted lands; allowing use of tax increments for environmental insurance and indemnification; authorizing the cities of Minnetonka and Hopkins to establish tax increment financing districts; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1992, sections 273.11, subdivision 1, and by adding a subdivision; 275.065, subdivision 3; 276.04, subdivision 2; 469.174, subdivisions 19 and 20; 469.176, subdivision 4e; 469.177, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapters 116; 270; and 469.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Trimble and Munger introduced:

H. F. No. 1190, A bill for an act relating to the Minnesota historical society; recodifying the historic sites act of 1965; proposing coding for new law in Minnesota Statutes, chapter 138; repealing Minnesota Statutes 1992, sections 138.025; 138.027; 138.52; 138.53; 138.55; 138.56; 138.58; 138.59; 138.60; 138.61; 138.62; 138.63; 138.64; 138.65; and 138.66.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pugh; Orenstein; Brown, C.; Bishop and Carruthers introduced:

H. F. No. 1191, A bill for an act relating to trusts; prohibiting trustees from exercising certain powers; proposing coding for new law in Minnesota Statutes, chapter 501B.

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

Skoglund introduced:

H. F. No. 1192, A bill for an act relating to crime; diversion programs; requiring the bureau of criminal apprehension to maintain data on diversion program participants; requiring counties to plan and implement diversion programs for eligible felony offenders; amending Minnesota Statutes 1992, section 299C.46, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 401A.

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



Tunheim introduced:

H. F. No. 1193, A bill for an act relating to taxation; aggregate material; modifying certain reporting requirements; changing the time when penalty for late payment begins; amending Minnesota Statutes 1992, section 298.75, subdivisions 4 and 5.

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

Tunheim introduced:

H. F. No. 1194, A bill for an act relating to education; changing computations for purposes of sparsity and supplemental revenue; amending Minnesota Statutes 1992, section 124A.22, subdivisions 5 and 8.

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

Olson, K.; Pelowski; Ness; Carlson and Dorn introduced:

H. F. No. 1195, A bill for an act relating to education; requiring changes in college preparation requirements.

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

Johnson, R., and Rukavina introduced:

H. F. No. 1196, A bill for an act relating to retirement; teachers; calculation of annuities based upon the highest three years of service; amending Minnesota Statutes 1992, section 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Johnson, A.; Lourey; Wejcman and Lasley introduced:

H. F. No. 1197, A bill for an act relating to health; authorizing the commissioner of health to award grants to school districts to establish adolescent health care centers; establishing standards for adolescent health care centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Rest; Rukavina; Anderson, I.; Blatz and Jaros introduced:

H. F. No. 1198, A bill for an act relating to taxation; providing that an annual decal fee is paid on vending machines and amusement devices in lieu of sales tax; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Reding, Solberg, Rest, Knickerbocker and Evans introduced:

H. F. No. 1199, A bill for an act relating to state government; the legislative commission on employee relations; modifying provisions relating to certain plans; ratifying certain salaries; amending Minnesota Statutes 1992, section 43A.18, subdivision 4; repealing Minnesota Statutes 1992, section 43A.24, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Dempsey; Bettermann; Olson, M., and Delmont introduced:

H. F. No. 1200, A bill for an act relating to crimes; requiring a mandatory minimum term of imprisonment for not less than two years in cases involving possession of firearms or display of dangerous weapons; amending Minnesota Statutes 1992, section 609.11, subdivision 4.

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

Bauerly, Wagenius, Vellenga and Kelso introduced:

H. F. No. 1201, A bill for an act relating to education; establishing an early intervention reading program to help underachieving first grade students develop effective reading strategies; requiring teacher applicants to complete a reading course; permitting teachers renewing their license to receive credit for reading seminars; permitting staff development revenue to be used for reading programs; amending Minnesota Statutes 1992, sections 125.05, subdivisions 1a and 2; and 126.70, subdivisions 1 and 2a; proposing coding for new law in Minnesota Statutes, chapter 121.

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

Bauerly, Kelso, Weaver and Dehler introduced:

H. F. No. 1202, A bill for an act relating to education; authorizing a fund transfer for independent school district No. 748, Sartell.

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

Mahon, Garcia, Kelley and Ness introduced:

H. F. No. 1203, A bill for an act relating to state departments and agencies; providing for reports on advisory task forces committees and councils; providing for their expirations; eliminating certain advisory bodies; amending Minnesota Statutes 1992, sections 6.65; 15.059, subdivision 5, and by adding a subdivision; 16B.39, subdivision 1a; 41A.02, subdivision 1; 41A.04, subdivisions 2 and 4; 116J.975; 125.188, subdivision 3; 125.1885, subdivision 3; 129D.16; 148.235, subdivision 2; 246.017, subdivision 2; 246.56, subdivision 2; 256B.0629, subdivision 4; and 256B.433, subdivision 1; 299F.093, subdivision 1; repealing Minnesota Statutes 1992, sections 41.54; 41A.07; 43A.31, subdivision 4; 82.30, subdivision 1; 84.524, subdivisions 1 and 2; 85A.02, subdivision 4; 86A.10, subdivision 1; 116J.645; 116J.984, subdivision 11; 116N.05; 120.064, subdivision 6; 121.87; 145.93, subdivision 2; 148B.20, subdivision 2; 152.02, subdivision 11; 175.008; 184.23; 206.57, subdivision 3; 245.476, subdivision 4; 245.4885, subdivision 4; 256.9745; 256B.0629, subdivisions 1, 2, and 3; 256B.433, subdivision 4; 257.072, subdivision 6; 299F.092, subdivision 9; 299F.097; and 626.5592.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Greenfield, Davids, Nelson, Tompkins and Neary introduced:

H. F. No. 1204, A bill for an act relating to human services; changing definition of care plan; defining personal care services; adding amounts to home care services; providing an automatic adjustment for health care services; amending Minnesota Statutes 1992, sections 256B.0625, subdivision 19b; and 256B.0627, subdivisions 1, 4, 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Clark, McCollum, Mariani, Luther and Garcia introduced:

H. F. No. 1205, A bill for an act relating to courts; making the housing calendar consolidation projects in the second and fourth judicial districts permanent law; providing that the law requiring that fines collected for violations of building repair orders must be used for the housing calendar consolidation projects is permanent; amending Laws 1989, chapter 328, article 2, section 17; repealing Laws 1989, chapter 328, article 2, sections 18 and 19.

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

Brown, C.; Carruthers; McGuire; Smith and Dawkins introduced:

H. F. No. 1206, A bill for an act relating to commerce; trade practices; regulating transfers and sales of recordings; prescribing penalties; amending Minnesota Statutes 1992, sections 325E.17; 325E.18; and 325E.19; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1992, section 325E.20.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Vellenga, Bauerly, Weaver, Kelso and Tomassoni introduced:

H. F. No. 1207, A bill for an act relating to education; providing for a comprehensive learning readiness program; appropriating money; amending Minnesota Statutes 1992, sections 121.831; and 124.2615, subdivision 3.

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

Orenstein, McGuire and Pugh introduced:

H. F. No. 1208, A bill for an act relating to peace officers; revising the complaint and investigation procedures of the peace officer standards and training board; amending Minnesota Statutes 1992, section 214.10, by adding subdivisions; repealing Minnesota Statutes 1992, section 214.10, subdivisions 4, 5, 6, and 7.

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

Onnen introduced:

H. F. No. 1209, A bill for an act relating to human services; funding maternal and child health and social service programs; transferring the commissioner's duties for chemical dependency counseling to the commissioner of health; providing pilot projects for chemical dependency service needs; amending Minnesota Statutes 1992, sections 148C.01, subdivision 6; 148C.03, subdivisions 1 and 3; 148C.04, subdivisions 3 and 4; 148C.05, subdivision 2; 148C.06; 148C.10, subdivision 2; 148C.11, subdivisions 3 and 4; 252A.101, subdivision 7; 252A.111, subdivision 4; 254B.03, subdivision 1; 254B.06, subdivision 3; 257.801, subdivision 6; 257.803, subdivision 1; 525.539, subdivision 2; 525.551, subdivision 7; 525.56, subdivision 3; 525.591, subdivision 2; 525.60, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 1992, sections 254A.17, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lourey, Evans and Rukavina introduced:

H. F. No. 1210, A bill for an act relating to veterans affairs; appropriating money for the construction of a memorial honoring women military veterans.

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

Wenzel introduced:

H. F. No. 1211, A bill for an act relating to the state lottery; abolishing the authority of the state lottery board to authorize additional compensation for the director of the state lottery; amending Minnesota Statutes 1992, section 349A.03, subdivision 2; repealing Minnesota Statutes 1992, section 349A.03, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Rukavina; Solberg; Anderson, I.; Battaglia and Tomassoni introduced:

H. F. No. 1212, A bill for an act relating to natural resources; specifying certain royalty rates for state taconite or iron ore mining leases and lease extensions; proposing coding for new law in Minnesota Statutes, chapter 93.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dawkins introduced:

H. F. No. 1213, A bill for an act relating to energy conservation; clarifying maximum energy consumption requirements for certain exit lamps; amending Minnesota Statutes 1992, sections 16B.61, subdivision 3; and 299F.011, subdivision 4c.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Gutknecht and Sparby introduced:

H. F. No. 1214, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4, and article V, sections 2 and 4; providing term limits for state offices.

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

Garcia, Mahon, Rest and Vellenga introduced:

H. F. No. 1215, A bill for an act relating to government financing in this state; providing state aid to certain taxing jurisdictions for loss of tax base due to public acquisition of property; amending Minnesota Statutes 1992, section 273.1398, subdivisions 1 and 2.

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

Rest introduced:

H. F. No. 1216, A bill for an act relating to housing; providing for a metropolitan community stabilization program; amending Minnesota Statutes 1992, sections 462A.21, by adding a subdivision; and 473.249, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Anderson, I., introduced:

H. F. No. 1217, A bill for an act relating to retirement; allowing certain elected local government officials to elect to participate in the public employees defined contribution plan.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Lynch introduced:

H. F. No. 1218, A bill for an act relating to wetlands; clarifying an exemption for aquacultural activities; amending Minnesota Statutes 1992, section 103G.2241.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Limmer, Carlson and Pawlenty introduced:

H. F. No. 1219, A bill for an act relating to education; creating education and training accounts; amending Minnesota Statutes 1992, sections 136A.121, by adding a subdivision; 289A.08, by adding a subdivision; and 289A.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Orenstein, Long, Simoneau, Vellenga and Osthoff introduced:

H. F. No. 1220, A bill for an act relating to crimes; prohibiting persons from interfering with access to medical facilities; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Holsten, Workman, Brown, C., Stanius and Limmer introduced:

H. F. No. 1221, A bill for an act relating to corrections; authorizing prosecution of certain juveniles as serious youthful offenders when they commit serious felony offenses; requiring that convicted serious youthful offenders be committed to the commissioner of corrections until the age of 21; authorizing serious youthful offenders to be placed in any correctional facility; amending Minnesota Statutes 1992, sections 242.14; 242.18; 242.19; 242.195, subdivision 3; 242.44; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.171, subdivisions 2 and 4; 260.173, subdivision 4; 260.181, subdivision 4; 609.055, subdivision 2, and by adding a subdivision; and 641.14; proposing coding for new law in Minnesota Statutes, chapters 242; 260; and 609.

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

Kahn, Greiling and Reding introduced:

H. F. No. 1222, A bill for an act relating to retirement; creating an optional retirement plan for employees of the state historical society; amending Minnesota Statutes 1992, section 352.021, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 352F.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Milbert and Pugh introduced:

H. F. No. 1223, A bill for an act relating to the city of Inver Grove Heights; authorizing the extension of a tax increment financing district; authorizing the city to issue bonds in anticipation of the receipt of money from the state.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Milbert, Kahn, Ozment, McGuire and Pugh introduced:

H. F. No. 1224, A bill for an act appropriating money to the commissioner of trade and economic development to fund the international ringette tournament.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Trimble introduced:

H. F. No. 1225, A bill for an act relating to agriculture; providing for surcharges on registered pesticides; amending Minnesota Statutes 1992, section 18E.03, subdivision 5.

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

Johnson, R.; Dorn; Pelowski and Opatz introduced:

H. F. No. 1226, A bill for an act relating to retirement; teachers retirement association; requiring payment of certain tax penalties relating to certain unpaid mandatory supplemental retirement plan distributions.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Lasley; Johnson, A.; Bauerly; Kelso and Ness introduced:

H. F. No. 1227, A bill for an act relating to education; providing media center revenue for eligible school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 134.

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

Kahn introduced:

H. F. No. 1228, A bill for an act relating to retirement; public employees retirement association and Minneapolis employees retirement fund; providing for the retention of pension coverage for certain transferred employees.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Bertram, Stanius, Wenzel, Gruenes and Osthoff introduced:

H. F. No. 1229, A bill for an act relating to insurance; clarifying the application of a certain notice requirement regarding guaranty association protection to policies or contracts issued by fraternal benefit societies; amending Minnesota Statutes 1992, section 60C.22.

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

Bertram, Jaros, Tomassoni, Trimble and Ness introduced:

H. F. No. 1230, A bill for an act relating to education; changing the structure of the higher education merger by removing the technical colleges from the merger; amending Minnesota Statutes 1992, sections 136E.03; 136E.04, subdivisions 1 and 4; and 179A.10, subdivision 2; Laws 1991, chapter 356, article 9, sections 8, subdivisions 1 and 4; 9; and 14; repealing Minnesota Statutes 1992, section 136E.04, subdivision 4; and Laws 1991, chapter 356, article 9, sections 8, subdivision 6; and 11.

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

Murphy, Simoneau, Greenfield, Ozment and Johnson, R., introduced:

H. F. No. 1231, A bill for an act relating to occupations and professions; establishing a chemical dependency counseling licensing board; modifying effective dates of certain licensing requirements; providing for rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 148C.01, subdivisions 3, 6, and 7; 148C.02; 148C.03, subdivisions 1 and 2; 148C.035; 148C.04; 148C.05; 148C.06; 148C.07; 148C.09; 148C.10, subdivisions 1 and 2; 148C.11, subdivision 3; 214.01, subdivision 2; and 214.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sparby, Stanius, Milbert, Munger and Battaglia introduced:

H. F. No. 1232, A bill for an act relating to game and fish; limiting number of larger pike taken; amending Minnesota Statutes 1992, section 97C.401.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pelowski introduced:

H. F. No. 1233, A bill for an act relating to education; authorizing a lease levy for independent school district No. 861, Winona.

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

Pelowski; Johnson, A.; Tomassoni; Vellenga and Ness introduced:

H. F. No. 1234, A bill for an act relating to education; indicating that the legislature may specifically authorize a graduation rule after receiving an evaluation of outcome-based programs; amending Laws 1992, chapter 499, article 8, sections 32 and 33.

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

Skoglund, Wagenius, Hasskamp, Farrell and Wejcman introduced:

H. F. No. 1235, A bill for an act relating to lawyers; requesting the supreme court to adopt rules governing lawyer-client sexual relations.

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

Rukavina; Anderson, I., and Tomassoni introduced:

H. F. No. 1236, A bill for an act relating to cooperatives; requiring certain rural electric cooperatives to obtain member approval prior to disposing of cooperative assets.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Neary; Brown, K.; Vickerman; Luther and Lourey introduced:

H. F. No. 1237, A bill for an act relating to human services; establishing grant programs for crisis nurseries and respite care; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Lieder, Osthoff, Dauner, Kelso and Pauly introduced:

H. F. No. 1238, A bill for an act relating to traffic regulations; regulating disclosure and use of information in traffic accident reports; imposing penalties; amending Minnesota Statutes 1992, sections 13.82, subdivision 4; 169.09, subdivisions 7 and 13; and 260.161, subdivision 3.

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

Delmont; Rukavina; McGuire; Johnson, A., and Weaver introduced:

H. F. No. 1239, A bill for an act relating to alcoholic beverages; authorizing dispensing of liquor by an on-sale licensee at the National Sports Center in Blaine; amending Laws 1992, chapter 486, section 11.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Pelowski, Kelley, Bertram, McCollum and Kahn introduced:

H. F. No. 1240, A bill for an act relating to higher education; eliminating the higher education coordinating board; transferring functions; creating a higher education services office; modifying the higher education advisory council; appropriating money; amending Minnesota Statutes 1992, sections 15A.081, subdivision 7b; 125.185, subdivision 4a; 126.663, subdivision 3; 126A.02, subdivision 2; 135A.09; 135A.10, subdivision 1; 136A.01; 136A.03; 136A.08; 136A.101, subdivisions 1, 2, and 3; 136A.15, subdivisions 3 and 4; 136A.16, subdivision 1; 136A.233, subdivision 2; 136A.62, subdivision 2; 136C.042, subdivision 1; and 298.2214, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136A; repealing Minnesota Statutes 1992, sections 135A.05; 135A.052, subdivision 3; 135A.06, subdivisions 2, 3, 4, 5, and 6; 135A.061; 135A.08; 135A.12, subdivision 5; 136A.02; 136A.04; 136A.041; 136A.043; 136A.134; 136A.234; 136A.70; 136A.85; 136A.86; 136A.87; and 136A.88.

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

Abrams introduced:

H. F. No. 1241, A bill for an act relating to legislature; changing the size of the legislature; restricting certain reapportionment procedures; amending Minnesota Statutes 1992, sections 2.021; and 2.031, subdivision 1.

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

Lieder and Olson, E., introduced:

H. F. No. 1242, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Polk county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Abrams introduced:

H. F. No. 1243, A bill for an act relating to ethics in government; clarifying requirements for filing for the income tax check-off as a minor party; amending Minnesota Statutes 1992, section 10A.31, subdivision 3a.

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



Kahn, Rest, Swenson and Milbert introduced:

H. F. No. 1244, A bill for an act relating to metropolitan government; exempting regional park properties from taxation; providing for metropolitan council review of special assessments on regional park properties; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

McGuire and Carruthers introduced:

H. F. No. 1245, A bill for an act relating to data practices; providing for the collection, classification, and dissemination of data; proposing classifications of data as private and nonpublic; classifying certain licensing data, security service data, motor carrier operating data, and retirement data; amending Minnesota Statutes 1992, sections 13.32, subdivision 1; 13.41, subdivision 4; 13.42, subdivision 2; 13.46, subdivision 4; 13.643, by adding a subdivision; 13.72, by adding a subdivision; and 13.82, subdivisions 6 and 10; proposing coding for new law in Minnesota Statutes, chapter 13.

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

McGuire introduced:

H. F. No. 1246, A bill for an act relating to juvenile court; providing for access to and dissemination of juvenile court records; amending Minnesota Statutes 1992, section 260.161, subdivisions 1 and 3.

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

McGuire, Delmont, Mariani, Carruthers and Swenson introduced:

H. F. No. 1247, A bill for an act relating to motor vehicles; increasing penalty for fraudulently allowing use or possession of certificate of title; establishing automobile theft prevention program and creating board; increasing penalty for falsely reporting crime; amending Minnesota Statutes 1992, sections 168A.30; and 609.505; proposing coding for new law in Minnesota Statutes, chapter 168A.

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

McGuire introduced:

H. F. No. 1248, A bill for an act relating to civil commitment; clarifying time limitations for appeal under the civil commitment act; amending Minnesota Statutes 1992, sections 253B.18, by adding a subdivision; and 253B.23, subdivision 7.

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

McGuire introduced:

H. F. No. 1249, A bill for an act relating to minors; expanding the circumstances under which minors can consent to mental health services; amending Minnesota Statutes 1992, section 144.343, subdivision 1.

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

Solberg introduced:

H. F. No. 1250, A bill for an act relating to taxation; property; providing for classification of certain unimproved property used to grow timber; amending Minnesota Statutes 1992, section 273.13, subdivision 33.

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

Mahon; Anderson, L.; Johnson, V.; Cooper and Pawlenty introduced:

H. F. No. 1251, A bill for an act relating to cities; allowing the use of self-insurance funds or pools to satisfy statutory bond requirements; amending Minnesota Statutes 1992, section 471.981, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hausman introduced:

H. F. No. 1252, A bill for an act relating to energy; cogeneration and small power production; providing for establishment of prices paid for utilities' avoided capacity and energy costs; providing that the public utilities commission establish a preference for renewable resource energy production; requiring rulemaking; providing for a rulemaking exemption; amending Minnesota Statutes 1992, sections 216B.164, subdivision 4; 216B.2421, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Hausman introduced:

H. F. No. 1253, A bill for an act relating to energy; cogeneration and small power production; providing for establishment of prices paid for utilities' avoided capacity and energy costs; providing that the public utilities commission establish a preference for renewable resource energy production; requiring rulemaking; providing for a rulemaking exemption; amending Minnesota Statutes 1992, sections 216B.164, subdivision 4; and 216B.2421, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Mariani, Lieder, Gruenes, Onnen and Jefferson introduced:

H. F. No. 1254, A bill for an act relating to education; establishing a grant program to promote recruitment and retention initiatives by nursing training programs directed toward persons of color; establishing a grant program for nursing students who are persons of color; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Carruthers, McGuire, Wagenius, Skoglund and Rhodes introduced:

H. F. No. 1255, A bill for an act relating to crime; requiring the sentencing guidelines commission to modify the calculation of certain criminal history scores.

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

McCollum, Huntley, Clark, Hausman and Farrell introduced:

H. F. No. 1256, A bill for an act relating to economic development; providing for community development corporations; appropriating money; amending Minnesota Statutes 1992, sections 116J.982; and 462A.21, by adding a subdivision; repealing Minnesota Statutes 1992, section 116J.982, subdivisions 6a, 8, and 9.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

McCollum, Pelowski, Asch, Opatz and Tomassoni introduced:

H. F. No. 1257, A bill for an act relating to state departments; abolishing the office of strategic and long-range planning and transferring certain responsibilities and personnel to other departments; amending Minnesota Statutes 1992, sections 116C.03, subdivisions 2, 4, and 5; 116C.712, subdivisions 3 and 5; 126A.02, subdivision 2; 145A.02, subdivision 16; 275.14; 299A.31, subdivision 1; 368.01, subdivision 1a; 373.40, subdivision 1; 477A.011, subdivisions 3 and 3a; and 477A.014, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, sections 4A.01; 4A.02; 4A.03; and 4A.04.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Van Dellen introduced:

H. F. No. 1258, A bill for an act relating to taxation; modifying the market value of property for confession of judgment; amending Minnesota Statutes 1992, section 279.37, subdivision 1a.

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

Jefferson, Wagenius and Clark introduced:

H. F. No. 1259, A bill for an act relating to the city of Minneapolis; extending authority to guarantee certain loans; amending Laws 1988, chapter 594, section 6, as amended.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Jefferson and Clark introduced:

H. F. No. 1260, A bill for an act relating to firearms; authorizing the cities of Minneapolis and St. Paul to enact regulations concerning assault rifles and semiautomatic weapons; amending Minnesota Statutes 1992, sections 624.711; 624.712, by adding subdivisions; and 624.717.

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

Jennings; Johnson, V.; Lourey; Munger and Pelowski introduced:

H. F. No. 1261, A bill for an act relating to outdoor recreation; prohibiting motor sports areas on state lands without county board approval.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Greenfield introduced:

H. F. No. 1262, A bill for an act relating to health care cost containment; increasing the fine for failure to use a child passenger restraint system or seat belt; making failure to wear a seat belt a primary offense; increasing the tax on cigarettes; crediting a portion of the tax to a special account; prohibiting self-service of tobacco under certain circumstances; mandating a study of the required reporting of prenatal exposure to controlled substances; amending Minnesota Statutes 1992, sections 169.685, subdivision 5; 169.686, subdivision 1; 297.02, subdivision 1; 297.03, subdivision 5; and 297.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Asch, Bergson, Delmont, Goodno and Rhodes introduced:

H. F. No. 1263, A bill for an act relating to HIV and hepatitis B testing; extending denial of the right to refuse testing to inmates of local correctional authorities and persons held under custodial arrest; permitting vaccination of emergency services personnel in certain circumstances; amending Minnesota Statutes 1992, section 144.765.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Stanius, Gutknecht, Abrams and Asch introduced:

H. F. No. 1264, A bill for an act relating to health; modifying provisions relating to billing of Medicare beneficiaries; amending Minnesota Statutes 1992, section 62J.25.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Limmer, Rest, Swenson, Carruthers and Pugh introduced:

H. F. No. 1265, A bill for an act relating to crimes; imposing increased penalties on persons who operate a motorboat while intoxicated and who have previously been convicted of driving a motor vehicle while intoxicated; providing felony penalties for certain repeat DWI violators; amending Minnesota Statutes 1992, sections 86B.331, subdivision 5; 169.121, subdivision 3; and 169.129.

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

Dorn, Ostrom, Kalis, Stanius and Kelso introduced:

H. F. No. 1266, A bill for an act relating to education; authorizing independent school district No. 77, Mankato, to use community service fund revenue for certain capital expenditure purposes.

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

Milbert, Stanius, Swenson, Kahn and Mahon introduced:

H. F. No. 1267, A bill for an act relating to metropolitan government; setting conditions for tax equivalent payments; amending Minnesota Statutes 1992, section 473.341.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Macklin introduced:

H. F. No. 1268, A bill for an act relating to consumer protection; providing for optional contracts for solid waste collection services; providing for penalties; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brown, K.; Davids; Tomassoni; Dauner and Klinzing introduced:

H. F. No. 1269, A bill for an act relating to housing; appropriating money for housing-related grants.

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

Peterson introduced:

H. F. No. 1270, A bill for an act relating to campaign reform; banning caucus fund raisers during a legislative session; amending Minnesota Statutes 1992, section 10A.065, subdivisions 1 and 5.

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

Smith and Van Dellen introduced:

H. F. No. 1271, A bill for an act relating to watercraft; establishing a system of milfoil stamps and boat trailer surcharges to finance research and control of Eurasian water milfoil; directing use of the water recreation account; amending Minnesota Statutes 1992, sections 86B.415, subdivisions 7, 9, and by adding a subdivision; and 296.421, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jefferson and Osthoff introduced:

H. F. No. 1272, A bill for an act relating to highways; allowing county state-aid highway money to be used for certain equipment for emergency responders; amending Minnesota Statutes 1992, section 162.08, subdivision 4.

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

Sparby, Bergson, Steensma, Dempsey and Battaglia introduced:

H. F. No. 1273, A bill for an act relating to veterans; authorizing the veterans homes board to define residency by board rule; amending Minnesota Statutes 1992, section 198.022.

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

Sparby, Steensma, Bertram, Skoglund and Waltman introduced:

H. F. No. 1274, A bill for an act relating to veterans; authorizing the legislature to hear and determine claims by patients at the Minnesota veterans homes; amending Minnesota Statutes 1992, section 3.738, subdivision 1.

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

Asch, Clark, Garcia and Wejcman introduced:

H. F. No. 1275, A bill for an act relating to housing; creating a mental illness crisis housing assistance account; appropriating money; amending Minnesota Statutes 1992, section 462A.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Johnson, R., and Olson, E., introduced:

H. F. No. 1276, A bill for an act relating to taxation; property; allowing certain relatives of the owners who occupy property to qualify as homestead; amending Minnesota Statutes 1992, section 273.124, subdivision 1.

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

Sekhon, Lourey, Stanius and Simoneau introduced:

H. F. No. 1277, A bill for an act relating to health; requiring that the board of pharmacy keep certain information confidential; amending Minnesota Statutes 1992, section 151.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Murphy, Jaros, Huntley, Munger and Wenzel introduced:

H. F. No. 1278, A bill for an act relating to education; creating an additional equalization aid; appropriating money.

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

Johnson, R., introduced:

H. F. No. 1279, A bill for an act relating to the city of Bemidji; permitting a local sales tax.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Skoglund and Murphy introduced:

H. F. No. 1280, A bill for an act relating to criminal and juvenile justice information; providing for implementation and oversight of integrated criminal justice information systems; appropriating money; amending Minnesota Statutes 1992, section 241.012, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Knickerbocker, Kelley and Abrams introduced:

H. F. No. 1281, A bill for an act relating to retirement; Minnetonka volunteer firefighters relief association; specifying alternative flexible service pension maximums.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Reding and Pelowski introduced:

H. F. No. 1282, A bill for an act relating to retirement; alternative retirement coverage for certain state university and community college teachers; amending Minnesota Statutes 1992, section 352D.02, by adding a subdivision; and Laws 1990, chapter 570, article 10, section 7.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Rodosovich introduced:

H. F. No. 1283, A bill for an act relating to retirement; Faribault fire consolidation account; providing a full postretirement adjustment in certain instances.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Orenstein, McCollum, Osthoff and Mariani introduced:

H. F. No. 1284, A bill for an act relating to education; post-secondary; adjusting funding for neighborhood learning centers offered by community colleges; amending Minnesota Statutes 1992, section 135A.03, subdivision 1a.

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

Sekhon; Johnson, V., and Munger introduced:

H. F. No. 1285, A bill for an act relating to natural resources; management of state-owned lands by the department of natural resources; amending Minnesota Statutes 1992, sections 84.0273; 84.632; 92.06, subdivision 1; 92.14, subdivision 2; 92.19; 92.29; 92.67, subdivision 5; 94.10; 94.11; 94.13; and 94.348, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Murphy, Sarna, Sparby and Lieder introduced:

H. F. No. 1286, A bill for an act relating to commerce; regulating prize notices; requiring certain disclosures by solicitors; providing for reimbursement in certain cases; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Johnson, R.; Knickerbocker; Bauerly; Reding and Weaver introduced:

H. F. No. 1287, A bill for an act relating to retirement; permitting teachers to purchase additional service credit; proposing coding for new law in Minnesota Statutes, chapters 354 and 354A.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Rukavina, Long, Carlson, Murphy and Rodosovich introduced:

H. F. No. 1288, A bill for an act relating to education; creating three accounts in the permanent university fund; making allocations from the accounts; amending Minnesota Statutes 1992, section 137.022, subdivision 3, and by adding a subdivision.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Peterson and Wenzel introduced:

H. A. No. 3, A proposal to study income losses to farmers from inconsistent protein content and foreign matter tests on wheat.

The advisory was referred to the Committee on Agriculture.

## 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:

H. F. No. 146, A bill for an act relating to financial institutions; state banks; regulating the acquisition of a bank or savings association for operation as a detached facility; amending Minnesota Statutes 1992, section 49.34, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. Nos. 215, 238, 274, 97, 186 and 275.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. Nos. 273, 282, 300 and 419.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 215, A bill for an act relating to courts; providing that the county law library fee may be collected in petty misdemeanor cases; amending Minnesota Statutes 1992, sections 134A.09, subdivision 2a; and 134A.10, subdivisions 3 and 4.

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

S. F. No. 238, A bill for an act relating to agriculture; changing the bases for certain milk payments; amending Minnesota Statutes 1992, section 32.25, subdivision 1.

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

S. F. No. 274, A bill for an act relating to crime; authorizing warrantless arrests for assaults committed against a person with whom the offender has a child or unborn child in common; amending Minnesota Statutes 1992, section 629.341, subdivision 1.

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



S. F. No. 97, A bill for an act relating to health; clean indoor air; permitting the use of tobacco in public schools as part of a traditional Indian spiritual or cultural ceremony; amending Minnesota Statutes 1992, sections 144.4165; and 609.685, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 186, A bill for an act relating to marriage dissolution; requiring more information on the notice to a public authority; amending Minnesota Statutes 1992, section 518.551, subdivision 5.

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

S. F. No. 275, A bill for an act relating to criminal procedure; venue of actions for illegal consumption of alcoholic beverages by minors; amending Minnesota Statutes 1992, sections 340A.503, subdivision 1, and by adding a subdivision; and 340A.902.

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

S. F. No. 273, A bill for an act relating to highways; changing description of legislative Route No. 279 in state trunk highway system after agreement to transfer part of old route to Dakota county.

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

S. F. No. 282, A bill for an act relating to medical assistance; modifying hospital reimbursement rates; amending Minnesota Statutes 1992, section 256.969, subdivisions 9, 20, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 300, A bill for an act relating to local government; permitting sheriff civil service commissions to expand eligible lists in certain circumstances; amending Minnesota Statutes 1992, section 387.36.

The bill was read for the first time.

Bishop moved that S. F. No. 300 and H. F. No. 127, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 419, A bill for an act relating to health care; modifying and making corrections to the health right act; amending Minnesota Statutes 1992, sections 43A.317, subdivisions 2, 7, and 10; 62A.011, subdivision 3; 62A.021, subdivision 1; 62A.65, subdivision 5; 62J.04, subdivisions 2, 3, 4, 5, 6, and 7; 62J.09, subdivisions 1, 2, and 6; 62J.15, subdivision 2; 62J.17, subdivisions 2, 4, 5, and 6; 62J.19; 62J.23; 62J.29, subdivisions 1 and 4; 62J.30, subdivisions 4, 7, 8, and 10; 62J.31, subdivisions 2 and 3; 62J.32, subdivisions 1 and 4; 62J.34, subdivisions 2 and 3; 62L.02, subdivisions 8, 11, 15, and 16, and by adding a subdivision; 62L.03, subdivisions 2 and 5; 62L.05, subdivisions 1, 4, and 10; 62L.09, subdivision 2; 62L.13, subdivisions 1, 3, and 4; 62L.14, subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; 62L.15, subdivision 2; 62L.16, subdivision 5, and by adding a subdivision; 62L.17, subdivisions 1 and 4; 62L.19; 62L.20, subdivisions 1 and 2; 144.147, subdivision 4; 144.1481, subdivision 1; 256.045, subdivision 10; 256.9353, subdivisions 2, 6, and by adding a subdivision; 256.9354; 256.9355, subdivision 3; 256.9356, subdivision 2; 256.9357; 256B.0644; Laws 1992, chapter 549, articles 1, section 15; 2, sections 24 and 25; 3, section 24; and 4, section 18; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, sections 62J.05, subdivision 5; 62J.09, subdivision 3; and 62J.21.

The bill was read for the first time and referred to the Committee on Health and Human Services.

## CONSENT CALENDAR

H. F. No. 70, A bill for an act relating to state lands; authorizing a conveyance to the city of St. Cloud of certain land owned by the state as a part of St. Cloud State University.

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	Dauner	Haukoos	Krinkie	Munger	Peterson	Swenson
Anderson, I.	Davids	Hausman	Krueger	Murphy	Pugh	Tomassoni
Anderson, R.	Dawkins	Holsten	Lasley	Neary	Reding	Tompkins
Asch	Dehler	Huntley	Leppik	Nelson	Rest	Trimble
Battaglia	Delmont	Jacobs	Lieder	Ness	Rhodes	Tunheim
Bauerly	Dempsey	Jaros	Limmer	Olson, E.	Rice	Van Dellen
Beard	Dorn	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bergson	Erhardt	Jennings	Lourey	Olson, M.	Rukavina	Vickerman
Bertram	Evans	Johnson, A.	Luther	Onnen	Sarna	Wagenius
Bettermann	Farrell	Johnson, R.	Lynch	Opatz	Seagren	Waltman
Bishop	Frerichs	Johnson, V.	Macklin	Orenstein	Sekhon	Weaver
Blatz	Garcia	Kahn	Mahon	Orfield	Simoneau	Wejcman
Brown, C.	Girard	Kalis	Mariani	Osthoff	Skoglund	Welle
Brown, K.	Goodno	Kelley	McCollum	Ostrom	Smith	Wenzel
Carlson	Greenfield	Kelso	McGuire	Ozment	Solberg	Winter
Carruthers	Greiling	Kinkel	Milbert	Pauly	Sparby	Wolf
Clark	Gruenes	Klinzing	Molnau	Pawlenty	Stanis	Worke
Commers	Gutknecht	Knickerbocker	Morrison	Pelowski	Steensma	Workman
Cooper	Hasskamp	Koppendraye	Mosel	Perlt	Sviggum	Spk. Long

The bill was passed and its title agreed to.

H. F. No. 298, A bill for an act relating to local government; creating the office of Anoka county coroner; appointing a physician as county coroner; appointing assistant coroners; designating deputy coroners; establishing the duties of the coroner.

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	Brown, K.	Erhardt	Hausman	Kelley	Lourey	Murphy
Anderson, I.	Carlson	Evans	Holsten	Kelso	Luther	Neary
Anderson, R.	Carruthers	Farrell	Hugoson	Kinkel	Lynch	Nelson
Asch	Clark	Frerichs	Huntley	Klinzing	Macklin	Ness
Battaglia	Commers	Garcia	Jacobs	Knickerbocker	Mahon	Olson, E.
Bauerly	Cooper	Girard	Jaros	Koppendraye	Mariani	Olson, K.
Beard	Dauner	Goodno	Jefferson	Krinkie	McCollum	Olson, M.
Bergson	Davids	Greenfield	Jennings	Krueger	McGuire	Onnen
Bertram	Dawkins	Greiling	Johnson, A.	Lasley	Milbert	Opatz
Bettermann	Dehler	Gruenes	Johnson, R.	Leppik	Molnau	Orenstein
Bishop	Delmont	Gutknecht	Johnson, V.	Lieder	Morrison	Orfield
Blatz	Dempsey	Hasskamp	Kahn	Limmer	Mosel	Osthoff
Brown, C.	Dorn	Haukoos	Kalis	Lindner	Munger	Ostrom

Ozment	Pugh	Rukavina	Smith	Swenson	Vellenga	Winter
Pauly	Reding	Sarna	Solberg	Tomassoni	Vickerman	Wolf
Pawlenty	Rest	Seagren	Sparby	Tompkins	Wagenius	Worke
Pelowski	Rhodes	Sekhon	Stanis	Trimble	Waltman	Workman
Perlt	Rice	Simoneau	Steensma	Tunheim	Welle	Spk. Long
Peterson	Rodosovich	Skoglund	Sviggum	Van Dellen	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 461, A bill for an act relating to local government; authorizing cities to offer rewards for information leading to the apprehension, arrest, or conviction of alleged felons; proposing coding for new law in Minnesota Statutes, chapter 471.

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	Dauner	Haukoos	Koppendraye	Mosel	Peterson	Swenson
Anderson, I.	Davids	Hausman	Krinkie	Munger	Pugh	Tomassoni
Anderson, R.	Dawkins	Holsten	Krueger	Murphy	Reding	Trimble
Asch	Dehler	Hugoson	Lasley	Neary	Rest	Tunheim
Battaglia	Delmont	Huntley	Leppik	Nelson	Rhodes	Van Dellen
Bauerly	Dempsey	Jacobs	Lieder	Ness	Rice	Vellenga
Beard	Dorn	Jaros	Limmer	Olson, E.	Rodosovich	Vickerman
Bergson	Erhardt	Jefferson	Lindner	Olson, K.	Rukavina	Wagenius
Bertram	Evans	Jennings	Lourey	Olson, M.	Sarna	Waltman
Bettermann	Farrell	Johnson, A.	Luther	Onnen	Seagren	Weaver
Bishop	Frerichs	Johnson, R.	Lynch	Opatz	Sekhon	Wejzman
Blatz	Garcia	Johnson, V.	Macklin	Orenstein	Simoneau	Welle
Brown, C.	Girard	Kahn	Mahon	Osthoft	Skoglund	Wenzel
Brown, K.	Goodno	Kalis	Mariani	Ostrom	Smith	Winter
Carlson	Greenfield	Kelley	McCollum	Ozment	Solberg	Wolf
Carruthers	Greiling	Kelso	McGuire	Pauly	Sparby	Worke
Clark	Gruenes	Kinkel	Milbert	Pawlenty	Stanis	Workman
Commers	Gutknecht	Klinzing	Molnau	Pelowski	Steensma	Spk. Long
Cooper	Hasskamp	Knickerbocker	Morrison	Perlt	Sviggum	

The bill was passed and its title agreed to.

H. F. No. 498, A bill for an act relating to St. Louis county; solid waste management; clarifying St. Louis county contracting authority to include management operations; modifying contracting procedure; amending Minnesota Statutes 1992, section 383C.807, 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	Davids	Hausman	Krinkie	Munger	Peterson	Swenson
Anderson, I.	Dawkins	Holsten	Krueger	Murphy	Pugh	Tomassoni
Anderson, R.	Dehler	Hugoson	Lasley	Neary	Reding	Tompkins
Asch	Delmont	Huntley	Leppik	Nelson	Rest	Trimble
Battaglia	Dempsey	Jacobs	Lieder	Ness	Rhodes	Tunheim
Bauerly	Dorn	Jaros	Limmer	Olson, E.	Rice	Van Dellen
Beard	Erhardt	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bergson	Evans	Jennings	Lourey	Olson, M.	Rukavina	Vickerman
Bertram	Farrell	Johnson, A.	Luther	Onnen	Sarna	Wagenius
Bettermann	Frerichs	Johnson, R.	Lynch	Opatz	Seagren	Waltman
Bishop	Garcia	Johnson, V.	Macklin	Orenstein	Sekhon	Weaver
Blatz	Girard	Kahn	Mahon	Orfield	Simoneau	Wejcmán
Brown, K.	Goodno	Kalis	Mariani	Osthoff	Skoglund	Welle
Carlson	Greenfield	Kelley	McCollum	Ostrom	Smith	Wenzel
Carruthers	Greiling	Kelso	McGuire	Ozment	Solberg	Winter
Clark	Gruenes	Kinkel	Milbert	Pauly	Sparby	Wolf
Commers	Gutknecht	Klinzing	Molnau	Pawlenty	Stanisus	Worke
Cooper	Hasskamp	Knickerbocker	Morrison	Pelowski	Steensma	Workman
Dauner	Haukoos	Koppendraye	Mosel	Perlt	Sviggum	Spk. Long

The bill was passed and its title agreed to.

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

#### 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 preceding General Orders for today, Thursday, March 18, 1993:

S. F. No. 12 and H. F. No. 585.

#### SPECIAL ORDERS

S. F. No. 12 was reported to the House.

Onnen moved to amend S. F. No. 12, as follows:

Delete everything after line 1 and insert:

"requesting that Congress allow each state the right to determine and impose appropriate sanctions upon the driving privileges of drug offenders within state boundaries.

*Whereas*, while drug abuse remains a national and state problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to this problem; and

*Whereas*, state officials are eminently more qualified to regulate and control the privilege of operating motor vehicles on roadways within their respective state jurisdictions; and

*Whereas*, the Tenth Amendment of the Constitution of the United States provides that: "The powers not designated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

*Whereas*, the State of Minnesota is concerned with drug abuse by its citizens and has enacted numerous laws and initiated programs aimed at reducing both the demand for and the supply of illegal drugs; and

*Whereas*, the State of Minnesota currently revokes the drivers' licenses of individuals driving a motor vehicle under the influence of drugs; and

*Whereas*, legislation which provides for the suspension of an individual's driver's license upon conviction of a drug-related offense has been introduced and is pending before the legislature, so that until further legislative action is taken on this measure the state legislature chooses to act immediately to prevent the loss of federal highway funds; and

*Whereas*, the revocation of a drug offender's license has not been shown to deter drug use; and

*Whereas*, Congress' actions to coerce states into passing ineffective laws are inappropriate; and

*Whereas*, Minnesota will continue to vigorously address the drug abuse problem in an effective and cost-efficient manner; *Now, Therefore*,

*Be It Resolved* by the Legislature of the State of Minnesota that:

(1) the Minnesota Legislature opposes enactment or enforcement in this state of a federally-mandated law relating to revocation, suspension, issuance, or reinstatement of drivers' licenses of convicted drug offenders as described in United States Code, title 23, section 104(a)(3)(a).

(2) Congress repeal United States Code, title 23, section 104(a)(2) and (3), and allow states the right to determine and impose appropriate sanctions upon driving privileges within state boundaries.

(3) this resolution is intended to satisfy the requirement under United States Code, title 23, section 104(a)(3)(b)(ii), which will protect the State of Minnesota from the loss of federal highway funds under United States Code, title 23, section 104(a)(3).

*Be It Further Resolved* that the Minnesota Legislature will continue its efforts in drug abuse education and enforcement programs that, based on Minnesota's experience, have a reasonable chance of actually reducing drug abuse.

*Be It Further Resolved* that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the Governor for conveyance to the United States Secretary of Transportation."

A roll call was requested and properly seconded.

The question was taken on the Onnen amendment and the roll was called. There were 48 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Holsten	Lynch	Onnen	Stanius	Waltman
Asch	Erhardt	Hugoson	Macklin	Ozment	Steensma	Weaver
Bettermann	Girard	Koppendrayner	Molnau	Pawlenty	Sviggum	Wenzel
Blatz	Goodno	Krinkie	Mosel	Reding	Swenson	Wolf
Clark	Gruenes	Leppik	Nelson	Rhodes	Tunheim	Worke
Commers	Gutknecht	Limmer	Ness	Seagren	Van Dellen	Workman
Dehler	Haukoos	Lindner	Olson, M.	Smith	Vickerman	

Those who voted in the negative were:

Anderson, I.	Cooper	Huntley	Klinzing	Milbert	Pauly	Skoglund
Anderson, R.	Dauner	Jacobs	Knickerbocker	Morrison	Pelowski	Solberg
Battaglia	Davids	Jaros	Krueger	Munger	Peterson	Sparby
Bauerly	Dawkins	Jennings	Lasley	Murphy	Pugh	Tomassoni
Beard	Dorn	Johnson, A.	Lieder	Neary	Rest	Trimble
Bergson	Evans	Johnson, R.	Lourey	Olson, E.	Rice	Vellenga
Bertram	Farrell	Johnson, V.	Luther	Olson, K.	Rodosovich	Wagenius
Bishop	Garcia	Kahn	Mahon	Orenstein	Rukavina	Wejcman
Brown, K.	Greenfield	Kalis	Mariani	Orfield	Sarna	Welle
Carlson	Greiling	Kelley	McCollum	Osthoff	Sekhon	Winter
Carruthers	Hausman	Kinkel	McGuire	Ostrom	Simoneau	Spk. Long

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

S. F. No. 12, A bill for an act expressing the legislature's opposition to federal legislation requiring suspension of licenses for individuals convicted of violations of the federal Controlled Substances Act.

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 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Davids	Hausman	Lasley	Neary	Reding	Tompkins
Anderson, I.	Dawkins	Holsten	Leppik	Nelson	Rest	Trimble
Anderson, R.	Dehler	Hugoson	Lieder	Ness	Rhodes	Tunheim
Battaglia	Dempsey	Huntley	Limmer	Olson, E.	Rice	Van Dellen
Bauerly	Dorn	Jacobs	Lourey	Olson, K.	Rukavina	Vellenga
Beard	Erhardt	Jaros	Luther	Olson, M.	Sarna	Vickerman
Bergson	Evans	Jennings	Lynch	Onnen	Seagren	Wagenius
Bertram	Farrell	Johnson, A.	Macklin	Opatz	Sekhon	Waltman
Bettermann	Frerichs	Johnson, R.	Mahon	Orenstein	Simoneau	Weaver
Bishop	Garcia	Johnson, V.	Mariani	Orfield	Skoglund	Wejcman
Blatz	Girard	Kahn	McCollum	Osthoff	Smith	Welle
Brown, C.	Goodno	Kalis	McGuire	Ostrom	Solberg	Wenzel
Brown, K.	Greenfield	Kelley	Milbert	Ozment	Sparby	Winter
Carlson	Greiling	Kinkel	Molnau	Pauly	Stanius	Wolf
Clark	Gruenes	Klinzing	Morrison	Pawlenty	Steensma	Worke
Commers	Gutknecht	Knickerbocker	Mosel	Pelowski	Sviggum	Workman
Cooper	Hasskamp	Koppendrayner	Munger	Peterson	Swenson	Spk. Long
Dauner	Haukoos	Krueger	Murphy	Pugh	Tomassoni	

Those who voted in the negative were:

Lindner

The bill was passed and its title agreed to.

H. F. No. 585 was reported to the House.

Clark moved to amend H. F. No. 585, the first engrossment, as follows:

Page 2, after line 3, insert "Sexual or affectional orientation' does not include a physical or sexual attachment to children by an adult."

The motion prevailed and the amendment was adopted.

Weaver and Abrams moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 6, after line 36, insert:

"Sec. 6. [363.021] [CONSTRUCTION OF LAW.]

Nothing in this chapter shall be construed to:

(1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle;

(2) authorize the promotion of homosexuality or bisexuality in education institutions or require the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle;

(3) authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this chapter; or

(4) authorize the recognition of or the right of marriage between persons of the same sex."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

Limmer moved to amend the Weaver and Abrams amendment to H. F. No. 585, the first engrossment, as amended, as follows:

Page 1, line 8, of the Weaver and Abrams amendment, after "authorize" insert "or permit"

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

The question recurred on the Weaver and Abrams amendment to H. F. No. 585, the first engrossment, as amended.

The motion prevailed and the amendment, as amended, was adopted.

Abrams and Weaver moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 6, line 30, delete everything after "facilities"

Page 6, delete line 31

Page 6, line 32, delete "established or maintained"

Page 6, line 35, delete "not substantially related" and insert "unrelated" and after "the" insert "religious and educational"

The motion prevailed and the amendment was adopted.

Abrams and Weaver moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 2, after line 16, insert:

"(3) A nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, and other youth organizations, with respect to qualifications of employees or volunteers based on sexual or affectional orientation;"

Page 2, line 17, strike "(3)" and insert "(4)"

Page 2, line 20, strike "(4)" and insert "(5)"

Page 2, line 25, strike "(5)" and insert "(6)"

Page 2, line 31, strike "(6)" and insert "(7)"

Page 2, line 36, strike "(7)" and insert "(8)"

Page 3, line 4, strike "(8)" and insert "(9)"

Page 6, after line 16, insert:

"Sec. 5. Minnesota Statutes 1992, section 363.02, subdivision 4, is amended to read:

Subd. 4. [PUBLIC ACCOMMODATIONS.] The provisions of section 363.03, subdivision 3, relating to sex, shall not apply to such facilities as restrooms, locker rooms, and other similar places. The provisions of section 363.03, subdivision 3, do not apply to employees or volunteers of a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, and other youth organizations, with respect to qualifications based on sexual or affectional orientation.

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Tompkins moved to amend the Abrams and Weaver amendment to H. F. No. 585, the first engrossment, as amended, as follows:

Page 1, line 9, of the Abrams and Weaver amendment, after "youth organizations" insert "or who will work directly with minors in any setting"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 38 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Girard	Kalis	Macklin	Pawlenty	Tompkins	Worke
Bettermann	Gutknecht	Knickerbocker	Molnau	Smith	Van Dellen	Workman
Commers	Haukoos	Koppendrayner	Olson, K.	Stanis	Waltman	
Davids	Holsten	Krinkie	Olson, M.	Steensma	Wenzel	
Dehler	Hugoson	Limmer	Onnen	Sviggum	Winter	
Dempsey	Johnson, V.	Lindner	Ozment	Swenson	Wolf	



Those who voted in the negative were:

Abrams	Clark	Gruenes	Lasley	Neary	Reding	Trimble
Anderson, I.	Cooper	Hausman	Leppik	Nelson	Rest	Vellenga
Asch	Dauner	Huntley	Lieder	Ness	Rhodes	Vickerman
Battaglia	Dawkins	Jacobs	Lourey	Olson, E.	Rice	Wagenius
Bauerly	Delmont	Jaros	Luther	Opatz	Rodosovich	Weaver
Beard	Dorn	Jefferson	Mahon	Orenstein	Rukavina	Wejzman
Bergson	Erhardt	Jennings	Mariani	Orfield	Sarna	Welle
Bertram	Evans	Johnson, A.	McCollum	Osthoff	Seagren	Spk. Long
Bishop	Farrell	Johnson, R.	McGuire	Ostrom	Sekhon	
Blatz	Frerichs	Kahn	Milbert	Pauly	Simoneau	
Brown, C.	Garcia	Kelley	Morrison	Pelowski	Skoglund	
Brown, K.	Goodno	Kinkel	Mosel	Perlt	Solberg	
Carlson	Greenfield	Klinzing	Munger	Peterson	Sparby	
Carruthers	Greiling	Krueger	Murphy	Pugh	Tomassoni	

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

The question recurred on the Abrams and Weaver amendment and the roll was called. There were 108 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abrams	Commers	Haukoos	Krueger	Munger	Pugh	Tomassoni
Anderson, I.	Cooper	Holsten	Lasley	Murphy	Reding	Tompkins
Anderson, R.	Dauner	Hugoson	Leppik	Ness	Rest	Van Dellen
Asch	Davids	Jacobs	Lieder	Olson, E.	Rhodes	Vickerman
Battaglia	Dehler	Jefferson	Limmer	Olson, K.	Rodosovich	Waltman
Bauerly	Dempsey	Jennings	Lindner	Olson, M.	Rukavina	Weaver
Beard	Dorn	Johnson, A.	Lourey	Onnen	Sarna	Welle
Bergson	Erhardt	Johnson, R.	Luther	Opatz	Seagren	Wenzel
Bertram	Evans	Johnson, V.	Lynch	Osthoff	Simoneau	Winter
Bettermann	Farrell	Kalis	Macklin	Ostrom	Smith	Wolf
Bishop	Frerichs	Kelley	Mahon	Ozment	Solberg	Worke
Blatz	Girard	Kinkel	McCollum	Pauly	Sparby	Workman
Brown, C.	Goodno	Klinzing	Milbert	Pawlenty	Stanius	
Brown, K.	Gruenes	Knickerbocker	Molnau	Pelowski	Steensma	
Carlson	Gutknecht	Koppendrayner	Morrison	Perlt	Sviggum	
Carruthers	Hasskamp	Krinkie	Mosel	Peterson	Swenson	

Those who voted in the negative were:

Clark	Greenfield	Huntley	Kahn	Neary	Orfield	Vellenga
Dawkins	Greiling	Jaros	Mariani	Orenstein	Trimble	Wagenius
Delmont	Hausman					

The motion prevailed and the amendment was adopted.

Weaver and Abrams moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 30, after line 18, insert:

"Sec. 18. [363.20] [CRIMINAL CODE; EFFECT.]

Nothing in this chapter alters the provisions of chapter 609 or other law relating to criminal penalties."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Leppik, Abrams, Rhodes and Morrison moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 4, line 36, strike "or"

Page 5, line 16, after "contract" insert "; or

(c) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation."

The motion prevailed and the amendment was adopted.

Tompkins moved to amend H. F. No. 585, the first engrossment, as amended, as follows:

Page 2, after line 35, insert:

"(7) The employment of any individual, with respect to qualifications based on sexual or affectional orientation, who will work directly with minors in any setting, including but not limited to education, child care, health care, or recreational activity."

Renumber the remaining clauses in the section

A roll call was requested and properly seconded.

The question was taken on the Tompkins amendment and the roll was called. There were 47 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Girard	Hugoson	Lindner	Ness	Stanis	Wenzel
Bettermann	Goodno	Johnson, V.	Lynch	Olson, M.	Steensma	Winter
Commers	Gruenes	Kalis	Macklin	Onnen	Sviggum	Wolf
Dauner	Gutknecht	Knickerbocker	Molnau	Ozment	Swenson	Worke
Dauids	Hasskamp	Koppendraye	Mosel	Pawlenty	Tompkins	Workman
Dehler	Haukoos	Krinkie	Murphy	Pelowski	Van Dellen	
Dempsey	Holsten	Limmer	Nelson	Seagren	Waltman	

Those who voted in the negative were:

Abrams	Bishop	Erhardt	Huntley	Kinkel	Mahon	Olson, E.
Anderson, I.	Blatz	Evans	Jacobs	Klinzing	Mariani	Opatz
Asch	Brown, C.	Farrell	Jaros	Krueger	McCollum	Orenstein
Battaglia	Brown, K.	Frerichs	Jefferson	Lasley	McGuire	Orfield
Bauerly	Carlson	Garcia	Jennings	Leppik	Milbert	Osthoff
Beard	Carruthers	Greenfield	Johnson, A.	Lieder	Morrison	Ostrom
Bergson	Clark	Greiling	Kahn	Lourey	Munger	Pauly
Bertram	Dawkins	Hausman	Kelley	Luther	Neary	Peterson

Pugh	Rice	Sekhon	Solberg	Trimble	Vickerman	Wejcman
Reding	Rodosovich	Simoneau	Sparby	Tunheim	Wagenius	Welle
Rest	Sarna	Skoglund	Tomassoni	Vellenga	Weaver	Spk. Long
Rhodes						

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

H. F. No. 585, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of sexual or affectional orientation; amending Minnesota Statutes 1992, sections 363.01, subdivision 23, and by adding a subdivision; 363.02, subdivisions 1, 2, 4, and by adding a subdivision; 363.03, subdivisions 1, 2, 3, 4, 5, 7, 8, and 8a; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 363.

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 78 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Jaros	Mahon	Orenstein	Rice	Vellenga
Asch	Dawkins	Jefferson	Mariani	Orfield	Rodosovich	Wagenius
Battaglia	Delmont	Jennings	McCollum	Osthoff	Rukavina	Weaver
Bauerly	Dorn	Johnson, A.	McGuire	Ostrom	Sarna	Wejcman
Beard	Erhardt	Kahn	Milbert	Pauly	Sekhon	Welle
Bergson	Evans	Kelley	Morrison	Pawlenty	Simoneau	Spk. Long
Bishop	Farrell	Klinzing	Mosel	Pelowski	Skoglund	
Blatz	Garcia	Lasley	Munger	Perlt	Solberg	
Brown, C.	Greenfield	Leppik	Murphy	Pugh	Sparby	
Brown, K.	Greiling	Lieder	Neary	Reding	Tomassoni	
Carlson	Hausman	Lourey	Olson, E.	Rest	Trimble	
Carruthers	Huntley	Luther	Olson, K.	Rhodes	Van Dellen	

Those who voted in the negative were:

Anderson, I.	Dehler	Haukoos	Knickerbocker	Molnau	Seagren	Vickerman
Anderson, R.	Dempsey	Holsten	Koppendrayner	Nelson	Smith	Waltman
Bertram	Frerichs	Hugoson	Krinkie	Ness	Stanis	Wenzel
Bettermann	Girard	Jacobs	Krueger	Olson, M.	Steensma	Winter
Commers	Goodno	Johnson, R.	Limner	Onnen	Svigum	Wolf
Cooper	Gruenes	Johnson, V.	Lindner	Opatz	Swenson	Worke
Dauner	Gutknecht	Kalis	Lynch	Ozment	Tompkins	Workman
Davids	Hasskamp	Kinkel	Macklin	Peterson	Tunheim	

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

## GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Kelso moved that the name of Hausman be added as an author on H. F. No. 107. The motion prevailed.

Jacobs moved that the name of Wenzel be added as an author on H. F. No. 312. The motion prevailed.

Simoneau moved that the name of Jacobs be added as an author on H. F. No. 467. The motion prevailed.

Brown, C., moved that the names of Winter, Sparby and Steensma be added as authors on H. F. No. 568. The motion prevailed.

Pelowski moved that the name of Frerichs be added as an author on H. F. No. 740. The motion prevailed.

Jaros moved that the name of Rodosovich be added as an author on H. F. No. 769. The motion prevailed.

Jacobs moved that the name of Pelowski be added as chief author on H. F. No. 824. The motion prevailed.

Mosel moved that the name of Ness be added as an author on H. F. No. 1060. The motion prevailed.

Anderson, R., moved that the name of Nelson be added as an author on H. F. No. 1064. The motion prevailed.

Munger moved that the name of Ozment be added as chief author on H. F. No. 1092. The motion prevailed.

Milbert moved that the name of Munger be stricken and the name of Battaglia be added as an author on H. F. No. 1114. The motion prevailed.

Sarna moved that the name of Knickerbocker be added as chief author on H. F. No. 1137. The motion prevailed.

Wenzel, Long, Sviggum, Kinkel and Bergson introduced:

House Resolution No. 4, A house resolution commemorating the service to Minnesota and the nation of the National Guard members killed and injured at Camp Ripley.

## SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that House Resolution No. 4 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 4

A house resolution commemorating the service to Minnesota and the nation of the National Guard members killed and injured at Camp Ripley.

*Whereas*, members of our country's armed services regularly accept risks to their personal safety in order to prepare for the work of defense; and

*Whereas*, we are grateful for their courage in facing these risks, and we mourn that any should be lost; and

*Whereas*, on March 13, 1992, five members of the Army National Guard lost their lives, and two were injured, in a tragic accident at Camp Ripley, Minnesota; and

*Whereas*, we mourn these dead:

Chief Warrant Officer 2 Mark H. Nelson of Bloomington, who enlisted in the North Dakota National Guard in 1980, served in the Minnesota Army National Guard since 1984, served as a pilot since 1988, and logged 750 hours of flight time;

Chief Warrant Officer 4 James A. Nichols of Apple Valley, who served as a pilot for 23 years, logged 2,600 hours of flight time, and was awarded the Army Aviation Badge, the Army Reserve Component Achievement Medal, the Armed Forces Reserve Medal, and the Army Service Ribbon;

Sergeant Larry D. Roalstad of Apple Valley, a veteran of the Navy Reserve who served as a mechanic in the Guard for six years, logged 50 hours of flight time, and earned the Army Service Ribbon, the Aircraft Crewman's Badge, the Non-Commissioned Officer Professional Development Ribbon, and the Minnesota Service Ribbon;

Chief Warrant Officer 2 Dale R. Schmidt of Mankato, who served in Colorado and Italy as an infantryman, entered the Guard in 1987, logged 1,400 hours of flight time, and received the Army Service Ribbon, the Army Achievement Medal, the Army Good Conduct Medal, the Overseas Service Ribbon, the Parachutist Badge, the Expert Infantry Badge, the Army Aviation Badge, and Non-Commissioned Officers Ribbon, and the Army Commendation Medal;

Sergeant James Teel of Eagan, who entered the Guard in 1984, logged 500 hours of flight time as a Utility Helicopter Crew Chief, and was awarded the Army Achievement Medal, the Army Service Ribbon, the Army Reserve Components Achievement Medal, the Minnesota Good Conduct Medal, and the Minnesota Service Ribbon; and

*Whereas*, we also stand ready to help the injured, John Millen of Eden Prairie and Roy Fhurong of Cottage Grove, and we pray for them and wish them a speedy recovery from their injuries; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it commends these National Guard members for their years of dedicated service to Minnesota and the nation, their courage, and their fidelity; and that we express our gratefulness to them for their exemplary loyalty and duty in their service to our state and country.

*Be It Further Resolved* that the House of Representatives expresses its condolences to the families of the dead and the injured and stands with them in their sorrow.

*Be It Further Resolved* that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and transmit them to the families of Roy D. Fhurong, James T. Millen, Mark H. Nelson, James A. Nichols, Larry D. Roalstad, Dale R. Schmidt, and James R. Teel.

Wenzel moved to amend House Resolution No. 4, as follows:

Page 1, line 11, delete "1992" and insert "1993"

The motion prevailed and the amendment was adopted.

Wenzel moved that House Resolution No. 4, as amended, be now adopted.

The question was taken on House Resolution No. 4, as amended, and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson	Farrell	Hugoson	Knickerbocker	McCollum	Olson, M.
Anderson, I.	Carruthers	Frerichs	Huntley	Krinkie	McGuire	Onnen
Anderson, R.	Clark	Garcia	Jaros	Krueger	Milbert	Opatz
Asch	Commers	Girard	Jefferson	Lasley	Molnau	Orenstein
Battaglia	Cooper	Goodno	Jennings	Leppik	Morrison	Orfield
Bauerly	Dauner	Greenfield	Johnson, A.	Lieder	Mosel	Osthoff
Beard	Dauids	Greiling	Johnson, R.	Lindner	Munger	Ostrom
Bergson	Dawkins	Gruenes	Johnson, V.	Lourey	Murphy	Ozment
Bertram	Delmont	Gutknecht	Kahn	Luther	Neary	Pauly
Bettermann	Dempsey	Hasskamp	Kalis	Lynch	Nelson	Pawlenty
Blatz	Dorn	Haukoos	Kelley	Macklin	Ness	Pelowski
Brown, C.	Erhardt	Hausman	Kinkel	Mahon	Olson, E.	Perlt
Brown, K.	Evans	Holsten	Klinzing	Mariani	Olson, K.	Peterson

Pugh	Rodosovich	Simoneau	Stanis	Trimble	Wagenius	Winter
Reding	Rukavina	Skoglund	Sviggum	Tunheim	Waltman	Wolf
Rest	Sarna	Smith	Swenson	Van Dellen	Weaver	Worke
Rhodes	Seagren	Solberg	Tomassoni	Vellenga	Wejzman	Spk. Long
Rice	Sekhon	Sparby	Tompkins	Vickerman	Wenzel	

The motion prevailed and House Resolution No. 4, as amended, was adopted.

Dawkins moved that H. F. No. 1057 be recalled from the Committee on Taxes and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Rest moved that H. F. No. 1189 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Taxes. The motion prevailed.

Brown, C., moved that H. F. No. 1206 be recalled from the Committee on Commerce and Economic Development and be re-referred to the Committee on Judiciary. The motion prevailed.

#### NOTICE PURSUANT TO RULE 1.16

Pursuant to Rule 1.16, Sviggum gave notice that he is requesting the return to the House of H. F. No. 27 from the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 22, 1993. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 22, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives