

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

THIRTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 5, 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 Father Jeff Ethen, St. William Catholic Church, Parkers Prairie, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Rice was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Klinzing 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.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

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

REPORTS OF STANDING COMMITTEES

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 7, A bill for an act relating to ambulance service personnel; establishing an ambulance service personnel longevity award and incentive program; imposing a driver's license surcharge; appropriating money; amending Minnesota Statutes 1992, section 171.06, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 144C.

Reported the same back with the following amendments:

Page 1, line 25, after "(a)" insert "Unless paragraph (c) applies,"

Page 2, after line 23, insert:

"(c) The commissioner of employee relations shall review the options within state government for the most appropriate administration of pension plans or similar arrangements for emergency service personnel and recommend to the governor the most appropriate future pension plan or nonpension plan administrative arrangement for this chapter. If the governor concurs in the recommendation, the governor shall transfer the future administrative responsibilities relating to this chapter to that administrative agency."

Page 4, line 15, delete everything after the first "the" and insert "appropriation under section 144C.11"

Page 4, line 16, delete "under section 171.06, subdivision 2c"

Page 4, line 34, delete "contributions" and insert "contribution"

Page 4, line 36, delete everything after "Minnesota" and insert "is the appropriation under section 144C.11."

Page 5, delete line 1

Page 5, line 8, after the period insert "Amounts necessary to pay the ambulance service personnel longevity award are appropriated from the ambulance service personnel longevity award and incentive trust account to the commissioner of health."

Page 5, after line 20, insert:

"Subd. 3. [ADMINISTRATION EXPENSES.] The amount necessary to pay the expenses of administering the ambulance service longevity award and incentive program is appropriated from the trust account established under section 144C.03 to the commissioner of health. This appropriation may not exceed three percent of the annual appropriation under section 144C.11."

Page 6, line 1, delete everything after "and" and insert "that year's appropriation under section 144C.11, after deduction of administrative expenses, also must be allocated."

Page 6, delete line 2

Page 6, delete lines 13 to 16, and insert:

"(c) The appropriation under section 144C.11, after deduction of administrative expenses, must"

Page 7, line 24, delete "finance" and insert "health"

Page 8, line 13, after "kind" insert ", except as provided in section 518.58, 518.581, or 518.611"

Page 8, line 24, after "commissioner" insert "of health"

Page 8, delete section 11 and insert:

"Sec. 11. [144C.11] [ANNUAL APPROPRIATION.]

Annually, on September 1, \$1,560,000 is appropriated from the general fund to the ambulance service personnel longevity award and incentive trust account."

Page 9, line 2, before "APPROPRIATION" insert "FISCAL YEAR 1994"

Page 9, delete lines 3 to 17, and insert:

"Subdivision 1. \$40,000 is appropriated from the ambulance service personnel longevity award and incentive trust account to the commissioner of health to administer the ambulance service personnel longevity award and incentive program for fiscal year 1994."

Subd. 2. \$45,000 is appropriated from the ambulance service personnel longevity award and incentive trust account to the commissioner of health to redesign and consolidate the volunteer ambulance attendant reimbursement database, to establish the database for the personnel longevity award and incentive program, and to purchase computer equipment for fiscal year 1994."

Page 9, delete lines 19 to 21, and insert:

"Sections 1 to 4; 5, subdivisions 1 and 2; and 6, 7, 9, and 10 are effective July 1, 1993. Sections 5, subdivision 3; and 8 are effective July 1, 1994. Sections 11 and 12 are effective September 1, 1993."

Amend the title as follows:

Page 1, line 4, delete "imposing a driver's license"

Page 1, line 5, delete "surcharge;" and delete "amending Minnesota"

Page 1, delete line 6

Page 1, line 7, delete "subdivision;"

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.

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

H. F. No. 18, A bill for an act relating to government data practices; providing that a record of conviction of certain crimes and other determinations disqualify an individual from obtaining certain human services licenses; amending Minnesota Statutes 1992, section 245A.04, subdivision 3b.

Reported the same back with the following amendments:

Page 3, delete line 5

Page 3, line 7, delete everything before "neglect"

Page 3, line 8, after "child" insert ", or a gross misdemeanor offense of malicious punishment of a child"

Page 3, line 17, after "degrees" insert ", as set forth in sections 609.2661 to 609.2263" and before "soliciting" insert "a felony offense of malicious punishment of a child."

Page 3, line 23, delete the first "or" and insert "possession of pictorial representations of a minor as prohibited by section 617.247."

Page 4, line 4, delete "paragraph (b)."

Page 4, line 9, delete "paragraph (c)."

Page 4, after line 26, insert:

"Section 1 is effective the day after final enactment."

Page 4, line 27, delete "(b)" and insert "(c)"

Page 4, line 27, after "(1)" insert ", except in the case of conviction for neglect or endangerment of a child"

Page 5, delete lines 4 and 5, and insert:

"(3) who himself or herself, an individual residing in the license holder's home, or an employee of the license holder."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 55, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Laws 1977, chapter 61, section 6, as amended by Laws 1981, chapter 68, section 39, is amended to read:

Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]

Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient to pay the greater of either (a) an amount which when added to the investment income of the trust fund is sufficient to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the trust fund; or (b) an amount equal to the level annual dollar amount sufficient to amortize the unfunded actuarial accrued liability of the trust fund by December 31, ~~1991~~ 1998, as determined by a qualified actuary in accordance with Minnesota Statutes, Sections 69.77, 356.215 and 356.216, ~~in the latest actuarial valuation.~~ The city of Eveleth may, at its cost, utilize the services of the actuary retained by the legislative commission on pensions and retirement to determine the trust unfunded actuarial accrued liability and amortization requirement.

The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund."

Page 1, line 15, delete "1" and insert "2"

Renumber the subsequent sections

Amend the title as follows:

Page 1, line 4, before the period insert "; amending Laws 1977, chapter 61, section 6, as amended"

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

The report was adopted.

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

H. F. No. 87, A bill for an act relating to transportation; allowing provision of telephone caller identification service for certain commercial carriers of passengers; proposing coding for new law in Minnesota Statutes, chapter 237.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [237.74] [CLASS SERVICE.]

Subdivision 1. [DEFINITION.] For purposes of this section, "CLASS" or "custom local area signaling service" means a custom calling telephone service that is enabled through the installation or use of Signaling System 7 and that allows a person answering a telephone call to view, retrieve, retain, or in any way have access to the telephone number, name, or any other information relating to the telephone from which the call is placed.

Subd. 2. [CLASS; TERMS AND CONDITIONS.] By January 1, 1994, the commission shall determine the terms and conditions under which CLASS services may be provided by telephone companies in this state.

Subd. 3. [CLASS; CAPABILITY AND OFFERING OF SERVICE.] Each telephone company that provides local telephone service to persons located in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington shall obtain the capability to offer CLASS services by January 1, 1995, unless the commission approves an extension to a date certain."

Amend the title as follows:

Page 1, line 2, delete "transportation" and insert "utilities"

Page 1, line 3, delete everything after "service"

Page 1, line 4, delete everything before the semicolon

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. 94, A bill for an act relating to motor vehicles; exempting certain manufacturers of snowmobile trailers from being required to have a dealer's license to transport the trailers; amending Minnesota Statutes 1992, section 168.27, subdivision 22.

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

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 157, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees police and fire fund by two employees of the city of Minneapolis.

Reported the same back with the following amendments:

Page 3, line 22, delete "(a)"

Page 3, line 34, delete "city council" and insert "park and recreation board"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 270, A bill for an act relating to the city of St. Paul; authorizing payment of a refund to the estate of a certain deceased firefighter.

Reported the same back with the following amendments:

Page 1, line 7, before "personal" insert "applicable"

Page 1, line 8, after "association" insert "or the St. Paul fire department consolidation account, whichever applies,"

Page 1, line 9, after "contributions" insert "and interest, as specified in Minnesota Statutes, section 423A.18, paragraph (b),"

Page 1, line 9, delete "estate" and insert "estates" and delete "a member" and insert "members" and after "who" insert "(1)"

Page 1, line 10, after "years" insert "; and (2) died on June 1, 1987, at the age of 60 years"

Page 1, line 12, delete "this instance" and insert "these instances"

Amend the title as follows:

Page 1, line 3, delete "a refund" and insert "refunds" and delete "estate" and insert "estates" and delete the second "a"

Page 1, line 4, delete "firefighter" and insert "firefighters"

With the recommendation that when so amended 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. 277, A bill for an act relating to agriculture; directing the commissioner of agriculture to promote farming of cervidae and maintain a data base on research and information; declaring farmed cervidae to be livestock and raising farmed cervidae to be an agricultural pursuit; prohibiting owners from allowing farmed cervidae to run at large; prescribing conditions for slaughter and sale of farmed cervidae as meat, fencing requirements, disease

inspection, importation, and transportation requirements; requiring identification; prescribing conditions for farming cervidae; defining cervidae farming as agricultural production for purposes of sales tax; defining fencing for purposes of sales tax; amending Minnesota Statutes 1992, sections 17A.03, subdivision 5; 31.51, subdivision 9; 31A.02, subdivisions 4 and 10; 31B.02, subdivision 4; 35.821, subdivision 4; and 297A.01, subdivisions 13 and 15; proposing coding for new law in Minnesota Statutes, chapter 17.

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. 281, A bill for an act relating to agriculture; board of animal health; regulating the imposition and collection of civil penalties; appropriating money; amending Minnesota Statutes 1992, section 35.95, subdivisions 1 and 5.

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

The report was adopted.

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

H. F. No. 316, A bill for an act relating to natural resources; requiring that iron mines and production facilities be maintained in salable operating condition; proposing coding for new law in Minnesota Statutes, chapter 93.

Reported the same back with the following amendments:

Page 1, line 17, after the period insert:

"The commissioner of natural resources may by administrative rule define "salable operating condition" for the purposes of this section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Education to which was referred:

H. F. No. 381, A bill for an act relating to education; revising the mailing requirement for notices of referendum revenue authorization elections; amending Minnesota Statutes 1992, section 124A.03, subdivision 2.

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

The report was adopted.

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

H. F. No. 403, A bill for an act relating to transportation; providing procedures for design, approval, and construction of light rail transit; establishing corridor management committee; providing for resolution of disputes; changing membership and responsibilities of the light rail transit joint powers board; amending Minnesota Statutes 1992, sections 174.32, subdivision 2; 473.167, subdivision 1; 473.373, subdivision 4a; 473.399, subdivision 1; 473.3993; 473.3994, subdivisions 2, 3, 4, 5, 7, and by adding subdivisions; 473.3996; 473.3997; 473.3998; 473.4051; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1992, sections 473.399, subdivisions 2 and 3; 473.3991; 473.3994, subdivision 6; Laws 1991, chapter 291, article 4, section 20.

Reported the same back with the following amendments:

Page 6, line 13, strike "proposer" and insert "commissioner of transportation"

Page 12, line 23, strike "shall"

Page 12, line 24, before "prepare" insert "may"

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. 472, A bill for an act relating to game and fish; authorizing free deer permits for certain landowners or tenants; amending Minnesota Statutes 1992, section 97A.441, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, before the period insert "on the owner's or tenant's land"

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.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 531, A bill for an act relating to housing; requiring owner to furnish a tenant with a copy of a written lease; requiring disclosure of contract for deed cancellation or mortgage foreclosure sale; requiring disclosure of inspection and condemnation orders; modifying procedure for tenant file disclosure by tenant screening services; modifying low-income housing; providing penalties; amending Minnesota Statutes 1992, sections 504.22, subdivision 2; 504.29, by adding a subdivision; 504.30, subdivisions 1 and 4; 504.33, subdivision 5; 504.34, subdivisions 1 and 2; and 566.18, subdivisions 2 and 7; Laws 1989, chapter 328, article 2, section 17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504; repealing Laws 1989, chapter 328, article 2, sections 18 and 19.

Reported the same back with the following amendments:

Page 2, line 3, delete "An owner shall" and insert "In"

Page 2, line 4, delete "not begin" and delete "the" and insert "a written"

Page 2, line 5, after the first comma insert "disturbing the peace,"

Page 2, line 6, delete everything after the comma and insert "the owner's failure to comply with subdivision 2 is a prima facie defense which may be overcome by evidence that the tenant had actual knowledge of the term or terms of the lease upon which any legal action is based."

Page 2, delete lines 7 and 8

Page 2, delete section 3

Page 4, line 7, delete everything after "hours" and insert "after the time allowed to complete the repairs, including any extension of the deadline, has expired,"

Page 4, delete line 8

Page 9, line 19, delete "13 and 14" and insert "12 and 13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "requiring"

Page 1, delete line 4

Page 1, line 5, delete "mortgage foreclosure sale;"

Page 1, line 10, delete "504.22, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Reding from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 619, A bill for an act relating to insurance; automobile; authorizing reparation obligors to offer medical expense benefits through managed care plans; requiring appropriate premium reductions; prohibiting discrimination in automobile policies; amending Minnesota Statutes 1992, sections 65B.49, subdivision 2; and 72A.20, subdivisions 22 and 23; proposing coding for new law in Minnesota Statutes, chapter 65B.

Reported the same back with the following amendments:

Page 1, line 14, after "provide" insert a comma

Page 2, line 4, after "through" insert "a health plan as defined in section 62A.011, subdivision 3, using"

Page 2, line 5, delete "or"

Page 2, line 7, delete the period and insert a semicolon

Page 2, after line 7, insert:

"(4) the comprehensive health association through a preferred provider network under section 62E.101; or

(5) a self-insured employer through a plan substantially similar to a plan described in clauses (1) to (4), as determined by the commissioner."

Page 3, delete section 4 and insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective January 1, 1994, and apply to all plans of reparation security issued or renewed on or after that date."

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "automobile policies;"

Page 1, line 8, delete "subdivisions" and insert "subdivision" and delete "and 23"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rest from the Committee on Taxes to which was referred:

H. F. No. 671; A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of city's and town's efforts to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

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. 763, A bill for an act relating to game and fish; providing a definition and authorizing fish in the defined condition to be brought into the state; providing a penalty; requiring notice; amending Minnesota Statutes 1992, sections 97A.015, by adding a subdivision; and 97A.531.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 97A.015, is amended by adding a subdivision to read:

Subd. 26a. [IN-THE-ROUND.] "In-the-round" means fish with heads, tails, fins, skins, and scales intact.

Sec. 2. Minnesota Statutes 1992, section 97A.531, is amended to read:

97A.531 [SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.]

Subdivision 1. [SHIPPING COUPONS.] (a) A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken.

(b) The commissioner of natural resources may suspend the requirement of a Minnesota angling license to transport Canadian fish whenever Canadian laws imposing fees and work permits on nonresident anglers and guides are repealed.

Subd. 2. [CONDITION OF FISH.] Fish that are lawfully taken and possessed in Canada may must be brought into the state in-the-round for filleting and packing and may be transported within the state or out of the state only by a resident or nonresident possessing a Minnesota angling license. A violation of this subdivision is a misdemeanor, and in addition to any criminal penalty imposed, fish brought into or transported within the state contrary to this subdivision must be confiscated, and a penalty of \$10 for each fish must be imposed.

Subd. 3. [NOTICE.] Any advertisement of fishing resorts or facilities in Canada in printed or broadcast form originating or distributed within the state must contain a summary of the requirement of subdivision 2, and penalty for noncompliance.

Subd. 4. [CONDITIONS SUSPENDED.] The commissioner of natural resources may suspend the requirement of transporting fish "in the round" when brought into Minnesota from Canada whenever Canadian laws imposing fees and work permits on nonresident anglers and guides are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; required license to take and condition of fish brought into the state from Canada; authorizing suspension of requirements upon action by Canadian authorities; amending Minnesota Statutes 1992, sections 97A.015, by adding a subdivision; and 97A.531."

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. 801, A bill for an act relating to traffic regulations; requiring operating procedures for hand-held traffic radar; amending Minnesota Statutes 1992, section 169.14, by adding a subdivision.

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

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 819, A bill for an act relating to public employment; permitting interest arbitration on retired public employee group insurance coverage for units of essential employees; amending Minnesota Statutes 1992, section 179A.16, subdivision 9.

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

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 834, 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.

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

The report was adopted.

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

H. F. No. 835, A bill for an act relating to economic development; providing for concentrated area action plans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116].

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. 859, A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge significant contributions and sell incidental advertising; amending Minnesota Statutes 1992, section 84.027, 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.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 864, A bill for an act relating to waters; inspection of watercraft for exotic harmful species; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a, and by adding a subdivision; and 296.421, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] Licensed watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other water-transmitted exotic harmful species identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 30,000 hours of random inspections shall be conducted per year.

Sec. 2. Minnesota Statutes 1992, section 18.317, is amended by adding a subdivision to read:

Subd. 6. [CIVIL PENALTY.] In addition to any criminal penalty for a violation of subdivision 1, 1a, or 3, the court may on its own motion, or shall on request of the commissioner of natural resources, impose a civil penalty of not less than \$100 nor more than \$2,000, dependent on the quantity of the ecologically harmful exotic species transported or placed into waters of the state. Penalties imposed under this subdivision shall be deposited in the aquatic nuisance species account in the special revenue fund and used for the stated purposes of that account.

Sec. 3. [84.962] [CIVIL CITATIONS AND PENALTIES.]

Subdivision 1. [AUTHORITY TO ISSUE.] Conservation officers, peace officers, and other staff designated by the commissioner may issue citations to persons who:

(1) unlawfully transport ecologically harmful exotic species on a public road; or

(2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state.

Subd. 2. [PENALTY AMOUNT.] (a) The citation must impose the following penalty amounts:

- (1) \$50 for transporting Eurasian water milfoil on a public road for each location;
- (2) \$150 for transporting zebra mussels on a public road;
- (3) \$300 for transporting live ruffe or live rusty crayfish on a public road;
- (4) \$1,000 for attempting to launch or launching a watercraft with Eurasian water milfoil or visible adult zebra mussels attached into noninfested waters;
- (5) \$100 for operating a watercraft in a marked limited infestation of Eurasian water milfoil other than as provided by law;
- (6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or
- (7) \$150 for launching or attempting to launch a watercraft with Eurasian water milfoil or visible zebra mussels into infested waters.

(b) For purposes of this subdivision, location means:

- (1) the exterior of the watercraft below the gunwales including all portions of the watercraft, propulsion system, swim platform, and any other portion of the watercraft existing on the outside of the boat;
- (2) any surface of a watercraft trailer;
- (3) any surface of a watercraft interior of the gunwales;
- (4) any water container including live wells, minnow buckets, or coolers which hold water; or
- (5) any other area where Eurasian water milfoil is found not previously described in clauses (1) to (4).

Subd. 3. [PAYMENT OF PENALTY.] If not appealed under subdivision 4, civil penalties are payable to the commissioner no later than 30 days after issuance. Fines collected under this section will be deposited in the aquatic nuisance species account established in section 296.421, subdivision 4b.

Subd. 4. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 5. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 18.317.

Subd. 6. [CUMULATIVE REMEDY.] The authority of conservation officers to issue field citations is in addition to other remedies available under law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 4. Minnesota Statutes 1992, section 296.421, is amended by adding a subdivision to read:

Subd. 4b. [AQUATIC NUISANCE SPECIES ACCOUNT.] One-half of one percent of the gas tax shall be paid into the state treasury and credited to an aquatic nuisance species account in the special revenue fund for control, public awareness, law enforcement, monitoring, and research on nuisance exotic aquatic species in public waters.

Sec. 5. [CHEMICAL TREATMENT FEE.]

Notwithstanding any law or rule of the commissioner of natural resources, beginning January 1, 1994, the fee for a permit for chemical treatment of rooted aquatic vegetation shall be \$20 or less for each contiguous parcel of shoreline owned by an owner. This fee shall not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs."

Delete the title and insert:

"A bill for an act relating to waters; inspection of watercraft for exotic harmful species; gasoline tax distribution; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a, and by adding a subdivision; and 296.421, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84."

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.

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

H. F. No. 892, A bill for an act relating to the environment; regulating toxic air emissions; increasing reporting requirements; establishing a toxic air contaminant program; providing for rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 115D.07; 115D.08, subdivision 1; 299K.08, subdivision 2; and 438.08; proposing coding for new law in Minnesota Statutes, chapter 115D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 115D.07, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT TO PREPARE AND MAINTAIN A PLAN.] (a) Persons who operate a facility required by United States Code, title 42, section 11023, or section 299K.08, subdivision 3, to submit a toxic chemical release form shall prepare a toxic pollution prevention plan for that facility. The plan must contain the information listed in subdivision 2.

(b) Except for facilities that release less than a total of 10,000 pounds of toxic pollutants annually, the plan must be completed as follows:

(1) on or before July 1, 1991, for facilities having a two-digit standard industrial classification of 35 to 39;

(2) by January 1, 1992, for facilities having a two-digit standard industrial classification of 28 to 34; and

(3) by January 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 01 to 50;

(4) by July 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 51 to 99; and

(5) by July 1, 1992, for all other persons required to prepare a plan under this subdivision.

(c) Except for facilities that release less than a total of 10,000 pounds of toxic pollutants annually, the plan must be completed for facilities that become subject to this subdivision after July 1, 1993, by six months after the first submittal for the facility under United States Code, title 42, section 11023, or section 299K.08, subdivision 3.

(d) Facilities that release less than a total of 10,000 pounds of toxic pollutants annually must complete their plans by July 1, 1992.

~~(d)~~ (e) Each plan must be updated every two years and must be maintained at the facility to which it pertains.

Sec. 2. Minnesota Statutes 1992, section 115D.07, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF PLAN.] (a) Each toxic pollution prevention plan must establish a program identifying the specific technically and economically practicable steps that could be taken during at least the three years following the date the plan is due, to eliminate or reduce the generation or release of toxic pollutants reported by the facility. Toxic pollutants resulting solely from research and development activities need not be included in the plan.

(b) At a minimum, each plan must include:

(1) the total quantity of each toxic pollutant brought into the facility during the preceding year in an amount subject to reporting under United States Code, title 42, section 11023;

(2) a policy statement articulating upper management support for eliminating or reducing the generation or release of toxic pollutants at the facility;

(3) a description of the current processes generating or releasing toxic pollutants that specifically describes the types, sources, and quantities of toxic pollutants currently being generated or released by the facility;

(4) a description of the current and past practices used to eliminate or reduce the generation or release of toxic pollutants at the facility and an evaluation of the effectiveness of these practices;

(5) an assessment of technically and economically practicable options available to eliminate or reduce the generation or release of toxic pollutants at the facility, including options such as changing the raw materials, operating techniques, equipment and technology, personnel training, and other practices used at the facility. The assessment may include a cost benefit analysis of the available options;

(6) a statement of objectives based on the assessment in clause (5) and a schedule for achieving those objectives. Wherever technically and economically practicable, the objectives for eliminating or reducing the generation or release of each toxic pollutant at the facility must be expressed in numeric terms. Otherwise, the objectives must include a clearly stated list of actions designed to lead to the establishment of numeric objectives as soon as practicable;

(7) an explanation of the rationale for each objective established for the facility;

(8) a listing of options that were considered not to be economically and technically practicable; and

(9) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting to the accuracy of the information in the plan.

Sec. 3. Minnesota Statutes 1992, section 115D.08, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT TO SUBMIT PROGRESS REPORT.] (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual progress report to the commissioner that may be drafted in a manner that does not disclose proprietary information. Progress reports are due on October 1 of each year. The first progress reports are due in 1992.

(b) At a minimum, each progress report must include:

(1) the total quantity of each toxic pollutant brought into the facility during the reporting period in an amount subject to reporting under United States Code, title 42, section 11023;

(2) a summary of each objective established in the plan including the schedule for meeting the objective;

(3) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of each toxic pollutant eliminated or reduced;

(4) a statement of the methods through which elimination or reduction has been achieved;

(4) (5) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) (6) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 115D.07 has been prepared and also attesting to the accuracy of the information in the progress report.

(c) The commissioner shall provide the information in paragraph (b), clause (1), to the emergency response commission, which shall include the information in the annual toxic release inventory report.

Sec. 4. Minnesota Statutes 1992, section 115D.10, is amended to read:

115D.10 [TOXIC POLLUTION PREVENTION EVALUATION REPORT.]

The director, in cooperation with the commissioner and commission, shall report to the environment and natural resources committees of the legislature ~~annually~~ on progress being made in achieving the objectives of sections 115D.01 to 115D.12. The report must be submitted by December 15 of each odd-numbered year, beginning in 1992.

Sec. 5. Minnesota Statutes 1992, section 115D.12, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) Persons required by United States Code, title 42, section 11023, to submit a toxic chemical release form to the commission, and owners or operators of facilities listed in section 299K.08, subdivision 3, shall pay a pollution prevention fee of \$150 for each toxic pollutant reported released plus a fee based on the total pounds of toxic pollutants reported as released from each facility. Facilities reporting less than 25,000 pounds annually of toxic pollutants released per facility shall be assessed a fee of \$500. Facilities reporting annual releases of toxic pollutants in excess of 25,000 pounds shall be assessed a graduated fee at the rate of two cents per pound of toxic pollutants reported.

(b) Persons who generate more than 1,000 kilograms of hazardous waste per month but who are not subject to the fee under paragraph (a) must pay a pollution prevention fee of \$500 per facility. Hazardous waste as used in this paragraph has the meaning given it in section 116.06, subdivision 11, and Minnesota Rules, chapter 7045.

(c) Fees required under this subdivision must be paid to the director by January 1 of each year. The fees shall be deposited in the state treasury and credited to the environmental fund.

Sec. 6. [115D.14] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 6 to 8, the terms defined in this section have the meanings given.

Subd. 2. [AGENCY.] "Agency" means the pollution control agency.

Subd. 3. [INTEGRITY OF AQUATIC OR TERRESTRIAL ECOSYSTEMS.] "Integrity of aquatic or terrestrial ecosystems" means the maintenance of mutually beneficial species of plants and animals and of other natural characteristics so that the biological viability of the ecosystem is assured.

Subd. 4. [POLLUTION PREVENTION.] "Pollution prevention" has the meaning given in section 115D.03, subdivision 8.

Subd. 5. [REDUCTION.] "Reduction" has the meaning given in section 115D.03, subdivision 9.

Subd. 6. [TOXIC AIR CONTAMINANT.] "Toxic air contaminant" means an air contaminant that may cause or contribute to an increase in mortality or an increase in a chronic or acute illness, or which may pose a present or potential hazard to human health or the integrity of aquatic or terrestrial ecosystems.

Sec. 7. [115D.15] [TOXIC AIR CONTAMINANT PROGRAM.]

Subdivision 1. [IDENTIFY AND EVALUATE.] By January 1, 1994, the agency shall by rule identify toxic air contaminants.

Subd. 2. [HEALTH-BASED STANDARDS.] By January 1, 1995, the agency shall by rule establish health-based standards to control emissions into the ambient air of toxic air contaminants that are known or suspected to be carcinogenic, teratogenic, mutagenic, or otherwise toxic or injurious to humans.

Subd. 3. [ENVIRONMENTAL IMPACTS.] By January 1, 1995, the agency shall by rule establish standards to control emissions of toxic air contaminants that may endanger animals, fish, or plants or otherwise pose a significant threat to the integrity of the aquatic or terrestrial ecosystem.

Sec. 8. [115D.18] [REPORTS TO THE LEGISLATURE.]

Subdivision 1. [INITIAL REPORT.] By January 1, 1995, the agency must submit to the environment and natural resources committees of the legislature a report that includes:

(1) a five-year regulatory strategy to protect the public health and the environment from emissions of toxic air contaminants; and

(2) a list prioritizing and categorizing facilities emitting toxic air contaminants.

Subd. 2. [CONTINUING REPORTS.] Beginning January 1, 1997, and every two years thereafter, the agency shall submit to the legislative committees with jurisdiction over environment and natural resource issues a report that provides an update of the following:

(1) an analysis of the achievements, shortfalls, and resource needs of the agency's toxic air contaminant program;

(2) an analysis of the data collected from the agency's statewide monitoring and inventory program under section 116.454;

(3) an analysis of reductions in emissions of toxic air contaminants; and

(4) an updated list prioritizing and categorizing facilities emitting toxic air contaminants.

Sec. 9. Minnesota Statutes 1992, section 299K.08, is amended by adding a subdivision to read:

Subd. 3. [TOXIC CHEMICAL RELEASE REPORTING.] In addition to facilities specified in the federal act, the following facilities shall comply with the toxic chemical release reporting requirements of section 11023 of the federal act: facilities having a two-digit standard industrial classification of 10 to 14, 40, 42, 44 to 46, or 49; a three-digit standard industrial classification of 172, 505, 507, 508, 515, 517, 721, 806, 807, 822, or 824; or a four-digit standard industrial classification of 0782, 5191, 5198, 7342, 7384, 7389, 7532, 7623, 8734, or 9223.

Sec. 10. Minnesota Statutes 1992, section 438.08, is amended to read:

438.08 [MUNICIPALITIES TO FIGHT FIRES OUTSIDE OF LIMITS.]

The council or any other body of any municipality having control of its fire department may by resolution adopted by a five-sevenths vote authorize its fire department, or any portion thereof, to attend and serve at fires or hazardous waste releases outside of the limits of the municipality either within or without the state. In case the fire department is controlled by an individual this authorization shall be by written notice posted at the headquarters of the fire department. For purposes of this section, "hazardous waste" and "release" have the meanings given in section 115B.02, subdivisions 9 and 15.

Sec. 11. [RAILROAD TRACK EVALUATION.]

Subdivision 1. [LIST OF POTENTIAL HAZARDS.] The commissioner of public safety, in conjunction with the commissioner of transportation, shall establish a list of railroad track segments that constitute potential safety hazards, based on a derailment frequency analysis, site-specific operational and environmental characteristics, and any other concerns of the commissioners.

Subd. 2. [REPORT REQUIRED.] By February 1, 1994, the commissioners in subdivision 1 shall submit to the appropriate legislative committees a report that contains the list prepared under subdivision 1 and describes appropriate actions for the state to take to mitigate or eliminate the potential hazards and a schedule for taking these actions.

Sec. 12. [PROGRESS REPORT ON HEALTH-BASED STANDARDS.]

By January 1, 1994, the commissioner of the pollution control agency shall report to the legislative committees on environment and natural resources on the progress of rulemaking under section 7, subdivision 2.

Sec. 13. [APPROPRIATION.]

\$..... is appropriated from the environmental fund to the commissioner of the pollution control agency for the purposes of this act."

Delete the title and insert:

"A bill for an act relating to pollution; regulating toxic air emissions; appropriating money; amending Minnesota Statutes 1992, sections 115D.07, subdivisions 1 and 2; 115D.08, subdivision 1; 115D.10; 115D.12, subdivision 2; 299K.08, by adding a subdivision; and 438.08; proposing coding for new law in Minnesota Statutes, chapter 115D."

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.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 936, A bill for an act relating to the department of jobs and training; changing its name to the department of economic security.

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. 945, A bill for an act relating to occupations and professions; modifying the membership of the board of nursing; requiring a certain examination for licensure of graduates from nursing programs in other countries; modifying requirements for a temporary permit; adding grounds for disciplinary action; amending Minnesota Statutes 1992, sections 148.181, subdivisions 1 and 3; 148.211, subdivision 1; 148.212; and 148.261, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 6, after the period, insert "One of the eight must have national certification as a registered nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist." and delete "Five" and insert "Four"

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. 969, A bill for an act relating to transportation; adopting federal motor carrier safety regulations; defining terms; making technical changes; allowing 45-foot buses to be operated in the state; exempting drivers of lightweight vehicles from driver qualification rules; requiring information on bills of lading and other motor carrier documents; imposing penalties; amending Minnesota Statutes 1992, sections 168.011, subdivision 36; 168.1281, subdivision 3; 169.81, subdivision 2; 221.011, by adding subdivisions; 221.031, subdivisions 2, 2a, 2b, 3, 3a, 3b, 3c, 5, and 6; 221.0313, subdivision 1; 221.033, subdivisions 2 and 2a; 221.035, subdivision 2; 221.036, subdivisions 1 and 3; 221.172; 221.81, subdivision 3e; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Laws 1992, chapter 568, section 1; and 578, section 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 168.011, subdivision 36, is amended to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] "Personal transportation service vehicle" is a passenger vehicle that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision ~~33~~ 34.

Sec. 2. Minnesota Statutes 1992, section 168.1281, subdivision 3, is amended to read:

Subd. 3. [NOTIFICATION OF CANCELLATION.] The commissioner shall immediately notify the commissioner of transportation if the policy of a person required to have a permit under section ~~221.091~~ 221.85 is canceled or no longer provides the coverage required by subdivision 2.

Sec. 3. Minnesota Statutes 1992, section 169.81, subdivision 2, is amended to read:

Subd. 2. [LENGTH OF SINGLE VEHICLE.] (a) No single unit motor vehicle, except mobile cranes which may not exceed 48 feet and buses which may not exceed 45 feet, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except that a single semitrailer may have an overall length in excess of 48 feet but not greater than 53 feet if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet. No single trailer may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first trailer.

The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner may renew a permit that was granted before April 16, 1984, for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

Sec. 4. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 42. [LIGHTWEIGHT VEHICLE.] "Lightweight vehicle" means a vehicle with a gross vehicle weight of 10,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Sec. 5. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 43. [PETROLEUM TRANSPORT.] "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Sec. 6. Minnesota Statutes 1992, section 221.031, subdivision 1, is amended to read:

Subdivision 1. [POWERS, DUTIES, REPORTS, LIMITATIONS.] (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

(e) A motor carrier having gross revenues from for-hire transportation in a calendar year of less than \$50,000 ~~\$200,000~~ may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead of ~~filing the report~~ the motor carrier files an affidavit abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed ~~\$50,000~~ \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.

(f) The commissioner shall enforce sections 169.781 to 169.783.

(g) The commissioner shall make no rules relating to the granting, limiting, or modifying of permits or certificates of convenience and necessity, which are powers granted to the board.

(h) The board may extend the termini of a route or alter or change the route of a regular route common carrier upon petition and after finding that public convenience and necessity require an extension, alteration, or change.

Sec. 7. Minnesota Statutes 1992, section 221.031, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS FOR PRIVATE CARRIERS.] This subdivision applies to private carriers engaged in intrastate commerce.

(a) Private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds shall comply with rules adopted under ~~this~~:

(1) section 221.0314, subdivisions 2 to 5 for driver qualifications;

- (2) section 221.0314, subdivision 9 for hours of service of drivers; ~~safe operation~~
- (3) section 221.0314, subdivision 6 for ~~driving of motor vehicles; equipment,~~
- (4) section 221.0314, subdivision 7 for parts, and accessories ~~necessary for safe operation;~~
- (5) section 221.0314, subdivision 10 for ~~inspection, repair, and maintenance; and~~
- (6) this section for leasing of vehicles or vehicles and drivers; ~~and inspection, repair, and maintenance.~~

Private carriers not subject to the rules ~~of the commissioner~~ for driver qualifications on before August 1, 1992, must comply with those rules on and after August 1, 1994.

(b) The rules for hours of service of drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308A; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(c) The rules for driver qualifications and hours of service of drivers do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products, farm machinery, or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

(d) The rules for driver qualifications do not apply to a driver employed by a private carrier while operating a lightweight vehicle.

Sec. 8. Minnesota Statutes 1992, section 221.031, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURAL EXEMPTIONS.] (a) Notwithstanding the provisions of subdivision 2, private carriers engaged in intrastate commerce and operating vehicles transporting agricultural and other farm products within an area having a 50-mile radius from the business location of the private carrier must comply only with the ~~commissioner's~~ rules for driver qualifications; ~~safe operation~~ driving of motor vehicles; and ~~equipment, parts, and accessories~~ necessary for safe operation, except as provided in paragraphs (b) and (c).

(b) A rear-end dump truck or other rear-unloading truck while being used for hauling agricultural and other farm products from a place of production or on-farm storage site to a place of processing or storage, is not subject to any rule of the commissioner requiring rear-end protection, including a federal regulation adopted by reference.

(c) A private carrier operating a commercial motor vehicle as defined in section 169.781, subdivision 1, must comply with sections 169.781 to 169.783.

Sec. 9. Minnesota Statutes 1992, section 221.031, subdivision 2b, is amended to read:

Subd. 2b. [OTHER EXEMPTIONS.] From August 1, 1992, to August 1, 1994, the rules ~~of the commissioner~~ for hours of service ~~for~~ of drivers do not apply to a person exclusively engaged in the transportation of asphalt cement, cementitious material, fly ash, or sod, construction debris, and solid waste when transported by a transfer driver, when the transportation is provided within a radius of 100 miles from (1) the person's home post office, or (2) a highway construction or maintenance site where the asphalt cement, cementitious material, fly ash, or sod is being used.

Sec. 10. Minnesota Statutes 1992, section 221.031, subdivision 3, is amended to read:

Subd. 3. [VEHICLES OVER 10,000 POUNDS NOT EXEMPT.] (a) This subdivision applies to persons engaged in intrastate commerce who operate vehicles providing transportation described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (f), (j), (l), or (m), must comply with the rules ~~of the commissioner~~ for ~~safe operation~~ driving of motor vehicles and for ~~equipment, parts, and accessories~~ necessary for safe operation.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (f), (j), (l), or (m), must comply with the rules of the commissioner for safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation; and, after August 1, 1994, the rules of the commissioner for driver qualifications.

Sec. 11. Minnesota Statutes 1992, section 221.031, subdivision 3a, is amended to read:

Subd. 3a. [CONTRACTORS OR RECIPIENTS OF TRANSPORTATION ASSISTANCE.] Notwithstanding subdivision 3, providers of passenger transportation service under contract to and with operating assistance from the department or the regional transit board must comply with rules of the commissioner for driver qualifications; safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation; hours of service of drivers; inspection, repair, and maintenance; and the rules adopted in section 221.0314, subdivision 8, for accident reporting.

This subdivision does not apply to (1) a local transit commission, (2) a transit authority created by the legislature, (3) special transportation service certified by the commissioner under section 174.30, or (4) special transportation service defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle defined in section 169.01, subdivision 3a.

Sec. 12. Minnesota Statutes 1992, section 221.031, subdivision 3b, is amended to read:

Subd. 3b. [PASSENGER TRANSPORTATION; EXEMPTIONS.] (a) A person who transports passengers for hire in intrastate commerce, who is not made subject to the commissioner's rules by any other provision of this adopted in section 221.0314 by any other provision of this section, must comply with the commissioner's rules on maximum for hours of service for of drivers while transporting employees of an employer who is directly or indirectly paying the cost of the transportation.

(b) This subdivision does not apply to:

(1) a local transit commission;

(2) a transit authority created by law; or

(3) persons providing transportation:

(i) in a school bus as defined in section 169.01, subdivision 6;

(ii) in a commuter van;

(iii) in an authorized emergency vehicle as defined in section 169.01, subdivision 5;

(iv) in special transportation service certified by the commissioner under section 174.30;

(v) that is special transportation service as defined in section 174.29, subdivision 1, when provided by a volunteer driver operating a private passenger vehicle as defined in section 169.01, subdivision 3a;

(vi) in a limousine the service of which is licensed by the commissioner under section 221.84; or

(vii) in a taxicab, if the fare for the transportation is determined by a meter inside the taxicab that measures the distance traveled and displays the fare accumulated.

Sec. 13. Minnesota Statutes 1992, section 221.031, subdivision 3c, is amended to read:

Subd. 3c. [SOLID WASTE TRANSPORTERS NOT EXEMPT.] Persons providing transportation described in section 221.025, clause (b), must comply with the rules of the commissioner for driver qualifications after August 1, 1994; hours of service of drivers; safe operation driving of motor vehicles; equipment, parts, and accessories necessary for safe operation; and inspection, repair, and maintenance. A local government unit, as defined in section 115A.03, subdivision 17, shall not enact or enforce laws, ordinances, or regulations for the operation of solid waste transporters that are inconsistent with the rules of the commissioner adopted in section 221.0314.

Sec. 14. Minnesota Statutes 1992, section 221.031, subdivision 5, is amended to read:

Subd. 5. [DEPARTMENT INVESTIGATES.] The department shall investigate the operation of carriers subject to the rules ~~of the commissioner under this~~ adopted in section 221.0314, their compliance with rules of the department and board and with the provisions of chapter 221, and may institute and prosecute actions and proceedings in the proper district court for enforcement of those rules.

Sec. 15. Minnesota Statutes 1992, section 221.031, subdivision 6, is amended to read:

Subd. 6. [VEHICLE IDENTIFICATION RULE.] (a) The following carriers shall display the carrier's name and address on the power unit of each vehicle:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds ~~or more~~; and
- (3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds ~~or more~~ except those providing transportation described in section 221.025, clauses (a), (c), and (d).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle and the community and abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based. If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Sec. 16. Minnesota Statutes 1992, section 221.0313, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE; INTENT; EXEMPTION.] (a) The purpose of this section is to adopt federal regulations governing testing for controlled substances.

(b) The legislature intends that the adopted federal regulations be applied:

(1) to persons who provide intrastate transportation, who are subject to the rules ~~of the commissioner~~ adopted in section 221.0314, subdivisions 2 to 5 for driver qualifications, and who operate commercial motor vehicles, as defined in Code of Federal Regulations, title 49, section 391.85; and

(2) in the same manner that the federal regulations apply to interstate transportation.

(c) Intrastate carriers who are required to comply with the adopted federal regulations are exempt from the requirements of sections 181.950 to 181.957. This exemption applies only to the testing of drivers.

Sec. 17. [221.0314] [FEDERAL SAFETY REGULATIONS; ADOPTION.]

Subdivision 1. [APPLICABILITY.] (a) Intrastate motor carriers, private carriers, and persons providing intrastate transportation described in section 221.025, must comply with the rules incorporated in this section to the extent required by section 221.031. Every carrier and its officers, agents, representatives, and employees responsible for managing, maintaining, equipping, operating, or driving motor vehicles, or hiring, supervising, training, assigning, or dispatching drivers, must be instructed in and comply with the rules incorporated in this section and shall require that its agents, representatives, drivers, and employees comply.

(b) In the rules incorporated in subdivisions 2 to 11:

(1) the term "motor carrier" means a carrier required to comply with this section by section 221.031;

(2) a reference to a federal agency or office means the Minnesota department of transportation; and

(3) a reference to a federal administrative officer means the commissioner of the Minnesota department of transportation.

Subd. 2. [QUALIFICATIONS OF DRIVERS.] Code of Federal Regulations, title 49, part 391 and appendixes C, D, and E, are incorporated by reference except for sections 391.1; 391.2; 391.11, paragraph (b)(1); 391.47; 391.49, paragraphs (b) to (1); 391.51, paragraphs (f) and (g); 391.67; 391.69; 391.71; and those sections incorporated in section 221.0313, subdivision 4. In addition, the cross references to Code of Federal Regulations, title 49, section 391.62, 391.67, or 391.71 or to part 391, subpart G, found in Code of Federal Regulations, title 49, sections 391.11, paragraphs (a) and (b); 391.21, paragraph (a); 391.23, paragraph (a); 391.25; 391.27, paragraph (a); 391.31, paragraph (a); 391.35, paragraph (a); 391.41, paragraph (a); and 391.45, are not incorporated by reference.

Subd. 3. [WAIVER FOR PHYSICAL DEFECTS.] A person who is not physically qualified to drive under subdivision 2 but who meets the other qualifications under subdivision 2, may drive a motor vehicle if the commissioner grants a waiver to that person. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), according to rules adopted under section 221.031. The commissioner may grant a waiver to a person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13) for medical conditions for which waiver programs have been established by the United States Department of Transportation. The commissioner shall require the same information and follow the same procedure as the United States Department of Transportation in granting the waivers.

Subd. 4. [AGE REQUIREMENT FOR DRIVERS.] Drivers of vehicles engaged in intrastate transportation and subject to subdivision 2 must be at least 18 years of age. Drivers of vehicles subject to section 221.033, must be at least 21 years of age, except as provided in that section.

Subd. 5. [LOCATION OF DRIVER QUALIFICATION FILES.] A carrier subject to subdivision 2 must keep each driver's qualification file at the carrier's principal place of business for as long as a driver is employed by that carrier and for three years after the driver leaves employment. Upon written request to and with the written approval of the commissioner, a carrier may retain driver qualification files at a regional or terminal office.

Subd. 6. [DRIVING OF MOTOR VEHICLES.] Code of Federal Regulations, title 49, part 392, is incorporated by reference, except that sections 392.1, 392.2, and 392.30, paragraph (a), of that part, are not incorporated.

Subd. 7. [PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION.] Code of Federal Regulations, title 49, part 393, is incorporated by reference, except that sections 393.1, 393.3, and 393.5 of that part are not incorporated. In addition, despite the first paragraph of Code of Federal Regulations, title 49, section 393.95, a lightweight vehicle must carry a fire extinguisher meeting the requirements in Code of Federal Regulations, title 49, section 393.95.

Subd. 8. [ACCIDENTS BY CARRIERS.] The definitions of "accident," "disabling damage," and "fatality" in Code of Federal Regulations, title 49, sections 390.5 and 390.15, are incorporated by reference.

Subd. 9. [HOURS OF SERVICE OF DRIVERS.] Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that sections 395.3, paragraphs (d) to (f); 395.8, paragraphs (k)(2) and (l)(2); and 395.13, of that part are not incorporated. In addition, the cross reference to paragraph (e) in Code of Federal Regulations, title 49, section 395.3, paragraph (a), is not incorporated by reference. The requirements of Code of Federal Regulations, title 49, sections 395.3, paragraphs (a) and (b); and 395.8, paragraphs (a) to (k), do not apply to lightweight vehicles.

Subd. 10. [INSPECTION, REPAIR, AND MAINTENANCE.] Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.1, 396.9, and 396.17 to 396.25 of that part are not incorporated.

Subd. 11. [TRANSPORTING HAZARDOUS MATERIALS; DRIVING AND PARKING.] A person who transports hazardous materials shall comply with this section and rules adopted under section 221.031 when that person is transporting a hazardous material, hazardous waste, or hazardous substance that must be marked or placarded in accordance with Code of Federal Regulations, title 49, section 172.504, incorporated by reference in section 221.033. Code of Federal Regulations, title 49, part 397, is incorporated by reference, except that sections 397.1 to 397.3 of that part are not incorporated. A petroleum transport driver shall not park on a public street adjacent to a bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble, except when necessary to unload.

Sec. 18. Minnesota Statutes 1992, section 221.033, subdivision 2, is amended to read:

Subd. 2. [EXEMPTION FOR FARMERS.] (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the rules adopted in section 221.0314, subdivisions 2 to 5, for driver qualification rules of the commissioner qualifications or with the shipping paper requirements of the Code of Federal Regulations, title 49, sections 172.200 and 177.817 or with section 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500-gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 10,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Sec. 19. Minnesota Statutes 1992, section 221.033, subdivision 2a, is amended to read:

Subd. 2a. [AGRICULTURALLY RELATED EXEMPTION.] (a) This subdivision applies to persons engaged in intrastate commerce.

(b) Fertilizer and agricultural chemical retailers or their employees are exempt from the rule ~~of the commissioner~~ in section 221.0314, subdivision 4, requiring that drivers must be at least 21 years of age when:

(1) the retailer or its employee is transporting fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location; and

(2) the driver employed by the retailer is at least 18 years of age.

(c) A fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the rule ~~of the commissioner~~ adopting in Code of Federal Regulations, title 49, section 395.3, paragraph (b), relating to hours of service of drivers, and section 395.8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals between April 1 and July 1 of each year when:

(1) the transportation is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business;

(2) the fertilizer or agricultural chemicals are for use on the farm to which they are transported; and

(3) the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.

Sec. 20. Minnesota Statutes 1992, section 221.035, subdivision 2, is amended to read:

Subd. 2. [OPERATION REQUIREMENTS.] A vehicle operated under a license issued under this section must be operated in compliance with the rules ~~of the commissioner~~ adopted under this chapter governing in section 221.0314: (1) subdivisions 2 to 5 for driver qualifications; safe operation (2) subdivision 6 for driving of motor vehicles; equipment; (3) subdivision 7 for parts, and accessories necessary for safe operation; (4) subdivision 10 for inspection, repair, and maintenance; and (5) subdivision 9 for hours of service of drivers.

Sec. 21. Minnesota Statutes 1992, section 221.036, subdivision 1, is amended to read:

Subdivision 1. [ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) section 221.041, subdivision 3; (3) section 221.081; (4) section 221.151; (5) section 221.171; (6) section 221.141; (7) section 221.035, a material term or condition of a license issued under that section; or ~~a rule or order~~ rules of the board or commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 22. Minnesota Statutes 1992, section 221.036, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.035, and rules adopted under that section, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- (3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;
- (4) the economic benefit gained by the person by allowing or committing the violation; and
- (5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

Sec. 23. Minnesota Statutes 1992, section 221.172, is amended to read:

221.172 [SHIPPING DOCUMENTS.]

Subdivision 1. [HAZARDOUS MATERIAL BILL OF LADING.] A person who transports a hazardous material by motor vehicle shall conform to the requirements of Code of Federal Regulations, title 49, with respect to shipping documents.

Subd. 2. [HAZARDOUS WASTE MANIFEST.] A person who transports a hazardous waste by motor vehicle shall carry in the vehicle a hazardous waste manifest which conforms to the requirements of Minnesota Rules, chapter 7045.

Subd. 3. [SHIPPING RECORD FOR PROPERTY.] A motor carrier with a certificate or permit that authorizes the transportation of property, except livestock, shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

- (1) names of the consignor and consignee;
- (2) date of shipment;
- (3) origin and destination points;
- (4) number of packages;
- (5) description of the freight;
- (6) weight, volume, or measurement of the freight, if applicable to the rating of the freight;

(7) exact rate or rates assessed;

(8) total charges due, including the nature and amount of any charges for special service and the points at which that service was rendered;

(9) route of movement and name of each carrier participating in the transportation; and

(10) transfer point or points through which the shipment moved.

Subd. 4. [TRUCKLOAD SHIPPING RECORD.] In addition to the items listed in subdivision 3, if the transportation is provided under a class II-T permit or is a shipment of truckload freight, a record must include the word "truckload" or must prominently display the letters "II-T" and must show the name of the driver or drivers who transported the shipment, the pickup and delivery times, and the license plate number or unit number of the power unit and trailer used to transport the shipment.

Subd. 5. [TEMPERATURE-CONTROLLED COMMODITY SHIPPING RECORD.] In addition to the items listed in subdivision 3, if the transportation is provided under a temperature-controlled commodities permit, a record must include the words "temperature-controlled commodities" or must prominently display the letters "TCC" and must give a brief statement of the reasons for protecting the commodity from heat or cold.

Subd. 6. [COURIER SERVICES SHIPPING RECORD.] (a) A courier services carrier shall keep a record of each shipment transported. A record may consist of one or more documents, including a bill of lading, freight bill, manifest, delivery receipt, or other document. If it consists of more than one document, the documents constituting a shipment record must be available for inspection together. A record must show the:

(1) names of the consignor and consignee;

(2) date of shipment;

(3) origin and destination points;

(4) number of packages;

(5) weight, volume, or measurement of the freight, if applicable to the rating of the freight;

(6) exact rate or rates assessed; and

(7) total charges due, including the nature and amount of any charges for special service and the points at which that service was rendered.

(b) In addition to the items listed in paragraph (a), if the transportation is expedited delivery, a record also must show the:

(1) license plate number or unit number of the vehicle used to transport the shipment;

(2) time of the shipper's initial request for service; and

(3) pickup and delivery times.

(c) In addition to the items listed in paragraph (a), if the transportation is overnight small package delivery, a record also must show the:

(1) license plate number or unit number of the vehicle used to transport the shipment at the point of delivery; and

(2) weight of each package or article of a shipment.

Subd. 7. [CHARTER TRANSPORTATION RECORD.] A charter carrier and a regular route common carrier with incidental charter operating authority shall keep a record of transportation it provides under a charter carrier permit or a certificate. A charter record may consist of one or more documents. If it consists of more than one document, the documents constituting a charter record must be available for inspection together. A charter record must show the:

- (1) name of the carrier;
- (2) names of the payor and organization, if any, for which charter transportation is performed;
- (3) date or dates the transportation was performed;
- (4) origin, destination, and general routing of the trip;
- (5) identification and seating capacity of each vehicle requested or used;
- (6) number of persons transported;
- (7) mileage upon which charges are based, including any deadhead mileage, separately noted;
- (8) applicable rates per mile, hour, day, or other unit;
- (9) itemized charges for the transportation, including special services and fees; and
- (10) total charges assessed and collected.

A charter carrier must use the same method of computing its rates in billing for charter or special passenger services as that shown in its tariff on file with the commissioner.

Subd. 8. [RETAINED THREE YEARS.] A shipping document or record described in subdivisions 2 to 7, or a copy of it, must be retained by the carrier for at least three years from the date on the shipping document or record. A carrier may keep a shipping record described in subdivisions 3 to 7 by any technology that prevents the alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy. A carrier shall keep a shipping record in a manner that will make it readily accessible and shall have a means of identifying and producing a legible paper copy for inspection by the commissioner upon request.

Sec. 24. [221.602] [INTERSTATE CARRIER REGISTRATION.]

Subdivision 1. [PROCEDURE; NONEXEMPT CARRIERS.] A motor carrier subject to the jurisdiction of the Interstate Commerce Commission under United States Code, title 49, chapter 105, subchapter II, with its principal place of business in Minnesota or that designates Minnesota as its base state, may transport persons or property for hire in Minnesota only if it first complies with the insurance and registration regulations adopted by the Interstate Commerce Commission under United States Code, title 49, section 11506. The registration fee is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 221.65. A motor carrier shall pay a service charge of 45 cents for each registration receipt issued in addition to the fee required by this subdivision.

Subd. 2. [PROCEDURE; EXEMPT CARRIERS.] (a) A motor carrier that is exempt from the jurisdiction of the Interstate Commerce Commission under the Interstate Commerce Act, United States Code, title 49, may transport persons or property for hire in interstate commerce in Minnesota only if it first:

- (1) complies with section 221.141;
 - (2) registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and
 - (3) pays the fee required in subdivision 1.
- (b) A motor carrier that complies with subdivision 1 is not also required to comply with this subdivision.

Subd. 3. [REGISTRATION PERIOD.] The registration period is that provided by the Interstate Commerce Commission in rules adopted under United States Code, title 49, section 11506.

Subd. 4. [RECEIPT.] On compliance with subdivision 1 or 2, the commissioner shall issue a receipt showing that the motor carrier has complied with the regulations applicable to it. Proof of registration must be kept in each of the carrier's vehicles.

Sec. 25. Minnesota Statutes 1992, section 221.81, subdivision 3e, is amended to read:

Subd. 3e. [SAFETY RULES.] (a) A building mover must comply with the rules ~~of the commissioner adopted in section 221.0314:~~ (1) subdivision 6 for safe operation driving of motor vehicles; equipment, (2) subdivision 7 for parts, and accessories necessary for the safe operation, except as provided in paragraph (b); (3) subdivision 10 for inspection, repair, and maintenance; (4) subdivision 8 for accident reporting; and, (5) on and after August 1, 1994, subdivisions 2 to 5 for driver qualifications.

(b) A towed vehicle, other than a full trailer, pole trailer, or semitrailer, as those terms are defined in Code of Federal Regulations, title 49, section 390.5, used by a building mover to move a building on a highway is not required to comply with rules ~~of the commissioner for equipment, parts, and accessories~~ necessary for safe operation.

Sec. 26. [REPEALER.]

Laws 1992, chapters 568, section 1; and 578, section 15, are repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 4 to 14, 17 to 22, and 24 to 26, are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; adopting federal motor carrier safety regulations; allowing small motor carriers to file abbreviated annual reports; providing for registration of interstate motor carriers; defining terms; allowing 45-foot buses to be operated in the state; exempting drivers of lightweight vehicles from driver qualification rules; requiring information on shipping documents and other motor carrier records; making technical changes; imposing penalties; amending Minnesota Statutes 1992, sections 168.011, subdivision 36; 168.1281, subdivision 3; 169.81, subdivision 2; 221.011, by adding subdivisions; 221.031, subdivisions 1, 2, 2a, 2b, 3, 3a, 3b, 3c, 5, and 6; 221.0313, subdivision 1; 221.033, subdivisions 2 and 2a; 221.035, subdivision 2; 221.036, subdivisions 1 and 3; 221.172; 221.81, subdivision 3e; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Laws 1992, chapters 568, section 1; and 578, section 15."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 972, A bill for an act relating to retirement; volunteer firefighters' relief associations; increasing service pension maximums; establishing a fire state aid maximum apportionment; providing penalties for noncompliance with service pension maximums; specifying duties for the state auditor; ratifying certain prior nonconforming lump sum service pension payments; continuing certain nonconforming lump sum service pension amounts in force; modifying certain investment performance calculations; modifying certain local volunteer firefighters relief association provisions; amending Minnesota Statutes 1992, sections 11A.04; 356.218, subdivisions 2 and 3; 424A.001, by adding subdivisions; 424A.01, by adding a subdivision; and 424A.02, subdivisions 1, 3, and by adding subdivisions; Laws 1971, chapter 140, section 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 424A.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 to 3

Page 6, line 22, after "firefighter" insert "for the applicable specified period"

Page 6, after line 25, insert:

"(1) for service pensions payable before January 1, 1994"

Page 8, after line 3, insert:

"1820 3375

any amount more than 1820 3375

(2) in addition to the service pension maximum under clause (1), for service pensions payable after December 31, 1993, and before January 1, 1995"

Page 8, after line 9, insert:

"any amount more than 1888 3500

(3) in addition to the service pension maximum under clauses (1) and (2), for service pensions payable after December 31, 1994, and before January 1, 1996"

Page 8, after line 12, insert:

"any amount more than 2023 3750

(4) in addition to the service pension maximum under clauses (1), (2), and (3), for service pensions payable after December 31, 1995"

Page 8, delete lines 34 to 36 and insert:

"(g) No relief association is authorized to provide a service pension in an amount greater than \$30 per month per year of service credit or in an amount greater than \$3,375 lump sum per year of service credit before January 1, 1994, \$3,500 lump sum per year of service credit before January 1, 1995, \$3,750 lump sum per year of service credit before January 1, 1996, and \$4,000 lump sum per year of service credit after December 31, 1995, even if the minimum average amount of available financing per firefighter for a relief association providing a monthly benefit service pension is greater than \$2,240, or for a relief association providing a lump sum service pension, is greater than \$1,753 before January 1, 1994, \$1,888 before January 1, 1995, \$2,023 before January 1, 1996, or \$2,158 after December 31, 1995."

Page 9, delete lines 1 to 5

Page 10, delete section 7

Page 11, line 9, delete "8" and insert "4"

Renumber the sections in article 1 in sequence

Amend the title as follows:

Page 1, line 14, delete "424A.001, by adding"

Page 1, line 15, delete everything before "and"

Page 1, line 18, delete everything after "amended"

Page 1, line 19, delete "Statutes, chapter 424A"

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. 978, A bill for an act relating to motor carriers; defining exempt carriers to include certain tow trucks; amending Minnesota Statutes 1992, section 221.025.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 169.01, subdivision 52, is amended to read:

Subd. 52. [TOW TRUCK OR TOWING VEHICLE.] "Tow truck" or "towing vehicle" means a motor vehicle having a manufacturer's gross vehicle weight rating of 8,000 pounds or more, equipped with a crane and winch, or an attached device used exclusively to transport vehicles, and further equipped to control the movement of the towed or transported vehicle."

Page 1, line 6, delete "Section 1." and insert "Sec. 2."

Page 1, line 23, delete "carrying" and insert "equipped with"

Page 1, line 25, delete "illegally" and insert "vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order"

Page 2, delete line 1

Page 2, line 2, delete the new language

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections 169.01, subdivision 52; and"

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. 988, A bill for an act relating to game and fish; allowing the taking of two deer in designated counties; amending Minnesota Statutes 1992, section 97B.301, subdivisions 2, 4, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 15, delete "Lake of the"

Page 1, line 16, delete "Woods," and delete "Pennington,"

Page 1, lines 21 and 22, delete the new language and insert "(a)"

Page 2, after line 3, insert:

"(b) Rules adopted under this subdivision do not apply to a person who takes two deer under subdivision 2a."

Sec. 4. [REPEALER.]

Section 2 is repealed March 1, 1995."

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. 1001, A bill for an act relating to motor vehicles; requiring license plates to stay with motor carrier on prorated truck; changing the registration period for prorated vehicles; excepting prorated vehicles from renewal notice requirements; making owner-operator subject to suspension of plates and international fuel tax agreement license for certain delinquent filings or payments; amending Minnesota Statutes 1992, sections 168.09, subdivisions 3 and 5; 168.12, subdivision 1; and 168.187, subdivision 26.

Reported the same back with the following amendments:

Page 4, after line 29, insert:

"Sec. 5. Minnesota Statutes 1992, section 168.31, subdivision 4a, is amended to read:

Subd. 4a. [INSTALLMENTS.] If the tax for a vehicle assessed under section 168.187 amounts to more than \$400, the owner may pay the tax by installments. The owner shall submit with the application for registration, no later than January 1 ~~or the registration year~~, one-third of the Minnesota annual tax due or \$400, whichever is greater. The applicant shall furnish a bond, bank letter of credit, or certificate of deposit approved by the registrar of motor vehicles, for the total of the tax still due. The amount of the bond, letter of credit, or certificate of deposit may include any penalties assessed. The bond, letter of credit, or certificate of deposit must be for the benefit of the state for monetary loss caused by failure of the vehicle owner to pay delinquent license fees and penalties. The remainder of the tax due must be paid in two equal installments; the due date of the first installment is May 1 and the second installment is due on September 1. If an owner of a vehicle fails to pay an installment on or before the due date, the vehicle must not be used on the public streets or highways in this state until the installment or installments of the tax remaining due on the vehicle has been paid in full for the licensed year, together with a penalty at the rate of \$1 per day for the remainder of the month in which the balance of the tax becomes due and \$4 a month for each succeeding month or fraction of it during which the balance of the tax remains unpaid. The registrar shall deny installment payment privileges provided in this subdivision in the subsequent year to any owner on any or all vehicles of an owner who during the current year fails to pay any installment and penalties due within one month after the due date.

Sec. 6. Minnesota Statutes 1992, section 169.64, is amended by adding a subdivision to read:

Subd. 9. [WARNING LAMPS ON VEHICLES COLLECTING SOLID WASTE.] A vehicle used to collect solid waste may be equipped with a single amber gaseous discharge warning lamp that meets the Society of Automotive Engineers standard I 1318, Class 2. The lamp shall be operated only when the collection vehicle is in the process of collecting solid waste and is either:

- (1) stopped at or by a residence, business, or other establishment where solid waste is located to be collected; or
- (2) traveling at a speed that is at least ten miles per hour below the posted speed limit and moving between establishments where solid waste is located to be collected.

The lamp may not be lighted when the solid waste collection vehicle is moving at a speed equal to the posted speed limit."

Amend the title as follows:

Page 1, line 9, after the semicolon insert "allowing use of warning light on solid waste collector vehicle; making technical change;"

Page 1, line 11, delete "and" and before the period insert "; 168.31, subdivision 4a; and 169.64, by adding a subdivision"

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. 1024, A bill for an act relating to employment; permitting a study of the feasibility of establishing a uniform business identifier; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [UNIFORM BUSINESS IDENTIFIER STUDY.]

A study of establishing a uniform business identifier process for all firms doing business with and within the state of Minnesota shall be undertaken by the department of jobs and training. The current registration process requires each business to deal with multiple agencies, provide redundant information to each and, in general, creates an undue administrative burden on Minnesota businesses.

Each agency also produces data that are not easily transferred among state agencies, which in turn results in businesses being asked for the same information from a number of different agencies. The establishment of a uniform process would reduce the burden on businesses and promote the sharing of information among the state agencies, thereby eliminating the costs and burdens of duplicative information gathering and storage.

The proposed study will:

(1) identify and document the various requirements with which businesses currently must comply in order to legally conduct business within the state;

(2) propose and analyze alternatives for a uniform process of business registration, including a single statewide account number, a unified application form, and an integrated data processing system or systems;

(3) detail the operational impact of installing the process or system;

(4) estimate the costs and benefits, both for the state and for Minnesota businesses, of installing the process;

(5) prepare an estimated implementation timetable;

(6) recommend the structure and composition of the project needed for implementation; and

(7) recommend and analyze the information system technology alternatives, if any, that will be needed to implement the recommended process and report to the uniform business identifier task force.

The commissioner of the department of jobs and training, or a designee, shall be the chair of the study and shall provide staff to assist in the study effort. Those state offices, departments, and agencies that interact with Minnesota businesses including, but not limited to, department of jobs and training, secretary of state, department of revenue, department of labor and industry, department of commerce, and the information policy office of the department of administration shall cooperate in this study.

Sec. 2. [APPROPRIATION.]

\$..... is appropriated from the general fund to the department of jobs and training for the biennium ending June 30, 1995, for the purposes of section 1."

Amend the title as follows:

Page 1, line 2, delete "of the"

Page 1, line 3, delete "feasibility of"

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.

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

H. F. No. 1039, A bill for an act relating to auctioneers; prohibiting certain cities and towns from requiring additional licenses of persons licensed as auctioneers by a county; proposing coding for new law in Minnesota Statutes, chapter 330.

Reported the same back with the following amendments:

Page 1, line 8, delete "section" and insert "sections" and after "and" insert "368.01, subdivision 11, or"

Page 1, line 9, after "law" insert "or provision of home rule charter"

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

The report was adopted.

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

H. F. No. 1049, A bill for an act relating to utilities; requiring cooperative electric associations and municipal utilities to comply with standards set by public utilities commission relating to electrical current or voltage; amending Minnesota Statutes 1992, section 216B.09.

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 116L.07, subdivision 2, is amended to read:

~~Subd. 2. [NOTICE REQUIREMENT.] An owner or lessee of any real property, or A person acting with the authority of an owner or lessee, who installs or repairs agricultural drainage tile on that property shall be relieved of liability as provided in subdivision 1 only if that owner, lessee or other person acting with authority notifies the designated agent of the owner or operator of the pipeline of the intention to install or repair drainage tile on the property at least seven days before that work commences. An owner or operator of a pipeline shall provide to the county auditor of each county in which that pipeline is located the name, address and phone number of the individual to whom notice shall be given as provided in this subdivision. Notice is effective if made in writing by certified mail to this designated agent of the owner or operator of the pipeline~~ person gives oral or written notice to the one call excavation notice system in compliance with section 216D.04.

Sec. 4. Minnesota Statutes 1992, section 216B.09, is amended to read:

216B.09 [STANDARDS; CLASSIFICATIONS; RULES; PRACTICES.]

Subdivision 1. [COMMISSION AUTHORITY, GENERALLY.] The commission, after hearing upon reasonable notice ~~had upon pursuant to~~ its own motion or upon complaint, may ascertain and fix just and reasonable standards, classifications, rules, or practices to be observed and followed by any or all public utilities with respect to the service to be furnished;

Subd. 2. [ELECTRIC SERVICE.] The commission, after hearing upon reasonable notice pursuant to its own motion or upon complaint, may ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, initial voltage, or other condition pertaining to the supply of the service; prescribe reasonable rules for the examination and testing of the service and for the measurement thereof; establish or approve reasonable rules, specifications, and standards to secure the accuracy of all meters, instruments and equipment used for the measurement of any service of any public utility. In this subdivision, service standards or requirements governing any current or voltage originating from the practice of grounding of electrical systems apply to cooperative associations and municipal utilities providing or furnishing retail electric service to agricultural customers.

Subd. 3. [FILINGS.] Any standards, classifications, rules, or practices now or hereafter observed or followed by any public utility may be filed by it with the commission, and the same shall continue in force until amended by the public utility or until changed by the commission as herein provided.

The commission may require the filing of all rates, including rates charged to and by public utilities.

Subd. 4. [APPEARANCES BEFORE FEDERAL AGENCY.] The commission is empowered to appear before the Federal Power Energy Regulatory Commission to offer evidence and to seek appropriate relief in any case in which the rates charged consumers within the state of Minnesota may be affected.

Sec. 5. Minnesota Statutes 1992, section 216B.16, subdivision 1a, is amended to read:

Subd. 1a. [SETTLEMENT.] (a) When a public utility submits a general rate filing, the office of administrative hearings, before conducting a contested case hearing, shall convene a settlement conference including all of the parties for the purpose of encouraging settlement of any or all of the issues in the contested case. If a stipulated settlement is not reached before the contested case hearing, the office of administrative hearings may reconvene the settlement conference during or after completion of the contested case hearing at its discretion or a party's request. The office of administrative hearings or the commission may, upon the request of any party and the public utility, extend the procedural schedule of the contested case in order to permit the parties to engage in settlement discussions. An extension must be for a definite period of time not to exceed 60 days.

(b) If the applicant and all intervening parties agree to a stipulated settlement of the case or parts of the case, the settlement must be submitted to the commission. The commission shall accept or reject the settlement in its entirety and, at any time until its final order is issued in the case, may require the office of administrative hearings to conduct a contested case hearing. The commission may accept the settlement on finding that to do so is in the public interest and is supported by substantial evidence. If the commission does not accept the settlement, it may issue an order modifying the settlement subject to the approval of the parties. Each party shall have ten days in which to reject the proposed modification. If no party rejects the proposed modification, the commission's order becomes final. If the commission rejects the settlement, or a party rejects the commission's proposed modification, a contested case hearing must be completed.

Sec. 6. Minnesota Statutes 1992, section 216B.16, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF PROPOSED RATES; HEARING; FINAL DETERMINATION DEFINED.] (a) Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date except as provided in paragraph (b) this subdivision or subdivision 1a. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; except if:

(1) an extension of the procedural schedule has been granted under subdivision 1a, in which case the schedule of rates is deemed to have been approved by the commission on the last day of the extended period of suspension; or

(2) a settlement has been submitted to and rejected by the commission, the schedule is deemed to have been approved 12 months after the initial filing and the commission does not make a final determination concerning the schedule of rates, the schedule of rates is deemed to have been approved 60 days after the initial or, if applicable, the extended period of suspension.

(b) If the commission finds that it has insufficient time during the suspension period to make a final determination of a case involving changes in general rates because of the need to make final determinations of other previously filed cases involving changes in general rates under this section or section 237.075, the commission may extend the suspension period to the extent necessary to allow itself 20 working days to make the final determination after it has made final determinations in the previously filed cases. An extension of the suspension period under this paragraph does not alter the setting of interim rates under subdivision 3.

(c) For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 7. Minnesota Statutes 1992, section 216B.16, subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule ex parte without a public hearing. Notwithstanding the provisions of sections 216.25, 216B.27 and 216B.52, no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the utility equal to that authorized by the commission in the utility's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the utility's most recent rate proceeding; and (3) no change in the existing rate design. In the case of a utility which has not been subject to a prior commission determination, the commission shall base the interim rate schedule on its most recent determination concerning a similar utility.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim rate schedule, including interest on it which shall be at the rate of interest determined by the commission. The utility shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method by which the utility will recover the difference in revenues ~~from between~~ the date of the final determination ~~to~~ and the date the new rate schedules are put into effect. In addition, when an extension is granted for settlement discussions under subdivision 1a, the commission shall allow the utility to also recover the difference in revenues for a length of time equal to the length of the extension.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled to it. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule in a general rate case into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless:

(1) the commission finds that a four month delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary; or

(2) the utility files a second general rate case at least 12 months after it has filed a previous general rate case for which the commission has extended the suspension period under subdivision 2.

Sec. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. Minnesota Statutes 1992, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] "Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

~~(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116L.07, subdivision 2;~~

(2) the extraction of minerals;

(3) ~~(2)~~ the opening of a grave in a cemetery;

~~(4)~~ ~~(3)~~ normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

~~(5)~~ ~~(4)~~ plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more; or

~~(6) landscaping or (5) gardening unless one of the activities it disturbs the soil to a depth of 12 inches or more; or~~

~~(7) planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities disturbs the soil to a depth of 18 inches or more.~~

Sec. 14. 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.

Sec. 15. 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. 16. 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. 17. 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 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. 18. Minnesota Statutes 1992, section 465.74, subdivision 1, is amended to read:

Subdivision 1. [CITIES OF THE FIRST CLASS.] Any city operating or authorized to operate a public utility pursuant to chapter 452 or its charter is authorized to acquire, construct, own, and operate a municipal district heating system pursuant to the provisions of that chapter or its charter. Acquisition or construction of a municipal district heating system shall not be subject to the election requirement of sections 452.11 and 452.12, or city charter provision, but must be approved by a three-fifths vote of the city's council or other governing body. Loans obtained by a municipality pursuant to Minnesota Statutes 1992, section 216C.36 are not subject to the limitations on the amount of money which may be borrowed upon a pledge of the city's full faith and credit or the election requirements for general obligation borrowing, contained in section 452.08.

Sec. 19. Minnesota Statutes 1992, section 465.74, subdivision 4, is amended to read:

Subd. 4. [NET DEBT LIMITS.] The loan obligations or debt incurred by a political subdivision pursuant to ~~section 216C.36 or 475.525,~~ or Minnesota Statutes 1992, section 216C.36, shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness.

Sec. 20. Minnesota Statutes 1992, section 465.74, subdivision 6, is amended to read:

Subd. 6. [DEFINITION.] For the purposes of this section, and chapters 474 and 475, "district heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

In keeping with the public purpose of ~~section 216C.36, subdivision 1,~~ to encourage state and local leadership and aid in providing available and economical district heating service, the definition of "district heating system" under this section should be broadly construed to allow municipal government sufficient flexibility and authority to evaluate and undertake such policies and projects as will most efficiently and economically encourage local expansion of district heating service.

Sec. 21. [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. 22. [EFFECTIVE DATE.]

Sections 1 and 15 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; setting requirements for exit sign illumination for new buildings; eliminating advance forecast requirements for public electric utilities submitting advance forecasts in an integrated resource plan; changing excavation exceptions to the one call excavation notice system requirements; eliminating requirement for land surveyors to notify excavation notification center; requiring cooperative electric associations and municipal utilities to comply with standards set by public utilities commission relating to electrical current or voltage; allowing extension of utility rate hearings in certain cases; abolishing certain duties of commissioner of public service relating to energy; eliminating district heating loan program; making technical changes; amending Minnesota Statutes 1992, sections 16B.61, subdivision 3; 116C.54; 116L.07, subdivision 2; 216B.09; 216B.16, subdivisions 1a, 2, and 3; 216B.241, subdivision 2a; 216C.02, subdivision 1; 216C.11; 216C.17, subdivision 3; 216C.37, subdivision 1; 216D.01, subdivision 5; 216D.04, subdivision 1; 299F.011, subdivision 4c; 446A.03, subdivision 1; 446A.10, subdivision 2; and 465.74, subdivisions 1, 4, and 6; 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.

The report was adopted.

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

H. F. No. 1089, A bill for an act relating to elections; setting the date by which Hennepin county park reserve district redistricting must take place; amending Minnesota Statutes 1992, section 383B.68, subdivision 4.

Reported the same back with the recommendation that 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. 1099, A bill for an act relating to health; extending the expiration date of certain advisory councils and committees; modifying provisions relating to lead abatement; changing regulation provisions for hotels, resorts, restaurants, and manufactured homes; providing penalties; amending Minnesota Statutes 1992, sections 15.059, subdivision 5; 144.73, subdivision 3; 144.871, subdivisions 2, 3, 6, 7a, and by adding subdivisions; 144.872, subdivision 2; 144.873, subdivision 2; 144.874, subdivisions 1, 3, 4, and 6; 144.878, subdivisions 2 and 5; 157.01, subdivision 1; 157.03; 157.08; 157.081, subdivision 1; 157.09; 157.12; 157.14; 327.10; 327.11; 327.16, subdivision 5; 327.20, subdivision 1; and 327.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 157; repealing Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; 144.878, subdivision 2a; and 157.05, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 2, line 18, reinstate the stricken language

Page 2, delete section 4

Page 3, after line 21, insert:

"Sec. 7. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 7d. [LEAD INSPECTOR.] "Lead inspector" means an individual who has successfully completed a training course in investigation of residences for possible sources of lead exposure and who is licensed by the commissioner according to rules adopted under section 144.877, subdivision 6, to perform this activity."

Page 5, line 30, after the period insert "A board of health shall have residential assessments performed by lead inspectors licensed by the commissioner according to rules adopted under section 144.877. A board of health may observe the performance of lead abatement in progress and has authority to enforce the provisions of chapter 144."

Page 6, after line 29, insert:

"Sec. 15. [144.877] [LEAD INSPECTORS.]

Subdivision 1. [LICENSE REQUIRED.] No person may perform the duties of a lead inspector unless the person is licensed by the commissioner. A lead inspector shall have the inspector's license readily available at all times at an assessment site and make it available, upon request, for inspection by the commissioner or by a member of the staff of a board of health with jurisdiction over the site. A license must be renewed annually and may not be transferred.

Subd. 2. [LICENSE APPLICATION.] (a) An application for a license and for renewal of a license must be on a form provided by the commissioner and be accompanied by:

(1) the fee set by the commissioner; and

(2) evidence that the applicant has successfully completed a lead inspection training course approved by the commissioner or, within the previous 180 days, an initial lead inspection training course.

(b) The fee required by this subdivision is waived for an employee of a board of health.

Subd. 3. [LICENSE RENEWAL.] A license is valid for one year from the issuance date unless revoked by the commissioner. An applicant must successfully complete either an approved initial lead inspection training course or an approved annual refresher lead inspection training course to apply for license renewal.

Subd. 4. [LICENSE REPLACEMENT.] A licensed lead inspector may obtain a replacement license by reapplying for a license. A replacement license expires on the same date as the original license.

Subd. 5. [GROUNDS FOR DISCIPLINARY ACTION.] (a) The commissioner may deny an application, revoke a license, or impose limitations or conditions on a license if a licensed lead inspector:

- (1) violates this section or rules adopted by the commissioner;
- (2) submits an application that is incomplete or inaccurate or is not accompanied by the required fee, or if the fee is paid by an invalid check;
- (3) obtains a license, certificate, or approval through error, fraud, or cheating;
- (4) provides false or fraudulent information on forms submitted to the commissioner;
- (5) allows an unlicensed or uncertified person to engage, or aids an unlicensed or uncertified person in engaging, in activities for which a license or certificate is required;
- (6) endangers public health or safety; or
- (7) has been convicted during the previous five years of a felony or gross misdemeanor under section 270.72, 325F.69, or 325F.71.

(b) An application for licensure that has been denied may be resubmitted when the reasons for the denial have been corrected. A person whose license is revoked may not apply for a license within one year of the date of revocation.

Subd. 6. [RULES.] The commissioner shall adopt rules to implement this section, including rules setting fees for licenses and license renewals and rules for approving initial lead inspection training courses and annual refresher lead inspection training courses."

Page 10, line 22, reinstate the stricken language

Page 10, lines 23, 24, 30, 31, and 32, reinstate the stricken language and delete the new language

Page 11, line 22, before "Employees" insert "The number of employees counted for each establishment shall be based upon the total number of employees employed full time and employed part time when added together to total the hours of full-time employment."

Page 19, after line 21, insert:

"Sec. 31. [ADDITIONAL STANDARDS FOR LICENSURE.]

Until the commissioner of health has adopted the rules required by section 15, subdivision 6, the licensure of lead inspectors is governed by this section as follows:

- (1) a lead inspector must obtain a license within 180 days of the effective date of section 15;
- (2) the fee for issuance or renewal of a lead inspector license is \$50, is nonrefundable, and must be submitted in the form of a check;
- (3) the fee for replacement of a license is \$25, is nonrefundable, and must be submitted in the form of a check;
- (4) an applicant who submits an approvable application within 60 days of the initial denial of an application is not required to pay a second fee; and
- (5) a lead inspection course sponsored by the United States Environmental Protection Agency is an approved course for the purposes of section 15, subdivision 2."

Page 19, line 25, after the period insert "Section 31 is repealed effective upon the adoption by the commissioner of health of the rules required by section 15, subdivision 6."

Page 19, after line 25, insert:

"Sec. 33. [EFFECTIVE DATE.]

Sections 15 and 31 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for licensure of lead inspectors;"

Page 1, line 7, after the semicolon insert "requiring rulemaking;"

Page 1, line 16, delete "chapter" and insert "chapters 144; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1112, A bill for an act relating to occupations and professions; modifying reciprocity licensing requirement; providing for disciplinary actions; imposing penalties; amending Minnesota Statutes 1992, sections 148.905, subdivision 1; 148.921, subdivision 3; 148.925, subdivision 1; and 148.98; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1992, section 148.95.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 148.89, is amended by adding a subdivision to read:

Subd. 2a. [CLIENT.] "Client" means a person or entity that receives, received, or should have received services from a person regulated under sections 148.88 to 148.98. For the purposes of sections 148.88 to 148.98, "client" includes patient and resident.

Sec. 2. Minnesota Statutes 1992, section 148.905, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The board shall:

(1) adopt and enforce rules for licensing psychologists and for regulating their professional conduct. The rules must include, but are not limited to, standards for training, supervision, the practice of psychology, and any other areas covered by sections 148.88 to 148.98;

(2) adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education;

(3) hold examinations at least once a year to assess applicants' knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board;

(4) issue licenses to individuals qualified under section 148.91, according to the procedures for licensing in Minnesota Rules;

(5) issue copies of the rules for licensing to all applicants;

- (6) establish and maintain annually a register of current licenses;
- (7) establish reasonable fees for the issuance and renewal of licenses and other services by the board. Fees must be set to defray the cost of administering the provisions of sections 148.88 to 148.98 including applications, examinations, enforcement, and the cost of maintaining the operations of the board;
- (8) educate the public about the requirements for licensing of psychologists and about the code of professional ethics, to allow consumers to file complaints against licensees who may have violated licensing requirements or professional ethics; and
- (9) establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses; and.
- ~~(10) establish and implement, by January 1, 1992, a process for certifying psychologists' competencies in specialty areas, including but not limited to the area of supervision. The process shall include steps to verify that a psychologist has had adequate education and experience in a specialty area to be considered competent to practice in that area. Recertification of competencies declared prior to August 1, 1991, shall not be required.~~

Sec. 3. Minnesota Statutes 1992, section 148.921, subdivision 2, is amended to read:

Subd. 2. [PERSONS PREVIOUSLY QUALIFIED.] (a) The board shall grant a license for a licensed psychologist ~~without further examination~~ to a person who:

- (1) before November 1, 1991, entered a graduate program granting a master's degree with a major in psychology at an educational institution meeting the standards the board has established by rule and earned a master's degree or a master's equivalent in a doctoral program;
- (2) ~~before November 1~~ December 31, 1992 1993, filed with the board a written declaration of intent to seek licensure under this subdivision;
- (3) complied with all requirements of section 148.91, subdivisions 2 to 4, before December 31, 1997; and
- (4) completed at least two full years or their equivalent of post-master's supervised psychological employment before December 31, 1998.

(b) Notwithstanding paragraph (a), the board shall not grant a license for a licensed psychologist under this subdivision to a person who files a written declaration of licensure after October 31, 1992, unless the applicant demonstrates that the applicant was a resident of Minnesota on October 31, 1992, and meets all other requirements for licensure under this subdivision.

Sec. 4. Minnesota Statutes 1992, section 148.921, subdivision 3, is amended to read:

Subd. 3. [RECIPROCITY.] The board may grant a license without an examination to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by and who meets the licensure requirements under section 148.91. The board, at its discretion, may not require the skills assessment and the examination in psychology under section 148.91, subdivision 2, if the person was licensed in another state before the examination was required for licensure in that state. An applicant for reciprocity shall pass a written, objective examination on the rules of the board of psychology and sections 148.88 to 148.98.

Sec. 5. Minnesota Statutes 1992, section 148.925, subdivision 1, is amended to read:

Subdivision 1. [PERSONS QUALIFIED TO PROVIDE SUPERVISION.] (a) Only the following persons are qualified to provide supervision for master's degree level applicants for licensure as a licensed psychologist:

- (1) a licensed psychologist with a competency in supervision in professional psychology and in the area of practice being supervised; and

(2) a person who either is eligible for licensure as a licensed psychologist under section 148.91 or is eligible for licensure by reciprocity, and who, in the judgment of the board, is competent or experienced in supervising professional psychology and in the area of practice being supervised.

(b) Professional supervision of a doctoral level applicant for licensure as a licensed psychologist must be provided by a person:

(1) who meets the requirements of paragraph (a), clause (1) or (2), and

(2)(i) who has a doctorate degree with a major in psychology, or

(ii) who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in supervision of applicants for licensure ~~in accord with section 148.905, subdivision 1, clause (10), by August 1, 1993.~~

Sec. 6. [148.941] [DENIAL, REVOCATION, AND SUSPENSION OF LICENSES; DISCIPLINARY ACTION.]

Subdivision 1. [GENERALLY.] Except as otherwise described in this section, all hearings shall be conducted under chapter 14.

Subd. 2. [GROUNDS FOR DISCIPLINARY ACTION; FORMS OF DISCIPLINARY ACTION.] (a) The board may impose disciplinary action as described in paragraph (b) against an applicant or licensee whom the board, by a preponderance of the evidence, determines:

(1) has violated a statute, rule, or order that the board issued or is empowered to enforce;

(2) has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of psychology, that adversely affects the person's ability or fitness to practice psychology;

(3) has engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

(4) has been convicted of or has pled guilty or nolo contendere to a felony or crime, an element of which is dishonesty or fraud, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness to engage in the practice of psychology;

(5) has employed fraud or deception in obtaining or renewing a license, or in passing the examination;

(6) has had a psychology license, certificate, right to examine, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, the District of Columbia, or any foreign country;

(7) has failed to meet any requirement for the issuance or renewal of the person's license;

(8) has failed to cooperate with an investigation of the board as required under subdivision 4; or

(9) has violated the code of ethics adopted by the board.

For the purposes of clause (7), the burden of proof is on the applicant to demonstrate the qualifications or satisfy the requirements for a license under sections 148.88 to 148.98.

(b) If grounds for disciplinary action exist under paragraph (a), the board may take one or more of the following actions:

(1) refuse to grant or renew a license;

(2) revoke a license;

(3) suspend a license;

(4) impose limitations or conditions on a licensee's practice of psychology, including limiting the scope of practice to designated competencies, imposing retraining or rehabilitation requirements, requiring the licensee to practice under supervision, or conditioning continued practice on the demonstration of knowledge or skill by appropriate examination or other review of skill and competence;

(5) censure or reprimand the licensee; or

(6) refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination grade if the board finds that it is in the public interest.

(c) In lieu of or in addition to paragraph (b), the board may require, as a condition of continued licensure, termination of suspension, reinstatement of license, examination, or release of examination grades, that the applicant or licensee:

(1) submit to a quality review, as specified by the board, of the applicant's or licensee's ability, skills, or quality of work; and

(2) complete to the satisfaction of the board educational courses specified by the board.

(d) Service of the order is effective if the order is served on the applicant, licensee, or counsel of record personally or by mail to the most recent address provided to the board for the licensee, applicant, or counsel of record. The order shall state the reasons for the entry of the order.

Subd. 3. [TEMPORARY SUSPENSION OF LICENSE.] (a) In addition to any other remedy provided by law, the board may temporarily suspend the credentials of a licensee after conducting a preliminary inquiry to determine if the board reasonably believes that the licensee has violated a statute or rule that the board is empowered to enforce and continued practice by the licensee would create an imminent risk of harm to others.

(b) The order may prohibit the licensee from engaging in the practice of psychology in whole or in part and may condition the end of a suspension on the licensee's compliance with a statute, rule, or order that the board has issued or is empowered to enforce.

(c) The order shall give notice of the right to a hearing pursuant to this subdivision and shall state the reasons for the entry of the order.

(d) Service of the order is effective when the order is served on the licensee personally or by certified mail which is complete upon receipt, refusal, or return for nondelivery to the most recent address provided to the board for the licensee.

(e) At the time the board issues a temporary suspension order, the board shall schedule a hearing to be held before its own members which shall begin no later than 60 days after issuance of the temporary suspension order or within 15 working days of the date of the board's receipt of a request for hearing by a licensee on the sole issue of whether there is a reasonable basis to continue, modify, or lift the temporary suspension. This hearing is not subject to chapter 14. Evidence presented by the board or the licensee shall be in affidavit form only. The licensee or counsel of record may appear for oral argument.

(f) Within five working days of the hearing, the board shall issue its order and, if the suspension is continued, schedule a contested case hearing within 30 days of the issuance of the order. Notwithstanding chapter 14, the administrative law judge shall issue a report within 30 days after closing the contested case hearing record. The board shall issue a final order within 30 days of receipt of the administrative law judge's report.

Subd. 4. [COOPERATION OF APPLICANT OR LICENSEE FOR INVESTIGATIONS.] (a) An applicant or licensee of the board who is the subject of an investigation or who is questioned in connection with an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation, executing all releases requested by the board, providing copies of client records, as reasonably requested by the board to assist it in its investigation, and appearing at conferences or hearings scheduled by the board or its staff. The board shall pay reasonable costs for copies requested.

(b) If the board does not have a written consent from a client permitting access to the client's records, the licensee may delete any data in the record which identifies the client before providing it to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

Sec. 7. Minnesota Statutes 1992, section 148.98, is amended to read:

148.98 [CODE OF ETHICS.]

The board shall adopt a code of ethics to govern ~~appropriate an applicant's or licensee's~~ practices or behavior, ~~as referred to in section 148.89.~~ The board shall publish the code in the State Register and file the code with the secretary of state at least 30 days prior to the effective date of the code. The code of ethics shall include, but is not limited to, the principles in paragraphs (a) to (c).

(a) The psychologist shall recognize the boundaries of the psychologist's competence and the limitation of the psychologist's techniques and shall not offer services or use techniques that fail to meet usual and customary professional standards.

(b) The psychologist who engages in practice shall assist clients in obtaining professional help for all important aspects of their problems that fall outside the boundaries of the psychologist's competence.

(c) A psychologist shall not claim either directly or by implication professional qualifications that differ from the psychologist's actual qualifications, nor shall the psychologist misrepresent the psychologist's affiliation with any institution, organization, or individual, nor lead others to assume an affiliation that does not exist.

Sec. 8. [NOTICE.]

Before September 1, 1993, the board shall notify all Minnesota educational institutions which grant a master's degree with a major in psychology, and all individuals it knows to have missed the November 1, 1992, deadline under section 148.921, subdivision 2, that the deadline for filing the declaration of intent to seek licensure is extended to December 31, 1993.

Sec. 9. [REPEALER.]

Minnesota Statutes 1992, section 148.95, is repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 3 and 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to occupations and professions; board of psychology; extending deadline by which previously qualified persons may file a declaration of intent to seek licensure as a licensed psychologist without further examination; requiring the board to issue notices of extension; modifying reciprocity licensing requirement; providing for disciplinary actions; amending Minnesota Statutes 1992, sections 148.89, by adding a subdivision; 148.905, subdivision 1; 148.921, subdivisions 2 and 3; 148.925, subdivision 1; and 148.98; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1992, section 148.95."

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. 1114, A bill for an act relating to game and fish; stamp design; training of hunting dogs; clothing requirements; raccoon season; rough fish taking by nonresidents; muskie size limits; taking of mussels; amending Minnesota Statutes 1992, sections 97A.045, subdivision 7; 97B.005, subdivisions 2 and 3; 97B.071; 97B.621, subdivision 1; 97C.375; 97C.405; and 97C.701, subdivisions 1 and 2; repealing Minnesota Statutes 1992, sections 97A.541; 97C.701, subdivisions 3, 4, and 5; 97C.705; and 97C.711.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1992, section 84.085, is amended by adding a subdivision to read:

Subd. 1a. [ADVANCE OF MATCHING FUNDS.] The commissioner may advance funds appropriated for fish and wildlife programs to government agencies, the National Fish and Wildlife Foundation, federally recognized Indian tribes and bands, and private, nonprofit organizations for the purposes of securing nonstate matching funds for projects involving acquisition and improvement of fish and wildlife habitat and research and management relating to the same. The commissioner shall execute agreements for contracts with the matching parties under section 16B.06 prior to advancing any state funds. The agreement or contract shall contain provisions for return of the state's share and the matching funds within a period of time specified by the commissioner. The state's funds and the nonstate matching funds shall be deposited in a separate account and expended solely for the purposes set forth in the agreement or contract. The commissioner shall enter into agreements or contracts only with the National Fish and Wildlife Foundation, federal and nonprofit authorities deemed by the commissioner to be dedicated to the purposes of the project.

Sec. 2. Minnesota Statutes 1992, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact; ~~or~~

(2) a migratory waterfowl with a fully feathered wing and head attached; ~~or~~

(3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact."

Page 1, after line 24, insert:

"Sec. 4. [97A.127] [FINANCING WATERFOWL DEVELOPMENT.]

The commissioner may use funds appropriated for fish and wildlife programs for the purpose of developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that use of the funds will benefit the migration of waterfowl into the state.

Page 2, after line 27, insert:

"Sec. 9. Minnesota Statutes 1992, section 97B.911, is amended to read:

97B.911 [MUSKRAT SEASONS.]

~~The commissioner may establish open seasons for muskrat between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of muskrat.~~

Sec. 10. Minnesota Statutes 1992, section 97B.915, is amended to read:

97B.915 [MINK SEASONS.]

~~The commissioner may establish open seasons for mink between October 25 and April 30. The open season in an area may not exceed 90 days. The commissioner may prescribe restrictions for the taking of mink.~~

Sec. 11. Minnesota Statutes 1992, section 97B.921, is amended to read:

97B.921 [OTTER SEASONS.]

The commissioner may establish open seasons for otter ~~between October 25 and April 30. Otter may be taken only by trapping and.~~ The taking is subject to restrictions prescribed by the commissioner.

Sec. 12. Minnesota Statutes 1992, section 97B.925, is amended to read:

97B.925 [BEAVER SEASONS.]

The commissioner may establish open seasons for beaver ~~between October 25 and April 30. Beaver may be taken only by trapping and.~~ The taking is subject to restrictions prescribed by the commissioner."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "advance of matching funds; financing waterfowl development; defining "undressed bird"; seasons on muskrat, mink, otter, and beaver;"

Page 1, line 6, after "sections" insert "84.085, by adding a subdivision; 97A.015, subdivision 49;"

Page 1, line 7, after the third semicolon insert "97B.911; 97B.915; 97B.921; 97B.925;"

Page 1, line 8, after the second semicolon insert "proposing coding for new law in Minnesota Statutes, chapter 97A;"

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.

Carlson from the Committee on Education to which was referred:

H. F. No. 1195, A bill for an act relating to education; requiring changes in college preparation requirements.

Reported the same back with the following amendments:

Page 1, line 9, delete "shall revise," and delete "is" and insert "are"

Page 1, line 10, delete ", its" and insert "their"

Amend the title as follows:

Page 1, line 2, delete "requiring" and insert "requesting consideration of"

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. 1232, A bill for an act relating to game and fish; limiting number of larger pike taken; amending Minnesota Statutes 1992, section 97C.401.

Reported the same back with the following amendments:

Page 1, delete lines 13 to 16 and insert:

"Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided in paragraphs (b) and (c), a person may take no more than one walleye larger than 20 inches and one northern pike larger than 30 inches daily. Walleye and northern pike must be in an undressed condition while on the water or at a public water access site.

(b) The restrictions in paragraph (a) do not apply to:

(1) waters designated as experimental waters under section 97C.001, if those waters have size regulations that are more restrictive;

(2) waters designated as special management waters under section 97C.005, if those waters have size regulations that are more restrictive; and

(3) state and international boundary waters except Lake of the Woods.

(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 30 inches daily. Walleye and northern pike must be in an undressed condition while on the water or at a public water access site of Lake of the Woods."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Education to which was referred:

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1992, chapter 499, article 8, section 32, is amended to read:

Sec. 32. [LEGISLATIVE COMMITMENT TO A RESULTS-ORIENTED GRADUATION RULE.]

The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board of education shall use its rulemaking authority granted under Minnesota Statutes, section 121.11, subdivision 12, to adopt a statewide, results-oriented graduation rule according to the timeline in section ~~34~~ 33.

The board shall not prescribe in rule or otherwise the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in the rule.

Sec. 2. Laws 1992, chapter 499, article 8, section 33, is amended to read:

Sec. 33. [STATE BOARD GRADUATION RULE.]

The state board of education shall submit a progress report to the education committees of the legislature ~~a progress report about on~~ the proposed high school graduation rule ~~by February 1, 1993, and a final report about the proposed rule by January 1, 1994.~~ Representatives of the state board of education and the state department of education shall meet with interested members of the education committees of the legislature to discuss the specific progress being made in developing an amended high school graduation rule. At least 30 days before the rule is finally adopted, the chairs of the education committees and other interested committee members shall meet with representatives of the state board to review all the materials that are part of the official rulemaking record for the amended graduation rule. Notwithstanding Minnesota Statutes, section 121.11, subdivision 12, the state board of education may continue its proceedings to adopt a high school graduation rule but must not take final action under Minnesota Statutes, sections 14.131 to 14.20 to adopt the rule before July 1, 1994. The 180-day time limit in Minnesota Statutes, section 14.19, does not apply to the rule.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to education; providing for progress reports; amending Laws 1992, chapter 499, article 8, sections 32 and 33."

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. 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.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 10A.01, subdivision 13, is amended to read:

Subd. 13. "Minor political party" means any party other than a major political party:

(a) Under whose name in the last applicable general election a candidate filed for legislative office and received not less than ten percent of the vote for that office, or filed for statewide office; or

(b) Which files a petition with the secretary of state containing the names of ~~2,000~~ 10,000 individuals registered to vote in Minnesota and declaring that the signers desire that the party be eligible to receive money from the state elections campaign fund in the same manner as a major political party.

For the purposes of this chapter, all individuals who are eligible to vote in areas where there is no permanent system of registration shall be considered registered voters."

Page 2, line 2, delete the new language and strike everything after "13"

Page 2, strike line 3

Page 2, line 4, strike "this subdivision"

Page 2, line 14, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 10A.01, subdivision 13; and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

The report was adopted.

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

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.

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

The report was adopted.

Reding from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1301, A bill for an act relating to insurance; the comprehensive health association; clarifying the duties of the association and the authority of the commissioner of commerce; increasing the cigarette and tobacco product taxes to defray the cost of claims made under coverages provided by the association; repealing obsolete language; appropriating money; amending Minnesota Statutes 1992, sections 62E.08; 62E.09; 62E.10, subdivision 9; 297.02, subdivision 1; 297.13, by adding a subdivision; and 297.32, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 62E; repealing Laws 1992, chapter 549, article 9, section 17.

Reported the same back with the following amendments:

Page 1, line 30, before "adjusted" insert ", or are"

Page 2, line 1, after "be" insert a comma

Page 2, line 5, before "adjusted" insert ", or are"

Page 2, line 6, after "be" insert a comma and after "one" insert "individual"

Page 2, line 16, before "adjusted" insert ", or are"

Page 2, line 17, after "be" insert a comma

Page 2, line 21, before "adjusted" insert ", or are"

Page 2, line 22, after "be" insert a comma and after "two" insert "individual"

Page 2, line 35, before "adjusted" insert ", or are" and after "be" insert a comma

Page 3, line 4, before "adjusted" insert ", or are" and after "be" insert a comma

Page 5, line 36, delete "60" and insert "45"

Page 6, line 3, delete "solely"

Page 6, delete lines 22 and 23

Page 6, line 24, delete "(1)" and insert "(f)"

Page 6, line 27, delete "(2)" and insert "(g)"

Page 6, line 28, delete "and"

Page 6, line 29, delete "(3)" and insert "(h)"

Page 6, line 32, delete "(g)" and insert "(i)" and delete the period and insert "; and"

Page 6, after line 32, insert:

"(i) other factors deemed relevant by the commissioner."

Page 7, line 2, after "approve" insert ", modify,"

Page 7, line 6, delete "60" and insert "45"

Page 10, delete line 24

Amend the title as follows:

Page 1, line 13, delete everything after "62E"

Page 1, line 14, delete "9, section 17"

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

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 1311, A bill for an act relating to local government; providing for the continuation of the Mississippi River parkway commission; amending Minnesota Statutes 1992, section 161.1419, subdivision 8.

Reported the same back with the following amendments:

Page 1, lines 9 and 10, delete the new language and reinstate the stricken "on"

Page 1, line 11, before the period insert "June 30, 1995"

With the recommendation that when so amended 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. 1326, A bill for an act relating to outdoor recreation; authorizing marking of canoe and boating routes on the Pomme de Terre river; amending Minnesota Statutes 1992, section 85.32, subdivision 1.

Reported the same back with the recommendation that 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. 1349, A bill for an act relating to health care; clarifying the uniform anatomical gift act; retroactively defining organ donation as the rendition of a service; amending Minnesota Statutes 1992, section 525.9221.

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

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 1360, A bill for an act relating to Black Minnesotans; adding a liaison with the native African community to the staff of the council on Black Minnesotans; appropriating money; amending Minnesota Statutes 1992, section 3.9225, subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1380, A bill for an act relating to animal health; appropriating money for study of paratuberculosis in cattle.

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. 1384, A bill for an act relating to local government; regulating tanning facilities; requiring warning notices; authorizing local units of government to license and otherwise regulate these facilities; establishing record keeping and reporting requirements; prescribing penalties and providing remedies; proposing coding for new law in Minnesota Statutes, chapter 461.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"REGULATION OF TANNING FACILITIES

Section 1. [461.16] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 461.16 to 461.26.

Subd. 2. [CONSUMER.] "Consumer" means an individual who is provided access to a tanning facility.

Subd. 3. [INDIVIDUAL.] "Individual" means a human being.

Subd. 4. [LOCAL GOVERNMENT UNIT.] "Local government unit" means a statutory or home rule charter city, town, or county.

Subd. 5. [OPERATOR.] "Operator" means an individual designated by the tanning facility owner or tanning equipment lessee to operate, or to assist and instruct the consumer in the operation and use of, the tanning facility or tanning equipment.

Subd. 6. [PERSON.] "Person" means an individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of these entities.

Subd. 7. [TANNING EQUIPMENT.] "Tanning equipment" means ultraviolet or other lamps and equipment containing these lamps intended to induce skin tanning through the irradiation of any part of the living human body with ultraviolet radiation.

Subd. 8. [TANNING FACILITY.] "Tanning facility" means a location, place, area, structure, or business or a part thereof which provides consumers access to tanning equipment. Tanning facility includes, but is not limited to, tanning salons, health clubs, apartments, or condominiums regardless of whether a fee is charged for access to the tanning equipment.

Subd. 9. [ULTRAVIOLET RADIATION.] "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

Sec. 2. [461.17] [REGULATIONS; APPLICABILITY; EXEMPTIONS.]

Subdivision 1. [REGULATIONS; APPLICABILITY.] A tanning facility in this state must be constructed, operated, and maintained according to sections 461.16 to 461.26.

Subd. 2. [EXEMPTIONS.] Sections 461.16 to 461.26 do not apply to:

(a) a person who:

(1) uses equipment which emits ultraviolet radiation incidental to its normal operation; and

(2) does not use the equipment described in clause (1) to deliberately expose parts of the living human body to ultraviolet radiation for the purpose of tanning or other treatment;

(b) a physician licensed by the board of medical practice who uses, in the practice of medicine, medical diagnostic and therapeutic equipment that emits ultraviolet radiation; and

(c) an individual who owns tanning equipment exclusively for personal, noncommercial use.

Sec. 3. [461.19] [STANDARDS FOR TANNING EQUIPMENT.]

Subdivision 1. [STANDARDS FOR ALL EQUIPMENT.] (a) The tanning facility owner or operator must use only tanning equipment manufactured according to Code of Federal Regulations, title 21, part 1040.20. The exact nature of compliance must be based on the standards in effect at the time of manufacture as shown on the device identification label required by Code of Federal Regulations, title 21, part 1010.3.

(b) Each assembly of tanning equipment must be designated for use by only one consumer at a time and must be equipped with a timer that complies with Code of Federal Regulations, title 21, part 1040.20(c)(2). The maximum timer interval may not exceed the manufacturer's maximum recommended exposure time. No timer interval may have an error exceeding plus or minus ten percent of the maximum timer interval for the product.

(c) Tanning equipment must meet the National Fire Protection Association National Electrical Code.

(d) Tanning equipment must include physical barriers to protect consumers from injury induced by touching or breaking the lamps.

(e) The tanning facility owner or operator shall replace defective or damaged lamps, bulbs, or filters with a type intended for use in the affected tanning equipment as specified on the product label and having the same spectral distribution.

(f) The tanning facility owner or operator shall replace ultraviolet lamps and bulbs, which are not otherwise defective or damaged, at a frequency or after a duration of use as may be recommended by the manufacturer of the lamps and bulbs.

(g) The tanning facility owner or operator shall maintain a record of when the bulbs or lamps in each tanning booth or bed were replaced according to paragraphs (e) and (f).

(h) Tanning equipment must have a control that enables the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.

(i) The tanning facility operator shall instruct each user on: (1) the proper position to maintain relative to the tanning lamps; (2) the position of the safety railing, where applicable; (3) the manual switching device to terminate radiation; and (4) maximum time of exposure.

(j) The tanning facility operator shall inspect the facility to ensure that the floors are dry before each individual's use.

(k) The tanning facility operator shall monitor the use of the facility to ensure that the interior temperature does not exceed 100 degrees Fahrenheit.

(l) The tanning facility operator shall comply with sanitizing procedures specified by the manufacturer of the tanning equipment between users.

Subd. 2. [STANDARDS FOR STAND-UP TANNING BOOTHS.] In addition to the requirements in subdivision 1, tanning booths designed for stand-up use must comply with the following additional requirements:

(1) booths must have physical barriers or other means, such as handrails or floor markings, to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin;

(2) booths must be constructed with sufficient strength and rigidity to withstand the stress of use and the impact of a falling individual;

(3) access to booths must be of rigid construction; and

(4) booths must be equipped with handrails and nonslip floors.

Sec. 4. [461.20] [PROTECTIVE GOGGLES REQUIRED.]

(a) The tanning facility owner or operator shall provide protective goggles to each consumer for use with the tanning equipment. The protective goggles must meet the requirements of Code of Federal Regulations, title 21, part 1040.20(c)(4).

(b) Tanning facility owners and operators shall require that consumers wear the protective goggles required by this section. The tanning facility owner or operator shall ensure that the protective goggles required by this section are properly sanitized before each use and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide the sanitizing.

Sec. 5. [461.21] [POSTED WARNING REQUIRED.]

(a) The facility owner or operator shall conspicuously post the warning sign described in paragraph (b) within three feet of each tanning station. The sign must be clearly visible, not obstructed by any barrier, equipment, or other object, and must be posted so that it can be easily viewed by the consumer before energizing the tanning equipment.

(b) The warning sign required in paragraph (a) shall have dimensions not less than eight inches by ten inches, and must have the following wording:

"DANGER - ULTRAVIOLET RADIATION-Follow instructions.-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.-Wear protective eyewear.FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight."

Sec. 6. [461.22] [NOTICE TO CONSUMER.]

The tanning facility owner or operator shall provide each consumer under the age of 18, before initial exposure at the facility, with a copy of the following warning, which must be signed, witnessed, and dated as indicated in the warning:"WARNING STATEMENTThis statement must be read and signed by the consumer BEFORE first exposure to ultraviolet radiation for tanning purposes at the below signed facility.DANGER - ULTRAVIOLET RADIATION WARNING-Follow instructions.-Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.-Wear protective eyewear.FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT
IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.-Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamp or tanning equipment if you are using medications or have a history of skin problems or believe yourself to be especially sensitive to sunlight.I have read the above warning and understand what it means before undertaking any tanning equipment exposure......
Signature of Operator of
Tanning Facility or Equipment.....
Signature of Consumer.....
Print Name of Consumer.....
DateOR

The consumer is illiterate and/or visually impaired and I have read the warning statement aloud and in full to the consumer in the presence of the below signed witness.

.....
Signature of Operator of
Tanning Facility or Equipment

.....
Witness

.....
Date"

Sec. 7. [461.23] [RECORDS REQUIRED.]

The tanning facility owner or operator shall maintain a record of each consumer's total number of tanning visits at the facility, and the dates and durations of tanning exposures for a period of three years after exposure.

Sec. 8. [461.24] [CONSENT REQUIRED.]

Before allowing the initial exposure at a tanning facility of a person under the age of 18, the owner or operator shall witness the person's parent's or legal guardian's signing and dating of the warning statement required under section 461.22.

Sec. 9. [461.25] [PENALTY.]

Any person who leases tanning equipment or who owns a tanning facility and who operates or permits the equipment or facility to be operated in noncompliance with the requirements of sections 461.16 to 461.24 is guilty of a petty misdemeanor.

Sec. 10. [461.26] [LOCAL ORDINANCE AUTHORIZATION.]

Sections 461.16 to 461.25 do not preempt a local ordinance which provides for more restrictive regulation of tanning facilities than required in sections 461.16 to 461.25."

Delete the title and insert:

"A bill for an act relating to local government; regulating tanning facilities; requiring warning notices; authorizing local units of government to license and otherwise regulate these facilities; establishing record keeping requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 461."

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. 1391, A bill for an act relating to state parks; camping facilities adjacent to wildlife management areas; proposing coding for new law in Minnesota Statutes, chapter 85.

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. 1420, A bill for an act relating to probate; providing for determination of reasonable compensation for certain guardians and conservators; changing provisions for guardians and conservators of certain institutionalized persons; amending Minnesota Statutes 1992, sections 525.54, subdivision 3; 525.58, subdivision 4; and 525.703, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 525.54, subdivision 1, is amended to read:

Subdivision 1. [ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.] Upon petition as provided in this chapter, the court, if satisfied of the need therefor, may appoint one or more persons suitable and competent to discharge the trust as guardians of the person or estate or of both or as conservators of the person or the estate or of both, of any incapacitated person. The county human services agency may create a screening committee to review a petition involving an indigent person. The screening committee must be made up of individuals selected by the agency with knowledge of the availability of alternatives that are less restrictive than guardianships or conservatorships. If the agency has created a screening committee, the court shall make its decision after the screening committee has reviewed the petition. For indigent persons, the court may appoint a guardian or conservator under contract with the county to provide these services.

Sec. 2. Minnesota Statutes 1992, section 525.54, subdivision 3, is amended to read:

Subd. 3. [GUARDIANSHIP OR CONSERVATORSHIP OF THE ESTATE.] Appointment of a guardian or conservator may be made in relation to the estate and financial affairs of an adult person: (a) voluntarily, upon the person's petition or consent in writing if the court is satisfied of the need thereof, or (b) involuntarily, upon the court's determination that (1) the person is unable to manage the person's property and affairs effectively because the person is an incapacitated person, and (2) the person has property which will be dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by the person and (3) a guardian or conservator is necessary to adequately protect the person's estate or financial affairs, or (c) involuntarily, upon the court's determination that the incapacitated person is institutionalized and has a demonstrated need for guardianship or conservatorship services beyond financial services available through the institution as required by chapter 144A and sections 256B.35 and 256B.36, or through adult protection services. The need for a guardian or conservator may not be based solely on the fact that the ward or conservatee is a recipient of medical assistance or is institutionalized. "Incapacitated person" means, in the case of guardianship or conservatorship of the estate of an adult, any adult person who is impaired to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the person's estate or financial affairs, and who has demonstrated deficits in behavior which evidence an inability to manage the estate, or who is unable to manage the estate or financial affairs effectively by reason of detention by a foreign power or disappearance.

Sec. 3. Minnesota Statutes 1992, section 525.544, subdivision 2, is amended to read:

Subd. 2. [OTHER CASES.] If the proposed ward or conservatee lacks capacity or fails to nominate a conservator or guardian, the court may appoint a qualified person after review by a screening committee as provided in section 525.54, subdivision 1, if any, if the court finds that the person's appointment is in the best interests of the proposed ward or conservatee. A proposed guardian or conservator need not reside in this state if the proposed guardian or conservator is able to maintain a current understanding of the ward's or conservatee's physical and mental status and needs. If the proposed ward or conservatee lacks capacity or fails to give instructions, the court may give the guardian or conservator powers as required in accordance with section 525.56. If the proposed ward or conservatee is indigent, the court may appoint a guardian or conservator under contract with the county, or a public or private agency under contract with the county, to provide these services.

Sec. 4. Minnesota Statutes 1992, section 525.58, subdivision 4, is amended to read:

Subd. 4. [ANNUAL REPORT OF THE GUARDIAN OF THE PERSON.] Except where expressly waived by the court, every guardian or conservator of the person shall annually file a report under oath with the court within 30 days of the anniversary date of the appointment of the guardian or conservator. The report shall contain the guardian's or conservator's good faith evaluation of the following information for the preceding year:

- (a) changes in the medical condition of the ward or conservatee;
- (b) changes in the living conditions of the ward or conservatee;
- (c) changes in the mental and emotional condition of the ward or conservatee;
- (d) a listing of hospitalizations of the ward or conservatee; and

(e) if the ward or conservatee is institutionalized, an evaluation of the care and treatment received by the ward or conservatee, and if the ward or conservatee is indigent, a review of the continued need for guardian or conservator services beyond those provided by the institution or the county adult protection workers. The court shall request the assistance of the local adult protection unit to assist in making this need determination. If a continued need for guardian or conservator services exists, the county may contract for these services with other public or private agencies.

The court or its designee shall annually review the court file to insure that the report has been filed and that the report contains the information required by this subdivision. If a report has not been filed or if the report does not contain the information required by this subdivision, the court shall order the guardian or conservator to file an appropriate report.

Sec. 5. Minnesota Statutes 1992, section 525.703, subdivision 2, is amended to read:

Subd. 2. [LAWYER OR HEALTH PROFESSIONAL.] In proceedings under sections 525.54 to 525.702 a lawyer or health professional rendering necessary services with regard to the appointment of a guardian or conservator, the administration of the ward's or conservatee's estate or personal affairs or the restoration of that person's capacity, shall be entitled to reasonable compensation from the estate of the ward or conservatee or from the county having jurisdiction over the proceedings if the ward or conservatee is indigent. When the court determines that other necessary services have been provided for the benefit of the ward or conservatee by a lawyer or health professional, the court may order reasonable fees to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the proceedings if the ward or conservatee is indigent. If, however, the court determines that a petitioner, guardian or conservator has not acted in good faith, the court shall order some or all of the fees or costs incurred in the proceedings to be borne by the petitioner, guardian, or conservator not acting in good faith. In determining reasonable compensation, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

Sec. 6. Minnesota Statutes 1992, section 525.703, subdivision 3, is amended to read:

Subd. 3. [GUARDIAN OR CONSERVATOR.] (a) When the court determines that a guardian or conservator of the person or the estate has rendered necessary services or has incurred necessary expenses for the benefit of the ward or conservatee, the court may order reimbursement or reasonable compensation to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the guardianship or conservatorship if the ward or conservatee is indigent. The court may not deny an award of fees solely because the ward or conservatee is a recipient of medical assistance. In determining reasonable compensation, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(b) The court shall order reimbursement or reasonable compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or conservatorship services necessary to prevent abuse or neglect of a vulnerable adult, as defined in section 626.557. In determining reasonable compensation, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(c) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order reasonable compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the ward's or conservatee's estate for reasonable compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator."

Amend the title as follows:

Page 1, line 7, delete the first "subdivision" and insert "subdivisions 1 and" and after the first semicolon insert "525.544, subdivision 2;"

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. 1428, A bill for an act relating to occupations and professions; dentistry; modifying a certain exception to the licensing requirements; establishing faculty, resident dentist, and specialty licenses; modifying a certain ground for disciplinary action; amending Minnesota Statutes 1992, sections 150A.01, by adding subdivisions; 150A.05, subdivision 2; 150A.06, by adding subdivisions; and 150A.08, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 19, delete "a resident," and insert "an enrolled graduate student or student of an advanced education program accredited by the American Dental Association Commission on Accreditation."

Page 1, delete line 20

Page 2, line 10, strike "or the Mayo Foundation"

Page 2, line 12, after "of" insert "a" and strike "dentists" and insert "dentist or a licensed dental hygienist"

Page 2, line 13, strike "instructors" and insert "an instructor"

Page 2, line 32, strike everything after "of"

Page 2, line 33, strike everything before "in" and insert "X-rays or other diagnostic imaging modalities for making radiographs or other similar records"

Page 2, line 34, after "dentist" insert "or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the board of dentistry" and after the semicolon reinstate "or"

Page 2, delete lines 35 and 36

Page 3, delete lines 1 and 2

Page 3, line 3, strike "(8)" and insert "(7)"

Page 3, line 21, after "1" insert "or is a faculty member on the effective date of this section"

Page 4, line 2, delete everything after "is" and insert "an enrolled graduate student or"

Page 4, line 3, delete "graduate" and delete "in a dental school" and insert "of an accredited advanced dental education program"

Page 4, line 5, delete everything after "resident" and insert "dentist"

Page 4, line 6, delete "student"

Page 4, line 7, delete "as a"

Page 4, line 8, delete everything before "only"

Page 4, line 31, after "(b)" insert "Notwithstanding section 147.081, subdivision 3,"

Page 5, line 2, delete "a postdoctoral course" and insert "an advanced education program"

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. 1488, A bill for an act relating to agriculture; providing compensation for crops and livestock damaged by wildlife; establishing a procedure for damage claims; appropriating money; amending Minnesota Statutes 1992, section 97A.475, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 17.

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.

Carlson from the Committee on Education to which was referred:

H. F. No. 1511, A bill for an act relating to education; requiring school districts to adopt racial harassment and violence policies; amending Minnesota Statutes 1992, sections 127.455; and 127.46.

Reported the same back with the following amendments:

Page 1, line 11, after "sexual" insert ", religious,"

Page 1, line 15, after the first "sexual" insert ", religious,"

Page 1, line 16, before "and" insert ", religious,"

Page 1, line 19, after "SEXUAL" insert ", RELIGIOUS,"

Page 1, line 20, after "sexual" insert ", religious,"

Page 1, line 21, after "sexual" insert ", religious,"

Page 2, line 5, after "sexual" insert ", religious,"

Amend the title as follows:

Page 1, line 3, after "racial" insert "and religious"

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. 1519, A resolution memorializing Congress to consider the impact of the North American Free Trade Agreement on state sovereignty, the need for full legislative deliberation, and the withdrawal of NAFTA from the current fast-track procedures.

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. 1527, A bill for an act relating to education; providing for school district elections in independent school district Nos. 404, 408, and 583.

Reported the same back with the recommendation that 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. 1552, A bill for an act relating to veterans; appropriating money for the nurse statue.

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.

Clark from the Committee on Housing to which was referred:

H. F. No. 1608, A bill for an act relating to housing; modifying replacement housing; amending Minnesota Statutes 1992, section 504.33, subdivision 7.

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

The report was adopted.

Carlson from the Committee on Education to which was referred:

H. F. No. 1610, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing state bonding; appropriating money.

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

The report was adopted.

Solberg from the Committee on Ways and Means 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 lobbyists and political committees and funds to include their registration number on contributions; prohibiting certain "friends of" committees; requiring reports by certain solicitors of campaign contributions; 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, subdivision 10c, and by adding a subdivision; 10A.04, by adding a subdivision; 10A.14, subdivision 2; 10A.15, by adding subdivisions; 10A.19, subdivision 1; 10A.20, subdivision 3, and by adding a subdivision; 10A.25, 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; 211A; and 211B.

Reported the same back with the following amendments:

Page 25, delete lines 11 to 13

Page 25, line 14, delete "30, 1995."

With the recommendation that when so amended the bill pass.

FIRST MINORITY REPORT

Svigum and Gutknecht offered the first Minority Report to the Majority Report from the Committee on Ways and Means relating to H. F. No. 163.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 3.09 that the first Minority Report to the Majority Report from the Committee on Ways and Means relating to H. F. No. 163 was not in order. The Speaker ruled the point of order well taken and the first Minority Report out of order.

Svigum appealed the decision of the Chair.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Sviggum and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 82 yeas and 49 nays as follows:

Those who voted in the affirmative were:

| | | | | | | |
|--------------|------------|-------------|----------|-----------|------------|-----------|
| Anderson, I. | Clark | Hausman | Klinzing | Munger | Peterson | Steensma |
| Anderson, R. | Cooper | Huntley | Krueger | Murphy | Pugh | Tomassoni |
| Asch | Dauner | Jacobs | Lasley | Neary | Reding | Trimble |
| Battaglia | Dawkins | Jefferson | Lieder | Olson, E. | Rest | Tunheim |
| Bauerly | Delmont | Jennings | Lourey | Olson, K. | Rodosovich | Vellenga |
| Beard | Dorn | Johnson, A. | Luther | Opatz | Rukavina | Wagenius |
| Bergson | Evans | Johnson, R. | Mahon | Orenstein | Sarna | Wejcman |
| Bertram | Farrell | Kahn | Mariani | Orfield | Sekhon | Wenzel |
| Brown, C. | Garcia | Kalis | McCollum | Osthoff | Simoneau | Winter |
| Brown, K. | Greenfield | Kelley | McGuire | Ostrom | Skoglund | Spk. Long |
| Carlson | Greiling | Kelso | Milbert | Pelowski | Solberg | |
| Carruthers | Hasskamp | Kinkel | Mosel | Perlt | Sparby | |

Those who voted in the negative were:

| | | | | | | |
|------------|-----------|---------------|----------|-----------|----------|------------|
| Abrams | Dempsey | Haukoos | Leppik | Nelson | Rhodes | Van Dellen |
| Bettermann | Erhardt | Holsten | Limmer | Ness | Seagren | Vickerman |
| Bishop | Frerichs | Hugoson | Lindner | Olson, M. | Smith | Waltman |
| Blatz | Girard | Johnson, V. | Lynch | Onnen | Stanius | Weaver |
| Commers | Goodno | Knickerbocker | Macklin | Ozment | Sviggum | Wolf |
| Davids | Gruenes | Koppendrayner | Molnau | Pauly | Swenson | Worke |
| Dehler | Gutknecht | Krinkie | Morrison | Pawlenty | Tompkins | Workman |

So it was the judgment of the House that the decision of the Speaker should stand.

SECOND MINORITY REPORT

March 31, 1993

I, the undersigned, being a minority of the Committee on Ways and Means, recommend that H. F. No. 163 do pass with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 10A.01, is amended by adding a subdivision to read:

Subd. 9a. [ELECTION CYCLE.] "Election cycle" means the period from January 1 following a general election for an office to December 31 following the next general election for that office, except that "election cycle" for a special election means the period from the date the special election writ is issued to 60 days after the special election is held.

Sec. 2. Minnesota Statutes 1992, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, ~~or any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature,~~ shall not solicit or accept a contribution on behalf of the candidate's principal campaign committee, any other political committee with the candidate's name or title, ~~or any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature,~~ from a registered lobbyist, political committee, or political fund during a regular session of the legislature.

Sec. 3. Minnesota Statutes 1992, section 10A.065, subdivision 5, is amended to read:

Subd. 5. [POLITICAL COMMITTEE.] This section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; ~~by all or part of the party organization within each house of the legislature, except for individual members;~~ by a candidate for a judicial office; or to a member of such a political committee acting solely on behalf of the committee.

Sec. 4. Minnesota Statutes 1992, section 10A.19, subdivision 1, is amended to read:

Subdivision 1. No candidate shall accept contributions from any source, other than self, in aggregate in excess of \$100 or any money from the state elections campaign fund unless the candidate designates and causes to be formed a single principal campaign committee for each office sought or held. A candidate may not authorize, designate, or cause to be formed any other political committee bearing the candidate's name or title or otherwise operating under the direct or indirect control of the candidate, except a candidate may be involved in the direct or indirect control of a party unit as defined in section 10A.275, subdivision 3.

A political committee bearing a candidate's name or title or otherwise operating under the direct or indirect control of the candidate and not authorized by this subdivision, may not accept contributions after the effective date of this section, and must be dissolved by June 30, 1994.

Sec. 5. Minnesota Statutes 1992, section 10A.20, is amended by adding a subdivision to read:

Subd. 6b. [NOTICE OF INTENDED INDEPENDENT EXPENDITURE.] An individual, political committee, or political fund that intends to make an independent expenditure in excess of \$100 during the 15 days immediately preceding an election shall file with the board and with all candidates in the affected race and the chairs of their principal campaign committees a notice of the intent to make the expenditure. The notice must contain the information with respect to the expenditure that is required to be reported under subdivision 3, clause (g). Each new expenditure requires a new notice.

Sec. 6. Minnesota Statutes 1992, section 10A.25, subdivision 2, is amended to read:

Subd. 2. In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

- (a) for governor and lieutenant governor, running together, \$1,626,691;
- (b) for attorney general, \$271,116;
- (c) for secretary of state, state treasurer, and state auditor, separately, \$135,559;
- (d) for state senator, \$40,669;
- (e) for state representative, \$20,335.

The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running for that office for the first time and who has not run previously for any other office whose territory included a population that is now more than one-third of the population in the territory of the office being sought.

Sec. 7. Minnesota Statutes 1992, section 10A.25, is amended by adding a subdivision to read:

Subd. 12. [INDEPENDENT EXPENDITURES IN OPPOSITION.] The expenditure limits imposed by this section are increased by the sum of independent expenditures made in opposition to the candidate or on behalf of a candidate's major political party opponents. Upon receipt of an expenditure report or notice required by section 10A.20, subdivision 6b, the board shall notify the candidate of the increase in the expenditure limit.

Sec. 8. Minnesota Statutes 1992, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. [CONTRIBUTION LIMITS.] Except as provided in subdivisions 2 and 6, no candidate shall permit the candidate's principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:

- (a) to candidates for governor and lieutenant governor running together, ~~\$20,000~~ \$6,000 in an election year cycle for the office sought ~~and \$3,000 in other years;~~
- (b) to a candidate for attorney general, ~~\$10,000~~ \$2,000 in an election year cycle for the office sought ~~and \$2,000 in other years;~~
- (c) to a candidate for the office of secretary of state, state treasurer or state auditor, ~~\$5,000~~ \$1,000 in an election year cycle for the office sought ~~and \$1,000 in other years;~~
- (d) to a candidate for state senator, ~~\$1,500~~ \$1,000 in an election year cycle for the office sought ~~and one-third of that amount in other years; and~~
- (e) to a candidate for state representative, ~~\$750~~ \$500 in an election year cycle for the office sought ~~and one-third of that amount in the other year.~~

The dollar amounts in this subdivision must be adjusted for each election cycle as provided in this paragraph. As soon as possible but not later than April 1 of the first year of the election cycle, the executive director of the board shall determine the percentage change in the consumer price index from January 1 of the first year of the preceding election cycle to December 31 of the year preceding the date the determination is made. The dollar amounts in this subdivision used for the preceding election cycle must be multiplied by the percentage change in the consumer price index. The product of the calculation must be added to each dollar amount in this subdivision to produce the dollar limitations in effect for the next election cycle. The product must be rounded up to the next highest \$25 increment. The index used must be the revised consumer price index for all urban consumers of the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor with 1982 as a base year. The calculation required by this subdivision must be made for election cycles beginning on and after January 1, 1995.

Sec. 9. Minnesota Statutes 1992, section 10A.27, subdivision 9, is amended to read:

Subd. 9. A candidate or the treasurer of a candidate's principal campaign committee shall not accept in any calendar year aggregate contributions in an amount greater than the maximum amount allowed under subdivision 1 a transfer or contribution from another candidate's principal campaign committee or any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved. A candidate's principal campaign committee shall not make a transfer or contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved. For purposes of this subdivision, "candidate" includes a person who seeks nomination or election to a local office in this state. A candidate may not accept a transfer or contribution from or make a transfer or contribution to a committee associated with a person who seeks nomination or election to the office of president, senator, or representative in congress of the United States.

Sec. 10. Minnesota Statutes 1992, section 10A.27, is amended by adding a subdivision to read:

Subd. 10. [POLITICAL FUND CONTRIBUTIONS.] (a) A candidate may not accept in a calendar year aggregate contributions from all political funds in excess of 15 percent of the candidate's expenditure limit under section 10A.25 for that year.

(b) A political fund may not make contributions in a calendar year to political parties or units of political parties, including all or a part of the party organization within each house of the legislature except individual members, that exceed \$3,000 in the aggregate.

Sec. 11. Minnesota Statutes 1992, section 10A.31, is amended by adding a subdivision to read:

Subd. 12. [UNOPPOSED CANDIDATE NOT ELIGIBLE.] A candidate who is unopposed in both the primary election and the general election is not eligible to receive a public subsidy from the state election campaign fund or the public matching subsidy. The subsidy from the party account the candidate would otherwise have been eligible to receive must be paid to the candidate's political party to be used for multicandidate expenditures as defined in section 10A.275. The subsidy from the general account the candidate would otherwise have been eligible to receive must be returned to the general fund.

Sec. 12. Minnesota Statutes 1992, section 10A.322, subdivision 4, is amended to read:

Subd. 4. [REFUND RECEIPT FORMS; PENALTY.] The board shall make available to a political party on request and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. The candidate must provide to the commissioner of revenue a copy of each claim form issued. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1992, section 211B.15, is amended to read:

211B.15 [CORPORATE OR LIMITED LIABILITY POLITICAL CONTRIBUTIONS.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, ~~the following terms have the meanings given them.~~

(b) "corporation" means:

(1) a corporation organized for profit that does business in Minnesota this state;

(2) a nonprofit corporation that carries out activities in this state;

(c) "limited liability company" means (3) a limited liability company formed under chapter 322B, or under similar laws of another state, that does business in Minnesota this state; and

(4) a partnership that does business in this state.

Subd. 2. [PROHIBITED CONTRIBUTIONS.] A corporation ~~or limited liability company~~ may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers ~~or~~ employees, ~~or members~~, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 3. [INDEPENDENT EXPENDITURES.] A corporation ~~or limited liability company~~ may not make an independent expenditure or offer or agree to make an independent expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "independent expenditure" means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 4. [BALLOT QUESTION.] A corporation ~~or limited liability company~~ may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation ~~or limited liability company~~ may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

Subd. 5. [NEWS MEDIA.] This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.

Subd. 6. [PENALTY FOR INDIVIDUALS.] An officer, manager, stockholder, member, ~~partner~~, agent, employee, attorney, or other representative of a corporation ~~or limited liability company~~ acting in behalf of the corporation ~~or limited liability company~~ who violates this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.

Subd. 7. [PENALTY FOR CORPORATIONS OR LIMITED LIABILITY COMPANIES.] A corporation ~~or limited liability company~~ convicted of violating this section is subject to a fine not greater than \$40,000. A convicted domestic corporation ~~or limited liability company~~ may be dissolved as well as fined. If a foreign or nonresident corporation ~~or limited liability company~~ is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.

Subd. 8. [PERMITTED ACTIVITY; POLITICAL PARTY.] It is not a violation of this section for a political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.

Subd. 9. [MEDIA PROJECTS.] It is not a violation of this section for a corporation ~~or limited liability company~~ to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 10. [MEETING FACILITIES.] It is not a violation of this section for a corporation ~~or limited liability company~~ to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.

Subd. 11. [MESSAGES ON PREMISES.] It is not a violation of this section for a corporation ~~or limited liability company~~ selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 12. [REPORTS REQUIRED.] The total amount of an expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the secretary of state. The reports must be filed on forms provided by the secretary of state on the dates required for committees under section 211A.02. Failure to file is a misdemeanor.

Subd. 13. [AIDING VIOLATION; PENALTY.] An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.

Subd. 14. [PROSECUTIONS; VENUE.] Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Subd. 15. [ADMINISTRATIVE COSTS.] (a) It is not a violation of this section for a corporation to advance up to \$10,000 in administrative costs to establish a political fund, but contributions to the fund must first be used to reimburse the corporation for those start-up costs before being used for any other purpose.

(b) It is not a violation of this section for a corporation to provide to a political fund reasonable administrative assistance including accounting and legal services, check printing, banking charges, payroll deduction services, time for its employees to solicit and respond to solicitation of contributions to the fund and to make contributions from the fund, employee and shareholder lists, meeting facilities, refreshments, communications facilities, office space, utilities, and supplies. Solicitations of contributions to the fund may be made no more than twice in any year.

Subd. 16. [POLITICAL CORPORATIONS.] The prohibitions in this section do not apply to a nonprofit corporation that:

- (1) was formed for the express purpose of promoting political ideas and cannot engage in business activities;
- (2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and
- (3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

Sec. 14. Minnesota Statutes 1992, section 290.06, subdivision 23, is amended to read:

Subd. 23. [REFUND OF CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to any political party. The maximum refund for an individual must not exceed \$50 and, for a married couple filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the party chair. A claim must be filed with the commissioner not sooner than January 1 of the calendar year in which the contribution is made and no later than April 15 of the calendar year following the calendar year in which the contribution is made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution is made must include interest at the rate specified in section 270.76.

(b) No refund is allowed under this subdivision for a contribution to any candidate unless the candidate:

- (1) has signed an agreement to limit campaign expenditures as provided in section 10A.322 or 10A.43;
- (2) is seeking an office for which voluntary spending limits are specified in section 10A.25 or 10A.43; and
- (3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditure of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major or minor party" includes the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a congressional candidate as defined in section 10A.41, subdivision 4, or a candidate as defined in section 10A.01, subdivision 5, except a candidate for judicial office.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The commissioner shall report to the ethical practices board by August 1 of each year a summary showing the total number and amount of political contribution refunds made on behalf of each candidate and each political party during the preceding calendar year. These data are public.

(g) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue."

Amend the title accordingly

Signed:

RON ABRAMS

Abrams moved that the second Minority Report on H. F. No. 163 be substituted for the Majority Report and that the second Minority Report be now adopted.

A roll call was requested and properly seconded.

The question was taken on the adoption of the second Minority Report on H. F. No. 163 and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

| | | | | | | |
|------------|-----------|---------------|----------|-----------|------------|-----------|
| Abrams | Dempsey | Haukoos | Leppik | Ness | Seagren | Vickerman |
| Bettermann | Erhardt | Holsten | Limmer | Olson, M. | Smith | Waltman |
| Bishop | Frerichs | Hugoson | Lindner | Onnen | Stanis | Weaver |
| Blatz | Girard | Johnson, V. | Lynch | Ozment | Svigum | Wolf |
| Commers | Goodno | Knickerbocker | Macklin | Pauly | Swenson | Worke |
| Davids | Gruenes | Koppendrayner | Molnau | Pawlenty | Tompkins | Workman |
| Dehler | Gutknecht | Krinkie | Morrison | Rhodes | Van Dellen | |

Those who voted in the negative were:

| | | | | | | |
|--------------|------------|-------------|----------|-----------|------------|-----------|
| Anderson, I. | Clark | Hausman | Klinzing | Munger | Perlt | Sparby |
| Anderson, R. | Cooper | Huntley | Krueger | Murphy | Peterson | Steensma |
| Asch | Dauner | Jacobs | Lasley | Neary | Pugh | Tomassoni |
| Battaglia | Dawkins | Jefferson | Lieder | Nelson | Reding | Trimble |
| Bauerly | Delmont | Jennings | Lourey | Olson, E. | Rest | Tunheim |
| Beard | Dorn | Johnson, A. | Luther | Olson, K. | Rodosovich | Vellenga |
| Bergson | Evans | Johnson, R. | Mahon | Opatz | Rukavina | Wagenius |
| Bertram | Farrell | Kahn | Mariani | Orenstein | Sarna | Wejcmann |
| Brown, C. | Garcia | Kalis | McCollum | Orfield | Sekhon | Wenzel |
| Brown, K. | Greenfield | Kelley | McGuire | Osthoff | Simoneau | Winter |
| Carlson | Greiling | Kelso | Milbert | Ostrom | Skoglund | Spk. Long |
| Carruthers | Hasskamp | Kinkel | Mosel | Pelowski | Solberg | |

The second Minority Report on H. F. No. 163 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Ways and Means relating to H. F. No. 163. The Majority Report on H. F. No. 163 was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 18, 55, 87, 94, 157, 163, 270, 277, 316, 381, 403, 531, 619, 671, 763, 801, 819, 834, 936, 945, 969, 972, 978, 988, 1001, 1039, 1049, 1089, 1099, 1112, 1195, 1232, 1234, 1272, 1311, 1326, 1349, 1384, 1420, 1428, 1511, 1519, 1527 and 1608 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, I.; Long and Sviggum introduced:

H. F. No. 1650, A bill for an act relating to data privacy; eliminating a classification of legislators' telephone records; amending Laws 1989, chapter 335, article 1, section 15, subdivision 3.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Anderson, I., moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1650 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Anderson, I., moved that the Rules of the House be so far suspended that H. F. No. 1650 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1650 was read for the second time.

Gutknecht, Van Dellen and Farrell moved to amend H. F. No. 1650, as follows:

Page 1, after line 30, insert:

"The attorney general shall initiate appropriate and reasonable civil actions to recover unauthorized telephone charges made against the Minnesota legislature, agencies as defined in Minnesota Statutes, section 14.02, subdivision 2, and judicial organizations."

Amend the title as follows:

Page 1, line 3, after "records;" insert "requiring the attorney general to seek recovery of wrongfully paid taxpayer money for telephone charges;"

The motion prevailed and the amendment was adopted.

H. F. No. 1650, A bill for an act relating to data privacy; eliminating a classification of legislators' telephone records; requiring the attorney general to seek recovery of wrongfully paid taxpayer money for telephone charges; amending Laws 1989, chapter 335, article 1, section 15, subdivision 3.

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.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS, Continued

Greenfield, for the Committee on Health and Human Services, introduced:

H. F. No. 1651, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature for human services; authorizing issuance of bonds; appropriating money.

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

Delmont, Huntley, Solberg, Carruthers and Rhodes introduced:

H. F. No. 1652, A bill for an act relating to state government; revising procedures governing state contracts for professional, technical, and consultant services; limiting uses of funds saved from leaving positions vacant; limiting funds spent on certain contracts; amending Minnesota Statutes 1992, section 16B.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Murphy and Swenson, for the Committee on Judiciary, introduced:

H. F. No. 1653, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature for corrections purposes; authorizing issuance of bonds; appropriating money.

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

Battaglia, for the Committee on Environment and Natural Resources Finance, introduced:

H. F. No. 1654, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money, with certain conditions; amending Minnesota Statutes 1992, section 116.162, subdivision 2.

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

Krueger, Girard, Peterson, Hugoson and Olson, E., introduced:

H. F. No. 1655, A bill for an act relating to taxation; property; providing for valuation of certain vacant hospitals; amending Minnesota Statutes 1992, section 273.11, subdivision 1, and by adding a subdivision.

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

McGuire, Battaglia and Greenfield introduced:

H. F. No. 1656, A bill for an act relating to occupations and professions; creating the board of examiners for speech-language pathology and audiology and providing for its powers and duties; providing for the licensure and regulation of speech-language pathologists and audiologists; authorizing rulemaking; providing for penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Skoglund introduced:

H. F. No. 1657, A bill for an act relating to data practices; authorizing the disclosure of certain welfare data to law enforcement agencies under specified conditions; amending Minnesota Statutes 1992, section 13.46, subdivision 2.

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

Krueger introduced:

H. F. No. 1658, A bill for an act relating to economic development; abolishing Minnesota Project Outreach Corporation and transferring its duties to Minnesota Technology, Inc.; amending Minnesota Statutes 1992, section 116O.091; repealing Minnesota Statutes 1992, section 116O.092.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Macklin, Pugh, Skoglund, Carruthers and Bishop introduced:

H. F. No. 1659, A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-107; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-201; 524.2-202; 524.2-205; 524.2-206; 524.2-207; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; 525.223.

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

Perlt, Rice, Simoneau, Dawkins and Skoglund introduced:

H. F. No. 1660, A bill for an act relating to state government; revising procedures governing state contracts for professional, technical, and consultant services; limiting uses of funds saved from leaving positions vacant; limiting funds spent on certain contracts; amending Minnesota Statutes 1992, section 16B.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Orenstein, Long, Kahn and Knickerbocker introduced:

H. F. No. 1661, A bill for an act relating to state government; public employment; establishing a pilot project in certain entities; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Solberg; Bishop; Anderson, I., and Krueger introduced:

H. F. No. 1662, A bill for an act relating to the department of finance; providing for state financial management reform; amending Minnesota Statutes 1992, sections 16A.04, subdivision 1; 16A.10, subdivision 2; 16A.11, subdivision 1, and by adding a subdivision; 16A.14, by adding a subdivision; 16A.15, subdivision 1; and 124.196.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Abrams, Goodno, Erhardt, Morrison and Pauly introduced:

H. F. No. 1663, A bill for an act relating to state government; providing for gender and political affiliation balance in boards, commissions, committees, task forces, and councils in all branches of government; amending Minnesota Statutes 1992, section 15.0597, subdivisions 2, 5, and 7; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Lourey; Brown, C.; Farrell and Steensma introduced:

H. F. No. 1664, A bill for an act relating to taxation; providing exemptions from the sales tax and motor vehicle excise tax for certain prehospital emergency medical care motor vehicles and equipment; amending Minnesota Statutes 1992, sections 297A.25, by adding a subdivision; and 297B.03.

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

Weaver introduced:

H. F. No. 1665, A bill for an act relating to government data practices; classifying certain data relating to legislative or budget proposals; 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.

Van Dellen; Workman; Olson, M.; Dempsey and Rhodes introduced:

H. F. No. 1666, A bill for an act relating to the legislature; providing for telephone expenses, audits, and a special prosecutor; appropriating money; amending Minnesota Statutes 1992, section 16A.281; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Evans, Steensma, Milbert, Sarna and Farrell introduced:

H. F. No. 1667, A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; including truck parts within the scope of coverage; defining terms; amending Minnesota Statutes 1992, section 325E.068, subdivision 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greiling introduced:

H. F. No. 1668, A bill for an act relating to education; providing for adult basic education service; appropriating money; amending Minnesota Statutes 1992, sections 121.831, subdivision 4; 124.26, subdivision 1c; and 124.2601, subdivision 3, and by adding a subdivision.

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

Welle introduced:

H. F. No. 1669, A bill for an act relating to state lands; authorizing the transfer of certain state-owned lands to Kandiyohi county.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Greiling, Mahon, Evans, Seagren and Rhodes introduced:

H. F. No. 1670, A bill for an act relating to education; establishing an equalized extended day levy; expanding approved expenditures; appropriating money; amending Minnesota Statutes 1992, section 124.2716.

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

Greiling, Seagren, Evans, Mahon and Rhodes introduced:

H. F. No. 1671, A bill for an act relating to education; providing grants for pilot fee assistance programs for school districts with school age child care programs; appropriating money.

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

Erhardt, Seagren, Molnau and Lindner introduced:

H. F. No. 1672, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV; providing for initiative and referendum.

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

Weaver and Carruthers introduced:

H. F. No. 1673, A bill for an act relating to health records; clarifying costs that may be charged; amending Minnesota Statutes 1992, section 144.335, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Morrison, Murphy, Carlson, Dehler and Bauerly introduced:

H. F. No. 1674, A bill for an act relating to playground safety; requiring the department of labor and industry to adopt rules governing playground safety; proposing coding for new law as Minnesota Statutes, chapter 184C.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Krinkie, McCollum, Orfield, Pugh and Stanius introduced:

H. F. No. 1675, A bill for an act relating to the metropolitan area; requiring the metropolitan council to perform, in the metropolitan area, all duties mandated by state law on counties; 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.

Weaver and Lynch introduced:

H. F. No. 1676, A bill for an act relating to state lands; correcting the legal description of state land to be sold to Anoka county; amending Laws 1989, chapter 150, section 6.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Brown, K.; Garcia and Lourey introduced:

H. F. No. 1677, A bill for an act relating to occupations and professions; establishing the office of midwifery practice; providing for a midwife practitioner advisory council; establishing reporting obligations; providing for disciplinary actions; providing for rulemaking; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1992, sections 148.30; 148.31; and 148.32.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Dempsey; Sviggum; Brown, K., and Ozment introduced:

H. F. No. 1678, A bill for an act relating to Goodhue county; authorizing the county to establish a county redevelopment authority with certain powers.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Carlson, Morrison, Pelowski, Limmer and Rodosovich introduced:

H. F. No. 1679, A bill for an act relating to education; transferring functions of the higher education coordinating board; changing the membership, terms, and functions of the higher education board; allowing the merger of certain technical colleges by agreement; amending Minnesota Statutes 1992, sections 15A.081, subdivision 7b; 136E.01; 136E.02; and 179A.10, subdivision 2; Laws 1991, chapter 356, article 9, section 8, subdivisions 1 and 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 135A.061; 136A.01; 136A.02; 136A.03; 136A.04; 136E.03; 136E.04; and 136E.05; Laws 1991, chapter 356, article 9, section 8, subdivisions 3 to 9; and sections 9 to 16.

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

Olson, M.; Ozment; Lynch; Greiling and Hausman introduced:

H. F. No. 1680, A bill for an act relating to human services; exempting retired teachers and foster grandparents from the general staff qualifications; amending Minnesota Statutes 1992, section 245A.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Gruenes, Leppik, Greiling, Rodosovich and Winter introduced:

H. F. No. 1681, A bill for an act relating to state government; administrative rulemaking; changing the membership and duties of the LCRAR; transferring the rule review functions of the office of the attorney general to the office of administrative hearings; authorizing agencies to adopt substantially different rules in certain circumstances; regulating notices of intent to solicit outside opinion, statements of need and reasonableness, and public hearing requirements; authorizing the governor to disapprove rules adopted after public hearing; eliminating the requirement that agencies review their rules and consider methods to reduce their impact on small business; appropriating money; amending Minnesota Statutes 1992, sections 3.841; 3.842, subdivision 5; 14.05, subdivision 2, and by adding a subdivision; 14.08; 14.09; 14.10; 14.115, subdivision 5; 14.131; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.25; 14.26; 14.29, subdivisions 2 and 4; 14.30; 14.32; 14.33; 14.34; 14.365; 14.47, subdivision 6; 14.48; and 14.51; proposing coding for new law in Minnesota Statutes, chapters 3 and 14; repealing Minnesota Statutes 1992, sections 14.115, subdivision 6; and 14.225.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

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

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

H. F. No. 296, A bill for an act relating to financial institutions; credit unions; regulating investments in share certificates; authorizing credit unions to make reverse mortgage loans; regulating credit unions as depositories of various funds; amending Minnesota Statutes 1992, sections 11A.24, subdivision 4; 41B.19, subdivision 6; 47.58, subdivision 1; 50.14, subdivision 13; 52.04, subdivision 1; 80A.14, subdivisions 4 and 9; 116J.8765, subdivision 4; 118.01, subdivision 1; 118.10; 136.31, subdivision 6; 427.01; 446A.11, subdivision 9; 475.67, subdivision 5; and 520.01, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bertram moved that the House concur in the Senate amendments to H. F. No. 296 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 296, A bill for an act relating to financial institutions; credit unions; regulating investments in share certificates; authorizing credit unions to make reverse mortgage loans; regulating credit unions as depositories of various funds; amending Minnesota Statutes 1992, sections 11A.24, subdivision 4; 41B.19, subdivision 6; 47.58, subdivision 1; 48.64; 48.86; 50.14, subdivision 13; 52.04, subdivision 1; 80A.14, subdivisions 4 and 9; 116J.8765, subdivision 4; 118.01, subdivision 1; 118.10; 136.31, subdivision 6; 427.01; 446A.11, subdivision 9; 475.67, subdivision 5; 520.01, subdivision 2; and 540.08.

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

The question was taken on the repassage of the bill and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 73 yeas and 58 nays as follows:

Those who voted in the affirmative were:

| | | | | | | |
|--------------|------------|-------------|---------|-----------|------------|------------|
| Abrams | Clark | Hausman | Lasley | Neary | Rest | Van Dellen |
| Anderson, I. | Dawkins | Huntley | Lieder | Olson, E. | Rodosovich | Vellenga |
| Asch | Dehler | Jacobs | Lourey | Opatz | Rukavina | Wagenius |
| Battaglia | Delmont | Jaros | Luther | Orenstein | Sarna | Wejcmán |
| Bauerly | Dorn | Jefferson | Lynch | Orfield | Sekhon | Winter |
| Beard | Evans | Johnson, A. | Mahon | Osthoff | Simoneau | Worke |
| Bergson | Farrell | Johnson, R. | Mariani | Ostrom | Skoglund | Spk. Long |
| Bertram | Garcia | Kahn | McGuire | Pawlenty | Solberg | |
| Blatz | Greenfield | Kelley | Milbert | Perlt | Tomassoni | |
| Carlson | Greiling | Kelso | Munger | Pugh | Trimble | |
| Carruthers | Hasskamp | Krueger | Murphy | Reding | Tunheim | |

Those who voted in the negative were:

| | | | | | | |
|--------------|-----------|---------------|----------|-----------|-----------|---------|
| Anderson, R. | Dempsey | Hugoson | Leppik | Ness | Smith | Weaver |
| Bettermann | Erhardt | Jennings | Limmer | Olson, K. | Sparby | Wenzel |
| Bishop | Frerichs | Johnson, V. | Lindner | Olson, M. | Stanius | Wolf |
| Brown, C. | Girard | Kalis | Macklin | Onnen | Steensma | Workman |
| Brown, K. | Goodno | Kinkel | McCollum | Ozment | Sviggum | |
| Commers | Gruenes | Klinzing | Molnau | Pauly | Swenson | |
| Cooper | Gutknecht | Knickerbocker | Morrison | Pelowski | Tompkins | |
| Dauner | Haukoos | Koppendrayer | Mosel | Peterson | Vickerman | |
| Dauids | Holsten | Krinkie | Nelson | Seagren | Waltman | |

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

Madam Speaker:

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

S. F. Nos. 5, 33, 484, 568, 67 and 996.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 5, A bill for an act relating to game and fish; extending the permissible period for the open season on raccoon; amending Minnesota Statutes 1992, section 97B.621, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 33, A bill for an act relating to crime prevention; clarifying and expanding the scope of harassment and stalking crimes; increasing penalties for harassment and stalking; increasing to a gross misdemeanor the penalty for subsequent violations of orders for protection issued because of harassment; regulating data on harassment offender for purpose of mental health assessment; requiring training for judges, prosecutors, and peace officers concerning harassment and stalking; providing for notice to harassment victims of release of alleged offender from incarceration; allowing arrest on probable cause of alleged harassment offenders; requiring prosecutors to notify harassment victims of decision not to prosecute; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 480.30; 609.605; 609.713, by adding a subdivision; 609.748, subdivisions 6, 8, and by adding a subdivision; 609.79, subdivision 1; 609.795, subdivision 1; 611A.031; 611A.0315; 626.8451, subdivision 1a; 629.34, subdivision 1; and 629.342; proposing coding for new law in Minnesota Statutes, chapters 609; 611A; and 629; repealing Minnesota Statutes 1992, sections 609.02, subdivisions 12 and 13; 609.605, subdivision 3; 609.746, subdivisions 2 and 3; 609.747; 609.79, subdivision 1a; and 609.795, subdivision 2.

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

S. F. No. 484, A bill for an act allowing residents under the age of 16 to take deer of either sex until December 31, 1995; amending Minnesota Statutes 1992, section 97B.301, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 568, A bill for an act relating to insurance; nonprofit health service plan corporations; regulating investments; amending Minnesota Statutes 1992, section 62C.10.

The bill was read for the first time.

Reding moved that S. F. No. 568 and H. F. No. 580, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 67, A bill for an act relating to crime; clarifying the application of the tolling provision in the law governing criminal statutes of limitations; amending Minnesota Statutes 1992, section 628.26.

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

S. F. No. 996, A bill for an act relating to weights and measures; correcting name of accountant's organization; amending Minnesota Statutes 1992, section 239.05, subdivision 2c.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

CALL OF THE HOUSE LIFTED

Bauerly moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CONSENT CALENDAR

Anderson, I., moved that the bills on the Consent Calendar for today be continued. The motion prevailed.

SPECIAL ORDERS

Anderson, I., moved that the bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Anderson, I., moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olson, K., moved that her name be stricken and the name of Steensma be added as chief author on H. F. No. 46. The motion prevailed.

Olson, K., moved that the name of Brown, K., be added as an author on H. F. No. 705. The motion prevailed.

Kalis moved that the name of Hugoson be added as an author on H. F. No. 1041. The motion prevailed.

Pugh moved that the name of Anderson, I., be stricken and the names of Carruthers and McCollum be added as authors on H. F. No. 1090. The motion prevailed.

Smith moved that his name be stricken as an author on H. F. No. 1121. The motion prevailed.

Davids moved that the name of Smith be added as an author on H. F. No. 1181. The motion prevailed.

Abrams moved that the name of Sparby be added as an author on H. F. No. 1243. The motion prevailed.

Limmer moved that the name of Smith be added as an author on H. F. No. 1408. The motion prevailed.

Onnen moved that the name of Ness be added as an author on H. F. No. 1566. The motion prevailed.

McCollum moved that the name of Workman be added as an author on H. F. No. 1619. The motion prevailed.

Kahn moved that the name of Jennings be added as an author on H. F. No. 1646. The motion prevailed.

Kahn moved that the name of Jennings be added as an author on H. F. No. 1647. The motion prevailed.

Clark moved that H. F. No. 1605 be returned to its author. The motion prevailed.

Peterson moved that H. F. No. 277, now on Technical General Orders, be re-referred to the Committee on Taxes. The motion prevailed.

Simoneau moved that H. F. No. 1008, now on General Orders, be re-referred to the Committee on Health and Human Services. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, April 7, 1993. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, April 7, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives