

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 7, 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 the Reverend Debra Warnes, Shepherd of the Hills Lutheran Church, Hopkins, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Brown, C.; Lieder and Sarna were excused.

Rice was excused until 5:10 p.m. Welle was excused until 5:15 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 568 and H. F. No. 580, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Reding moved that S. F. No. 568 be substituted for H. F. No. 580 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 31, 1993

The Honorable Joan Anderson Growe
Secretary of State
The State of Minnesota

Dear Secretary of State Growe:

It is my honor to inform you that I have allowed House File No. 97 (Chapter 12) to become law without my signature.

H. F. No. 97, relating to labor relations; regulating public employment labor relations; modifying the definition of a confidential employee.

With this correspondence, House File No. 97 (Chapter 12) is submitted to you for your filing.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 31, 1993

The Honorable Dee Long
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Long:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 358, relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws.

H. F. No. 29, relating to child care; extending the prohibition on smoking to family day care providers; updating the reference to the rule governing child care centers.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1993</i>	<i>Date Filed 1993</i>
	97 **	12		March 31
	358	13	3:38 p.m. March 31	March 31
	29	14	3:34 p.m. March 31	March 31
282		20	3:36 p.m. March 31	March 31

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

**[NOTE: H. F. No. 97 became law without Governor's signature.]

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 2, 1993

The Honorable Dee Long
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Long:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 585, relating to human rights; prohibiting unfair discriminatory practices on the basis of sexual orientation.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Dee Long
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1993</i>	<i>Date Filed 1993</i>
	585	22	10:27 a.m. April 2	April 2

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Carlson from the Committee on Education to which was referred:

H. F. No. 2, A bill for an act relating to youth; service learning and work-based learning; establishing a task force on community service; promoting youth service; developing youth community service and work-based learning programs; appropriating money; amending Minnesota Statutes 1992, sections 121.88, subdivision 9; 124.2713, subdivision 5; 124A.29, subdivision 1; 124C.46, subdivision 1; and 126.70, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16B; and 121.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [121.70] [SHORT TITLE.]

Sections 1 to 11 shall be cited as the "Minnesota youth works act."

Sec. 2. [121.701] [PURPOSE.]

The purposes of sections 1 to 11 are to:

- (1) renew the ethic of civic responsibility in Minnesota;
- (2) empower youth to improve their life opportunities through literacy, job placement, and other essential skills;
- (3) empower government to meet its responsibility to prepare young people to be contributing members of society;
- (4) help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty;
- (5) prepare a citizenry that is academically competent, ready for work, and socially responsible;
- (6) demonstrate the connection between youth and community service, community service and education, and education and meaningful opportunities in the business community;
- (7) demonstrate the connection between providing opportunities for at-risk youth and reducing crime rates and the social costs of troubled youth; and
- (8) coordinate federal and state activities that advance the purposes in this section.

Sec. 3. [121.702] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 11.

Subd. 2. [ELIGIBLE ORGANIZATION.] "Eligible organization" means:

- (1) a local unit of government including a city, township, county, or group of two or more contiguous counties;
- (2) an existing nonprofit organization organized under chapter 317A;
- (3) an educational institution;
- (4) a private industry council; or
- (5) a state agency.

Subd. 3. [FEDERAL LAW.] "Federal law" means Public Law Number 101-610, as amended, or any other federal law or program assisting youth community service, work-based learning, or youth transition from school to work.

Subd. 4. [MENTOR.] "Mentor" means a business person, an adult from the community, or a person who has successfully completed the youth works program who volunteers to establish a one-on-one relationship with a participant in the youth works program to encourage and guide the participant to obtain an education, participate in service and work-related activities, and effectively use postservice benefits.

Subd. 5. [PARTICIPANT.] "Participant" means an individual enrolled in a program that receives assistance under sections 1 to 11.

Subd. 6. [PLACEMENT.] "Placement" means the matching of a participant with a specific project.

Subd. 7. [PROGRAM.] "Program" means an activity carried out with assistance provided under sections 1 to 11.

Subd. 8. [PROJECT.] "Project" means an activity that results in a specific identifiable service or product that could not be done from the resources of the eligible organization and that does not duplicate the routine services or functions of the eligible organization.

Subd. 9. [YOUTH WORKS TASK FORCE.] "Youth works task force" means the task force established in section 4.

Sec. 4. [121.703] [YOUTH WORKS TASK FORCE.]

Subdivision 1. [CREATION.] The youth works task force is established to assist the governor and the legislature in implementing sections 1 to 11 and federal law. The terms, compensation, filling of vacancies, and removal of members are governed by section 15.059. The youth works task force may accept gifts and contributions from public and private organizations.

Subd. 2. [MEMBERSHIP.] The youth works task force consists of 16 voting members. The membership includes the commissioner or designee of the departments of education, jobs and training, and natural resources and the executive director of the higher education coordinating board, and four persons appointed by the governor from among the following agencies: department of human services, department of health, department of corrections, department of agriculture, department of public safety, department of finance, office of strategic and long-range planning, Minnesota office of volunteer services, Minnesota high technology council, Minnesota housing finance agency, and Minnesota Technology, Inc. The governor shall appoint four members, one each representing a public or private sector labor union, business, students, and parents, and the remaining four members from among representatives of the following groups: educators, senior citizen organizations, local agencies working with youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, education partnership programs, public or nonprofit organizations experienced in youth employment and training, and volunteer administrators, or other organizations working with volunteers. The governor shall ensure that, to the extent possible, the membership of the task force is balanced according to geography, race, ethnicity, age, and gender. The speaker of the house and the majority leader of the senate shall each appoint a legislator to be a nonvoting member of the task force.

Subd. 3. [DUTIES.] (a) The youth works task force shall:

(1) develop, with the assistance of the governor and affected state agencies, a comprehensive state plan to provide services under sections 1 to 11 and federal law;

(2) actively pursue public and private funding sources for services, including funding available under federal law;

(3) coordinate volunteer service-learning programs within the state;

(4) develop, in cooperation with the youth apprenticeship council, volunteer service-learning programs, including curriculum, materials, and methods of instruction;

(5) work collaboratively with the youth apprenticeship council, schools, public and private agencies, for-profit and nonprofit employers, and labor unions to identify mentoring and service-learning opportunities, solicit and recruit participants for these programs, and disseminate information on the programs;

(6) administer the youth works grant program under sections 5 to 10, including soliciting and approving grant applications from eligible organizations, and administering individual postservice benefits;

(7) establish an evaluation plan for programs developed and services provided under sections 1 to 11; and

(8) report to the governor and legislature.

(b) Nothing in this act precludes an organization from independently seeking public or private funding to accomplish purposes similar to those described in paragraph (a).

Sec. 5. [121.704] [YOUTH WORKS PROGRAM.]

The youth works program is established to fulfill the purposes of section 1. The youth works program shall supplement existing programs and services. The program shall not displace existing programs and services, existing funding of programs or services, or existing employment and employment opportunities. No eligible organization may terminate, lay off, or reduce the hours of work of an employee to place or hire a program participant. No eligible organization may place or hire an individual for a project if an employee is on lay-off from the same or a substantially equivalent position.

Sec. 6. [121.705] [YOUTH WORKS GRANTS.]

Subdivision 1. [APPLICATION.] An eligible organization interested in receiving a grant under sections 5 to 10 may prepare and submit to the youth works task force an application that complies with section 7.

Subd. 2. [GRANT AUTHORITY.] The youth works task force shall use any state appropriation and any available federal funds, including any grant received under federal law, to award grants to establish programs for youth works meeting the requirements of section 7. At least one grant each must be available for a metropolitan proposal, a rural proposal, and a statewide proposal. In awarding grants, the youth works task force may select at least one residential proposal and one nonresidential proposal, provided the proposals meet or exceed the criteria in section 7.

Sec. 7. [121.706] [GRANT APPLICATIONS.]

Subdivision 1. [APPLICATIONS REQUIRED.] An organization seeking federal or state grant money under sections 5 to 10 shall prepare and submit to the youth works task force an application that meets the requirements of this section. The youth works task force shall develop, and the applying organizations shall comply with, the form and manner of the application.

Subd. 2. [APPLICATION CONTENT.] An applicant on its application shall:

(1) propose a program to provide participants the opportunity to perform community service to meet specific unmet community needs, and participate in classroom, work-based, and service learning;

(2) assess the community's unmet educational, human, environmental, and public safety needs, the resources and program available for meeting those needs, and how young people participated in assessing community needs;

(3) describe the classroom component of the program, including classroom hours per week and classroom time for participants to reflect on the program experience;

(4) describe the work to be performed, the ratio of youth participants to crew leaders and mentors, and the expectations and qualifications for crew leaders and mentors;

(5) describe local funds or resources available to meet the match requirements of section 10;

(6) describe any funds available for the program from sources other than the requested grant;

(7) describe any agreements with local businesses to provide participants with work-learning opportunities and mentors;

(8) describe any agreement with local post-secondary educational institutions to offer participants course credits for their community service learning experience;

(9) describe any agreement with a local high school or an alternative learning center to provide remedial education, credit for community service work and work-based learning, or graduate equivalency degrees;

(10) describe any pay for service or other program delivery mechanism that will provide reimbursement for benefits conferred or recover costs of services participants perform;

(11) describe how local resources will be used to provide support and assistance for participants to encourage them to continue with the program, fulfill the terms of the contract, and remain eligible for any postservice benefit;

(12) describe the arbitration mechanism for dispute resolution required under section 8, subdivision 2;

(13) describe involvement of community leaders in developing broad-based support for the program;

(14) describe the consultation and sign off process to be used with any local labor organization representing employees in the area engaged in work similar to that proposed for the program to ensure that no current employees or available employment positions will be displaced by program participants;

(15) certify to the youth works task force and to any certified bargaining representatives representing employees of the applying organization that the project will not decrease employment opportunities that would be available without the project; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work;

(16) describe the length of the required service period, which may not be less than six months or more than two years, a method to incorporate a participant's readiness to advance or need for postservice financial assistance into individual service requirements, and any opportunity for participating part time or in another program;

(17) describe a program evaluation plan that contains cost effectiveness measures, measures of participant success including educational accomplishments, job placements, community contributions, and ongoing volunteer activities, outcome measures based on a preprogram and postprogram survey of community rates of arrest, incarceration, teenage pregnancy, and other indicators of youth in trouble, and a list of local resources dedicated to reducing these rates;

(18) describe a three-year financial plan for maintaining the program; and

(19) describe the role of local youth in developing all aspects of the grant proposal.

Sec. 8. [121.707] [PROGRAM PROVISIONS.]

Subdivision 1. [PARTICIPANT ELIGIBILITY.] An individual is eligible to participate in youth community service if the individual:

(1) is 17 to 24 years old;

(2) is a citizen of the United States or lawfully admitted for permanent residency;

(3) is a permanent Minnesota resident as that term is used in section 256.936, subdivision 4c, paragraph (d), clause (2);

(4) is applying for service and has received a high school diploma or its equivalent, or agrees to attain a high school diploma or its equivalent while participating in the program; and

(5) agrees to act as an alumni volunteer or an alumni mentor upon successfully completing the program and postprogram education.

Subd. 2. [TERMS OF SERVICE.] (a) A participant shall agree to perform community service for the period required unless the participant is unable to complete the terms of service for the reason provided in paragraph (b).

An agreement to perform community service must be in the form of a written contract between the participant and the grantee organization. Terms of the contract must include a length of service between six months and two years, the participant's education goals and commitment, the anticipated date of completion, dismissal for cause, including failure to fully participate in the education component, and the exclusive right to challenge a dismissal for cause through binding arbitration. The arbitrator must be chosen jointly by the grantee organization and the participant from the community or, if agreement cannot be reached, an arbitrator must be determined from a list of arbitrators provided by the American Arbitration Association. The sole remedy available to the participant through arbitration is reinstatement to the program and eligibility for postservice benefits. The parent or guardian of a minor shall consent in writing to the contract between the participant and the grantee organization.

(b) If the grantee organization releases a participant from completing a term of service in a program receiving assistance under sections 5 to 10 for compelling personal circumstances as demonstrated by the participant, or if the program in which the participant serves does not receive continued funding for any reason, the grantee organization may provide the participant with that portion of the financial assistance described in subdivision 3 that corresponds to the quantity of the service obligation completed by the individual.

If the grantee organization terminates a participant for cause or a participant resigns without demonstrating compelling personal circumstances under this section, no postservice benefit under subdivision 3 may be paid.

(c) A participant performing part-time service under sections 1 to 11 shall serve at least two weekends each month and two weeks during the year; or at least an average of nine hours per week each year. A participant performing full-time service under sections 1 to 11 shall serve for not less than 40 hours per week.

(d) Notwithstanding section 176.011, subdivision 9, or any other law to the contrary, for purposes of workers' compensation, while participating in a program a participant is exclusively an employee of the state.

(e) Notwithstanding any other law to the contrary, for purposes of tort liability under sections 3.732 and 3.736, while participating in a program a participant is an employee of the state.

(f) Participants performing community service in a program are not public employees for purposes of chapter 43A, 179A, 197, 353, or any other law governing hiring or discharge of public employees.

Subd. 3. [POSTSERVICE BENEFIT.] (a) Each participant shall receive a nontransferable postservice benefit upon successfully completing the program. The benefit must be \$2,000 per year of part-time service or \$5,000 per year of full-time service.

(b) In the event that a program does not receive a federal grant that provides a postservice benefit, the participants in the program shall receive a postservice benefit equal in value to one-half the amount provided under paragraph (a).

(c) Nothing in this subdivision prevents a grantee organization from using funds from nonfederal or nonstate sources to increase the value of postservice benefits above the value described in paragraph (a).

(d) The state shall provide an additional postservice benefit to any participant who successfully completes the program. The benefit must be a credit of five points to be added to the competitive open rating of a participant who obtains a passing grade on a civil service examination under chapter 43A. The benefit is available for five years after completing the community service.

Subd. 4. [USES OF POSTSERVICE BENEFITS.] (a) A postservice benefit for a participant provided under subdivision 3, paragraph (a), (b), or (c), must be available for five years after completing the program and may only be used for:

(1) paying a student loan;

(2) costs of attending an institution of higher education; or

(3) expenses incurred in an apprenticeship program approved by the department of labor and industry.

Financial assistance provided under this subdivision must be in the form of vendor payments whenever possible. Any postservice benefits provided by federal funds or vouchers may be used as a downpayment on, or closing costs for, purchasing a first home.

(b) Postservice benefits are to be used to develop skills required in occupations where numbers of jobs are likely to increase. The youth works task force, in consultation with the youth apprenticeship council, shall determine how the benefits may be used in order to best prepare participants with skills that build on their service learning and equip them for meaningful employment.

Subd. 5. [LIVING ALLOWANCE.] (a) A participant in a full-time community service program shall receive an annual stipend of \$500. An eligible organization may provide participants with additional amounts from nonfederal or nonstate sources.

(b) Nothing in this subdivision requires an existing program to decrease any stipend, salary, or living allowance provided to a participant under the program.

(c) In addition to the living allowance provided under paragraph (a), a grantee organization shall provide health and dental coverage to each participant in a full-time youth works program who does not otherwise have access to health or dental coverage. The state shall include the cost of group health and dental coverage in the grant to the eligible organization.

Subd. 6. [PROGRAM TRAINING.] (a) The youth works task force shall, within available resources, ensure an opportunity for each participant to have three weeks of training in a residential setting. If offered, each training session must:

- (1) orient each participant in the nature, philosophy, and purpose of the program;
- (2) build an ethic of community service through general community service training; and
- (3) provide additional training as it determines necessary.

(b) Each grantee organization shall also train participants in skills relevant to the community service opportunity.

Subd. 7. [TRAINING AND EDUCATION REQUIREMENTS.] Each grantee organization shall assess the educational level of each entering participant. Each grantee shall work to enhance the educational skills of each participant. The youth works task force may coordinate or contract with educational institutions or other providers for educational services and evaluation. All grantees shall give priority to educating and training participants who do not have a high school diploma or its equivalent, or who cannot afford post-secondary training and education.

Sec. 9. [121.708] [PRIORITY.]

The youth works task force shall give priority to an eligible organization proposing a program that meets the goals of sections 5 to 8, and that:

- (1) involves youth in a meaningful way in all stages of the program, including assessing community needs, preparing the application, and assuming postservice leadership and mentoring responsibilities;
- (2) serves a community with significant unmet needs;
- (3) provides an approach that is most likely to reduce arrest rates, incarceration rates, teenage pregnancy, and other indicators of troubled youth;
- (4) builds linkages with existing, successful programs; and
- (5) can be operational quickly.

Sec. 10. [121.709] [MATCH REQUIREMENTS.]

A grant awarded through the youth works program must be matched at \$2 of grant funds for at least \$1 of applicant funds. Grant funds must be used for the living allowance, postservice benefits, and health and dental benefits for each program participant. Applicant funds, from sources and in a form determined by the youth works task force, must be used to pay for crew leaders, administration, supplies, materials, and transportation. Administrative expenses must not exceed seven percent of total program costs. To the extent that administrative costs are less than seven percent, an amount equal to the difference between the percent expended and seven percent shall be applied to the local match requirement in this section.

Sec. 11. [121.710] [EVALUATION AND REPORTING REQUIREMENTS.]

Subdivision 1. [GRANTEE ORGANIZATIONS.] Each grantee organization shall report to the youth works task force at the time and on the matters requested by the youth works task force.

Subd. 2. [INTERIM REPORT.] The youth works task force shall report semiannually to the legislature with interim recommendations to change the program.

Subd. 3. [FINAL REPORT.] The youth works task force shall present a final report to the legislature by January 1, 1998, summarizing grantee evaluations, reporting on individual participants and participating grantee organizations, and recommending any changes to improve or expand the program.

Sec. 12. Minnesota Statutes 1992, section 121.88, subdivision 9, is amended to read:

Subd. 9. [YOUTH SERVICE PROGRAMS.] A school board may offer, as part of a community education program with a youth development program, a youth service program ~~for pupils to promote that provides young people with~~ meaningful opportunities to become involved in their community, develop individual capabilities, make career connections, seek support networks and services, become active citizenship citizens, and to address community needs through youth service. The school board may award up to one credit, or the equivalent, toward graduation for a pupil who completes the youth service requirements of the district. The community education advisory council, ~~after considering the results of the commissioner's study under section 13, subdivision 1,~~ after considering the results of the commissioner's study under section 13, subdivision 1, shall design the program in cooperation with the district planning, evaluating and reporting committee and local organizations that train volunteers or need volunteers' services. Programs must include:

(1) preliminary training for pupil volunteers conducted, when possible, by organizations experienced in such training;

(2) supervision of the pupil volunteers to ensure appropriate placement and adequate learning opportunity;

(3) sufficient opportunity, in a positive setting for human development, for pupil volunteers to develop general skills in preparation for employment, to enhance self-esteem and self-worth, and to give genuine service to their community;

(4) integration of academic learning with the service experience; and

(5) integration of youth community service with elementary and secondary curriculum.

Youth service projects include, but are not limited to, the following:

(1) human services for the elderly, including home care and related services;

(2) tutoring and mentoring;

(3) training for and providing emergency services;

(4) services at extended day programs; and

(5) environmental services; and

(6) service learning programs in which schools, including post-secondary schools, and employers work together with young people to provide them with meaningful opportunities for community service and with the academic and technical skills that employers require.

The commissioner shall maintain a list of acceptable projects with a description of each project. A project that is not on the list must be approved by the commissioner.

A youth service project must have a community sponsor that may be a governmental unit or nonprofit organization. To assure that pupils provide additional services, each sponsor must assure that pupil services do not displace employees or reduce the workload of any employee.

The commissioner must assist districts in planning youth service programs, implementing programs, and developing recommendations for obtaining community sponsors.

Sec. 13. [121.885] [SERVICE LEARNING AND WORK-BASED LEARNING CURRICULUM AND PROGRAMS.]

Subdivision 1. [SERVICE LEARNING AND WORK-BASED LEARNING PROGRAMS STUDY.] The youth works task force, established in section 4, shall assist the commissioner of education in studying how to combine community service activities and service learning with work-based learning programs.

Subd. 2. [SERVICE LEARNING PROGRAMS DEVELOPED.] The commissioner, in consultation with the task force, shall develop a service learning program curriculum that includes a policy framework and strategies for youth community service and an infrastructure for mentoring youth. The commissioner shall include in the curriculum at least the following:

(1) youth community service strategies that enable young people to make significant contributions to the welfare of their community through such organizations as schools, colleges, government agencies, and community-based organizations or through individual efforts;

(2) mentoring strategies that enable young people to be matched with caring, responsible individuals who can encourage and guide the young people in their personal growth and development;

(3) guidelines, criteria, and procedures for community service programs that incorporate the results of the study in subdivision 1; and

(4) criteria for community service activities and service learning.

Subd. 3. [STRUCTURING PROGRAMS ACCORDING TO GRADE OR EDUCATION LEVEL.] The service learning curriculum must accommodate students' grade level or the last completed grade level of the participants not currently enrolled in school. Schools must provide at least the following:

(1) for students in grades 7 to 9, an opportunity to learn about service learning activities and possible occupations;

(2) for students in grade 10, an opportunity to apply for service learning under section 121.88, subdivision 9, and youth apprenticeship programs; and

(3) for students in grades 11 and 12 and young people not currently enrolled in school, an opportunity to become involved in community service activities, participate in youth apprenticeship programs, and, depending upon the individual's demonstrated abilities, complete high school or pursue post-secondary coursework.

Subd. 5. [PROGRAMS FOLLOWING YOUTH COMMUNITY SERVICE.] (a) The youth works task force established in section 4, in cooperation with the commissioner and the higher education coordinating board, shall provide for those participants who successfully complete youth community service under sections 5 to 11, the following:

(1) for those who have a high school diploma or its equivalent, an opportunity to participate in a youth apprenticeship program at a community or technical college; and

(2) for those who are post-secondary students, an opportunity to participate in an educational program that supplements post-secondary courses leading to a degree or a statewide credential of academic and occupational proficiency.

(b) Participants who successfully complete a youth community service program under sections 5 to 11 are eligible to receive an education voucher as provided under section 8, subdivision 4. The voucher recipient may apply the voucher toward the cost of the recipient's tuition and other education-related expenses at a public post-secondary school under paragraph (a).

(c) The youth works task force, in cooperation with the state board of technical colleges, shall establish a mechanism to transfer credit earned in a youth apprenticeship program between the technical colleges and other post-secondary institutions offering applied associate degrees.

Sec. 14. Minnesota Statutes 1992, section 124.2713, subdivision 5, is amended to read:

Subd. 5. [YOUTH SERVICE REVENUE.] Youth service program revenue is available to a district that has implemented a youth development plan and a youth service program. Youth service revenue equals 75 cents for fiscal year 1992 and 85 cents for fiscal year years 1993 and 1994 and \$1 for fiscal year 1995 and thereafter, times the greater of 1,335 or the population of the district.

Sec. 15. Minnesota Statutes 1992, section 124.2713, subdivision 6, is amended to read:

Subd. 6. [COMMUNITY EDUCATION LEVY.] To obtain community education revenue, a district may levy the amount raised by a tax rate of 1.07 percent for fiscal year 1992 and 1.095 percent for fiscal year years 1993 and 1994 and 1.057 percent for fiscal year 1995 and thereafter, times the adjusted net tax capacity of the district. If the amount of the community education levy would exceed the community education revenue, the community education levy shall equal the community education revenue.

Sec. 16. Minnesota Statutes 1992, section 124C.46, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM FOCUS.] The programs and services of a center must focus on academic and learning skills, trade and vocational skills, work-based learning opportunities, work experience, youth service to the community, and transition services.

Sec. 17. [HECB TO HELP COORDINATE YOUTH COMMUNITY SERVICE.]

Subdivision 1. [HECB DUTIES.] (a) The higher education coordinating board shall coordinate the application process for higher education grants under federal law. The board shall submit to the youth works task force under section 4 a proposal described in subdivision 2 for a consortium of higher education institutions to be included in the state's comprehensive service plan under section 4, subdivision 3.

(b) The board shall also coordinate the activities of individual Minnesota higher education institutions applying directly for federal community service grants.

Subd. 2. [COMMUNITY SERVICE PROPOSAL.] The proposal submitted by the higher education coordinating board shall develop programs that allow:

(1) higher education institutions to modify existing and create new courses, curricula, and extracurricular activities that effectively use service learning and work-based learning methods;

(2) one or more higher education institutions to conduct research to evaluate the benefits of service learning programs and to make recommendations to improve service learning programs;

(3) higher education institutions to train K-12 teachers in the skills necessary to develop, supervise, and organize community service activities, consistent with the principles of service learning; and

(4) higher education institutions to create or expand community service or work-based learning activities for students attending the institutions.

Sec. 18. [FEDERAL APPLICATION.]

The youth works task force shall prepare timely and complete applications for federal grants. At a minimum, the task force application must describe:

(1) a program designed to meet the unique needs of the state that will provide community service opportunities to youths ages 17 to 24;

(2) the amount of funds requested for the youth works program plan; and

(3) how the task force ranks applications and awards grants to Minnesota applicants under sections 5 to 10.

Sec. 19. [SEVERANCE.]

Any provision in this act that makes the state ineligible to receive a grant under Public Law Number 101-610 or other federal laws funding youth works programs is severed and has no effect.

Sec. 20. [REPEALER.]

Sections 5 to 10 are repealed on June 30, 1998.

Sec. 21. [APPROPRIATIONS.]

Subdivision 1. [DESIGNATED AGENCIES.] The sums indicated in this section are appropriated to the designated agencies for fiscal years 1994 and 1995.

Subd. 2. [DEPARTMENT OF EDUCATION.] \$4,468,000 is appropriated from the general fund to the commissioner of education for fiscal years 1994 and 1995. \$100,000 of this sum shall be used to establish one full-time position for capacity building, evaluation, design, and developing service-learning and work-based learning. \$50,000 shall be used to establish a public private matching grant program for local organizations to provide a youth service entrepreneurship initiative contingent upon local match requirements. \$4,128,000 is for grants for the youth works program under this act. \$190,000 is to provide staff for the youth works task force on mentoring and community service.

Subd. 3. [YOUTH SERVICE AID.] \$532,000 is appropriated from the general fund to the department of education for community education aid in fiscal year 1995 according to Minnesota Statutes, section 124.2713, subdivision 5. This aid is in addition to an appropriation for community education aid in any other law."

Delete the title and insert:

"A bill for an act relating to youth; service learning and work-based learning; establishing a task force on community service; promoting youth service; developing youth community service and work-based learning programs; appropriating money; amending Minnesota Statutes 1992, sections 121.88, subdivision 9; 124.2713, subdivisions 5 and 6; and 124C.46, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 50, A bill for an act relating to apiary law; removing state regulation of honey bees; amending Minnesota Statutes 1992, sections 18.022, subdivision 1; and 18.0228, subdivision 3; repealing Minnesota Statutes 1992, sections 19.50; 19.51; 19.52; 19.53; 19.54; 19.55; 19.56; 19.57; 19.58; 19.59; 19.60; 19.61; 19.62; 19.63; 19.64; and 19.65.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 19.50, is amended by adding a subdivision to read:

Subd. 12a. [AFRICANIZED HONEYBEES.] "Africanized honeybees" means Africanized honeybees using United States Department of Agriculture standards.

Sec. 2. Minnesota Statutes 1992, section 19.52, subdivision 1, is amended to read:

Subdivision 1. [ACCESS FOR INSPECTION AND ENFORCEMENT.] The commissioner may enter upon any public or private premises at all reasonable times, after providing notification to the owner or operator, to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. For purposes of this subdivision, notification means providing at least 24 hours advance notice by telephone, mail, or facsimile of the commissioner's entry upon the premises. The commissioner is not required to provide notification if: (1) the owner or operator cannot be readily identified; (2) the entry upon the premises is in response to a complaint to the commissioner; (3) the entry is upon the request of the owner or operator; or (4) the entry is in response to a declared emergency by the commissioner. The commissioner may open any hive, colony, package, or receptacle which contains, or which the commissioner has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state.

Sec. 3. Minnesota Statutes 1992, section 19.55, is amended to read:

19.55 [INSPECTION; NOTIFICATION OF DISEASES.]

If, upon inspection of a bee colony, the commissioner finds any bee disease ~~or~~, exotic parasite, or Africanized honeybees, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease ~~or parasite problem~~. If the commissioner orders it, the disease ~~or~~, exotic parasite, or Africanized honeybees must be eliminated, treated, or controlled by the owner or operator within the time period and in the manner ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary, by leaving a copy with an adult person residing upon the premises, or by either registered or certified mail addressed to the last known address of the owner or operator of the apiary.

Sec. 4. Minnesota Statutes 1992, section 19.56, is amended to read:

19.56 [PUBLIC NUISANCES; DESTRUCTION OF BEES.]

Apiaries whose owners or operators have not eliminated, treated, or controlled bee diseases ~~or~~, exotic parasites, or Africanized honeybees within the time specified and in the manner ordered by the commissioner, as provided in section 19.55; ~~apiaries having bees in hives without movable frames where inspection for bee diseases is not possible;~~ and colonies of bees, queen nuclei; or shipments of used bee equipment which entered this state in violation of section 19.58 are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, ~~any box hives or~~ infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator, by leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the last known address of the owner or operator of the apiary.

Sec. 5. [19.561] [AFRICANIZED HONEYBEES; POSSESSION.]

A beekeeper may not use a swarm of honeybees positively identified as being Africanized in a beekeeping operation.

Sec. 6. Minnesota Statutes 1992, section 19.58, subdivision 1, is amended to read:

Subdivision 1. [ENTRY PERMIT.] No person may bring into this state any bees on comb, including nuclei, or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee equipment into the state shall apply for an entry permit at least 60 days before the date of entry. No entry permit may be issued without a valid compliance agreement signed by the commissioner and the beekeeper. The compliance agreement must be based on the model honeybee certification plan. The 60-day requirement may be waived ~~for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state by the commissioner.~~

~~Ten days~~ Before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated unless the person's bees have been inspected in Minnesota within 12 months before entry. The certificate must be based on an inspection. A person may not bring into the state any bees on comb including nuclei, combless bees, or used bee equipment from any county or parish where honey bee ~~tracheal mites~~ or Africanized bees honeybees have been found unless it is demonstrated to the satisfaction of the commissioner that there will be no risk of introduction either of ~~tracheal mites~~ or Africanized bees honeybees into the state. Bees or equipment brought into the state in violation of this subdivision are a public nuisance and may be destroyed without notice by the commissioner.

This subdivision does not apply to a common carrier transporting bees or used bee equipment from a point of origin outside of the state to a destination outside of the state.

Sec. 7. Minnesota Statutes 1992, section 19.58, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN.] No person may bring any combless bees, including queen bees, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the official found that the materials were free from any exotic parasites or exotic strains of honey bees and apparently free of American foulbrood and European foulbrood. The commissioner shall determine by rule the meaning of the term "apparently free." beekeeper is using certified European queen bees in all colonies.

Sec. 8. Minnesota Statutes 1992, section 19.58, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF INSPECTION CERTIFICATES.] A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds an infectious bee disease, exotic parasite, or exotic strain of bee. ~~If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.~~

Sec. 9. Minnesota Statutes 1992, section 19.59, is amended to read:

19.59 [ABANDONED APIARIES.]

An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary and ~~proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. The commissioner may dispose of the abandoned apiary equipment by sale, destruction, or distribution to another beekeeper.~~ A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

After deducting the expense of the public sale and applying the unpaid balance upon all encumbrances or liens existing against the abandoned apiary sold, the balance of the proceeds shall be paid to the owner of the apiary which was sold.

Sec. 10. Minnesota Statutes 1992, section 19.64, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] Every person who owns, leases, or possesses colonies of bees or who intends to bring bees into the state under an entry permit shall register the bees with the commissioner on or before ~~July 1~~ April 15 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is ~~\$7.50~~ \$10. The commissioner shall provide registered beekeepers with the Minnesota pest report.

Sec. 11. Minnesota Statutes 1992, section 19.64, subdivision 4a, is amended to read:

Subd. 4a. [OTHER FEES.] On request the commissioner may make ~~special inspections and~~ inspections for sale of bees, bee equipment, or appliances or perform other necessary services. The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing these inspections or services. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged.

Sec. 12. Minnesota Statutes 1992, section 19.65, is amended to read:

19.65 [VIOLATION; PENALTY.]

A person who violates any provision of sections 19.50 to 19.65 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 19.50 to 19.65 is also guilty of a misdemeanor. A person who violates sections 19.50 to 19.65 is subject to an administrative penalty under sections 17.982, subdivision 2; 17.983; and 17.984.

Sec. 13. [REPEALER.]

Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 9 and 11 to 13 are effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to agriculture; changing the apiary laws; amending Minnesota Statutes 1992, sections 19.50, by adding a subdivision; 19.52, subdivision 1; 19.55; 19.56; 19.58, subdivisions 1, 2, and 4; 19.59; 19.64, subdivisions 1 and 4a; and 19.65; proposing coding for new law in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4."

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. 104, A bill for an act relating to Otter Tail county; allowing use of certain land in Otter Tail county.

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 167, A bill for an act relating to economic development; creating Minnesota Business Finance, Inc. to provide capital for commercial borrowers through the Small Business Administration; providing for powers and duties of a board of directors and employees; transferring funds from the certified development company established under the department of trade and economic development to the new corporation; proposing coding for new law as Minnesota Statutes, chapter 116S; repealing Minnesota Statutes 1992, sections 41A.065 and 116J.985.

Reported the same back with the following amendments:

Page 3, line 9, delete "authorized under subdivision 7" and insert "to discuss data described in subdivision 9 or for other purposes authorized under section 471.705"

Page 3, line 15, delete "two" and insert "six"

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 256, A bill for an act relating to livestock; exempting sales of horses from the sales tax; limiting liability for certain injuries arising out of livestock activities; amending Minnesota Statutes 1992, sections 297A.01, subdivision 3; 297A.25, subdivisions 11, 16, and by adding a subdivision; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Pages 9 to 11, delete section 6

Page 11, delete lines 32 and 33

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "amending"

Page 1, line 7, delete "; proposing"

Page 1, line 8, delete everything before the period

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 259, A bill for an act relating to local government; providing for the publication of certain accounts and delinquent property tax information; amending Minnesota Statutes 1992, sections 279.09; 281.13; 281.23, subdivision 3; and 375.17.

Reported the same back with the following amendments:

Page 1, delete section 1

Pages 4 and 5, delete section 4, and insert:

"Sec. 3. Minnesota Statutes 1992, section 375.17, is amended to read:

375.17 [PUBLICATION OF FINANCIAL STATEMENTS.]

Subdivision 1. [STATEMENT CONTENTS; SUMMARIES.] Annually, not later than the first Tuesday after the first Monday in March, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account, under the form and style prescribed by and on file with the state auditor. The prescribed form and any changes or modifications of it shall so far as practical be uniform for all counties and be approved by the attorney general and the state printer. ~~Before June 1~~ Annually the board shall publish the statement or a summary of the statement in a form as prescribed by the state auditor, for one issue in a duly qualified legal newspaper in the county.

Subd. 2. [FULL STATEMENT; PUBLICATION CONDITIONS.] If the board elects to publish the full statement, it may refrain from publishing:

(1) an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain the information, if all disbursements aggregating \$5,000 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom and for what purpose and are made a part of, and published with, the financial statement. ~~The county board may refrain from publishing;~~

(2) the names and amounts of salaries and expenses paid to employees but shall publish the totals of disbursements for salaries and expenses. ~~The county board may refrain from publishing; and~~

(3) the names of persons receiving ~~poor relief or direct relief~~ human services aid and the amounts paid to each, but the totals of the disbursements for those purposes must be published.

This subdivision does not apply to a summary published pursuant to subdivision 1.

Subd. 3. [FILING.] In addition to the publication in the newspaper designated by the board as the official newspaper for publication of the financial statement, the statement shall be published in one other newspaper, if one of general circulation is located in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. If a provision of this section is inconsistent with section 393.07, the provisions of that section shall prevail. The financial statement must be filed with the county auditor for public inspection."

Page 5, after line 17, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act takes effect the day after final enactment."

Renumber the sections in order

Amend the title as follows:

Page 1, line 5, delete "279.09;"

With the recommendation that when so amended 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. 327, A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1992, section 168.125, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 12, delete "for the cost of the plates"

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.

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

H. F. No. 365, A bill for an act relating to state lands; roads established, upgraded, or improved to serve state leased or platted lands; expenditures by counties or towns; commissioner of natural resources' duties; amending Minnesota Statutes 1992, section 92.46, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 10, after "county" insert "or town"

Page 1, line 15, delete "A town" and insert "Notwithstanding the provisions of section 160.04 and upon the request of leaseholders or owners of land platted under this section a county or town may establish a county or town road to provide access to the leased or platted properties. Where a road has been established pursuant to this section the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the road and related to its maintenance or condition. If a road is to be established, the commissioner, upon request of the appropriate local road authority, shall convey to the county or town such easement across state-owned land administered by the commissioner as may be necessary to complete the road. The easement shall be located in the area of actual use or such other corridor as may be designated by the commissioner. The easement shall be conveyed by the commissioner, without cost to the county or town, pursuant to section 84.63 or other applicable law. The commissioner shall reimburse the permanent school fund for the granting of the easement in the manner and to the extent required by law. At the request of the appropriate county or town, the commissioner shall reimburse the county or town for reasonable costs associated with notices, hearings, surveys and similar matters related to the establishment of the road over lands under the jurisdiction of the commissioner. The commissioner shall make the reimbursements required under this section from the money made available to the department of natural resources to pay assessments under section 435.19, subdivision 2."

Page 1, delete lines 16 to 26

Page 2, delete lines 1 to 15

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. 408, A bill for an act relating to human services; requiring parent's social security numbers on birth certificates; modifying various child support provisions; amending Minnesota Statutes 1992, sections 144.215, by adding a subdivision; 518.551, subdivision 5; 518.611, subdivisions 1, 2, 6, and by adding a subdivision; and 518.613, subdivisions 2, 3, and 4.

Reported the same back with the following amendments:

Page 1, line 17, after "The" insert "parents' social security numbers shall be classified as private data on individuals, except that the"

Page 1, line 18, after "number" insert "only"

Page 1, line 19, after "services" insert "upon request by the public authority"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "modifying" and insert "changing provisions relating to vital statistics;"

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.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 532, A bill for an act relating to human services; modifying the STRIDE program; requiring a work component; modifying the aid to families with dependent children program; amending Minnesota Statutes 1992, sections 13.46, subdivision 2; 256.73, subdivisions 2, 3a, and 5; 256.736, subdivisions 10, 10a, 14, and 16, and by adding a subdivision; 256.737, subdivisions 1, 1a, 2, and by adding subdivisions; 256.74, subdivision 1; 256.78; and 270B.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Pages 1 to 3, delete section 1

Pages 28 and 29, delete section 20

Page 29, line 3, delete "4, 18, and 19" and insert "3, 17, and 18"

Page 29, line 4, delete "5 to 17" and insert "4 to 16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after "sections"

Page 1, line 6, delete "2;"

Page 1, line 9, after the second semicolon insert "and"

Page 1, line 10, delete everything before "proposing"

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

The report was adopted.

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

H. F. No. 534, A bill for an act relating to the environment; wastewater treatment; clarifying rulemaking provisions for pollution control agency adoption of wastewater treatment standards; changing the composition of the technical advisory committee; amending Minnesota Statutes 1992, sections 115.44, subdivisions 4, 6, and 7; and 115.54.

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

The report was adopted.

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

H. F. No. 535, A bill for an act relating to employment; requiring employers to indemnify employees for liability arising out of the scope of employment; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [181.970] [EMPLOYEE INDEMNIFICATION.]

Subdivision 1. [INDEMNIFICATION REQUIRED.] An employer shall defend and indemnify its employee for civil damages, penalties, or fines claimed or levied against the employee, provided that the employee:

(1) was acting in the performance of the duties of the employee's position;

(2) was not guilty of intentional misconduct, willful neglect of the duties of the employee's position, or bad faith; and

(3) has not been indemnified by another person for the same damages, penalties, or fines.

Subd. 2. [EXCEPTION.] Subdivision 1 does not apply to:

(1) employees of the state or a municipality governed by section 3.736 or 466.07;

(2) employees who are subject to a contract or other agreement governing indemnification rights;

(3) employees and employers who are governed by indemnification provisions under section 300.083, 302A.521, 317A.521, or 322B.699, or similar laws of this state or another state specifically governing indemnification of employees of business or nonprofit corporations, limited liability companies, or other legal entities; or

(4) indemnification rights for a particular liability specifically governed by other law.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective August 1, 1993, and applies to claims or causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to employment; requiring employers to indemnify employees for liability arising out of the scope of employment; proposing coding for new law in Minnesota Statutes, chapter 181."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 540, A bill for an act relating to workers' compensation; regulating rehabilitation services and consultations; amending Minnesota Statutes 1992, section 176.102, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 24, strike "within" and insert "up until"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 606, A bill for an act relating to worker's compensation; regulating eligibility for assigned risk plan coverage; amending Minnesota Statutes 1992, section 79.252, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 79.251, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATION.] The commissioner shall enter into service contracts as necessary or beneficial for accomplishing the purposes of the assigned risk plan. The service contracts are not subject to chapter 16B. Services related to the administration of policies or contracts of coverage shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b), or self-insurance administrators licensed pursuant to section 176.181, subdivision 2, clause (2), paragraph (a). A qualified insurer or self-insurance administrator shall possess sufficient financial, professional, administrative, and personnel resources to provide the services contemplated in the contract. Services related to assignments, data management, assessment collection, and other services shall be performed by a licensed data service organization. The cost of those services is an obligation of the assigned risk plan."

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

Amend the title as follows:

Page 1, line 3, after the semicolon insert "exempting service contracts from chapter 16B;"

Page 1, line 4, delete "section" and insert "sections 79.251, subdivision 4; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 621, A bill for an act relating to human services; establishing a seven-day validity and nine-day replacement period for lost and stolen assistance warrants; authorizing an enhanced recoupment level in AFDC cases involving welfare fraud; integrating a client release as an inclusion in the combined application form; adding the food stamp program to the coverage of the financial transaction card fraud provision; creating and authorizing the use of commissioner's subpoenas; establishing the offense of food stamp trafficking; prescribing penalties; amending Minnesota Statutes 1992, sections 16A.45, by adding a subdivision; 256.73, subdivision 8; 256.983, subdivision 3; 393.07, subdivision 10; and 609.821, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1992, section 256.985.

Reported the same back with the following amendments:

Page 3, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1992, section 388.23, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] The county attorney, or any deputy or assistant county attorney whom the county attorney authorizes in writing, has the authority to subpoena and require the production of any records of telephone companies, cellular phone companies, paging companies, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery, and records of the existence of safe deposit box account numbers and

customer savings and checking account numbers maintained by financial institutions and safe deposit companies, and bank records, insurance records relating to the payment or settlement of claims, and wage and employment records of an applicant or recipient of public assistance who is the subject of a welfare fraud investigation relating to eligibility for public assistance programs. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement or welfare fraud investigation. This provision applies only to the records of business entities and does not extend to private individuals or their dwellings. Subpoenas may only be served by peace officers as defined in section 626.84, subdivision 1, paragraph (c)."

Amend the title as follows:

Page 1, line 9, delete everything after the semicolon

Page 1, line 10, delete everything before "establishing" and insert "authorizing subpoenas by the county attorney for welfare fraud investigations;"

Page 1, line 14, after "3;" insert "388.23, subdivision 1;"

Page 1, line 15, delete everything after the semicolon

Page 1, line 16, delete everything before "repealing"

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

The report was adopted.

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

H. F. No. 634, A bill for an act relating to agriculture; clarifying procedures for the use of certain organisms; amending Minnesota Statutes 1992, section 116C.94.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Finance without further recommendation.

The report was adopted.

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

H. F. No. 663, A bill for an act relating to retirement; first class city teachers; annuities and administration; St. Paul teachers postretirement adjustments; administrative expenses; amending Minnesota Statutes 1992, sections 354A.011, subdivision 27; 354A.021, subdivision 5, and by adding a subdivision; 354A.12, subdivisions 1, 1a, 2a, 2b, and by adding a subdivision; 354A.23, subdivision 3; and 354A.31, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 34, delete "and employer" and insert "contributions, and employer contributions if negotiated under a collective bargaining agreement."

Page 2, line 35, strike "contributions"

Page 3, line 22, delete "in the"

Page 3, delete line 23, and insert "and must be remitted directly to the respective teachers retirement fund association at least once each month."

Page 4, line 3, strike everything after the second comma

Page 4, strike lines 4 and 5

Page 4, line 6, strike everything before the period and insert "stated as a monthly rate from the date due until the date payment is received in the office of the association, with a minimum interest charge of \$10"

Page 6, line 1, delete "employee contribution and"

Page 6, line 4, delete everything after the period and insert "Delinquent amounts are payable with interest under the procedure in subdivision 1a."

Page 6, delete lines 5 to 15

Page 6, line 35, delete "REPORTING NEW EMPLOYEES" and insert "EMPLOYEE REPORTING"

Page 7, line 1, after "new" insert "or returning"

Page 7, line 2, delete "new"

Page 7, after line 25, insert:

"Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Page 7, after line 36, insert:

"Sec. 2. [BYLAW AMENDMENT.]

Consistent with Minnesota Statutes, section 354A.12, subdivision 4, the boards of the Duluth teachers retirement fund association, the Minneapolis teachers retirement fund association, and the St. Paul teachers retirement fund association are authorized to amend the bylaws or articles of incorporation, whichever is appropriate, to provide that if an application for retirement is filed with the board during the 90-day period immediately following the termination of teaching service, the annuity may begin to accrue as if the application for retirement had been filed with the board on the date teaching service terminated. In no event may an annuity begin to accrue more than one month before the date of final salary receipt.

Sec. 3. [EFFECTIVE DATE.]

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

Page 8, after line 21, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Page 8, delete lines 23 to 32, and insert:

"Section 1. Minnesota Statutes 1992, section 356.215, subdivision 4j, is amended to read:

Subd. 4j. [ADMINISTRATIVE EXPENSES.] The actuarial valuation must indicate the administrative expenses of the fund, expressed both in dollars and as a percentage of covered payroll. Administrative expenses are costs incurred by the retirement plans excluding investment expenses. Investment expenses include all expenses incurred for the retention of professional external investment managers, professional investment consultants, custodian bank fees, investment transaction costs, and the cost incurred by the retirement plans to internally manage investment portfolios or assets. Investment expenses must be deducted from investment return in the actuarial valuation, and not included in administrative expenses when calculating the allowance for expenses.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 5

Section 1. Minnesota Statutes 1992, section 354A.35, subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE TO RETIRE; SURVIVING SPOUSE OPTIONAL ANNUITY.] The surviving spouse of any coordinated member who ~~has attained the age of at least 50 years and~~ has credit for at least three years of service ~~or has credit for at least 30 years of service regardless of age~~ shall be entitled to joint and survivor annuity coverage in the event of death of the member prior to retirement. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The member's surviving spouse shall be paid a joint and survivor annuity as provided in section 354A.32 and computed pursuant to section 354A.31. Sections 354A.37, subdivision 2, and 354A.39 apply to a deferred annuity payable under this section. The benefits shall be payable for life.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Amend the title as follows:

Page 1, line 3, after "annuities" insert ", death-while-active survivor benefits,"

Page 1, lines 6 and 7, delete ", and by adding a subdivision"

Page 1, line 9, delete "and" and before the period insert "; 354A.35, subdivision 2; and 356.215, subdivision 4j"

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. 673, A bill for an act relating to animals; prohibiting certain species; imposing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 35.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [84.9695] [RESTRICTED SPECIES.]

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

(b) "Commissioner" means the commissioner of natural resources.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (Sus scrofa subspecies and Sus scrofa hybrids), excluding domestic hogs (S. scrofa domesticus).

(d) "Release" means an intentional introduction or escape of a species from the control of the owner or responsible party.

Subd. 2. [IMPORTATION; POSSESSION; RELEASE OF RESTRICTED SPECIES.] It is unlawful for a person to import, possess, propagate, transport, or release restricted species, except as provided in subdivision 3.

Subd. 3. [PERMITS.] (a) The commissioner may issue permits for the transportation, possession, purchase, or importation of restricted species for scientific, research, educational, or commercial purposes. A permit issued under this subdivision may be revoked by the commissioner if the conditions of the permit are not met by the permittee or for any unlawful act or omission, including accidental escapes.

(b) The commissioner may issue permits for a person to possess and raise a restricted species for commercial purposes if the person was in possession of the restricted species on March 1, 1993. Under the permit, the number of breeding stock of the restricted species in the possession of the person may not increase by more than 25 percent and the person must comply with the certification requirements in subdivision 8.

(c) A person may possess a restricted species without a permit for a period not to exceed two days for the purpose of slaughtering the restricted species for human consumption.

Subd. 4. [NOTICE OF ESCAPE OF RESTRICTED SPECIES.] In the event of an escape of a restricted species, the owner must notify within 24 hours a conservation officer and the board of animal health and is responsible for the recovery of the species. The commissioner may capture or destroy the escaped animal at the owner's expense.

Subd. 5. [DISPOSAL OR RECAPTURE OF RELEASED RESTRICTED SPECIES.] The commissioner must capture and dispose of restricted species in an appropriate humane manner.

Subd. 6. [ENFORCEMENT.] This section may be enforced under sections 97A.205 and 97A.211.

Subd. 7. [PENALTY.] A person who violates subdivision 2, 4, or 8 is guilty of a misdemeanor.

Subd. 8. [CERTIFICATION AND IDENTIFICATION REQUIREMENTS.] (a) A person who possesses restricted species on the effective date of this section must submit certified numbers of restricted species in the person's possession to the board of animal health by June 1, 1993.

(b) Restricted species in the possession of a person must be marked in a permanent fashion to identify ownership. The restricted species must be marked as soon as practicable after birth or purchase.

Subd. 9. [CONTAINMENT.] The commissioner shall develop criteria for approved containment measures for restricted species with the assistance of producers of restricted species.

Subd. 10. [BOND; SECURITY.] A person who possesses restricted species must file a bond or deposit with the commissioner security in the form and in the amount determined by the commissioner to pay for the costs and damages caused by an escape of a restricted species.

Subd. 11. [FEE.] The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating activities relating to restricted species; providing penalties; 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.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 687, A bill for an act relating to agriculture; requiring aquatic pest control applicators to be licensed; proposing coding for new law in Minnesota Statutes, chapter 18B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 18B.32, is amended to read:

18B.32 [STRUCTURAL OR AQUATIC PEST CONTROL LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) A person may not engage in structural or aquatic pest control applications:

(1) for hire without a structural pest control license or, for an aquatic pest control application, an aquatic pest control license; and

(2) as a sole proprietorship, company, partnership, or corporation unless the person is or employs a licensed master in structural pest control operations or, for an aquatic pest control application, a commercial aquatic applicator.

(b) A structural or aquatic pest control licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Subd. 2. [LICENSES.] (a) A structural or aquatic pest control license:

(1) expires on December 31 of the year for which the license is issued;

(2) is not transferable; and

(3) must be prominently displayed to the public in the structural or aquatic pest controller's place of business.

(b) The commissioner shall establish categories of master, journeyman, and fumigator for a person to be licensed under a structural pest control license and, for an aquatic pest control license, the categories of commercial aquatic applicator and certified aquatic applicator.

Subd. 3. [APPLICATION.] (a) A person must apply to the commissioner for a structural or aquatic pest control license ~~to be licensed as a master, journeyman, or fumigator~~ on forms and in the manner required by the commissioner. The commissioner shall require the applicant to pass a written, closed-book, monitored examination or oral examination, or both, and may also require a practical demonstration regarding structural or aquatic pest control. The commissioner shall establish the examination procedure, including the phases and contents of the examination.

(b) The commissioner may license a person as a master under a structural pest control license or, for aquatic pest control applications, as a commercial aquatic applicator if the person has the necessary qualifications through knowledge and experience to properly plan, determine, and supervise the selection and application of pesticides in structural or aquatic pest control. To demonstrate the qualifications and become licensed as a master under a structural pest control license or, for aquatic pest control applications, as a commercial aquatic applicator, a person must:

(1) pass closed-book testing administered by the commissioner; ~~and~~

(2) ~~by~~ have direct experience as a licensed journeyman under a structural pest control license or, for aquatic pest control applications, by direct experience as a certified aquatic applicator under a commercial aquatic applicator for at least two years by this state or a state with equivalent certification requirements or as a full-time licensed master in another state with equivalent certification requirements, or, for aquatic pest control applications, have at least 1,600 hours of qualifying experience in the previous four years as determined by the commissioner; and

(3) show practical knowledge and field experience under clause (2) in the actual selection and application of pesticides under varying conditions.

(c) The commissioner may license a person as a journeyman under a structural pest control license or, for aquatic pest control applications, as a certified aquatic applicator if the person:

- (1) has the necessary qualifications in the practical selection and application of pesticides;
- (2) has passed a closed-book examination given by the commissioner; and
- (3) is engaged as an employee of or is working under the direction of a person licensed as a master under a structural pest control license or, for aquatic pest control applications, under a commercial aquatic applicator.

(d) The commissioner may license a person as a fumigator under a structural pest control license if the person:

- (1) has knowledge of the practical selection and application of fumigants;
- (2) has passed a closed-book examination given by the commissioner; and
- (3) is licensed by the commissioner as a master or journeyman under a structural pest control license.

(e) The licensing requirements of paragraph (b) for commercial aquatic applicators are satisfied if a person: (1) has at least two years direct experience with an aquatic category endorsement on a commercial applicator license; (2) can show practical knowledge and field experience in the actual selection and application of aquatic pesticides under varying conditions; and (3) applies for a license as a commercial aquatic applicator before August 1, 1994.

Subd. 4. [RENEWAL.] (a) A structural or aquatic pest control applicator license may be renewed on or before the expiration of an existing license subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competency and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) If a person fails to renew a structural or aquatic pest control license within three months of its expiration, the person must obtain a structural or aquatic pest control license subject to the requirements, procedures, and fees required for an initial license.

Subd. 5. [FINANCIAL RESPONSIBILITY.] (a) A structural or aquatic pest control license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by:

- (1) proof of net assets equal to or greater than \$50,000; or
- (2) a performance bond or insurance of a kind and in an amount determined by the commissioner.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately suspend the license of a person who fails to maintain the required bond or insurance. The performance bond or insurance policy must contain a provision requiring the insurance or bonding company to notify the commissioner by ten days before the effective date of cancellation, termination, or any other change of the bond or insurance. If there is recovery against the bond or insurance, additional coverage must be secured to maintain financial responsibility equal to the original amount required.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under the provisions of this section must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 6. [FEES.] (a) An applicant for a structural pest control license or aquatic pest control license for a business must pay a nonrefundable application fee of \$100. An employee of a licensed business must pay a nonrefundable application fee of \$50 for an individual structural or aquatic pest control license.

(b) An application received after expiration of the structural pest control license or aquatic pest control license is subject to a penalty fee of 50 percent of the application fee.

(c) An applicant that meets renewal requirements by reexamination instead of attending workshops must pay the equivalent workshop fee for the reexamination as determined by the commissioner."

Delete the title and insert:

"A bill for an act relating to agriculture; requiring aquatic pest control applicators to be licensed; establishing categories of commercial aquatic applicator and certified aquatic applicator; amending Minnesota Statutes 1992, section 18B.32."

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

The report was adopted.

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

H. F. No. 692, A bill for an act relating to the environment; citizen's lake monitoring program; appropriating money.

Reported the same back with the following amendments:

Page 1, line 6, delete "from the water recreation account"

Page 1, line 7, delete "in the special fund"

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

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

H. F. No. 735, A bill for an act relating to traffic regulations; implements of husbandry; defining implements of husbandry; reducing maximum speed limit to 25 miles per hour for implements of husbandry and for towing certain farm trailers; requiring hazard warning lights on implements of husbandry; regulating brakes on implements of husbandry; imposing certain size and weight restrictions; making towed implements of husbandry subject to requirements for towing chains; requiring slow-moving vehicle safety to be included in driver examinations and driver education courses; amending Minnesota Statutes 1992, sections 169.01, subdivision 55; 169.145; 169.47; 169.55, subdivision 2, and by adding a subdivision; 169.64, subdivision 6; 169.67, subdivisions 3, 4, and by adding a subdivision; 169.72, subdivision 1; 169.80, subdivisions 1 and 2; 169.82; 169.86, subdivision 5; 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 168.012, subdivision 2b, is amended to read:

Subd. 2b. A trailer used exclusively to carry liquid or dry fertilizer for use on a farm shall not be taxed as a motor vehicle using the public streets and highways and shall be exempt from the provisions of this chapter.

Sec. 2. Minnesota Statutes 1992, section 169.01, subdivision 55, is amended to read:

Subd. 55. [IMPLEMENT OF HUSBANDRY.] (a) "Implement of husbandry" means every vehicle, including a farm tractor and farm wagon, designed ~~and~~ or adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry ~~and in either case not subject to registration if used upon the highways.~~

(b) A towed vehicle meeting the description in paragraph (a) ~~that is not required to be registered~~ is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle.

Sec. 3. Minnesota Statutes 1992, section 169.145, is amended to read:

169.145 [IMPLEMENTS OF HUSBANDRY; SPEED; PENALTY.]

No person ~~shall~~ may:

(1) ~~drive a self-propelled or tow an implement of husbandry, nor shall any person tow a self-propelled implement of husbandry, nor shall any person that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes; or~~

(2) tow a vehicle registered as a farm trailer that exceeds 6,000 pounds registered gross weight or gross vehicle weight and is not equipped with brakes and exceeding 6,000 pounds, at a speed in excess of 30 25 miles per hour. ~~Violation of this section is a misdemeanor.~~

Sec. 4. Minnesota Statutes 1992, section 169.18, subdivision 5, is amended to read:

Subd. 5. [DRIVING LEFT OF ROADWAY CENTER.] (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction;

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) When approaching within 100 feet of any underpass or tunnel, or railroad grade crossing, or when approaching within 100 feet of or traversing any intersection within a city or without if so posted;

(3) Where official signs are in place prohibiting passing, or a distinctive center line is marked, which distinctive line also so prohibits passing, as declared in the manual of traffic-control devices adopted by the commissioner.

(c) Paragraph (b) does not apply to a self-propelled implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.

Sec. 5. Minnesota Statutes 1992, section 169.47, is amended to read:

169.47 [UNSAFE EQUIPMENT.]

Subdivision 1. [MISDEMEANOR.] (a) It is unlawful and punishable as hereinafter provided for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(b) The provisions of this chapter with respect to equipment on vehicles ~~shall do not~~ apply to implements of husbandry, road machinery, ~~or road rollers, or farm tractors,~~ except as ~~herein made applicable~~ otherwise provided in this chapter.

(c) For purposes of this section, a specialized vehicle resembling a low-slung two-wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when such vehicle is used exclusively to transport implements of husbandry, provided, however, that no such vehicle shall operate on the highway before sunrise or after sunset unless proper lighting is affixed to the implement being drawn.

Sec. 6. Minnesota Statutes 1992, section 169.55, subdivision 2, is amended to read:

Subd. 2. ~~[FARM VEHICLES IMPLEMENTS OF HUSBANDRY.]~~ At the times when lighted lamps on vehicles are required;

(1) every ~~farm tractor and self-propelled unit of farm equipment shall~~ implement of husbandry must be equipped with at least one lamp displaying a white ~~or amber~~ light to the front, and at least one lamp displaying a red light to the rear;

(2) every self-propelled ~~unit of farm equipment shall~~ implement of husbandry must also display two red reflectors visible to the rear;

(3) every combination of a self-propelled and towed ~~unit of farm equipment shall~~ implement of husbandry must be equipped with at least one lamp mounted to indicate as nearly as practicable the extreme left projection of the combination and displaying a white or amber light to the front and a red ~~or amber~~ light to the rear of the self-propelled implement of husbandry; and

(4) the last unit of every combination of ~~farm equipment shall~~ implements of husbandry must display two red reflectors visible to the rear.

The reflectors ~~shall~~ must be of the type approved for use upon commercial vehicles. The reflectors ~~shall~~ must be mounted as close as practicable to the extreme edges of the ~~unit of farm equipment and implement of husbandry.~~ The reflectors ~~shall~~ must be reflex reflectors that ~~shall be~~ are visible at night from all distances within 600 feet to 100 feet when directly in front of lawful lower beams of headlamps.

Sec. 7. Minnesota Statutes 1992, section 169.55, is amended by adding a subdivision to read:

Subd. 3. [IMPLEMENTS OF HUSBANDRY; HAZARD WARNING LIGHTS.] No person may operate a self-propelled implement of husbandry manufactured after January 1, 1970, on a highway unless the implement of husbandry displays vehicular hazard warning lights visible to the front and rear in normal sunlight.

Sec. 8. Minnesota Statutes 1992, section 169.64, subdivision 6, is amended to read:

Subd. 6. [FLASHING AMBER LIGHT ON SERVICE VEHICLE, SNOW REMOVAL EQUIPMENT, IMPLEMENT OF HUSBANDRY.] (a) Any service vehicle or self-propelled unit of farm equipment except a farm tractor may be equipped with a flashing amber lamp of a type approved by the commissioner of public safety.

(1) (b) A service vehicle shall not display the lighted lamp authorized under paragraph (a) when traveling upon the highway or at any other time except at the scene of a disabled vehicle or while engaged in snow removal or road maintenance.

(2) (c) A self-propelled ~~unit of farm equipment~~ implement of husbandry may display the lighted lamp authorized under paragraph (a) at any time.

Sec. 9. Minnesota Statutes 1992, section 169.67, subdivision 3, is amended to read:

Subd. 3. [TRAILERS, SEMITRAILERS, TANK TRAILERS.] Every trailer, semitrailer, or other vehicle with a gross weight that is 3,000 pounds or more or exceeds the empty weight of the towing vehicle, when drawn or pulled upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, and so designed as to be applied by the driver of a towing motor vehicle from its cab, except (a) trailers owned by farmers when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, (b) custom service vehicles drawn by motor vehicles equipped with brakes capable of stopping both vehicles within the distance required by law for vehicles with four wheel brakes and contractors' custom service vehicles not exceeding 30,000 pounds gross weight and 45 miles per hour when drawn by a motor vehicle capable of stopping the combination within the performance standards of subdivision 5, (c) trailers or semitrailers when used by retail dealers delivering implements of husbandry, (d) motor vehicles drawn by motor vehicles equipped with brakes capable of stopping the combination of vehicles within the performance requirements of this section, (e) tank trailers not exceeding 8,500 pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding 8,500 pounds gross weight used solely for transporting and distributing dry fertilizer, when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subdivision 5 for vehicles equipped with four wheel brakes, providing the gross weight of such trailer or semitrailer other than those described in this clause when drawn by a pleasure vehicle shall not exceed 3,000 pounds, or when drawn by a truck or tractor shall not exceed 6,000 pounds, or may exceed 6,000 pounds but not exceed 15,000 pounds for a trailer described in clause (a) when drawn by a truck or tractor at a speed not exceeding 30 miles per hour, and except disabled vehicles towed to a place of repair. (a) No trailer or semitrailer with a gross weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer with a gross weight of more than 6,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

(1) a trailer owned by a farmer while transporting farm products produced on the owner's farm, or supplies back to the farm of the trailer's owner;

(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;

(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;

(4) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5;

(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;

(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and

(7) a disabled vehicle while being towed to a place of repair.

(d) Vehicles described in paragraph (c), clauses (1), (3), and (4), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle except a self-propelled implement of husbandry.

Sec. 10. Minnesota Statutes 1992, section 169.67, subdivision 4, is amended to read:

Subd. 4. [SERVICE BRAKES ON WHEELS; EXCEPTIONS.] Every motor vehicle, trailer, or semitrailer, manufactured after June 30, 1988, and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except mobile cranes not exceeding 45 miles per hour and capable of stopping within the performance standards of subdivision 5, and except that any motorcycle, any trailer or semitrailer of less than 3,000 pounds gross weight, a third wheel, of a swivel type, on a travel trailer, a temporary auxiliary axle attached to a motor vehicle during the period of road restrictions for the purpose of relieving weight of another axle, when the temporary auxiliary axle and the axle to be relieved do not exceed the combined gross weight of 18,000 pounds, and the vehicle to which such temporary axle is attached meets the brake requirements of this section, need not be equipped with brakes; and except, further, that brakes are not required on the front wheels of vehicles manufactured before July 1, 1988, having three or more axles or upon more than one wheel of a motorcycle provided the brakes on the other wheels are adequate to stop the vehicle in accordance with the braking performance requirements of subdivision 5. (a) All motor vehicles, trailers, and semitrailers manufactured after June 30, 1988, must be equipped with foot brakes on all wheels.

(b) Paragraph (a) does not apply to:

(1) a mobile crane that is not operated at a speed of more than 45 miles per hour and is capable of stopping within the performance standards of subdivision 5;

(2) a motorcycle;

(3) a trailer or semitrailer with a gross weight of less than 3,000 pounds;

(4) a swivel-type third wheel on a travel trailer; and

(5) a temporary auxiliary axle attached to a motor vehicle during a period of vehicle weight restrictions for the purpose of relieving the weight on another axle, if the combined gross weight on the temporary axle and the axle being relieved does not exceed 18,000 pounds and the motor vehicle meets all brake requirements under this section.

(c) Paragraph (a) does not require brakes on the front wheels of a vehicle having three or more axles and manufactured before July 1, 1988, if the brakes on the other wheels of the vehicle meet the standards of subdivision 5.

Sec. 11. Minnesota Statutes 1992, section 169.67, is amended by adding a subdivision to read:

Subd. 6. [IMPLEMENTS OF HUSBANDRY.] An implement of husbandry that (1) is not self-propelled, (2) has a manufacturer's recommended capacity of more than 24,000 pounds, and (3) is manufactured and sold after January 1, 1994, must be equipped with brakes adequate to control the movement of and to stop and hold the towed vehicle.

Sec. 12. Minnesota Statutes 1992, section 169.72, subdivision 1, is amended to read:

Subdivision 1. [SOLID RUBBER, METAL, AND STUDDED TIRES; EXCEPTIONS; PERMITS.] Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer, having any metal tire in contact with the roadway, except in case of emergency.

Except as provided in this section, no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. It shall be permissible to use any of the following on highways: ~~Farm machinery implements of husbandry~~ with tires having protuberances which will not injure the highway, and tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

The commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Sec. 13. Minnesota Statutes 1992, section 169.80, subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] It is a misdemeanor for a person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than section 169.81, subdivision 5a, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in the group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as provided by law. For purposes of sections 169.80 to 169.88, a specialized vehicle resembling a low-slung two-wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when the vehicle is used exclusively to transport implements of husbandry; and the term "temporarily moved upon a highway" shall mean a movement not to exceed 50 miles.

In addition to any other special permits authorized, an annual permit may be issued authorizing movements on interstate highways and movements exceeding 50 miles on noninterstate highways of oversize vehicles and loads when the vehicles or combination of vehicles are used exclusively to transport implements of husbandry. Annual permits are issued in accordance with the applicable provisions of section 169.86, except that the transporting vehicle or combination of vehicles may be moved at the discretion of the permittee without prior route approval from the permit issuing office of the department of transportation if:

- (a) The overall width of the transporting vehicle, including load, does not exceed 14 feet;
- (b) The transporting vehicle otherwise complies with equipment requirements and length, height and weight limitations prescribed by this chapter;
- (c) The movement is made after the hour of sunrise and not later than 30 minutes after sunset;
- (d) The movement is not made when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sundays after 12 o'clock noon, and holidays;
- (e) The transporting vehicle shall display at the front and rear end of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds ten feet, six inches; and
- (f) The movement, if made on a trunk highway, is made on a trunk highway with a surfaced roadway width of not less than 24 feet.

The fee for an annual permit is \$24.

Sec. 14. Minnesota Statutes 1992, section 169.80, subdivision 2, is amended to read:

Subd. 2. [OUTSIDE WIDTH.] The total outside width of a vehicle exclusive of rear view mirrors or load securement devices which are not an integral part of the vehicle and not exceeding three inches on each side, or the load may not exceed 102 inches except that the outside width of a farm tractor, or a vehicle owned by a political subdivision and used exclusively for the purpose of handling sewage sludge from sewage treatment facilities to farm fields or disposal sites, may not exceed 12 feet, and except as otherwise provided in this section.

A vehicle exceeding 102 inches in total outside width, owned by a political subdivision and used for the purpose of transporting or applying sewage sludge to farm fields or disposal sites may not transport sludge for distances greater than 15 miles, nor may it be used for transportation of sewage sludge or return travel between the hours of sunset and sunrise, or at any other time when visibility is impaired by weather, smoke, fog, or other conditions rendering persons and vehicles not clearly discernible on the highway at a distance of 500 feet.

The total outside width of a low bed trailer or equipment dolly, and the load, used exclusively for transporting farm machinery and construction equipment may not exceed nine feet in width except that a low bed trailer or equipment dolly with a total outside width, including the load, in excess of 102 inches may not be operated on any interstate highway without first having obtained a permit for the operation under section 169.86. The vehicle must display 12-inch square red flags as markers at the front and rear of the left side of the vehicle.

The total outside width of a trackless trolley car or passenger motor bus, operated exclusively in a city or contiguous cities in this state, may not exceed nine feet.

Sec. 15. [169.801] [IMPLEMENTS OF HUSBANDRY.]

Subdivision 1. [EXEMPTION FROM SIZE, WEIGHT, LOAD PROVISIONS.] Except as provided in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern size, weight, and load do not apply to:

- (1) a horse-drawn wagon while carrying a load of loose straw or hay;
- (2) a specialized vehicle resembling a low-slung trailer having a short bed or platform, while transporting one or more implements of husbandry; or
- (3) an implement of husbandry while being driven or towed at a speed of not more than 25 miles per hour; provided that this exemption applies to an implement of husbandry owned, leased, or under the control of a farmer only while the implement of husbandry is being operated on noninterstate roads or highways within 75 miles of any farmland: (i) owned, leased, or operated by the farmer and (ii) on which the farmer regularly uses the implement of husbandry.

Subd. 2. [WEIGHT PER INCH OF TIRE WIDTH.] An implement of husbandry that is not self-propelled and is equipped with pneumatic tires may not be operated on a public highway with a maximum wheel load that exceeds 600 pounds per inch of tire width before August 1, 1996, and 500 pounds per inch of tire width on and after August 1, 1996.

Subd. 3. [HITCHES.] A towed implement of husbandry must be equipped with (1) safety chains that meet the requirements of section 169.82, subdivision 3, paragraph (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety; or (3) a hitch pin or other hitching device with a retainer that prevents accidental unhitching.

Sec. 16. Minnesota Statutes 1992, section 169.82, is amended to read:

169.82 [TRAILER EQUIPMENT.]

~~Except as provided in section 169.67, any trailer exceeding a gross weight of 6,000 pounds shall be equipped with brakes adequate to stop and hold such trailer, and which are so constructed that they will so operate whenever such trailer becomes detached from the towing vehicle.~~

Subdivision 1. [CONNECTION TO TOWING VEHICLE.] (a) When one vehicle is towing another the drawbar or other connection shall must be of sufficient strength to pull all the weight being towed thereby, and said.

(b) The drawbar or other connection shall may not exceed 15 feet from one vehicle to the other except. This paragraph does not apply to the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

Subd. 2. [MARKING.] When one vehicle is towing another and the connection consists of a chain, rope, or cable, ~~there shall be displayed upon such~~ the connection must display a white, red, yellow, or orange flag or cloth not less than 12 inches square.

Subd. 3. [HITCHES; CHAINS.] (a) Every trailer or semitrailer ~~shall~~ must be hitched to the towing motor vehicles ~~furnishing the tractive power for it~~ vehicle by a device approved by the commissioner of public safety ~~as safe and in addition shall~~.

(b) Every trailer and semitrailer must be equipped with safety chains permanently attached to the trailer except that in cases where the coupling device is a regulation fifth wheel and kingpin assembly approved by the commissioner of public safety ~~such safety chains shall not be required~~. In towing, such the chains shall must be carried through a ring on the towbar and attached to the towing vehicle, and ~~shall~~ must be of sufficient strength to control the trailer in the event of failure of the towing device.

No person may be charged with a violation of this section solely by reason of violating a maximum speed prescribed in section 169.145 or 169.67.

Sec. 17. Minnesota Statutes 1992, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3); and

(4) special pulpwood vehicles described in section 169.863.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) ~~farm equipment implements of husbandry~~ implements of husbandry when the movement is not made according to the provisions of section 169.80, subdivision 1, paragraphs (a) to (f) paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limi- tations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced with- in 14 feet or less
0-2,000	.100	.040	.036
2,001-4,000	.124	.050	.044
4,001-6,000	.150	.062	.050
6,001-8,000	Not permitted	.078	.056
8,001-10,000	Not permitted	.094	.070
10,001-12,000	Not permitted	.116	.078
12,001-14,000	Not permitted	.140	.094
14,001-16,000	Not permitted	.168	.106
16,001-18,000	Not permitted	.200	.128
18,001-20,000	Not permitted	Not permitted	.140
20,001-22,000	Not permitted	Not permitted	.168

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

Sec. 18. Minnesota Statutes 1992, section 171.13, subdivision 1, is amended to read:

Subdivision 1. [APPLICANTS.] Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 19. Minnesota Statutes 1992, section 171.13, is amended by adding a subdivision to read:

Subd. 1e. [SLOW-MOVING VEHICLES.] The commissioner shall include in each examination under subdivision 1 an examination of the applicant's knowledge of highway safety with respect to approaching, following, and passing slow-moving vehicles and the significance of the slow-moving vehicle emblem.

Sec. 20. [PUBLICATION.]

The commissioner of public safety shall at the earliest practicable date prepare and publish a compilation of all laws that govern the operation of implements of husbandry on public highways. The commissioner shall, within the department budget, make the publication available to agricultural and other organizations for the purpose of achieving the widest feasible distribution of the publication among farmers, farm implement dealers, and other persons directly affected by these laws.

Sec. 21. [DRIVER EDUCATION.]

The commissioner of public safety and the commissioner of education shall take such actions as are necessary to increase significantly the amount of instruction provided in driver education courses in public schools and private driver education schools in highway safety with regard to approaching, following, and passing slow-moving vehicles and the significance of the slow-moving vehicle emblem."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; implements of husbandry; defining implements of husbandry; exempting trailers that carry dry fertilizer from vehicle registration tax; reducing the maximum speed limit for implements of husbandry to 25 miles per hour; requiring hazard warning lights on implements of husbandry; regulating brakes on implements of husbandry; imposing certain size and weight restrictions; requiring slow-moving vehicle safety to be included in driver examinations and driver education courses; amending Minnesota Statutes 1992, sections 168.012, subdivision 2b; 169.01, subdivision 55; 169.145; 169.18, subdivision 5; 169.47; 169.55, subdivision 2, and by adding a subdivision; 169.64, subdivision 6; 169.67, subdivisions 3, 4, and by adding a subdivision; 169.72, subdivision 1; 169.80, subdivisions 1 and 2; 169.82; 169.86, subdivision 5; and 171.13, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169."

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. 738, A bill for an act relating to education; directing post-secondary institutions to disseminate data on remedial instruction to school districts; amending Minnesota Statutes 1992, section 13.32, subdivisions 3 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.32, subdivision 3, is amended to read:

Subd. 3. [PRIVATE DATA; WHEN DISCLOSURE IS PERMITTED.] Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) Pursuant to section 13.05;

(b) Pursuant to a valid court order;

(c) Pursuant to a statute specifically authorizing access to the private data;

(d) To disclose information in health and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36 which are in effect on July 1, 1989;

(e) Pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, and 99.35 which are in effect on July 1, 1989; or

(f) To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted; or

(g) To the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the results of assessment testing and academic performance, including the extent and content of the remedial instruction, received at a post-secondary institution during the previous academic year by a student who graduated from a Minnesota school district within the two school years prior to the post-secondary enrollment.

Sec. 2. Minnesota Statutes 1992, section 13.32, subdivision 6, is amended to read:

Subd. 6. [ADMISSIONS FORMS; REMEDIAL INSTRUCTION.] (a) Minnesota post-secondary education institutions, for purposes of reporting and research, may collect on the 1986-1987 admissions form, and disseminate to any public educational agency or institution the following data on individuals: student sex, ethnic background, age, and disabilities. The data shall not be required of any individual and shall not be used for purposes of determining the person's admission to an institution.

(b) A school district that receives information from a post-secondary institution about a student, under subdivision 3, paragraph (g), shall maintain the data as educational data. Public post-secondary systems annually shall provide summary data to the state department of education indicating the extent and content of the remedial instruction that students who graduated within the preceding two years from a Minnesota school district received during that academic year. The department shall evaluate the data and annually report its findings to the education committees of the legislature.

(c) This section supersedes any inconsistent provision of law.

Sec. 3. [JOINT PLAN TO REPORT TO SCHOOL DISTRICTS.]

Minnesota public post-secondary education systems, for the purpose of assisting school districts in developing academic standards, determining specific areas of academic deficiency within the secondary school curriculum, and improving instruction, shall by September 1, 1993, jointly develop a plan to disseminate data to Minnesota school districts indicating results of assessment testing and academic performance, including the extent and content of the remedial instruction, that students who graduated from a district within the preceding two years received at the post-secondary institution. The data shall include personally identifiable information about the student to the extent necessary to accomplish the purpose of this paragraph."

Delete the title and insert:

"A bill for an act relating to education; providing for classification, maintenance, and dissemination of certain data; amending Minnesota Statutes 1992, section 13.32, subdivisions 3 and 6."

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. 785, A bill for an act relating to retirement; survivor benefits payable by the Minneapolis police relief association; amending Laws 1992, chapter 471, article 1, section 10, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"ARTICLE 1

MINNEAPOLIS POLICE SURVIVOR BENEFIT MODIFICATION

Section 1. Laws 1992, chapter 454, section 3, is amended to read:

Sec. 3. [TRANSITION PERIOD.]

~~The benefit increase provided under section 1 to surviving spouse shall be phased in according to the following schedule:~~

Year	Maximum Amount of Units Under Section 1
1992	19
1993	20
1994	21

~~provided that the Minneapolis police relief association's percent of assets to actuarial accrued unfunded liability as of December 31 for the year indicated is at least the following:~~

1991	75.3 percent
1992	76.6 percent
1993	77.9 percent

~~In the event the required funding of percent of assets to actuarial accrued unfunded liability is not met in a given year, the phased in benefit will not occur but will be phased in in subsequent years when the funding levels are met.~~

The benefit provided in section 2 to surviving spouses of the Minneapolis fire department relief association shall be paid beginning in 1993 only if on December 31, 1992, the relief association has assets of at least 64 percent of the actuarial accrued unfunded liability. Provided, however, if the fund does not have the minimum required funding on December 31, 1992, the benefit will be phased in when the fund reaches 64 percent of the actuarial accrued unfunded liability."

Page 1, line 19, delete "22" and insert "21" and reinstate the stricken "if"

Page 1, line 20, reinstate the stricken language

Page 1, line 21, reinstate everything before "4.5" and after "4.5" insert "6"

Page 1, line 22, reinstate everything before "~~nine tenths~~" and reinstate everything after "of"

Page 1, line 23, reinstate the stricken language

Page 1, delete line 24 and insert "five years, to a maximum of ~~18~~ 21 units per month, if the person is"

Page 1, line 25, reinstate the stricken language

Page 2, line 1, reinstate the stricken language

Page 2, lines 10 and 11, reinstate the stricken language

Page 2, delete line 12 and insert "~~1.5~~ 2.0 units per month, plus an additional ~~three tenths~~ four tenths of one unit"

Page 2, line 13, reinstate the stricken language

Page 2, delete line 14 and insert "in excess of five years, to a maximum of ~~six~~ eight units, if the"

Page 2, lines 15 and 16, reinstate the stricken language

Page 2, line 23, delete "pension" and insert "surviving child benefit" and delete "board of directors" and insert "surviving child is, or the surviving children are, entitled to a surviving child benefit"

Page 2, line 24, delete "shall pay a pension" and delete "may" and insert "determined by the board of directors to"

Page 2, line 25, delete "as in the"

Page 2, line 26, delete "discretion of said board may be necessary"

Page 2, after line 31, insert:

"Sec. 3. [REPEALER.]

Laws 1992, chapter 454, section 1, is repealed."

Page 2, line 33, delete "Section 1 is" and insert "Sections 1, 2, and 3 are"

Page 2, after line 34, insert:

"ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1992, section 353B.11, subdivision 4, is amended to read:

Subd. 4. [AMOUNT; SURVIVING CHILD BENEFIT.] (a) The surviving child benefit shall be eight percent of the salary base for the former members of the following consolidating relief associations:

- (1) Fridley police pension association;
- (2) Red Wing fire department relief association;
- (3) Richfield police relief association;
- (4) Rochester fire department relief association;
- (5) Rochester police relief association;
- (6) St. Cloud police relief association;
- (7) St. Louis Park police relief association;
- (8) South St. Paul firefighters relief association;
- (9) Winona fire department relief association; and
- (10) Winona police relief association.

(b) The surviving child benefit shall be \$25 per month for the former members of the following consolidating relief associations:

- (1) Anoka police relief association;
- (2) Austin firefighters relief association;

- (3) Austin police relief association;
- (4) Faribault police benefit association;
- (5) Hibbing firefighters relief association;
- (6) Mankato police benefit association;
- (7) South St. Paul police relief association; and
- (8) Virginia fire department relief association.

(c) The surviving child benefit shall be ten percent of the salary base for the former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Crookston police relief association;
- (3) Duluth firefighters relief association;
- (4) Duluth police pension association;
- (5) Faribault fire department relief association; and
- (6) Minneapolis fire department relief association.

(d) The surviving child benefit shall be five percent of the salary base for the former members of the following consolidating relief associations:

- (1) Columbia Heights fire department relief association, paid division;
- (2) St. Paul police relief association; and
- (3) West St. Paul firefighters relief associations.

(e) The surviving child benefit shall be \$15 per month for the former members of the following consolidating relief associations:

- (1) Crookston fire department relief association;
- (2) Hibbing police relief association; and
- (3) West St. Paul police relief association.

(f) The surviving child benefit shall be 7.5 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association; and
- (2) Crystal police relief association; ~~and~~
- (3) ~~Minneapolis police relief association.~~

(g) The surviving child benefit shall be the following for the former members of the consolidating relief associations as indicated:

(1) ten percent of the salary base if a surviving spouse benefit is also payable, that amount between ten percent of the salary base and 50 percent of the salary base as determined by the executive director of the public employees retirement association, based on the financial circumstances and need of the surviving child or surviving children, applied in a uniform manner, reflective to the extent practicable or determinable to the past administrative practices of the board of the consolidating relief association before the effective date of the consolidation if there is a surviving spouse but no surviving spouse benefit is also payable on account of the remarriage of the surviving spouse, or 50 percent of the salary base, payable in equal shares for more than one surviving child, if there is no surviving spouse, Albert Lea firefighters relief association;

(2) four percent of the salary base, Brainerd police benefit association;

(3) \$125 per month if a surviving spouse benefit is also payable or an amount equal to the surviving spouse benefit, payable in equal shares if there is more than one surviving child, if no surviving spouse benefit is payable, Buhl police relief association;

(4) \$15 per month, Chisholm firefighters relief association;

(5) \$125 per month, Chisholm police relief association;

(6) \$50 per month, Columbia Heights police relief association;

(7) 6.25 percent of the salary base, Fairmont police benefit association;

(8) 12.5 percent of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the allowable service credit of the person as of the date of death if the person would have been eligible as of the date of death, Mankato fire department relief association;

(9) ten percent of the salary base if a surviving spouse benefit is also payable or an amount determined by the executive director of the public employees retirement association based on the financial circumstances and need of the surviving child or surviving children, applied in a uniform manner, and subject to the largest applicable amount surviving child benefit maximum if no surviving spouse benefit is also payable, Minneapolis police relief association;

(10) \$25 per month if a surviving spouse benefit is also payable or an amount equal to the surviving spouse benefit, payable in equal shares if there is more than one surviving child, New Ulm police relief association;

(11) (11) in an amount determined by the executive director of the public employees retirement association based on the financial circumstances and need of the surviving child or surviving children, applied in a uniform manner, reflective to the extent practicable or determinable to the past administrative practices of the board of the consolidating relief association before the effective date of the consolidation and not more than the largest surviving child benefit amount prescribed for any other actual or potential consolidating relief association as provided in this section, Red Wing police relief association;

(12) (12) five percent of the salary base if a surviving spouse benefit is also payable or 15 percent of the salary base if no surviving spouse benefit is payable, Richfield fire department relief association;

(13) (13) 5.3334 percent of the salary base, St. Cloud fire department relief association;

(14) (14) five percent of the salary base if a surviving spouse benefit is also payable or 15 percent of the salary base if no surviving spouse benefit is also payable for the surviving child or children of a deceased active member, disabled member, or retired or deferred member with at least 20 years of active service, or the prorated portion of five percent of the salary base if a surviving spouse benefit is also payable or 15 percent of the salary base if no surviving spouse benefit is also payable that bears the same relationship to five or 15 percent that the deceased member's years of allowable service bear to 20 years of allowable service for the surviving child or children of a deceased retired or deferred member with at least ten but less than 20 years of allowable service, St. Louis Park fire department relief association;

- (14) ~~(15)~~ ten percent of the salary base, St. Paul fire department relief association; and
(15) ~~(16)~~ \$50 per month, Virginia police relief association.

Sec. 2. Minnesota Statutes 1992, section 353B.11, subdivision 5, is amended to read:

Subd. 5. [SURVIVOR BENEFIT MAXIMUM.] (a) No surviving children or surviving family maximum shall be applicable to former members of the following consolidating relief associations:

- (1) Buhl police relief association;
- (2) Chisholm firefighters relief association;
- (3) Chisholm police relief association;
- (4) Hibbing firefighters relief association;
- (5) Mankato police benefit association;
- (6) New Ulm police relief association;
- (7) Red Wing fire department relief association;
- (8) Red Wing police relief association;
- (9) St. Paul police relief association; and
- (10) South St. Paul police relief association.

(b) The surviving children maximum shall be 24 percent of the salary base, if a surviving spouse benefit is also payable or 48 percent of the salary base, if no surviving spouse benefit is also payable, for the former members of the following consolidating relief associations:

- (1) Fridley police pension association;
- (2) Richfield police relief association;
- (3) Rochester fire department relief association;
- (4) Rochester police relief association;
- (5) Winona fire department relief association; and
- (6) Winona police relief association.

(c) The surviving family maximum shall be 50 percent of the salary base for the former members of the following consolidating relief associations:

- (1) Anoka police relief association;
- (2) Austin firefighters relief association;
- (3) Austin police relief association;
- (4) Duluth firefighters relief association;
- (5) Richfield fire department relief association; and
- (6) St. Louis Park fire department relief association.

(d) The surviving family maximum shall be an amount equal to the service pension which a retiring member would have received based on 20 years of allowable service credit if the member had attained the age of at least 50 years in the case of an active member, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death in the case of a deferred member, or of the service pension or disability benefit which the deceased member was receiving as of the date of death, for the former members of the following consolidating relief associations:

- (1) Columbia Heights police relief association;
- (2) Virginia fire department relief association; and
- (3) Virginia police relief association.

(e) The surviving children maximum shall be 25 percent of the salary base, if a surviving spouse benefit is also payable or 50 percent of the salary base, if no surviving spouse benefit is also payable, for the former members of the following consolidating relief associations:

- (1) Duluth police pension association; and
- (2) Fairmont police benefit association.

(f) The surviving children maximum shall be 22.5 percent of the salary base, if a surviving spouse benefit is also payable or 45 percent of the salary base, if no surviving spouse benefit is also payable, for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association; and
- (2) Crystal police relief association.

(g) The surviving children maximum shall be 16 percent of the salary base, if a surviving spouse benefit is also payable or 48 percent of the salary base, if no surviving spouse benefit is also payable, for the former members of the following consolidating relief associations:

- (1) St. Cloud fire department relief association; and
- (2) St. Cloud police relief association.

(h) The surviving children maximum shall be 20 percent of the salary base, if a surviving spouse benefit is also payable or 50 percent of the salary base, if no surviving spouse benefit is also payable, for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association; and
- (3) Faribault fire department relief association.

(i) The surviving family maximum shall be the following for the former members of the consolidating relief associations:

- (1) \$450 per month, Crookston police relief association;

(2) 80 percent of the service pension or disability benefit which the deceased member was receiving as of the date of death, or of the service pension which the deferred member would have been receiving if the service pension had commenced as of the date of death or of the service pension which the active member would have received based on the greater of the allowable service credit of the person as of the date of death or 20 years of allowable service credit if the person would have been eligible as of the date of death, Mankato fire department relief association; and

- (3) 57.5 percent of the salary base, St. Paul fire department relief association.

(j) The surviving child maximum shall be the following for the former members of the consolidating relief associations:

- (1) 20 percent of the top salary payable to a patrol officer, Brainerd police benefit association;
- (2) ten percent of the salary base, if a surviving spouse benefit is also payable or 15 percent of the salary base, if no surviving spouse benefit is also payable, Columbia Heights fire department relief association, paid division;
- (3) \$105 per month if a surviving spouse benefit is also payable or \$90 per month if no surviving spouse benefit is also payable, Crookston fire department relief association;
- (4) \$125 per month, Faribault police benefit association;
- (5) \$30 per month if a surviving spouse benefit is also payable or \$180 per month if no surviving spouse benefit is also payable, Hibbing police relief association;
- (6) 25 percent of the salary base, if a surviving spouse benefit is also payable or 51.25 percent of the salary base, if no surviving spouse benefit is also payable, Minneapolis fire department relief association;
- (7) 17.5 percent of the salary base, if a surviving spouse benefit is also payable or 40 50 percent of the salary base, if no surviving spouse benefit is also payable, Minneapolis police relief association;
- (8) 24 percent of the salary base, St. Louis Park police relief association;
- (9) 23 percent of the salary base, if a surviving spouse benefit is also payable or 50 percent of the salary base, if no surviving spouse benefit is also payable, South St. Paul firefighters relief association;
- (10) ten percent of the salary base, West St. Paul firefighters relief association; and
- (11) \$30 per month if a surviving spouse benefit is also payable or \$75 per month if no surviving spouse benefit is also payable, West St. Paul police relief association.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the effective date of article 1, section 2."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1992, section 353B.11, subdivisions 4 and 5; and"

Page 1, line 4, delete "chapter" and insert "chapters 454, section 3; and"

Page 1, line 5, before the period insert "; repealing Laws 1992, chapter 454, section 1"

With the recommendation that when so amended 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. 807, A bill for an act relating to retirement; the Minneapolis fire department relief association; setting service pension rates; repealing Laws 1971, chapter 542.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"ARTICLE 1

MINNEAPOLIS FIRE BENEFIT INCREASE"

Page 1, line 8, delete "1972" and insert "1971" and after the third comma insert "section 1,"

Page 1, line 9, after "9" insert ", to the contrary" and delete "of" and insert "payable by the"

Page 1, line 10, delete "retiring" and insert "terminating active service as a Minneapolis firefighter"

Page 1, line 11, delete "will" and insert "must"

Page 1, after line 11, insert:

<u>"length of</u>	<u>service</u>
<u>credited service</u>	<u>pension payable</u> "

Page 2, line 11, delete "Section 1 is" and insert "Sections 1 and 2 are"

Page 2, line 13, delete "is" and insert "does"

Page 2, line 14, delete "retroactive for members retiring" and insert "apply to members of the Minneapolis fire department relief association who terminated active service as a Minneapolis firefighter"

Page 2, after line 14, insert:

"ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1992, section 353B.07, subdivision 3, is amended to read:

Subd. 3. [FORMULA PERCENTAGE RATE.] (a) The formula percentage rate shall be 2.333 percent per year of allowable service for each of the first 20 years of allowable service, 1.333 percent per year of allowable service for each year of allowable service in excess of 20 years but not in excess of 27 years, and .5 percent for each year of allowable service in excess of 25 years for the former members of the following consolidating relief associations:

- (1) Rochester fire department relief association;
- (2) Rochester police relief association;
- (3) St. Cloud fire department relief association;
- (4) St. Cloud police relief association;
- (5) St. Louis Park police relief association; and
- (6) Winona police relief association.

(b) The formula percentage rate shall be 2.5 percent per year of allowable service for each of the first 20 years of allowable service for the former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;

- (3) Faribault fire department relief association;
- (4) Faribault police benefit association;
- (5) Mankato police benefit association;
- (6) Red Wing police relief association; and
- (7) West St. Paul police relief association.

(c) The formula percentage rate shall be 2.5 percent per year of allowable service for each of the first 20 years of allowable service and .5 percent per year of allowable service for each year of service in excess of 25 years of allowable service for the former members of the following consolidating relief associations:

- (1) Austin firefighters relief association;
- (2) Austin police relief association;
- (3) South St. Paul firefighters relief association;
- (4) South St. Paul police relief association; and
- (5) Virginia police relief association.

(d) The formula percentage rate shall be 2.1875 percent per year of allowable service for each of the first 20 years of allowable service and 1.25 percent per year of allowable service for each year of allowable service in excess of 20 years of allowable service but not in excess of 27 years of allowable service for the former members of the following consolidating relief associations:

- (1) Bloomington police relief associations; and
- (2) Columbia Heights police relief association.

(e) The formula percentage rate shall be 2.65 percent per year of allowable service for each of the first 20 years of allowable service and an additional annual benefit of \$120 per year of allowable service in excess of 20 years of allowable service but not in excess of 25 years of allowable service for the former members of the following consolidating relief associations:

- (1) Hibbing firefighters relief association; and
- (2) Hibbing police relief association.

(f) The formula percentage rate or rates shall be the following for the former members of the consolidating relief associations as indicated:

(1) 2.5 percent per year of allowable service for each of the first 20 years of allowable service, one percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, and 1.5 percent per year of allowable service in excess of 25 years of allowable service, Albert Lea firefighters relief association;

(2) the greater of 2.5 percent per year of allowable service for each of the first 20 years of allowable service applied to the final salary base, or two percent per year of allowable service for each of the first 20 years of allowable service applied to top grade patrol officer's salary base, Brainerd police relief association;

(3) 4.25 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$10 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, Buhl police relief association;

(4) 2.5 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$5 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, Chisholm firefighters relief association;

(5) 2.5 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$5 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years of allowable service, Chisholm police relief association;

(6) 2.1875 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service and 1.75 percent per year of allowable service in excess of 25 years of allowable service, Columbia Heights fire department relief association, paid division;

(7) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service and 1.5 percent per year of allowable service rendered after attaining the age of 60 years, Crookston fire department relief association;

(8) 2.5 percent per year of allowable service for each year of the first 30 years of allowable service, Crookston police relief association;

(9) 2.25 percent per year of allowable service for each year of the first 20 years of allowable service and 1.25 percent per year of allowable service in excess of 20 years of allowable service, but not more than 27 years of service, Crystal police relief association;

(10) 1.99063 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent for the 21st year of allowable service, and 2.5 percent per year of allowable service in excess of 21 years of allowable service but not more than 25 years of allowable service, Duluth firefighters relief association;

(11) 1.9875 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent for the 21st year of allowable service, and 2.5 percent per year of allowable service in excess of 21 years of allowable service but not more than 25 years of allowable service, Duluth police relief association;

(12) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service, and two percent per year of allowable service in excess of 20 years but not more than 25 years of allowable service and not to include any year of allowable service rendered after attaining the age of 55 years, Fairmont police benefit association;

(13) two percent per year of allowable service for each year of the first ten years of allowable service, 2.67 percent per year of allowable service in excess of ten years of allowable service but not more than 20 years of allowable service and 1.3333 percent per year of allowable service in excess of 20 years of service but not more than 27 years of allowable service, Fridley police pension association;

(14) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service and an additional annual amount of \$30 per year of allowable service in excess of 20 years of allowable service but not more than 30 years of allowable service, Mankato fire department relief association;

(15) for members who terminated active service as a Minneapolis firefighter before June 1, 1993, 2.0625 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 24 years of allowable service and five percent for the 25th year of allowable service, and for members who terminated active service as a Minneapolis firefighter after May 31, 1993, two percent for each year of the first 19 years of allowable service, 3.25 percent for the 20th year of allowable service, and two percent per year of allowable service in excess of 20 years of service, but not more than 25 years of allowable service, Minneapolis fire department relief association;

(16) 2.125 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 24 years of allowable service, and five percent for the 25th year of allowable service, Minneapolis police relief association;

(17) the greater of 2.5 percent per year of allowable service for each of the first 20 years of allowable service applied to the final salary base, or two percent per year of allowable service for each of the first 20 years of allowable service applied to highest patrol officer's salary base plus .5 percent of the final salary base per year of allowable service for each of the first three years of allowable service in excess of 20 years of allowable service, New Ulm police relief association;

(18) two percent per year of allowable service for each of the first 25 years of allowable service and 1.5 percent per year of allowable service in excess of 25 years of allowable service, Red Wing fire department relief association;

(19) 2.55 percent per year of allowable service for each of the first 20 years of allowable service, Richfield fire department relief association;

(20) 2.4 percent per year of allowable service for each of the first 20 years of allowable service and 1.3333 percent per year of allowable service in excess of 20 years of allowable service but not more than 27 years of allowable service, Richfield police relief association;

(21) for a former member with less than 20 years of allowable service on June 16, 1985, 2.6 percent, and for a former member with 20 or more years of allowable service on June 16, 1985, 2.6175 percent for each of the first 20 years of allowable service and, for each former member, one percent for each year of allowable service in excess of 20 years, but no more than 30 years, St. Louis Park fire department relief association;

(22) 1.9375 percent per year of allowable service for each of the first 20 years of allowable service, 2.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, and .5 percent per year of allowable service in excess of 25 years of allowable service, St. Paul fire department relief association;

(23) two percent per year of allowable service for each of the first 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years of allowable service, St. Paul police relief association;

(24) 2.25 percent per year of allowable service for each of the first 20 years of allowable service and one percent per year of allowable service in excess of 20 years but not more than 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years, Virginia fire department relief association;

(25) two percent per year of allowable service for each of the first 20 years of allowable service, one percent per year of allowable service in excess of 20 years but not more than 24 years of allowable service, three percent for the 25th year of allowable service and one percent per year of allowable service in excess of 25 years of allowable service but not more than 30 years of allowable service, West St. Paul firefighters relief association; and

(26) 2.333 percent for each of the first 20 years of allowable service, 1.333 percent for each year of allowable service in excess of 20 years but no more than 28 years, and .5 percent for each year of allowable service in excess of 25 years, Winona fire department relief association.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "amending Minnesota Statutes 1992, section 352B.07, subdivision 3;"

With the recommendation that when so amended 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. 815, A bill for an act relating to transportation; exempting public bodies from regulations on all-terrain vehicles; allowing commissioner of transportation to transfer certain real property acquired for highway purposes to former owner through negotiated settlement; providing for bridge inspection frequency and reports; delaying required revision of state transportation plan; authorizing expenditure of rail service maintenance account money for maintenance of rail lines and rights-of-way in the rail bank; providing funding sources for rail bank maintenance account; authorizing sale of certain tax-forfeited land that borders public water in New Scandia township in Washington county, and an exchange of that land for land located in Stillwater township in Washington county between the state of Minnesota and the United States Department of Interior, National Park Service; repealing identification display requirements for highway advertising signs; amending Minnesota Statutes 1992, sections 84.92, subdivision 6; 165.03; 174.03, subdivision 1a; 222.50, subdivision 7; 222.63, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1992, section 173.14; and Minnesota Rules, part 8810.1300, subpart 6.

Reported the same back with the following amendments:

Page 1, after line 35, insert:

"Sec. 2. Minnesota Statutes 1992, section 84.922, subdivision 1a, is amended to read:

Subd. 1a. [EXEMPTIONS.] All-terrain vehicles exempt from registration are:

- (1) vehicles owned and used by the United States, the state, another state, or a political subdivision;
- (2) vehicles registered in another state or country that have not been in this state for more than 30 consecutive days;
and
- (3) vehicles used exclusively in organized track racing events; and
- (4) vehicles used exclusively for agricultural use and used exclusively on private property.

Sec. 3. Minnesota Statutes 1992, section 84.922, subdivision 2a, is amended to read:

Subd. 2a. [PRIVATE USE REGISTRATION.] All-terrain vehicles may be registered for private use that are used exclusively for private ~~or agricultural~~ use or used exclusively on private property. Private use registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Private ~~or agricultural~~ use registrations are not transferable."

Page 8, line 24, delete "3, 4, 7, 8, and 9" and insert "5, 6, 9, 10, and 11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "modifying registration provisions for all-terrain vehicles;"

Page 1, line 21, after "6;" insert "84.922, subdivisions 1a and 2a;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 825, A bill for an act relating to alcoholic beverages; changing definitions of licensed premises, nonintoxicating malt liquor, restaurant, and wine; authorizing an investigation fee on denied licenses; prohibiting manufacturers from dealing directly with retailers; disqualifying felons from licensing; revising authority for suspensions and civil penalties; making rule violations and false or incomplete statements in license applications misdemeanors; authorizing seizure and disposal of illegally possessed alcoholic beverages; providing instructions to the revisor; amending Minnesota Statutes 1992, sections 340A.101, subdivisions 15, 19, 25, and 29; 340A.301, subdivision 3; 340A.302, subdivision 3; 340A.308; 340A.402; 340A.703; 340A.904, subdivision 1; and 340A.907; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1992, section 340A.903.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 169.122, is amended by adding a subdivision to read:

Subd. 5. [EXCEPTION.] This section does not apply to the possession or consumption of alcoholic beverages by passengers in:

(1) a bus operated under a charter as defined in section 221.011, subdivision 20; or

(2) a limousine as defined in section 168.011, subdivision 35.

Sec. 2. Minnesota Statutes 1992, section 297C.07, is amended to read:

297C.07 [EXCEPTIONS.]

The following are not subject to the excise tax:

- (1) Sales by a manufacturer, brewer, or wholesaler for shipment outside the state in interstate commerce.
- (2) Sales of wine for sacramental purposes under section 340A.316.
- (3) Fruit juices naturally fermented or beer naturally brewed in the home for family use.
- (4) Malt beverages served by a brewery for on-premise consumption at no charge, or distributed to brewery employees for on-premise consumption under a labor contract.
- (5) Alcoholic beverages sold to authorized manufacturers of food products or pharmaceutical firms. The alcoholic beverage must be used exclusively in the manufacture of food products or medicines. For purposes of this part, "manufacturer" means a manufacturer of food products intended for sale to wholesalers or retailers for ultimate sale to the consumer.
- (6) Sales to common carriers engaged in interstate transportation of passengers and qualified approved military clubs, except as provided in section 297C.17.
- (7) Alcoholic beverages sold or transferred between Minnesota wholesalers.
- (8) Sales to a federal agency, that the state of Minnesota is prohibited from taxing under the constitution or laws of the United States or under the constitution of Minnesota.
- (9) Shipments of wine to Minnesota residents under section 340A.417.

Sec. 3. Minnesota Statutes 1992, section 340A.101, subdivision 15, is amended to read:

Subd. 15. [LICENSED PREMISES.] "Licensed premises" is the premises described in the approved license application, subject to the provisions of section 340A.410, subdivision 7. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

Sec. 4. Minnesota Statutes 1992, section 340A.101, subdivision 25, is amended to read:

Subd. 25. [RESTAURANT.] "Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having seating capacity for guests in the following minimum numbers:

- | | |
|--|-----|
| (a) First class cities | 50 |
| (b) Second and third class cities
and statutory cities of over
10,000 population | 30 |
| (c) Unincorporated or unorganized
territory other than in Cook,
Itasca, Lake, Lake of the Woods,
and St. Louis counties | 100 |
| (d) Unincorporated or unorganized
territory in Cook, Itasca, Lake,
Lake of the Woods, and St. Louis
counties | 50 |

In the case of classes (b) and (c) above, the governing body of a city or county may prescribe a higher minimum number. In fourth class cities and statutory cities under 10,000 population, minimum seating requirements are those prescribed by the governing body of the city.

Sec. 5. Minnesota Statutes 1992, section 340A.101, subdivision 29, is amended to read:

Subd. 29. [WINE.] "Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than seven one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9.

Sec. 6. Minnesota Statutes 1992, section 340A.301, subdivision 3, is amended to read:

Subd. 3. [APPLICATION.] An application for a license under this section must be made to the commissioner on a form the commissioner prescribes and must be accompanied by the fee specified in subdivision 6. If an application is denied, \$100 of the amount of any fee exceeding that amount shall be retained by the commissioner to cover costs of investigation.

Sec. 7. Minnesota Statutes 1992, section 340A.302, subdivision 3, is amended to read:

Subd. 3. [FEES.] Annual fees for licenses under this section, which must accompany the application, are as follows:

Importers of distilled spirits, wine, or ethyl alcohol	\$420
Importers of malt liquor	\$800

If an application is denied, \$100 of the fee shall be retained by the commissioner to cover costs of investigation.

Sec. 8. Minnesota Statutes 1992, section 340A.311, is amended to read:

340A.311 [BRAND REGISTRATION.]

(a) A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is \$30. The fee for brand registration renewal is \$20. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor for which the brand registration has expired, is conclusively deemed abandoned by the manufacturer or importer.

(b) In this section "brand" and "brand label" include trademarks and designs used in connection with labels.

(c) The label of any brand of ~~wine or intoxicating or nonintoxicating malt~~ alcoholic beverage may be registered only by the brand owner or authorized agent. No such brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section 340A.307.

Sec. 9. Minnesota Statutes 1992, section 340A.402, is amended to read:

340A.402 [PERSONS ELIGIBLE.]

No retail license may be issued to:

(1) a person not a citizen of the United States or a resident alien;

(2) a person under 21 years of age;

(3) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;

(4) a person not of good moral character and repute; or

(5) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

Sec. 10. Minnesota Statutes 1992, section 340A.410, subdivision 7, is amended to read:

Subd. 7. [LICENSE LIMITED TO SPACE SPECIFIED.] A licensed authority may issue a retail alcoholic beverage license only for a space that is compact and contiguous. A retail alcoholic beverage license ~~to sell any alcoholic beverage~~ is only effective for the ~~compact and contiguous space~~ licensed premises specified in the approved license application.

Sec. 11. Minnesota Statutes 1992, section 340A.415, is amended to read:

340A.415 [LICENSE REVOCATION OR SUSPENSION.]

The authority issuing ~~or approving~~ any retail license or permit under this chapter ~~or the commissioner~~ shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine penalty not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages. ~~No suspension or revocation takes effect until the license or permit holder has been afforded an opportunity for a hearing under sections 14.57 to 14.69 of the administrative procedure act. This section does not require a political subdivision to conduct the hearing before an employee of the office of administrative hearing. The issuing authority or the commissioner may impose the penalties provided in this section on a retail licensee who knowingly~~ (1) sells sold alcoholic beverages to another retail licensee for the purpose of resale,

(2) ~~purchases purchased~~ alcoholic beverages from another retail licensee for the purpose of resale, (3) ~~conducts or permits conducted or permitted~~ the conduct of gambling on the licensed premises in violation of the law, or (4) ~~fails failed~~ to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 340A.508, subdivision 3, or (5) ~~failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages~~. No suspension or revocation takes effect until the license or permit holder has been given an opportunity for a hearing under sections 14.57 to 14.69 of the administrative procedure act. This section does not require a political subdivision to conduct the hearing before an employee of the office of administrative hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum.

Sec. 12. [340A.417] [SHIPMENTS INTO MINNESOTA.]

(a) Notwithstanding section 297C.09 or any provision of this chapter, a winery licensed in a state which affords Minnesota wineries an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent into or out of Minnesota under this section must be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years.

(c) No person may (1) advertise shipments authorized under this section, or (2) by advertisement or otherwise, solicit shipments authorized by this section. No shipper located outside Minnesota may advertise such interstate reciprocal wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

Sec. 13. Minnesota Statutes 1992, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) ~~a valid Minnesota identification card;~~

(3) ~~a valid Canadian military identification card with the photograph and date of birth of the person, issued by a Canadian province the United States Department of Defense; or~~

(4) (3) in the case of a foreign national, from a nation other than Canada, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

Sec. 14. Minnesota Statutes 1992, section 340A.904, subdivision 1, is amended to read:

Subdivision 1. [DISPOSAL ALTERNATIVES.] Contingent on the final determination of any action pending in a court, the commissioner shall dispose of alcoholic beverages, material, apparatus, or vehicle seized by inspectors or employees of the department by:

(1) delivering alcoholic beverages to the bureau of criminal apprehension or state patrol for use in chemical testing programs;

(2) delivering on written requests of the commissioner of administration any material, apparatus, or vehicle for use by a state department;

(3) selling intoxicating liquor to licensed retailers within the state;

(4) selling any material, apparatus, or vehicle; or

(5) destroying alcoholic beverages or contraband articles that have no lawful use; or

(6) donation to a charity registered under section 309.52.

Sec. 15. Laws 1983, chapter 259, section 8, is amended to read:

Sec. 8. [ST. PAUL; PARK CLUB HOUSES AND PAVILION; LIQUOR.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding any contrary provision of law, charter or ordinance, the city of St. Paul may by ordinance authorize any holder of an "on-sale" liquor license issued by the city to dispense intoxicating liquor at any event of definite duration on the public premises known as the Phalen Park club house, the Como Park club house, and the Como Park lakeside pavilion. The event may not be profit making except as a fund raising event for a nonprofit organization or a political committee as defined in Minnesota Statutes, section ~~210A.01, subdivision 8~~ 211A.01, subdivision 4. The licensee must be engaged to dispense liquor at the event by a person or organization permitted to use the premises and may dispense liquor only to persons attending the event. A licensee's authority shall expire upon termination of the event. The authority to dispense liquor shall be granted in accordance with the statutes applicable to the issuance of "on-sale" liquor licenses in cities of the first class consistent with this act. The dispensing of liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor that are consistent with this act. All dispensing of liquor shall be in accordance with the conditions prescribed by the city. The conditions may limit the dispensing of liquor to designated areas of the facility. The city may fix and assess a fee to be paid to the city by an "on-sale" licensee for each event for which the licensee is engaged to dispense liquor. The authority granted by this subdivision shall not count as an additional "on-sale" intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of Minnesota Statutes, section ~~340.11~~ 340A.413.

Subd. 2. [LOCAL APPROVAL.] This section is effective on approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021.

Sec. 16. Laws 1992, chapter 486, section 11, is amended to read:

Sec. 11. [NATIONAL SPORTS CENTER; SALES OF ALCOHOLIC BEVERAGES.]

Subdivision 1. [AUTHORIZATION.] The Blaine city council may by ordinance authorize a holder of a retail on-sale intoxicating liquor license issued by the city of Blaine or ~~a contiguous another city within Anoka, Hennepin, or Ramsey county~~ to dispense alcoholic beverages at the National Sports Center to persons attending a social event at the center. The licensee must be engaged to dispense alcoholic beverages at a social event held by a person or organization permitted to use the National Sports Center. Nothing in this section authorizes a licensee to dispense alcoholic beverages at any youth amateur athletic event held at the center.

Subd. 2. [EFFECTIVE DATE.] This section is effective the day following final enactment. Under Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), this section takes effect without local approval.

Sec. 17. [STEARNS COUNTY; COMBINATION OFF-SALE AND ON-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, the Stearns county board may issue a combination off-sale and on-sale intoxicating liquor license to an establishment in Fair Haven township that is currently licensed to sell alcoholic beverages for consumption on the licensed premises but does not qualify as a restaurant under Minnesota Statutes, section 340A.101, subdivision 25. The license may be issued only after the Fair Haven town board adopts a resolution supporting the issuance of the license.

Sec. 18. [INTOXICATING LIQUOR LICENSE; TOWN OF SCHROEDER.]

The town board of Schroeder in Cook county may, with the approval of the commissioner of public safety, issue an off-sale intoxicating liquor license to an exclusive liquor store located within the town. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license.

Sec. 19. [ZOOLOGICAL GARDEN LICENSES.]

Subdivision 1. [AUTHORIZATION.] (a) In addition to other licenses authorized by law, the city of Apple Valley may issue one or more on-sale intoxicating liquor licenses to an entity holding a concessions contract with the Minnesota zoological board for use on the premises of the Minnesota zoological gardens. Licenses authorized under this paragraph authorize sales on all days of the week. Licenses authorized by this paragraph may be issued for licensed premises that are not compact and contiguous, provided that the licensed premises must be (1) entirely included within the premises of the Minnesota zoological gardens, and (2) described in the approved license application.

(b) The city of Apple Valley may (1) authorize the holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises owned by Dakota county located at 14955 Galaxie Avenue in Apple Valley, or (2) may issue an on-sale intoxicating liquor license to any entity holding a concessions contract with the owner for use on the premises. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises and may dispense intoxicating liquor only to persons attending the event.

(c) All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licensing, sale, and serving of alcoholic beverages under this section.

Subd. 2. [LOCAL APPROVAL.] This section is effective on approval by the Apple Valley city council and compliance with Minnesota Statutes, section 645.021.

Sec. 20. [HOUSTON COUNTY; ON-SALE LIQUOR LICENSE.]

Subdivision 1. [AUTHORIZATION.] (a) The county board of Houston county may, with the approval of the commissioner of public safety, issue an on-sale intoxicating liquor license to an establishment located in Crooked Creek township notwithstanding the fact that the establishment is not a restaurant as defined in Minnesota Statutes, section 340A.101, subdivision 25.

(b) The county board of Houston county may, with the approval of the commissioner of public safety, issue an on-sale intoxicating liquor license to an establishment located in Brownsville township notwithstanding the fact that the establishment is not a restaurant as defined in Minnesota Statutes, section 340A.101, subdivision 25.

(c) All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licenses authorized by this section.

Subd. 2. [LOCAL APPROVAL.] This section is effective on approval by the Houston county board and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 21. [ON-SALE LICENSE; ISANTI COUNTY.]

Subdivision 1. [AUTHORIZATION.] The Isanti county board may issue an on-sale intoxicating liquor license to a premises located in Dalbo township and designated at the time of initial licensing as the Dusty Eagle without regard to whether the licensed premises meets the definition of a restaurant in Minnesota Statutes, section 340A.101, subdivision 25. All other provisions in Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized by this section.

Subd. 2. [LOCAL APPROVAL.] This section is effective on approval by the Isanti county board and compliance with Minnesota Statutes, section 645.021.

Sec. 22. [ST. CLOUD; MULTIPLE LICENSES.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding Minnesota Statutes, section 340A.412, subdivision 3, the city of St. Cloud may issue more than one off-sale intoxicating liquor license to a corporation for locations within the city if each such location is in a different county. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to licenses authorized by this section.

Subd. 2. [LOCAL APPROVAL.] This section is effective on approval by the St. Cloud city council and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 23. [AITKIN COUNTY; OFF-SALE LICENSE.]

Subdivision 1. [AUTHORIZED.] Notwithstanding any provision of Minnesota Statutes, section 340A.405, subdivision 2, the Aitkin county board may issue one off-sale liquor license to a premises located in Farm Island township and designated at the time of initial licensing as the "Farm Island Store." All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section shall apply to this license.

Subd. 2. [LOCAL APPROVAL.] Subdivision 1 is effective on approval by the Aitkin county board and compliance with Minnesota Statutes, section 645.021.

Sec. 24. [REPEALER.]

Minnesota Statutes 1992, section 340A.903, is repealed.

Sec. 25. [EFFECTIVE DATE.]

Sections 2 and 12 are effective the day following final enactment. Sections 3 to 10, 14, and 24 are effective July 1, 1993."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; authorizing possession of alcoholic beverages by passengers in certain vehicles; allowing certain shipments of wine into the state and exempting them from taxation; defining terms; providing exemptions from law on unlawful discrimination by licensed importers of intoxicating liquor; allowing registration of brand labels of alcoholic beverages only by the brand owner; prohibiting issuance of retail licenses to certain persons; revising authority for suspensions and civil penalties; providing for proof of age; prohibiting false statements in certain license applications; authorizing license issuance in certain political subdivisions; amending Minnesota Statutes 1992, sections 169.122, by adding a subdivision; 297C.07; 340A.101, subdivisions 15, 25, and 29; 340A.301, subdivision 3; 340A.302, subdivision 3; 340A.311; 340A.402; 340A.410, subdivision 7; 340A.415; 340A.503, subdivision 6; 340A.904, subdivision 1; Laws 1983, chapter 259, section 8; and Laws 1992, chapter 486, section 11; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1992, section 340A.903."

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. 858, A bill for an act relating to motor carriers; providing for expiration of certificates and permits used by any carrier for the purpose of armored carriage, and for their conversion to newly created "armored carrier" permits; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; 221.111; and 221.121, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 221.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 42. [ARMORED CARRIER SERVICE.] "Armored carrier service" means transportation for hire of property in armored vehicles protected by at least one armed person other than the driver.

Sec. 2. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 43. [ARMORED CARRIER.] "Armored carrier" is a motor carrier engaged in providing armored carrier service.

Sec. 3. Minnesota Statutes 1992, section 221.072, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] This section does not apply to any carrier listed in section 221.111, clauses (3) to ~~(9)~~ (10).

Sec. 4. Minnesota Statutes 1992, section 221.111, is amended to read:

221.111 [PERMITS TO OTHER MOTOR CARRIERS.]

Motor carriers other than certificated carriers and local cartage carriers shall obtain a permit in accordance with section 221.121. The board shall issue only the following kinds of permits:

- (1) class II-T permits;
- (2) class II-L permits;
- (3) livestock carrier permits;
- (4) contract carrier permits;
- (5) charter carrier permits;
- (6) courier service carrier permits;
- (7) local cartage carrier permits;
- (8) household goods mover permits; and
- (9) temperature-controlled commodities permits; and
- (10) armored carrier permits.

Sec. 5. Minnesota Statutes 1992, section 221.121, is amended by adding a subdivision to read:

Subd. 6g. [ARMORED CARRIERS.] A person who desires to hold out or to operate as an armored carrier must follow the procedure established in subdivision 1 and specifically request an armored carrier permit. The board shall issue the permit if it finds that the petitioner meets the criteria established in subdivision 1 and has provided evidence that:

(a) The carriers' personnel, security, and insurance standards and procedures render it fit and able to protect the property the petitioner will transport under the permit.

(b) The carrier has obtained a protective agent's or private detective's license under sections 326.338 and 326.3381, subdivision 1, and holds the license in good standing.

Sec. 6. Minnesota Statutes 1992, section 221.131, is amended by adding a subdivision to read:

Subd. 7. [ARMORED CARRIERS.] The commissioner shall issue distinct annual identification cards for vehicles that provide armored carrier service under a permit issued by the board. No card may be issued unless the armored carrier submits evidence that it holds in good standing a protective agent's or private detective's license under sections 326.338 and 326.3381, subdivision 1.

Sec. 7. Minnesota Statutes 1992, section 221.141, is amended by adding a subdivision to read:

Subd. 6. [ARMORED CARRIERS.] An armored carrier must maintain in effect cargo insurance, cargo bond, or moneys and securities insurance coverage in a minimum amount of \$300,000 per incident and must file, or its insurer must file, with the commissioner a cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage. A cargo certificate of insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance, described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform to Form J described in Code of Federal Regulations, title 49, part 1023. A certificate of moneys and securities coverage must conform to either Form H or Form J with such variances as the commissioner may allow to accommodate industry practice. Form H and Form J are incorporated by reference. The cargo certificate of insurance, cargo bond, or certificate of moneys and securities coverage must be issued in the full and correct name of the person, corporation, or partnership to whom the armored carrier permit was issued and whose operations are being insured.

Sec. 8. [221.153] [ARMORED CARRIERS; CONVERSION OF OPERATING AUTHORITY.]

Subdivision 1. [EXPIRATION OF OPERATING AUTHORITY.] All operating authority under certificates or permits granted by the board that authorizes armored carrier service expires on March 1, 1994. After February 28, 1994, no person may provide armored carrier service unless the person holds a valid armored carrier permit issued by the board. This subdivision does not require the expiration of any operating authority other than authority for armored carrier service. This subdivision does not limit the right of carriers to transport items of exceptional value in nonarmored vehicles that are not protected by at least one armed person exclusive of the driver.

Subd. 2. [CONVERSION.] A motor carrier holding operating authority that expires on March 1, 1994, under subdivision 1, who wishes to continue providing the service authorized by that operating authority, must convert that operating authority into an armored carrier permit before that date.

Subd. 3. [ISSUANCE OF NEW PERMITS.] (a) By November 1, 1993, a motor carrier described in subdivision 2 must submit to the commissioner an application for conversion. The application must be on a form prescribed by the commissioner and must be accompanied by an application fee of \$50. The application must state:

(1) the name and address of the applicant;

(2) the identifying number of all certificates or permits that grant the operating authority the applicant wishes to convert;

(3) evidence of armored carrier service that the motor carrier has actually and lawfully performed under a certificate or permit within the two years prior to the effective date of this section; and

(4) evidence of a protective agent's or private detective's license in good standing under section 221.121, subdivision 6g, paragraph (b).

(b) The commissioner shall transmit to the board all applications that meet the requirements of paragraph (a). The board shall develop an expedited process for hearing and ruling on applications submitted under this subdivision. Within 60 days after receiving an application under this subdivision, the board shall issue an order approving or denying the issuance of an armored carrier permit. The board shall issue the permit requested in the application if it finds that the issuance is authorized under this section. An application submitted to the commissioner under this subdivision by November 1, 1993, is deemed approved by the board unless by January 1, 1994, the board has issued an order denying the application.

(c) A motor carrier who has provided actual and lawful armored carrier service within the two years immediately prior to the effective date of this section which has been limited exclusively to service to and from points within the local cartage zone shall be issued an armored carrier permit that authorizes service to and from all points within that zone. A motor carrier who has provided actual and lawful armored carrier service within the two years immediately prior to the effective date of this section which has been limited exclusively to service to and from points outside the local cartage zone shall be issued an armored carrier permit that authorizes service to and from points outside that zone. A motor carrier who has provided actual and lawful armored carrier service within the two years immediately prior to the effective date of this section to and from points inside and outside the local cartage zone shall be issued an armored carrier permit that authorizes service to and from points anywhere in the state.

Sec. 9. Minnesota Statutes 1992, section 221.161, subdivision 1, is amended to read:

Subdivision 1. [FILING; HEARING UPON BOARD INITIATIVE.] (a) Except as provided in paragraph (b), a permit carrier, including a livestock carrier but not including a local cartage carrier, shall file and maintain with the commissioner a tariff showing rates and charges for transporting persons or property. Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the board may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the permit carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. Tariffs for transporting livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the commissioner.

(b) A holder of an armored carrier permit is not required to file a tariff under this subdivision for the service authorized by the armored carrier permit.

Sec. 10. Minnesota Statutes 1992, section 221.185, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS FOR SUSPENSION.] Despite the provisions of section 221.021, authority to operate as a motor carrier under sections 221.011 to 221.296 is suspended without a hearing, by order of the commissioner, for a period not to exceed 45 days upon the occurrence of any of the following and upon notice of suspension as provided in subdivision 2:

(a) the motor carrier fails to maintain and file with the commissioner, the insurance or bond required by sections 221.141 and 221.296 and rules of the commissioner;

(b) the motor carrier fails to renew permits as required by section 221.131; ~~or~~

(c) the motor carrier fails to pay annual vehicle registration fees or renew permits as required by sections 221.071, 221.131, and 221.296; ~~or~~

(d) the motor carrier fails to maintain in good standing a protective agent's or private detective's license required under section 221.121, subdivision 6g, paragraph (b), or 221.153, subdivision 3.

Sec. 11. Minnesota Statutes 1992, section 221.185, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF SUSPENSION.] (a) Failure to file and maintain insurance, renew permits under section 221.131, or to pay annual vehicle registration fees or renew permits under section 221.071, 221.131, or 221.296, or to maintain in good standing a protective agent's or private detective's license required under section 221.121, subdivision 6g, or 221.153, subdivision 3, suspends a motor carrier's permit or certificate two days after the commissioner sends notice of the suspension by certified mail, return receipt requested, to the last known address of the motor carrier.

(b) In order to avoid permanent cancellation of the permit or certificate, the motor carrier must do one of the following within 45 days from the date of suspension:

- (1) comply with the law by filing insurance or bond, renewing permits, or paying vehicle registration fees; or
- (2) request a hearing before the board regarding the failure to comply with the law.

Sec. 12. Minnesota Statutes 1992, section 221.185, subdivision 4, is amended to read:

Subd. 4. [FAILURE TO COMPLY.] Except as provided in subdivision 5a, failure to comply with the requirements of sections 221.141 and 221.296 relating to bonds and insurance, 221.131 relating to permit renewal, 221.071, 221.131, or 221.296 relating to annual vehicle registration or permit renewal, 221.121, subdivision 6g, or 221.153, subdivision 3, relating to protective agent or private detective licensure, or to request a hearing within 45 days of the date of suspension, is deemed an abandonment of the motor carrier's permit or certificate and the permit or certificate must be canceled by the commissioner.

Sec. 13. [NOTICE.]

By September 1, 1993, the commissioner of transportation shall send a notice by certified mail, return receipt requested, to all holders of operating authority that expires March 1, 1994, under section 8, subdivision 1. The notice must summarize the requirements for conversion of the operating authority and include an application form for conversion.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor carriers; defining armored carrier service; requiring any person providing armored carrier service to obtain an armored carrier permit from the transportation regulation board; providing for conversion of existing operating authority; amending Minnesota Statutes 1992, sections 221.011, by adding subdivisions; 221.072, subdivision 2; 221.111; 221.121, by adding a subdivision; 221.131, by adding a subdivision; 221.141, by adding a subdivision; 221.161, subdivision 1; and 221.185, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 221."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 893, A bill for an act relating to local government; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1992, section 487.25, subdivision 10.

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 900, A bill for an act relating to drivers' licenses; allowing use of results of preliminary screening test of driver's breath to be used in actions for driver's license reinstatement; clarifying administrative revocation penalties; amending Minnesota Statutes 1992, sections 169.121, subdivisions 4 and 6; and 171.166, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [152.0271] [NOTICE TO COMMISSIONER OF PUBLIC SAFETY OF CERTAIN DRUG CONVICTIONS; DRIVER'S LICENSE REVOCATION.]

When a person is convicted of violating a provision of sections 152.021 to 152.027, the sentencing court shall determine whether the person unlawfully sold or possessed the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the person's driver's license for 90 days or, if the conviction is for a violation of section 152.027, for 30 days. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction, the commissioner shall delay the issuance or reinstatement of the person's driver's license for 90 days or, if the conviction is for a violation of section 152.027, for 30 days after the person applies for the issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

Sec. 2. Minnesota Statutes 1992, section 168.042, subdivision 2, is amended to read:

Subd. 2. [VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER.] The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years; or

(2) a person's driver's license or driving privileges are revoked for a violation of section 169.121, subdivision 3, paragraph (c), clause (4), within five years of one previous violation or within 15 years of two or more previous violations, as defined in subdivision 1, paragraph (c), clause (1); or

(3) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3).

The order shall require the impoundment of the registration plates of the vehicle involved in the violation and all vehicles owned by, registered, or leased in the name of the violator, including vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 3. Minnesota Statutes 1992, section 169.121, is amended by adding a subdivision to read:

Subd. 1c. [CONDITIONAL RELEASE.] A person charged with violating subdivision 1 within 15 years of the first of three prior impaired driving convictions or within the person's lifetime after four or more prior impaired driving convictions may be released from detention only upon the following conditions unless maximum bail is imposed:

(1) the impoundment of the registration plates of the vehicle used to commit the violation occurred, unless already impounded;

(2) a requirement that the alleged violator report weekly to a probation agent;

(3) a requirement that the alleged violator submit to random, weekly alcohol breath tests and urine analysis; and

(4) a requirement that, if convicted, the alleged violator reimburse the court or county for the total cost of these services.

Sec. 4. Minnesota Statutes 1992, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

For the purposes of this subdivision:

(a) ~~evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;~~

(b) evidence that there was at the time an alcohol concentration of ~~more than 0.05~~ 0.04 or more and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Sec. 5. Minnesota Statutes 1992, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations; or

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

Sec. 6. Minnesota Statutes 1992, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of ~~a gross misdemeanor violation of violating~~ this section, a ~~violation of~~ section 169.129, or an ordinance in conformity with either of them (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Provided, that if a person is convicted of violating this section, section 169.129, or an ordinance in conformity with either of them two or more times within five years after the first conviction, or within five years after the first of two or more license revocations, as defined in subdivision 3, paragraph (a), clause (2), the person must be sentenced to a minimum of ~~30~~ 45 days imprisonment and the sentence may not be waived under paragraph (b) or (c). Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision.

(c) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

(d) The court may sentence the defendant without regard to the mandatory minimum term of imprisonment established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

(e) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record.

Sec. 7. Minnesota Statutes 1992, section 169.121, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE PENALTIES.] (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

- (1) first offense under subdivision 1: not less than 30 days;
- (2) first offense under subdivision 1a: not less than 90 days;

(3) second offense in less than five years, or third or subsequent offense on the record: (i) if the current conviction is for a violation of subdivision 1, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or (ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(4) third offense in less than five years: not less than one year, together with denial under section 171.04, subdivision 1, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(5) fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, subdivision 1, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

(b) If the person convicted of violating this section is under the age of ~~18~~ 21 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges ~~until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.~~

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) Except for a person whose license has been revoked under paragraph (b), any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is subject to the mandatory revocation provisions of paragraph (a), clause (1) or (2), in lieu of the mandatory revocation provisions of section 169.123.

Sec. 8. Minnesota Statutes 1992, section 169.121, subdivision 6, is amended to read:

Subd. 6. [PRELIMINARY SCREENING TEST.] When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1 or section 169.1211, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169.123, but shall not be used in any court action except (1) to prove that a test was properly required of a person pursuant to section 169.123, subdivision 2; ~~or~~ (2) in a civil action arising out of the operation or use of the motor vehicle; (3) in an action for license reinstatement under section 171.19; or (4) in a prosecution or juvenile court proceeding concerning a violation of section 340A.503, subdivision 1, paragraph (a), clause (2). Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

The driver who refuses to furnish a sample of the driver's breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, the driver submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

Sec. 9. Minnesota Statutes 1992, section 169.1217, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate authority" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(b) "Designated offense" includes a violation of section 169.121, an ordinance in conformity with it, or 169.129:

(1) within five years of three prior driving under the influence convictions or three prior license revocations based on separate incidents;

(2) within 15 years of the first of four or more prior driving under the influence convictions or the first of four or more prior license revocations based on separate incidents;

(3) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8); or

(4) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance.

"Designated offense" also includes a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(1) within five years of two prior driving under the influence convictions or two prior license revocations based on separate incidents; or

(2) within 15 years of the first of three or more prior driving under the influence convictions or the first of three or more prior license revocations based on separate incidents.

(c) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(d) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(e) "Prior driving under the influence conviction" means a prior conviction under section 169.121; 169.129; or 609.21, subdivision 1, clauses (2) to (4); 2, clauses (2) to (4); 2a, clauses (2) to (4); 3, clauses (2) to (4); or 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior driving under the influence conviction also includes a prior juvenile adjudication that would have been a prior driving under the influence conviction if committed by an adult.

(f) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 10. Minnesota Statutes 1992, section 169.1217, subdivision 9, is amended to read:

Subd. 9. [DISPOSITION OF FORFEITED VEHICLES.] (a) If the court finds under subdivision 8 that the vehicle is subject to forfeiture, it shall order the appropriate agency to:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the state treasury and credited to the general fund agency for use in DWI-related enforcement, training, and education.

Sec. 11. Minnesota Statutes 1992, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section sections 169.121 and 169.1211, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it;

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;

(3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or

(4) the screening test was administered and indicated an alcohol concentration of 0.10 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance or, if the motor vehicle was a commercial motor vehicle, that Minnesota law requires the person to take a test to determine the presence of alcohol;

(2) that refusal to take a test is a crime;

(3) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and

(4) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 12. Minnesota Statutes 1992, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more, or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year. ~~If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater.~~ Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for: (1) a period of 90 days; or (2) if the person is under the age of ~~18~~ 21 years, for a period of six months ~~or until the person reaches the age of 18 years, whichever is greater;~~ or (3) if the person's driver's license or driving privileges have been revoked within the past five years under this section or section 169.121, for a period of 180 days. On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 13. Minnesota Statutes 1992, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person is guilty of a gross misdemeanor who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before the person's driver's license or driver's privilege has been reinstated following its cancellation, suspension, revocation, or denial under any of the following: section 169.121, 169.1211, or 169.123; section 171.04, 171.14, 171.16, 171.17, or 171.18 because of an alcohol-related incident; section 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Sec. 14. Minnesota Statutes 1992, section 169.797, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

(c) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

(d) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Sec. 15. Minnesota Statutes 1992, section 171.13, subdivision 1b, is amended to read:

Subd. 1b. [DRIVER'S MANUAL; ALCOHOL CONSUMPTION.] The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance. This chapter shall also include information on the dangers of driving at alcohol concentration levels below the per se level as defined in section 169.01, and specifically state that:

(1) there is no "safe" level or amount of alcohol that an individual can assume will not impair one's driving performance and increase the risk of a crash;

(2) a driver may be convicted of driving while impaired irrespective of whether or not the driver's alcohol concentration exceeds the legal limit for alcohol concentration; and

(3) a person under the legal drinking age may be convicted of illegally consuming alcohol if found to have consumed any amount of alcohol.

Sec. 16. [171.172] [DRIVER'S LICENSE REVOCATION; PERSONS CONVICTED OF OR ADJUDICATED FOR CERTAIN CONTROLLED SUBSTANCE OFFENSES.]

The commissioner of public safety shall revoke the driver's license of any person convicted of or any juvenile adjudicated for a controlled substance offense if the court has notified the commissioner of a determination made under section 152.0271 or 260.185, subdivision 1. The period of revocation shall be for the applicable time period specified in section 152.0271. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 152.0271.

Sec. 17. [171.173] [DRIVER'S LICENSE SUSPENSION; PERSONS CONVICTED OF OR ADJUDICATED FOR CERTAIN UNDERAGE DRINKING OFFENSES.]

The commissioner of public safety shall suspend the driver's license of any person convicted of or any juvenile adjudicated for an offense under section 340A.503, subdivision 1, paragraph (a), clause (2), if the court has notified the commissioner of a determination made under section 340A.503, subdivision 1, paragraph (c). The period of suspension shall be for the applicable period specified in that paragraph. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 340A.503, subdivision 1, paragraph (c). Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

Sec. 18. Minnesota Statutes 1992, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

(a) Except as otherwise provided in paragraph (c), any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Any person who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving privileges has been canceled under section 171.04, subdivision 1, clause (8), and the person has been given notice of or reasonably should know of the cancellation; and

(2) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

(d) Notwithstanding section 609.04, a prosecution for or conviction of a crime under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. The court may impose consecutive sentences for multiple crimes committed by the defendant as part of the same conduct.

Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 19. Minnesota Statutes 1992, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or 171.173, or revoked under section 169.121, 169.123, 169.792, 169.797, or 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

- (1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;
- (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or
- (3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

Sec. 20. Minnesota Statutes 1992, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (a) Counsel the child or the parents, guardian, or custodian;
- (b) Place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;
- (c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:
 - (1) a child placing agency; or
 - (2) the county welfare board; or
 - (3) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16; or

(4) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize.

If the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.027, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding section 13.42, 13.85, 144.335, 260.161, or 626.556, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

- (1) medical data under section 13.42;
- (2) corrections and detention data under section 13.85;
- (3) health records under section 144.335;
- (4) juvenile court records under section 260.161; and
- (5) local welfare agency records under section 626.556.

Data disclosed under this paragraph may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

If the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) why the best interests of the child are served by the disposition ordered; and

(b) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 21. Minnesota Statutes 1992, section 340A.503, subdivision 1, is amended to read:

Subdivision 1. [CONSUMPTION.] (a) It is unlawful for any:

(1) retail intoxicating liquor or nonintoxicating liquor licensee, municipal liquor store, or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises or within the municipal liquor store; or

(2) person under the age of 21 years to consume any alcoholic beverages. As used in this clause, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. If proven by a preponderance of the evidence, it is an affirmative defense to a violation of this clause that the defendant consumed the alcoholic beverage in the household of the defendant's parent or guardian and with the consent of the parent or guardian.

(b) An offense under paragraph (a), clause (2), may be prosecuted either at the place where consumption occurs or the place where evidence of consumption is observed.

(c) When a person is convicted of or adjudicated for an offense under paragraph (a), clause (2), the court shall determine whether the person committed the offense while operating a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination. Upon receipt of the court's determination, the commissioner shall suspend the person's driver's license or operating privileges for 30 days, or for 180 days if the person has previously been convicted of or adjudicated for an offense under paragraph (a), clause (2).

Sec. 22. Minnesota Statutes 1992, section 340A.802, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS; CONTENT.] In the case of a claim for damages, the notice must be served by the claimant's attorney within ~~120~~ 240 days of the date of entering an attorney-client relationship with the person in regard to the claim. In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable. No action for damage or for contribution or indemnity may be maintained unless the notice has been given. If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known. Actual notice of sufficient facts reasonably to put the licensee or governing body of the municipality on notice of a possible claim complies with the notice requirement.

No action may be maintained under section 340A.801 unless commenced within two years after the injury.

Sec. 23. Minnesota Statutes 1992, section 609.035, is amended to read:

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Except as provided in sections 169.121, 169.129, 169.797, 171.24, 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 20, and 23 are effective August 1, 1993, and apply to crimes committed on or after that date. Section 21 is effective June 1, 1993, and applies to crimes committed on or after that date. Section 22 is effective August 1, 1993, and applies to causes of action arising on or after that date.

Delete the title and insert:

"A bill for an act relating to alcohol and chemical use; increasing penalties for driving while intoxicated with a child under 16 in the vehicle; establishing a misdemeanor offense for juveniles who drive with an alcohol concentration greater than 0.02; providing for driver's license suspension for this offense; requiring driver's license revocation for persons convicted of a controlled substance offense if the court finds that the person committed the offense while driving a motor vehicle; providing that certain repeat DWI offenders must serve 45 days in jail; providing pretrial release conditions for habitual DWI violators; increasing the penalty for certain persons who drive while under license cancellation; allowing consecutive sentences for persons convicted of DWI, driving after revocation or cancellation, or driving without insurance; allowing the use of preliminary screening tests in certain proceedings; clarifying administrative revocation penalties; defining "consumption" in the underage drinking law; expanding prosecutorial jurisdiction over underage drinking offenses; expanding filing requirements relating to dram shop actions; amending Minnesota Statutes 1992, sections 168.042, subdivision 2; 169.121, subdivisions 2, 3, 3a, 4, 6, and by adding a subdivision; 169.1217, subdivisions 1 and 9; 169.123, subdivisions 2 and 4; 169.129; 169.797, subdivision 4; 171.13, subdivision 1b; 171.24; 171.30, subdivision 1; 260.185, subdivision 1; 340A.503, subdivision 1; 340A.802, subdivision 2; and 609.035; proposing coding for new law in Minnesota Statutes, chapters 152; and 171."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 950, A bill for an act relating to the veterans homes board; requiring the board to apply for certain federal funding.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 951, A bill for an act relating to the city of Duluth; authorizing the transfer of money from the gas division account in the public utility fund to the general fund; authorizing the transfer of money from the steam division account of the public utility fund to the general fund; amending Laws 1951, chapter 507, section 1, as amended; and Laws 1979, chapter 113, section 2.

Reported the same back with the following amendments:

Page 1, delete section 2

Page 2, line 18, delete "3" and insert "2"

Amend the title as follows:

Page 1, line 4, delete "authorizing"

Page 1, delete lines 5 and 6

Page 1, line 8, delete "; and Laws 1979, chapter 113, section 2"

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 961, A bill for an act relating to health; modifying lead abatement requirements; licenses and fees; establishing enforcement procedures and disposal methods; establishing grant programs; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 144.871, subdivisions 2, 6, 7a, 7b, 9, and by adding subdivisions; 144.872, subdivisions 2, 3, 4, and by adding a subdivision; 144.873, subdivisions 2 and 3; 144.874, subdivisions 1, 2, 3, 4, 5, 6, 9, and by adding subdivisions; 144.876, by adding a subdivision; 144.878, subdivisions 2, 2a, and 5; 256B.0625, subdivision 14; and 462A.03, subdivision 15; proposing coding for new law in Minnesota Statutes, chapters 144; and 268; repealing Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; and 144.878, subdivision 2a.

Reported the same back with the following amendments:

Page 11, delete lines 31 to 36

Page 12, delete lines 1 to 8

Page 12, line 15, delete "shall be" and insert "is" and delete "\$250" and after "fine" insert "of up to \$250"

Page 12, line 25, delete "shall be" and insert "are"

Page 12, line 26, delete "\$250" and after "fine" insert "of up to \$250"

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.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 963, A bill for an act relating to sheriffs; duty to investigate snowmobile accidents; amending Minnesota Statutes 1992, section 387.03, is amended to read:

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters ~~under the jurisdiction of the commissioner of natural resources.~~
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the training and shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of ~~\$100~~ \$500 or more, shall promptly forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 2. Minnesota Statutes 1992, section 84.872, is amended to read:

84.872 [YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.]

Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters under the jurisdiction of the commissioner if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

It is unlawful for ~~the owner of a snowmobile~~ any person who is in lawful control of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

Sec. 3. Minnesota Statutes 1992, section 84.924, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] With a view of achieving proper use of all-terrain vehicles consistent with protection of the environment, the commissioner of natural resources shall adopt rules under chapter 14 relating to:

- (1) registration of all-terrain vehicles and display of registration numbers;
- (2) use of all-terrain vehicles insofar as game and fish resources are affected;
- (3) use of all-terrain vehicles on public lands and waters ~~under the jurisdiction of the commissioner of natural resources;~~
- (4) uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of all-terrain vehicles; and
- (5) specifications relating to all-terrain vehicle mufflers.

Sec. 4. Minnesota Statutes 1992, section 84.924, subdivision 3, is amended to read:

Subd. 3. [ACCIDENT REPORT; REQUIREMENT AND FORM.] The operator and an officer investigating an accident of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$300 \$500 or more shall within ten business days forward a written report of the accident to the commissioner of natural resources on a form prescribed by either the commissioner of natural resources or by the commissioner of public safety. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 5. Minnesota Statutes 1992, section 84.9256, subdivision 3, is amended to read:

Subd. 3. [PROHIBITIONS ON OWNER PERSON IN LAWFUL CONTROL.] An owner of It is unlawful for any person who is in lawful control of an all-terrain vehicle may not knowingly allow to permit it to be operated contrary to this section.

Sec. 6. Minnesota Statutes 1992, section 97A.065, subdivision 2, is amended to read:

Subd. 2. [FINES AND FORFEITED BAIL.] (a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.09 to 84.15, and 84.81 to 84.88, chapter 348, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b) and, (c), and (d).

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall indicate the amount of the receipts that are assessments or surcharges imposed under section 609.101 and shall submit all of those receipts to the commissioner. The receipts must be credited to the game and fish fund to provide peace officer training for persons employed by the commissioner who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

(d) The county treasurer shall submit one-half of the receipts collected from prosecutions of violations of sections 84.81 to 84.91, including receipts that are assessments or surcharges imposed under section 609.101, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 7. Minnesota Statutes 1992, section 387.03, is amended to read:

387.03 [POWERS, DUTIES.]

The sheriff shall keep and preserve the peace of the county, for which purpose the sheriff may require the aid of such persons or power of the county as the sheriff deems necessary. The sheriff shall also pursue and apprehend all felons, execute all processes, writs, precepts, and orders issued or made by lawful authority and to the sheriff delivered, attend upon the terms of the district court, and perform all of the duties pertaining to the office, including investigating recreational vehicle accidents involving personal injury or death that occur outside the boundaries of a municipality, searching and dragging for drowned bodies and searching and looking for lost persons and. When authorized by the board of county commissioners of the county the sheriff may purchase boats and other equipment including the hiring of airplanes for such search purposes."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; expanding the jurisdiction of the commissioner of natural resources over the use of snowmobiles and all-terrain vehicles on public lands and waters; changing accident reporting duties; providing that the person in lawful control of a snowmobile or all-terrain vehicle is responsible for the operation of these vehicles by youthful operators; providing that a portion of the fines and assessments collected from recreational vehicle violations shall be credited to the snowmobile trails and enforcement account in the natural resources fund; expanding the duties of the sheriff to include investigating recreational vehicle accidents involving injury or death; amending Minnesota Statutes 1992, sections 84.86, subdivision 1; 84.872; 84.924, subdivisions and 3; 84.9256, subdivision 3; 97A.065, subdivision 2; and 387.03."

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. 964, A bill for an act relating to public safety; authorizing commissioner of public safety to apply for federal natural disaster assistance funds; amending Minnesota Statutes 1992, section 12.221.

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. 981, A bill for an act relating to the organization of state government; abolishing the department of public service; abolishing the residential and small business utilities division of the office of the attorney general; reducing the size of the public utilities commission; transferring the utility regulatory responsibilities of the department of public service to the department of commerce; transferring the energy and conservation improvement responsibilities of the department of public service to the public utilities commission; transferring the division of weights and measures to the department of agriculture; amending Minnesota Statutes 1992, sections 15.01; 116C.03, subdivision 2; 216A.01; 216A.03, subdivision 1; 216A.035; 216A.036; 216A.04; 216A.05, by adding a subdivision; 216A.07, subdivision 1, and by adding a subdivision; 216A.085; 216A.095; 216B.02, subdivisions 7, 8, and by adding subdivisions; 216B.162, subdivision 7; 216B.241, subdivisions 1 and 2; 216C.01; 216C.10; 216C.36, subdivision 11; 216C.37, subdivision 1; 237.02; 237.075, subdivision 2; 239.01; 239.05, subdivisions 6c, 7a, and 8; 446A.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1992, sections 8.33; 216A.06; and 216C.01, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [DEPARTMENT OF PUBLIC SERVICE ABOLISHED; RESPONSIBILITIES TRANSFERRED.]

Subdivision 1. [DEPARTMENT ABOLISHED; RESPONSIBILITIES TRANSFERRED.] The department of public service is abolished. The responsibilities held by the department are transferred to a receiving agency as designated in this act. Except as otherwise provided by this act, the responsibilities of the department must be transferred under Minnesota Statutes, section 15.039. For the purposes of this act, "responsibilities" means the powers, duties, rights, obligations, rules, court actions, contracts, records, property of every description, unexpended funds, personnel, and authority imposed by law of the department of public service. For the purposes of this act, "receiving agency" has the meaning given it in Minnesota Statutes, section 15.039, subdivision 1.

Subd. 2. [SPECIFIC POSITIONS ABOLISHED.] The following positions in the department of public service are not transferred to a receiving agency and are specifically abolished:

- (1) commissioner;
- (2) deputy commissioner;
- (3) assistant commissioner; and
- (4) executive assistant.

Subd. 3. [ATTORNEY GENERAL.] The responsibility for intervention as a party in all public utility and telecommunications matters before the public utilities commission is transferred to the utility consumers division of the attorney general's office.

Subd. 4. [PUBLIC UTILITIES COMMISSION.] (a) The following responsibilities are transferred to the public utilities commission:

- (1) the intervention office that represents the interests of Minnesota residents, businesses, and governments before bodies and agencies outside the state that make, interpret, or implement national and international energy policy;
- (2) enforcement of Minnesota Statutes, chapters 216A, 216B, 216C, and 237 and orders of the public utilities commission under those chapters;
- (3) conservation improvement; and
- (4) all other responsibilities related to energy production, transportation, transmission, consumption, conservation, and efficiency.

(b) The positions and personnel of the department of public service related to the responsibilities listed in paragraph (a) are transferred to the public utilities commission.

Subd. 5. [DEPARTMENT OF AGRICULTURE.] The division of weights and measures is transferred to the department of agriculture.

Subd. 6. [RULES.] All rules adopted by the department of public service before the effective date of this act become rules of the agency to which the appropriate rulemaking authority is transferred by this act.

ARTICLE 2

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 1992, section 8.33, is amended to read:

8.33 [REPRESENTATION OF CONSUMER AND SMALL BUSINESS INTEREST IN PUBLIC UTILITY MATTERS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or an agency of the federal government. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) "~~Residential and small business~~ Utility consumer" or "consumer" means a person ~~or small business, firm, association, partnership, or corporation~~ that uses utility services at ~~the person's~~ a residence or business location in this state and who is billed by or pays a public utility for these services.

(3) "Small business" has the meaning given it in section 645.445.

(4) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

A utility consumers division is established in the office of the attorney general to carry out the duties assigned to the attorney general under this section.

Subd. 2. [DIVISION ESTABLISHED; DUTIES.] (a) A utility consumers division is established in the office of the attorney general to carry out the duties assigned to the attorney general under this section.

(b) The attorney general is responsible for representing and furthering the interests of residential and small business utility consumers, other than utility consumers who represent their own interests, through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential or small business utility consumers. The attorney general shall expend a reasonable portion of effort among all three kinds of utility services and shall identify and promote the needs of each class of residential and small business consumers with respect to each of the utility services.

Subd. 3. [RIGHT OF INTERVENTION.] Subject to the limitations of subdivision 2, the attorney general may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential or small business utility consumers. When intervening in gas or electric hearings, the attorney general shall prepare and defend testimony designed to encourage energy conservation improvements as defined in section 216B.241. The right of the attorney general to participate or intervene does not affect the obligation of the public utilities commission to protect the public interest.

Subd. 4. [NOTICE; PROCEDURES.] The public utilities commission shall give reasonable notice to the attorney general of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential or small business utility consumers. Rules of the commission governing procedures before the commission apply to the attorney general and the attorney general's employees or representatives. The attorney general has the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Subd. 5. [APPEALS.] The attorney general has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the courts of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential or small business utility consumers.

Subd. 6. [INTERVENTION IN FEDERAL PROCEEDINGS.] The attorney general and the public utilities commission shall jointly represent and further the interests of residential and small business utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The attorney general may maintain, intervene in, or otherwise participate in civil actions relating to the federal proceedings.

Subd. 7. [ADDITIONAL POWERS.] The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

Sec. 2. Minnesota Statutes 1992, section 15.01, is amended to read:

15.01 [DEPARTMENTS OF THE STATE.]

The following agencies are designated as the departments of the state government: the department of administration; the department of agriculture; the department of commerce; the department of corrections; the department of education; the department of jobs and training; the department of trade and economic development; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of employee relations; the department of public safety; the department of public service; the department of human services; the department of revenue; the department of transportation; the department of veterans affairs; and their successor departments.

Sec. 3. Minnesota Statutes 1992, section 116C.03, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The members of the board are the director of the office of strategic and long-range planning, the ~~commissioner of public service~~ director of the division of energy in the public utilities commission, the commissioner of the pollution control agency, the commissioner of natural resources, the director of the office of waste management, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Sec. 4. Minnesota Statutes 1992, section 216A.01, is amended to read:

216A.01 [ESTABLISHMENT OF DEPARTMENT AND COMMISSION.]

There are ~~is~~ hereby created and established the ~~department of public service, and the~~ public utilities commission. The ~~department of public service~~ utility consumers division of the attorney general's office shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter. The public utilities commission shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter, and those formerly vested by law in the railroad and warehouse commission.

Sec. 5. Minnesota Statutes 1992, section 216A.035, is amended to read:

216A.035 [CONFLICT OF INTEREST.]

(a) No person, while a member of the public utilities commission, while acting as executive ~~secretary~~ director of the commission, or while employed in a professional capacity by the commission, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission.

(b) No person is eligible to be appointed as a member of the commission if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin.

(c) No person who is an employee of the ~~public service department~~ utility consumers division of the attorney general's office shall participate in any manner in any decision or action of the commission where that person has a direct or indirect financial interest. Each commissioner or employee of the ~~public service department~~ utility consumers division who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to public utilities or transportation regulation shall report to the ethical practices board annually before April 15 any interest in an industry or business regulated by the commission. Each commissioner shall file a statement of economic interest as required by section 10A.09 with the ethical practices board and the public utilities commission before taking office. The statement of economic interest must state any interest that the commissioner has in an industry or business regulated by the commission.

(d) A professional employee of the commission or department must immediately disclose to the commission or to the commissioner of the department, respectively, any communication, direct or indirect, with a person who is a party to a pending proceeding before the commission regarding future benefits, compensation, or employment to be received from that person.

Sec. 6. Minnesota Statutes 1992, section 216A.036, is amended to read:

216A.036 [EMPLOYMENT RESTRICTIONS.]

(a) A person who serves as (1) a ~~commissioner~~ member of the public utilities commission, (2) ~~commissioner of the department of public service, or~~ (3) ~~deputy commissioner of the department~~, shall not, while employed with or within one year after leaving the commission, or department, accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission.

(b) An entity or an affiliated company of an entity that is subject to rate regulation by the commission, or a person acting on behalf of the entity, shall not negotiate or offer to employ or compensate a commissioner of the public utilities commission, ~~the commissioner of public service, or the deputy commissioner~~, while the person is ~~so employed~~ a member of the commission or within one year after the person leaves ~~that employment~~ the commission.

(c) For the purposes of this section, "affiliated company" means a company that controls, is controlled by, or is under common control with an entity subject to rate regulation by the commission.

(d) A person who violates this section is subject to a civil penalty not to exceed \$10,000 for each violation. The attorney general may bring an action in district court to collect the penalties provided in this section.

Sec. 7. Minnesota Statutes 1992, section 216A.04, is amended to read:

216A.04 [EXECUTIVE SECRETARY DIRECTOR; EMPLOYEES.]

Subdivision 1. [SELECTION OF EXECUTIVE SECRETARY DIRECTOR.] The commission shall appoint an executive ~~secretary~~ director, not a member, who shall be in the unclassified service of the state and shall serve at the pleasure of the commission. The executive ~~secretary~~ director shall take, subscribe and file an oath similar to that required of the commissioners, and shall be subject to the same disqualifications as commissioners.

Subd. 1a. [POWERS AND DUTIES OF EXECUTIVE SECRETARY DIRECTOR.] The executive ~~secretary~~ director shall:

- (1) cause to be kept full and correct records of all transactions and proceedings of the commission;
- (2) appoint, subject to chapter 43A and the approval of the commission, the director of the energy division and all other classified employees of the commission and supervise and direct their activities;
- (3) have custody of the seal of the commission;
- (4) serve as the administrative officer of the commission with responsibility for personnel, budget and other administrative details related to the work of the commission or as required by state law;
- (5) prepare orders, reports, and other materials as assigned by the commission and recommend to the commission such measures as may be appropriate to achieve the objectives of the commission;
- (6) advise the commission of its financial position and recommend a budget for its approval; and
- (7) perform other duties as the commission directs.

Subd. 2. [ACTING SECRETARY EXECUTIVE DIRECTOR.] The commission may designate any responsible employee to serve as acting ~~secretary~~ director in the absence of the ~~secretary~~ director.

Subd. 3. [OFFICERS AND EMPLOYEES.] The commission may establish other positions in the unclassified service if the positions meet the criteria of section 43A.08, subdivision 1a, clauses (a) to (g). The commission may employ other persons as may be necessary to carry out its functions.

Hearing reporters may provide transcripts of proceedings before the commission to persons requesting transcripts who pay a reasonable charge therefor to the reporter. The amount of the charge shall be fixed by the commission and retained by the reporter, any other law to the contrary notwithstanding.

Sec. 8. Minnesota Statutes 1992, section 216A.05, is amended by adding a subdivision to read:

Subd. 1a. [ADMINISTRATIVE FUNCTIONS.] The commission shall delegate to the executive director, to the greatest extent practicable, performance of any administrative functions assigned to the commission by the legislature.

Sec. 9. Minnesota Statutes 1992, section 216A.07, is amended to read:

216A.07 [COMMISSIONER EXECUTIVE DIRECTOR; POWERS AND DUTIES.]

Subdivision 1. [ADMINISTRATIVE DUTIES.] ~~The commissioner shall be the executive and administrative head of the public service department and shall have and possess executive director of the commission has and possesses~~ all the rights and powers and ~~shall perform all the duties relating to the administrative function of the department as functions~~ set forth in this chapter and chapters 216B and 237. ~~The commissioner executive director may:~~

(1) prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful in the proper exercise of the authority and duties of the commissioner in connection with regulated businesses;

(2) prescribe the time and manner within which forms or blanks shall be filed with the department;

(3) inspect at all reasonable times, and copy the books, records, memoranda and correspondence or other documents and records of any person relating to any regulated business; and

(4) cause the deposition to be taken of any person concerning the business and affairs of any business regulated by the ~~department~~ commission. Information sought through said deposition shall be for a lawfully authorized purpose and shall be relevant and material to the investigation or hearing before the commission. Information obtained from said deposition shall be used by the department only for a lawfully authorized purpose and pursuant to powers and responsibilities conferred upon the ~~department~~ commission. Said deposition is to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

Subd. 2. [ENFORCEMENT.] ~~The commissioner executive director~~ is responsible for the enforcement of chapters 216A, 216B and 237 and the orders of the commission issued pursuant to those chapters.

Subd. 3. [INTERVENTION IN PROCEEDINGS.] ~~The commissioner may intervene as a party in all proceedings before the commission. When intervening in gas or electric hearings, the commissioner shall prepare and defend testimony designed to encourage energy conservation improvements as defined in section 216B.241. The attorney general shall act as counsel in the proceedings.~~

Subd. 4. [INVESTIGATIONS.] ~~The commissioner executive director may, on the commissioner's executive director's own initiative, investigate any matter subject to the jurisdiction of the department or commission.~~

Subd. 5. [RULEMAKING.] ~~The commissioner executive director shall make substantive and procedural rules to implement the provisions of this chapter and chapters 216B and 237. Rules adopted under this authority shall be promulgated pursuant to the administrative procedure act and shall have the force and effect of law.~~

Sec. 10. Minnesota Statutes 1992, section 216A.085, is amended to read:

216A.085 [ENERGY ISSUES INTERVENTION OFFICE.]

Subdivision 1. [CREATION.] There is created within the ~~department of public service~~ energy division of the public utilities commission an intervention office to represent the interests of Minnesota residents, businesses, and governments before bodies and agencies outside the state that make, interpret, or implement national and international energy policy.

Subd. 2. [DUTIES.] The intervention office shall determine those areas in which state intervention is most needed, most likely to have a positive impact, and most effective for the broad public interest of the state. The office shall seek recommendations from appropriate public and private sources before deciding which cases merit intervention.

Subd. 3. [STAFFING.] The intervention office shall be under the control and supervision of the ~~commissioner of the department of public service~~ director of the energy division. On approval by the executive director of the commission, the commissioner director may hire staff or contract for outside services as needed to carry out the purposes of this section. The attorney general shall act as counsel in all intervention proceedings.

Sec. 11. Minnesota Statutes 1992, section 216A.095, is amended to read:

216A.095 [INTERAGENCY COOPERATION BETWEEN DEPARTMENT AND COMMISSION.]

Nothing in this chapter prevents the department attorney general or the commission from entering into agreements with each other or with other agencies to coordinate and share services, to conduct joint projects or investigations on matters within the authority and jurisdiction of the parties thereto, or to temporarily assign staff to projects requested by each other or by other agencies. The cooperative agreements may provide for the sharing of costs between the parties thereto or the reimbursement of the department or commission operating budget for expenditures made on behalf of the department or commission or agency. No cooperative effort shall interfere with the independence and integrity of either the commission or the department or any other agency that is a party.

Sec. 12. Minnesota Statutes 1992, section 216B.02, subdivision 7, is amended to read:

Subd. 7. [COMMISSION.] "Commission" means the public utilities commission of the department of public service.

Sec. 13. Minnesota Statutes 1992, section 216B.02, is amended by adding a subdivision to read:

Subd. 8a. [DIRECTOR.] "Director" means the director of the energy division.

Sec. 14. Minnesota Statutes 1992, section 216B.02, is amended by adding a subdivision to read:

Subd. 8b. [ENERGY DIVISION.] "Energy division" means the energy division established in chapter 216C.

Sec. 15. Minnesota Statutes 1992, section 216B.02, is amended by adding a subdivision to read:

Subd. 8c. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the public utilities commission.

Sec. 16. 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). 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 utility consumers division of the attorney general's office 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 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.

(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. 17. Minnesota Statutes 1992, section 216B.162, subdivision 7, is amended to read:

Subd. 7. [COMMISSION DETERMINATION.] Except as provided under subdivision 6, competitive rates offered by electric utilities under this section must be filed with the commission and must be approved, modified, or rejected by the commission within 90 days. The utility's filing must include statements of fact demonstrating that the proposed rates meet the standards of this subdivision. The filing must be served on ~~the department of public service~~ and the office of the attorney general at the same time as it is served on the commission. In reviewing a specific rate proposal, the commission shall determine:

- (1) that the rate meets the terms and conditions in subdivision 4, unless the commission determines that waiver of one or more terms and conditions would be in the public interest;
- (2) that the consumer can obtain its energy requirements from an energy supplier not rate-regulated by the commission under section 216B.16;
- (3) that the customer is not likely to take service from the electric utility seeking to offer the competitive rate if the customer was charged the electric utility's standard tariffed rate; and
- (4) that it is in the best interest of all other customers to offer the competitive rate to the customer subject to effective competition.

If the commission approves the competitive rate, it becomes effective as agreed to by the electric utility and the customer. If the competitive rate is modified by the commission, the commission shall issue an order modifying the competitive rate subject to the approval of the electric utility and the customer. Each party has ten days in which to reject the proposed modification. If no party rejects the proposed modification, the commissioner's order becomes final. If either party rejects the commission's proposed modification, the electric utility, on its behalf or on the behalf of the customer, may submit to the commission a modified version of the commission's proposal. The commission shall accept or reject the modified version within 30 days. If the commission rejects the competitive rate, it shall issue an order indicating the reasons for the rejection.

Sec. 18. Minnesota Statutes 1992, section 216B.241, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

- (a) "Commission" means the public utilities commission.
- (b) ~~"Commissioner"~~ "Director" means the ~~commissioner of public service~~ director of the energy division.
- (c) ~~"Department"~~ "Division" means the ~~department of public service~~ energy division.

(d) "Energy conservation improvement" means the purchase or installation of a device, method, or material that reduces consumption of or increases efficiency in the use of electricity or natural gas, including, but not limited to:

- (1) insulation and ventilation;
- (2) storm or thermal doors or windows;
- (3) caulking and weatherstripping;
- (4) furnace efficiency modifications;
- (5) thermostat or lighting controls;
- (6) awnings; or

(7) systems to turn off or vary the delivery of energy. The term "energy conservation improvement" includes a device or method that creates, converts, or actively uses energy from renewable sources such as solar, wind, and biomass, provided that the device or method conforms with national or state performance and quality standards whenever applicable.

(e) "Investments and expenses of a public utility" includes the investments and expenses incurred by a public utility in connection with an energy conservation improvement including, but not limited to:

(1) the differential in interest cost between the market rate and the rate charged on a no interest or below market interest loan made by a public utility to a customer for the purchase or installation of an energy conservation improvement;

(2) the difference between the utility's cost of purchase or installation of energy conservation improvements and any price charged by a public utility to a customer for such improvements.

Sec. 19. Minnesota Statutes 1992, section 216B.241, subdivision 2, is amended to read:

Subd. 2. [PROGRAMS.] The ~~commissioner~~ director may by rule require public utilities to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements must be offered to the customers. The required programs must cover a two-year period. The ~~commissioner~~ director shall require at least one public utility to establish a pilot program to make investments in and expenditures for energy from renewable resources such as solar, wind, or biomass and shall give special consideration and encouragement to programs that bring about significant net savings through the use of energy-efficient lighting. The ~~commissioner~~ director shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed. The rules of the ~~department~~ division must provide to the extent practicable for a free choice, by consumers participating in the program, of the device, method, or material constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable. The ~~commissioner~~ director may require a utility to make an energy conservation improvement investment or expenditure whenever the ~~commissioner~~ director finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. The ~~commissioner~~ director shall nevertheless ensure that every public utility operate one or more programs under periodic review by the department. Load management may be used to meet the requirements for energy conservation improvements under this section if it results in a demonstrable reduction in consumption of energy. The ~~commissioner~~ director shall consider and may require a utility to undertake a program suggested by an outside source, including a political subdivision or a nonprofit or community organization. No utility may make an energy conservation improvement under this section to a building envelope unless:

(1) it is the primary supplier of energy used for either space heating or cooling in the building;

(2) the ~~commissioner~~ director determines that special circumstances, which would unduly restrict the availability of conservation programs, warrant otherwise; or

(3) the utility has been awarded a contract under subdivision 2a.

The ~~commissioner~~ director shall ensure that a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available.

A utility, a political subdivision, or a nonprofit or community organization that has suggested a program, ~~the attorney general acting on behalf of consumers and small-business interests, or a utility customer that has suggested a program and is not represented by the attorney general under section 8.33,~~ may petition the commission to modify or revoke a ~~department~~ division decision under this section, and the commission may do so if it determines that the program is not cost-effective, does not adequately address the residential conservation improvement needs of low-income persons, has a long-range negative effect on one or more classes of customers, or is otherwise not in the public interest. The person petitioning for commission review has the burden of proof. The commission shall reject a petition that, on its face, fails to make a reasonable argument that a program is not in the public interest.

Sec. 20. Minnesota Statutes 1992, section 216B.62, is amended to read:

216B.62 [REGULATORY EXPENSES.]

Subd. 2. [ASSESSING SPECIFIC UTILITY.] Whenever the attorney general or the commission or department, in a proceeding upon ~~its~~ the commission's own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed under this chapter and section 216A.085, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, or to intervene before an energy regulatory agency, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, service, or intervention. The attorney general and commission and department shall ascertain the expenses, and the department attorney general or commission shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which any public utility shall become liable, by reason of costs incurred by the attorney general or commission within that calendar year, shall not exceed two-fifths of one percent of the gross operating revenue from retail sales of gas, or electric service by the public utility within the state in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 3, but shall be paid out of the general appropriation to the department attorney general and commission. In the case of public utilities offering more than one public utility service only the gross operating revenues from the public utility service in connection with which the investigation is being conducted shall be considered when determining this limitation.

Subd. 3. [ASSESSING ALL PUBLIC UTILITIES.] The department attorney general and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to public utilities under section 216A.085, and sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 or 6. The remainder shall be assessed by the attorney general and commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during the calendar year from retail sales of gas or electric service within the state. The assessment for the third quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the attorney general and commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Subd. 4. [OBJECTIONS.] Within 30 days after the date of the mailing of any bill as provided by subdivisions 2 and 3, the public utility against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

Subd. 5. [ASSESSING COOPERATIVES AND MUNICIPALS.] The attorney general and commission and department may charge cooperative electric associations and municipal electric utilities their proportionate share of the expenses incurred in the adjudication of service area disputes and the costs incurred in the adjudication of complaints over service standards, practices, and rates. Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section 216B.026, subdivision 4, are also subject to this section. Neither a cooperative electric association nor a municipal electric utility is liable for costs and expenses in a calendar year in excess of the limitation on costs that may be assessed against public utilities under subdivision 2. A cooperative electric association or municipal electric utility may object to and appeal bills of the attorney general and commission and department as provided in subdivision 4.

Subd. 6. [ADMINISTRATIVE HEARING COSTS.] Any amounts billed to the attorney general or commission or the department by the office of administrative hearings for public utility contested case hearings shall be assessed by the commission or the department against the public utility. The assessment shall be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been mailed to the public utility. Money received shall be credited to a special account and is appropriated to the attorney general or commission or the department for payment to the office of administrative hearings.

Sec. 21. Minnesota Statutes 1992, section 216B.64, is amended to read:

216B.64 [ATTORNEY GENERAL'S RESPONSIBILITIES.]

The attorney general of the state shall, upon request of the ~~commission or department~~, represent and appear for the ~~commission or department~~ in all actions and proceedings involving any question under Laws 1974, chapter 429, and shall aid in any investigation or hearing had under the provisions of Laws 1974, chapter 429. The attorney general shall perform all duties and services in connection with Laws 1974, chapter 429 and the enforcement thereof as the ~~commission or department~~ may require. The attorney general shall also bring all actions to collect penalties herein provided.

Sec. 22. Minnesota Statutes 1992, section 216B.65, is amended to read:

216B.65 [~~DEPARTMENT~~ COMMISSION TO EMPLOY NECESSARY STAFF.]

The ~~department~~ commission may employ experts, engineers, statisticians, accountants, inspectors, clerks, hearing examiners who may be attorneys and employees it deems necessary to carry out the provisions of Laws 1974, chapter 429.

Sec. 23. Minnesota Statutes 1992, section 216C.01, is amended to read:

216C.01 [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to section 216C.02 and those sections renumbered by Laws 1987, chapter 312, article 1, section 10.

Subd. 2. [~~COMMISSIONER.~~] "~~Commissioner~~" means the ~~commissioner of the department of public service.~~

Subd. 3. [~~DEPARTMENT.~~] "~~Department~~" means the ~~department of public service.~~

Subd. 4. [COMMISSION.] "Commission" means the public utilities commission.

Subd. 5. [DIRECTOR.] "Director" means the director of the division of energy in the public utilities commission.

Subd. 6. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the public utilities commission.

Sec. 24. [216C.011] [DIVISION OF ENERGY.]

A division of energy is established in the public utilities commission under the control and supervision of a director, appointed by the executive director and serving at the pleasure of the executive director in the unclassified service. The director shall employ in the division personnel in the classified service necessary to carry out the duties under this chapter.

Sec. 25. Minnesota Statutes 1992, section 216C.10, is amended to read:

216C.10 [POWERS.]

The ~~commissioner~~ director may:

(1) adopt rules under chapter 14 as necessary to carry out the purposes of sections 216C.05 to 216C.30 and, when necessary for the purposes of section 216C.15, adopt emergency rules under sections 14.29 to 14.36;

(2) make all contracts under sections 216C.05 to 216C.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept, and disburse any grant intended for the administration of sections 216C.05 to 216C.30;

- (3) provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;
- (4) administer for the state, energy programs under federal law, regulations, or guidelines, except for the low-income home energy assistance program and low-income weatherization programs administered by the department of jobs and training, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions;
- (5) develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and marketing strategies;
- (6) perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery;
- (7) assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects;
- (8) manage and disburse funds made available for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the commissioner;
- (9) ~~intervene~~ appear in certificate of need proceedings before the public utilities commission;
- (10) collect fees from recipients of loans, grants, or other financial aid from money received from litigation or settlement of alleged violations of federal petroleum pricing regulations, which fees must be used to pay the department's costs in administering those financial aids; and
- (11) collect fees from proposers and operators of conservation and other energy-related programs that are reviewed, evaluated, or approved by the department, other than proposers that are political subdivisions or community or nonprofit organizations, to cover the department's cost in making the reviewal, evaluation, or approval and in developing additional programs for others to operate.

Notwithstanding any other law, the commissioner is designated the state agent to apply for, receive, and accept federal or other funds made available to the state for the purposes of sections 216C.05 to 216C.30.

Sec. 26. Minnesota Statutes 1992, section 216C.36, subdivision 11, is amended to read:

Subd. 11. [RULES.] ~~The commissioner~~ director shall adopt rules and may adopt emergency rules necessary to carry out the programs of this section. ~~The commissioner of public service~~ director shall adopt rules for the administration of programs under this section. ~~The commissioner of public service~~ director may adopt emergency rules pursuant to sections 14.29 to 14.36, meeting the requirements of this section. The rules shall contain as a minimum:

- (a) procedures for application by municipalities; and
- (b) criteria for reviewing grant and loan applications.

Sec. 27. Minnesota Statutes 1992, section 216C.37, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] In this section:

(a) ~~"Commissioner"~~ "Authority" 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 all capital expenditures that are associated with conservation measures identified in a maxi-audit 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.

Sec. 28. Minnesota Statutes 1992, section 237.02, is amended to read:

237.02 [GENERAL AUTHORITY OF ~~DEPARTMENT AND~~ COMMISSION; DEFINITIONS.]

~~The department of public service and the public utilities commission, now existing under the laws of this state, are~~ is hereby vested with the same jurisdiction and supervisory power over telephone companies doing business in this state as it now has over railroad and express companies and over public utilities under chapter 216B. The definitions set forth in section sections 216A.02 shall and 216B.02 apply also to this chapter.

Sec. 29. Minnesota Statutes 1992, section 237.075, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF PROPOSED RATES; HEARING; FINAL DETERMINATION DEFINED.] (a) Whenever there is filed with the commission as provided in subdivision 1 a schedule modifying or resulting in a change in any rate then in force, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected telephone company 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). 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 utility consumer division of the attorney general's office~~ 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 telephone company'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 utility consumers division~~. 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 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.

(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 216B.16, 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. 30. Minnesota Statutes 1992, section 237.295, is amended to read:

237.295 [ASSESSMENT OF REGULATORY EXPENSES.]

Subdivision 1. [PAYMENT FOR INVESTIGATIONS.] Whenever the ~~department attorney general~~ or commission, in a proceeding upon its own motion, on complaint, or upon an application to it, considers it necessary, in order to carry out the duties imposed on it, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of, a telephone company, or to render engineering or accounting services to a telephone company, the

telephone company shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The ~~department~~ attorney general and commission shall ascertain the expenses, and the ~~department~~ attorney general shall render a bill for those expenses to the telephone company, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress. The bill constitutes notice of the assessment and a demand for payment. The amount of the bills assessed by the department under this subdivision must be paid by the telephone company into the state treasury within 30 days from the date of assessment. The total amount, in a calendar year, for which a telephone company may become liable, by reason of costs incurred by the ~~department~~ attorney general and commission within that calendar year, may not exceed two-fifths of one percent of the gross jurisdictional operating revenue of the telephone company in the last preceding calendar year. Direct charges may be assessed without regard to this limitation until the gross jurisdictional operating revenue of the telephone company for the preceding calendar year has been reported for the first time. Where, under this subdivision, costs are incurred within a calendar year that are in excess of two-fifths of one percent of the gross jurisdictional operating revenues, the excess costs are not chargeable as part of the remainder under subdivision 2, but must be paid out of the general appropriation of the ~~department~~ attorney general or commission.

Subd. 2. [ASSESSMENT OF COSTS.] The ~~department~~ attorney general and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to telephone companies, other than amounts chargeable to telephone companies under subdivision 1 or 5. The remainder must be assessed by the ~~department~~ attorney general to the telephone companies operating in this state in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment must be paid into the state treasury within 30 days after the bill has been mailed to the telephone companies. The bill constitutes notice of the assessment and demand of payment. The total amount that may be assessed to the telephone companies under this subdivision may not exceed one-eighth of one percent of the total gross jurisdictional operating revenues during the calendar year. The assessment for the third quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the attorney general and commission and ~~department~~ for the preceding fiscal year were more or less than the estimated expenditures previously assessed. A telephone company with gross jurisdictional operating revenues of less than \$5,000 is exempt from assessments under this subdivision.

Subd. 3. [OBJECTIONS.] Within 30 days after the date of the mailing of any bill as provided by subdivisions 1 and 2, the telephone company against which the bill has been assessed may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days provide for a contested case hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

Subd. 4. [INTEREST IMPOSED.] The amounts assessed against any telephone company not paid after 30 days after the mailing of a notice advising the telephone company of the amount assessed against it, shall draw interest at the rate of six percent per annum, and upon failure to pay the assessment the attorney general shall proceed by action in the name of the state against the telephone company to collect the amount due, together with interest and the cost of the suit.

Subd. 5. [ADMINISTRATIVE HEARING COSTS; APPROPRIATION.] Any amounts billed to the commission ~~or the department~~ by the office of administrative hearings for telephone contested case hearings shall be assessed by the commissioner ~~or the department~~ against the telephone company. The assessment shall be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been mailed to the telephone company. Money received shall be credited to a special account and is appropriated to the commissioner or the department for payment to the office of administrative hearings.

Sec. 31. Minnesota Statutes 1992, section 237.30, is amended to read:

237.30 [TELEPHONE INVESTIGATION FUND; APPROPRIATION.]

The sum of \$25,000 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to establish and provide a revolving fund to be known as the Minnesota Telephone Investigation Fund for the use of the ~~department of public service and of the attorney general~~ in investigations, valuations, and revaluations under section 237.295. All sums paid by the telephone companies to reimburse the ~~department of public service attorney general~~ for its ~~the attorney general's~~ expenses pursuant to section 237.295 shall be credited to the revolving fund and shall be deposited in a separate bank account and not commingled with any other state funds or moneys, but any balance in excess of \$25,000 in the revolving fund at the end of each fiscal year shall be paid into the state treasury and credited to the general fund. The sum of \$25,000 herein appropriated and all subsequent credits to said revolving fund shall be paid upon the warrant of the commissioner of finance upon application of the ~~department or of the attorney general~~ to an aggregate amount of not more than one-half of such sums to each of them, which proportion shall be constantly maintained in all credits and withdrawals from the revolving fund.

Sec. 32. Minnesota Statutes 1992, section 239.01, is amended to read:

239.01 [WEIGHTS AND MEASURES DIVISION; JURISDICTION.]

The weights and measures division, referred to in this chapter as the division, is created under the jurisdiction of the department of ~~public service~~ agriculture. The division has supervision and control over all weights, weighing devices, and measures in the state.

Sec. 33. Minnesota Statutes 1992, section 239.05, subdivision 6c, is amended to read:

Subd. 6c. [COMMISSIONER.] "Commissioner" means the commissioner of the department of ~~public service~~ agriculture.

Sec. 34. Minnesota Statutes 1992, section 239.05, subdivision 7a, is amended to read:

Subd. 7a. [DEPARTMENT.] "Department" means the department of ~~public service~~ agriculture.

Sec. 35. Minnesota Statutes 1992, section 239.05, subdivision 8, is amended to read:

Subd. 8. [DIRECTOR.] "Director" means the director of the division of weights and measures of the department of ~~public service~~ agriculture.

Sec. 36. 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~~ director of the division of energy in the public utilities commission 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. 37. [INSTRUCTION TO REVISOR.]

The revisor of statutes, in the next and subsequent editions of Minnesota Statutes and Minnesota Rules, shall make the following changes, and shall also make any stylistic and conforming changes necessary to incorporate the following changes:

(a) Change the terms "commissioner" and "commissioner of public service," or similar terms, to "director," or similar term, and the term "department," or similar term, to "commission," or similar term, in Minnesota Statutes, section 137.14.

(b) Change the terms "commissioner" and "commissioner of public service" to "authority" in Minnesota Statutes, section 216C.37.

(c) Change the terms "commissioner" or "commissioner of public service," or similar terms, to "director of the division of energy in the public utilities commission," or similar term, in Minnesota Statutes, sections 13.68, subdivision 1; 13.99, subdivision 65; 16B.165; 16B.56, subdivision 1; 17.86; 18.024, subdivision 1; 103F.325, subdivisions 2 and 3; 115A.15, subdivision 5; 116D.11, subdivision 4; 174.03, subdivision 7; 216B.162, subdivision 9; 216B.241; 216C.02; 216C.07; 216C.08; 216C.09; 216C.11; 216C.12; 216C.13; 216C.14; 216C.15; 216C.16; 216C.17; 216C.18; 216C.19; 216C.195; 216C.20; 216C.21; 216C.22; 216C.23; 216C.24; 216C.25; 216C.26; 216C.261; 216C.262; 216C.27; 216C.29; 216C.30; 216C.31; 216C.315; 216C.32; 216C.33; 216C.35; 216C.36, subdivisions 3b, 3c, 8, 8a, and 9; 216C.373; 216C.38; 216C.381; 446A.03, subdivision 1; and 446A.21, subdivision 2.

(d) Change the terms "department" and "department of public service" to "commission" and "public utilities commission" in Minnesota Statutes, sections 13.692; 116O.06, subdivision 2; 161.45; 469.164, subdivision 2; and 484.50.

(e) Change the terms "department" and "department of public service" to "division of energy in the public utilities commission" in Minnesota Statutes, sections 16B.32, subdivision 2; 160.262, subdivision 3; 161.45; and 326.243.

(f) Change the term "department of public service" to "department of agriculture" in Minnesota Statutes, sections 17A.04, subdivisions 6, 7, and 8; 17A.10, subdivision 1; 41A.09, subdivision 7; 93.38; 137.14; 335E.11; 335E.115, subdivision 2; and 325F.733, subdivision 7.

(g) Change the term "department of public service" to "department of transportation" in Minnesota Statutes, sections 168.61, subdivision 1; 169.073; and 181.30.

(h) Delete references to "commissioner," "commissioner of public service," and "department of public service" in Minnesota Statutes, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 237.59, subdivision 2; and 237.70, subdivision 7.

(i) Change the title of chapter 216A to "PUBLIC UTILITIES COMMISSION; ADMINISTRATION."

Sec. 38. [REPEALER.]

Minnesota Statutes 1992, sections 216A.06; 216B.02, subdivision 8; and 237.69, subdivision 3, are repealed.

Sec. 39. [EFFECTIVE DATE.]

This act is effective January 1, 1994."

Delete the title and insert:

"A bill for an act relating to the organization of state government; abolishing the department of public service; transferring responsibilities of the department of public service to other agencies; making conforming changes; amending Minnesota Statutes 1992, sections 8.33; 15.01; 116C.03, subdivision 2; 216A.01; 216A.035; 216A.036; 216A.04; 216A.05, by adding a subdivision; 216A.07; 216A.085; 216A.095; 216B.02, subdivision 7, and by adding subdivisions; 216B.16, subdivision 2; 216B.162, subdivision 7; 216B.241, subdivisions 1 and 2; 216B.62; 216B.64; 216B.65; 216C.01; 216C.10; 216C.36, subdivision 11; 216C.37, subdivision 1; 237.02; 237.075, subdivision 2; 237.295; 237.30; 239.01; 239.05, subdivisions 6c, 7a, and 8; and 446A.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1992, sections 216A.06; 216B.02, subdivision 8; and 237.69, subdivision 3."

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.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 986, A bill for an act relating to metropolitan government; providing for coordination and consolidation of public mobile radio communications systems; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. [GENERAL.] For the purposes of sections 1 to 7 the following terms have the meanings given in this section.

Subd. 2. [PLANNING COMMITTEE.] "Planning committee" means the metropolitan radio systems planning committee.

Subd. 3. [LOCAL ELECTED OFFICIAL.] "Local elected official" means any elected official of a local government, including, among others, tribal leaders from the Shakopee Mdewakanton Sioux community.

Subd. 4. [LOCAL GOVERNMENT.] "Local government" means any county, home rule charter, or statutory city, town, and the Mdewakanton Sioux community.

Subd. 5. [METROPOLITAN AREA.] "Metropolitan area" means the area within Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Subd. 6. [MEGAHERTZ.] "800 megahertz" means the following 800 megahertz channels: 821 to 824 and 866 to 869 megahertz.

Sec. 2. [PLANNING COMMITTEE; MEMBERSHIP.]

Subdivision 1. [GENERAL.] The metropolitan radio systems planning committee is established under the metropolitan council.

Subd. 2. [MEMBERSHIP.] The planning committee shall consist of 31 members. Sixteen shall be local elected officials appointed by the metropolitan council member from that member's metropolitan council district. One county board member shall be appointed by the county board of each of the seven counties in the metropolitan area.

The 24th member shall be appointed by the metropolitan council to represent the regional agencies, special districts, and other regional users of the system. The council's representative does not have to be an elected official. The 25th member shall be appointed by the sheriffs of the metropolitan counties from among their number. The 26th member shall be appointed by the chiefs of police of the metropolitan area from among their number. The 27th member shall be appointed by the fire chiefs of the metropolitan area from among their number. The 28th member shall be appointed from among the emergency medical service providers of the metropolitan area from among their number. The 29th member shall be the director of electronic communications for the department of transportation. The 30th member shall be appointed by the International Brotherhood of Electrical Workers Local 292. The 31st member shall be appointed by the Minnesota chapter of the association of public safety communications organizations. The members shall be appointed within 30 days of the effective date of this act.

Subd. 3. [CHAIR.] The chair of the planning committee shall be elected by a majority vote of the members of the planning committee.

Sec. 3. [DUTIES OF THE PLANNING COMMITTEE.]

Subdivision 1. [GENERAL.] The metropolitan council shall provide all staff and resources necessary to allow the planning committee to discharge its duties specified in this section.

Subd. 2. [PLANNING.] The planning committee shall:

(1) review the report and findings of the regional trunked radio task force and related metropolitan council recommendations;

(2) provide additional study of the current and future needs and capacities of radio systems in the metropolitan area both by local government unit and by user group;

(3) conduct a detailed analysis of all feasible options to address those needs;

(4) prepare a detailed plan allowing for coordinated, efficient, and cost-effective use of new 800 megahertz channels; and

(5) develop and evaluate feasible options to provide the most cost-effective public sector radio communications for the metropolitan area for both short-term and long-term needs.

Subd. 3. [REVIEW CONSIDERATIONS.] In performing its duties under this section, the planning committee may include the following considerations:

(1) identification and documentation of current uses, needs, and capacities, including growth and expansion capacities, by local government and by each major user group;

(2) estimation of two-year, five-year, and ten-year future needs by each local government and by each major user group;

(3) identification, based on analysis of clauses (1) and (2), of the relevant criteria by which a system or systems could be determined to meet the current and future needs;

(4) analysis of existing and projected technology based on the criteria established in clause (3) to develop at least three options for meeting current and future needs;

(5) identification by local government and by major user group, of the anticipated level and timeline for utilization of each option developed in clause (4);

(6) analysis of the expected cost of each option, including all regional, state, and local capital and operating costs associated with implementing each option, assuming the utilization levels and timelines identified in clause (5). This analysis shall include, but shall not be limited to, obtaining responses to "requests for information" for budgetary cost estimates for the options from at least two private vendors; or

(7) development of options for allocation of costs among local governments and user groups under the various funding mechanisms under the options developed in clause (4).

Subd. 4. [PUBLIC MEETINGS.] After completing its duties under subdivisions 2 and 3, the planning committee shall prepare a draft report which the metropolitan council shall provide to local governments and major user groups in the metropolitan area, and which draft report shall also be made available to the public. After preparing and disseminating the draft report and before presenting the final report to the legislature, the metropolitan council in conjunction with the planning committee shall hold at least one public meeting in each metropolitan council district on the draft report at which it shall explain the report and seek public comment. A record shall be kept of the public comments received and a summary of such comments shall be prepared.

Subd. 5. [REPORT.] By February 1, 1994, the metropolitan council shall report to the legislature its findings and recommendations as well as a summary of the public comment as called for in subdivisions 2 to 4. The report shall also identify any changes in statutory authority necessary to provide for implementation of the three most preferred options.

Sec. 4. [LOCAL PARTICIPATION.]

Local governments and user groups must cooperate with the planning committee in its preparation of the regional plan to ensure that local needs are met. No local government in the metropolitan area may apply to the Federal Communications Commission for 800 megahertz channels as defined herein prior to May 1, 1994, without prior approval of the metropolitan council. No state agency may apply to the Federal Communications Commission for 800 megahertz channels as defined herein prior to May 1, 1994, if such application would directly affect the metropolitan area.

Sec. 5. [USE OF LOANS.]

The metropolitan council shall not continue to borrow from funds available under Minnesota Statutes, section 473.167, for the study and development of the metropolitan radio systems plan.

Sec. 6. [APPLICATION.]

This act applies in the metropolitan area.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day following final enactment and expires June 30, 1994.

Delete the title and insert:

"A bill for an act relating to metropolitan government; establishing a metropolitan radio systems planning committee under the metropolitan council."

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. 998, A bill for an act relating to occupations and professions; requiring crane operators to be licensed by the state; requiring rulemaking; establishing a crane operators examining board; providing penalties; amending Minnesota Statutes 1992, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 2, line 21, after the period insert "There must be at least one member of each gender."

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.

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

H. F. No. 1021, A bill for an act relating to state lands; exempting certain lakeshore lots from sale requirements; authorizing the commissioner of natural resources to acquire personal property; amending Minnesota Statutes 1992, section 92.67, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, after "sale" insert "until July 1998,"

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. 1025, A bill for an act relating to occupations and professions; regulating athletic trainers; establishing an advisory council; providing for registration; requiring fees; providing for rulemaking; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 6, after line 20, insert:

"No more than four members may be of one gender."

Page 6, delete lines 23 and 24

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.

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

H. F. No. 1054, A bill for an act relating to public employment; essential employees; requiring the commissioner of the bureau of mediation services to designate separate units for peace officers and other essential employees at the request of either group of employees; amending Minnesota Statutes 1992, section 179A.09, by adding a subdivision.

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. 1067, A bill for an act relating to recreational vehicles; regulating registration and operation of off-road vehicles; setting fees; providing penalties; requiring a comprehensive recreational use plan; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 85.018, subdivisions 1, 2, 3, and 5; 171.03; and 466.03, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 2, line 5, after the first semicolon, insert "a motorcycle;"

Page 3, line 7, after the first comma insert "designated trail, or area,"

Page 3, line 17, delete ", the commissioner of public safety,"

Page 9, line 18, delete "within" and insert "under"

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.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1090, A bill for an act relating to metropolitan government; providing for an elected metropolitan council; eliminating the metropolitan transit commission, the regional transit board, the metropolitan parks and open space commission, and the metropolitan waste control commission, and transferring their powers and duties to the council; providing for the transportation advisory board to review and approve transit assistance and contracts and to serve as an arbitrator between transit providers in the metropolitan area; amending Minnesota Statutes 1992, sections 6.76; 10A.01, subdivision 18; 15.0597, subdivision 1; 15A.081, subdivisions 1 and 7; 161.173; 161.174; 204B.32, subdivision 2; 252.478, subdivision 2; 352.01, subdivisions 2a, 2b, and 11; 352.03, subdivision 1; 352D.02, subdivision 1; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivision 5a; 473.122; 473.123, subdivisions 1, 2a, 3a, 4, 5, 6, and by adding subdivisions; 473.129, subdivision 6, and by adding a subdivision; 473.13, subdivision 1, and by adding subdivisions; 473.143, subdivision 1; 473.146, subdivisions 1, 2, 2a, 2b, 2c, and 4; 473.147; 473.153, subdivisions 1 and 4a; 473.161, subdivisions 1a, 1b, 2a, and 3; 473.164; 473.167, subdivision 1; 473.168, subdivision 2; 473.223; 473.313, subdivision 2; 473.315, subdivision 1; 473.333; 473.351, subdivision 3; 473.371, subdivision 2; 473.373, subdivisions 1a and 5; 473.375, subdivisions 11, 13, and 16; 473.377, subdivision 1; 473.384, subdivisions 1, 3, 6, and 7; 473.385, subdivision 2; 473.386, subdivision 2; 473.388, subdivisions 2, 3, and 4; 473.39, subdivisions 1 and 1a; 473.391; 473.392; 473.399, subdivisions 2 and 3; 473.3991, subdivision 2; 473.3994, subdivision 9; 473.3998; 473.405, subdivisions 5, 6, and by adding a subdivision; 473.4051; 473.408, subdivision 2a; 473.409; 473.415, subdivision 2; 473.416; 473.417; 473.418; 473.42; 473.436, subdivision 6; 473.445, subdivisions 1 and 3; 473.446, subdivisions 1 and 7; 473.504, subdivisions 1, 5, 6, 7, and 9; 473.511, subdivisions 1, 2, and 4; 473.516, subdivision 1; 473.521, subdivision 3; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; and 629.40, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 174.22, subdivision 4; 473.121, subdivisions 12, 14a, 15, and 21; 473.123, subdivision 3; 473.141; 473.161, subdivision 2; 473.1623; 473.163; 473.1631; 473.181, subdivision 3; 473.301, subdivision 4; 473.303; 473.371, subdivision 1; 473.373, subdivisions 1, 4a, 6, and 8; 473.375, subdivisions 1, 2, 3, 4, 9, 10, 17, and 18; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404; 473.405, subdivisions 1, 2, 7, 8, and 11; 473.435; 473.436, subdivision 7; 473.501, subdivision 2; 473.503; 473.504, subdivisions 2 and 3; 473.511, subdivision 3; 473.517, subdivision 9; 473.535; and 473.543, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 6.76, is amended to read:

6.76 [LOCAL GOVERNMENTAL EXPENDITURES FOR LOBBYISTS.]

On or before January 31, 1990, and each year thereafter, all counties, cities, school districts, metropolitan agencies and the council, and the regional railroad authorities, and the regional transit board shall report to the state auditor, on forms prescribed by the auditor, their estimated expenditures paid for the previous calendar year to a lobbyist as defined in section 10A.01, subdivision 11, and to any staff person not registered as a lobbyist, over 25 percent of whose time is spent during the legislative session on legislative matters.

Sec. 2. Minnesota Statutes 1992, section 10A.01, subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) member of the legislature;
- (b) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (c) member, chief administrative officer or deputy chief administrative officer of a state board or commission which has at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) commissioner, deputy commissioner, or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;

- (f) executive director of the state board of investment;
- (g) executive director of the Indian affairs intertribal board;
- (h) commissioner of the iron range resources and rehabilitation board;
- (i) commissioner of mediation services;
- (j) deputy of any official listed in clauses (e) to (i);
- (k) judge of the workers' compensation court of appeals;
- (l) administrative law judge or compensation judge in the state office of administrative hearings or referee in the department of jobs and training;
- (m) solicitor general or deputy, assistant or special assistant attorney general;
- (n) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the office of senate counsel and research or house research;
- (o) member or chief administrative officer of the metropolitan council, ~~regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan parks and open spaces commission, metropolitan transit authority, metro transit,~~ metropolitan airports commission or metropolitan sports facilities commission;
- (p) the commissioner of gaming and director of each division in the department of gaming and the deputy director of the state lottery board;
- (q) director of the division of gambling enforcement in the department of public safety;
- (r) member or executive director of the higher education facilities authority; or
- (s) member of the board of directors or president of the Minnesota World Trade Center Corporation.

Sec. 3. Minnesota Statutes 1992, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, or other similar multimember agency created by statute and having statewide jurisdiction; and (2) the metropolitan council, ~~regional transit board, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission,~~ metropolitan transit authority, metro transit, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that "vacancy" shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

Sec. 4. Minnesota Statutes 1992, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
Commissioner of education;
Commissioner of transportation;
Commissioner of human services;
Commissioner of revenue;
Commissioner of public safety;
Executive director, state board of investment;
Director of the state lottery;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of administrative hearings;
Commissioner, pollution control agency;
Director, office of waste management;
Commissioner, housing finance agency;
Executive director, public employees retirement association;
Executive director, teacher's retirement association;
Executive director, state retirement system;

~~Chair, metropolitan council;~~

~~Chair, regional transit board;~~

\$42,500-\$60,000

Commissioner of human rights;

Commissioner, department of public service;

Commissioner of veterans affairs;

Commissioner, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Ombudsman for corrections;

Ombudsman for mental health and retardation.

Sec. 5. Minnesota Statutes 1992, section 15A.081, subdivision 7, is amended to read:

Subd. 7. [METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following positions, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Effective
	July 1, 1987
Chair, metropolitan airports commission	\$15,000-\$25,000
Chair, metropolitan waste control commission	\$25,000-\$67,500

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. Minnesota Statutes 1992, section 174.04, is amended to read:

174.04 [FINANCIAL ASSISTANCE; APPLICATIONS; DISBURSEMENT.]

Subdivision 1. [REVIEW OF APPLICATION.] Any state agency which receives an application from a regional development commission, metropolitan council, public transit commission, agency or authority, airport commission, port authority or other political subdivision of the state for financial assistance for transportation planning, capital expenditures or operations to any state or federal agency, shall first submit the application to the commissioner of transportation. The commissioner shall review the application to determine whether it contains matters that substantially affect the statewide transportation plan and priorities. If the application does not contain such matters, the commissioner shall within 15 days after receipt return the application to the applicant political subdivision for forwarding to the appropriate agency. If the application contains such matters, the commissioner shall review and comment on the application as being consistent with the plan and priorities. The commissioner shall return the application together with comments within 45 days after receipt to the applicant political subdivision for forwarding with the commissioner's comments to the appropriate agency.

Subd. 2. [DESIGNATED AGENT.] A regional development commission, metropolitan council, public transit commission, agency or authority, airport commission, port authority, or any other political subdivision of the state may designate the commissioner as its agent to receive and disburse funds by entering into an agreement with the commissioner prescribing the terms and conditions of the receipt and expenditure of the funds in accordance with federal and state laws and regulations.

Subd. 3. [EXCEPTIONS.] The provisions of this section shall not be construed as altering or amending in any way the funding procedures specified in sections 161.36, 360.016 or 360.0161.

Sec. 7. Minnesota Statutes 1992, section 174.22, is amended by adding a subdivision to read:

Subd. 3a. [METRO TRANSIT.] "Metro transit" means the agency established by section 473.4041.

Sec. 8. Minnesota Statutes 1992, section 174.23, subdivision 4, is amended to read:

Subd. 4. [RESEARCH; EVALUATION.] The commissioner shall conduct research and shall study, analyze, and evaluate concepts, techniques, programs, and projects to accomplish the purposes of sections 174.21 to 174.27, including traffic operations improvements, preferential treatment and other encouragement of transit and paratransit services and high-occupancy vehicles, improvements in the management and operation of regular route transit services, special provision for pedestrians and bicycles, management and control of parking, changes in work schedules, and reduction of vehicle use in congested and residential areas. The commissioner shall examine and evaluate such concepts, techniques, programs, and projects now or previously employed or proposed in this state and elsewhere. The commissioner or an independent third party under contract to the commissioner shall monitor and evaluate the management and operation of public transit systems, services, and projects receiving financial or professional and technical assistance under sections 174.21 to 174.27 or other state programs to determine the manner in which and the extent to which such systems, services, and projects contribute or may contribute to the purposes of sections 174.21 to 174.27. The commissioner shall develop and promote proposals and projects to accomplish the purposes of sections 174.21 to 174.27 and shall actively solicit such proposals from municipalities, counties, legislatively established transit ~~commissions and providers~~ and authorities, regional development commissions, and potential vendors. In conducting such activities the commissioner shall make the greatest possible use of already available research and information. The commissioner shall use the information developed under sections 174.21 to 174.27 in developing or revising the state transportation plan.

Sec. 9. Minnesota Statutes 1992, section 174.24, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY; APPLICATIONS.] Any legislatively established public transit commission, agency or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of public transit, or any combination thereof is eligible to receive financial assistance through the public transit participation program. Eligible recipients must be located outside of the metropolitan area.

Sec. 10. Minnesota Statutes 1992, section 174.32, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE RECIPIENTS.] A legislatively established public transit commission, agency or authority; a public authority organized and existing under chapter 398A; a county or statutory or home rule charter city operating, intending to operate, or providing financial assistance to a transit service; a rail authority; or a private operator of public transit is eligible for assistance under the program. The National Railroad Passenger Corporation, known as Amtrak, and any trolley system outside the metropolitan area are not eligible for assistance under the program.

Sec. 11. Minnesota Statutes 1992, section 204B.32, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF COSTS.] Municipalities or counties may allocate the costs of conducting elections to school districts and the metropolitan council for payment of their proportionate share of such expenses for elections held at the same time as the regular municipal or county primary and general election. Allocated costs include expenses for election equipment and supplies; polling locations; personnel (including election judge compensation and the portion of salaries of election administrative and technical employees attributable to the preparation and conduct of the election); transportation related to the conduct of the election; required election notices and newspaper publication of election information; communications devices; and postage (including mailings to election judges and for absentee voter applications and ballots).

Sec. 12. Minnesota Statutes 1992, section 252.478, subdivision 2, is amended to read:

Subd. 2. [RATES.] Costs of transportation to and from a day training and habilitation service agency must be a part of the payment rate established for each day training and habilitation services agency.

The commissioner may approve payment rates for day training and habilitation services that exceed the limits in section 252.46, subdivision 6, for vendors whose transportation costs increase as a result of action taken by the former regional transit board or the metropolitan transit authority under Laws 1988, chapter 684, article 2, section 3, or Laws 1989, chapter 269, section 35, or section 473.386, subdivision 4.

Sec. 13. Minnesota Statutes 1992, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] "State employee" includes:

- (1) employees of the Minnesota historical society;
- (2) employees of the state horticultural society;
- (3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;
- (4) employees of the Minnesota crop improvement association;
- (5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;
- (6) employees of the state universities employed under the university activities program;
- (7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in clause (8) of subdivision 2b;
- (8) employees of the armory building commission;
- (9) permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;
- (10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;
- (11) employees of the Minnesota safety council;
- (12) employees of the transit operating division of the ~~metropolitan~~ metro transit ~~commission~~ and any employees on authorized leave of absence from the transit operating division who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;
- (13) employees of the metropolitan council, ~~metropolitan parks and open space commission, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan transit authority, metro transit, or metropolitan sports facilities commission or the metropolitan mosquito control commission~~ unless excluded or covered by another public pension fund or plan under section 473.141, ~~subdivision 12, or 473.415, subdivision 3; and~~
- (14) judges of the tax court.

Sec. 14. Minnesota Statutes 1992, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board, or the state board for community colleges, as the case may be;
- (3) employees who are eligible for membership in the state teachers retirement association except employees of the department of education who have chosen or may choose to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

(5) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;

(6) election officers;

(7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) receivers, jurors, notaries public, and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25, except referees and adjusters employed by the department of labor and industry;

(10) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;

(11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

(14) state troopers;

(15) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons employed at any time by the state fair administration for special events held on the fairgrounds;

(16) emergency employees in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;

(17) persons described in section 352B.01, subdivision 2, clauses (2) to (5);

(18) temporary employees in the classified service, temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period and seasonal help in the classified service employed by the department of revenue;

(19) trainee employees, except those listed in subdivision 2a, clause (10);

(20) persons whose compensation is paid on a fee basis;

(21) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(22) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(23) chaplains and nuns who are excluded from coverage under the federal old age, survivors, disability, and health insurance program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1954, as amended;

(24) examination monitors employed by departments, agencies, commissions, and boards to conduct examinations required by law;

(25) members of appeal tribunals, exclusive of the chair, to which reference is made in section 268.10, subdivision 4;

(26) persons appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;

(27) temporary employees employed for limited periods under any state or federal program for training or rehabilitation including persons employed for limited periods from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(28) full-time students employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;

(29) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its ~~statutory boards, if the board members are appointed by the metropolitan council~~ metropolitan agencies;

(30) persons employed in positions designated by the department of employee relations as student workers;

(31) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days after appointment that coverage is desired;

(32) members of trades employed by the ~~metropolitan waste control commission~~ operating division of the metropolitan council with trade union pension plan coverage under a collective bargaining agreement first employed by the metropolitan waste control commission after June 1, 1977;

(33) persons employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;

(34) off-duty peace officers while employed by the ~~metropolitan metro transit commission~~ under section 629.40, subdivision 5; and

(35) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund.

Sec. 15. Minnesota Statutes 1992, section 352.75, subdivision 2, is amended to read:

Subd. 2. [NEW EMPLOYEES.] All persons first employed by the former metropolitan transit commission as employees of the transit operating division on or after July 1, 1978, or by metro transit after June 30, 1993, are members of the Minnesota state retirement system and are considered state employees for purposes of this chapter unless specifically excluded under section 352.01, subdivision 2b.

Sec. 16. Minnesota Statutes 1992, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (b), if they are in the unclassified service of the state and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Enumerated employees are:

(1) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or an employee of the state board of investment;

(2) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

(3) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) a person other than an employee of the state board of technical colleges who is employed in a position established under section 43A.08, subdivision 1, clause (3), or subdivision 1a, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) the ~~chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission; the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission, metropolitan transit authority, metro transit, metropolitan council's operating divisions, as designated by the council; and the chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;~~

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) an employee whose principal employment is at the state ceremonial house;

(10) an employee of the Minnesota educational computing corporation;

(11) an employee of the world trade center board;

(12) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3; and

(13) an employee of the state board of technical colleges employed in a position established under section 43A.08, subdivision 1, clause (3), or 1a, unless the person has elected coverage by the individual retirement account plan under chapter 354B.

Sec. 17. Minnesota Statutes 1992, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Except as provided in section 353D.11, eligibility to participate in the defined contribution plan is open to an elected local government official of a governmental subdivision who elects to participate in the plan and who, for the elected service rendered to a governmental subdivision or the metropolitan council, is not a member of the public employees retirement association within the meaning of section 353.01, subdivision 7, and to basic and advanced life support emergency medical service personnel employed by or providing services for any public ambulance service or privately operated ambulance service that receives an operating subsidy from a governmental entity that elects to participate.

For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. For the purposes of this chapter, an elected local governmental official includes a member of the metropolitan council. Service as an elected local government official only includes service for the governmental subdivision for which the official was elected by the public-at-large. Service as an elected local government official ceases and eligibility to participate terminates when the person ceases to be an elected official. An elected local government official does not include an elected county sheriff.

Except as provided in section 353D.11, elected local government officials and first response personnel and emergency medical service personnel who are currently covered by a public or private pension plan because of their employment or provision of services are not eligible to participate in the public employees defined contribution plan.

A former participant is a person who has ceased to be an elected local government official or an emergency medical service employee and who has not withdrawn the value of an individual account.

Sec. 18. Minnesota Statutes 1992, section 422A.01, subdivision 9, is amended to read:

Subd. 9. "Public corporation" includes metropolitan airports commission, ~~metropolitan~~ the waste control commission operating division of the metropolitan council, and municipal employees retirement fund.

Sec. 19. Minnesota Statutes 1992, section 422A.101, subdivision 2a, is amended to read:

Subd. 2a. [CONTRIBUTIONS BY METROPOLITAN AIRPORTS COMMISSION AND METROPOLITAN WASTE CONTROL COMMISSION COUNCIL.] The metropolitan airports commission and the ~~waste control commission~~ metropolitan council shall pay to the Minneapolis employees retirement fund annually in installments as specified in subdivision 3 the share of the additional support rate required for full amortization of the unfunded actuarial accrued liabilities by June 30, 2020, that is attributable to airport ~~commission~~ operating division of the metropolitan council or waste control ~~commission~~ operating division of the metropolitan council employees who are members of the fund. The amount of the payment shall be determined as if the ~~airport and waste control commissions'~~ metropolitan council's employer contributions determined under subdivision 2 had also included a proportionate share of a \$1,000,000 annual employer amortization contribution. The amount of this \$1,000,000 annual employer amortization contribution that would have been allocated to each ~~commission division of the council~~ would have been based on the share of the fund's unfunded actuarial accrued liability attributed to each commission compared to the total unfunded actuarial accrued liability attributed to all employers under subdivisions 1a and 2. The determinations required under this subdivision must be based on the most recent actuarial valuation prepared by the actuary retained by the legislative commission on pensions and retirement.

Sec. 20. Minnesota Statutes 1992, section 462.357, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. ~~If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.~~ Zoning ordinances and subdivision regulations adopted under this chapter shall implement the purpose, objectives, and policies of the comprehensive plan. Zoning ordinances and subdivision regulations must not allow land use and development that will effectively prevent the planned land use as designated within specific areas in the comprehensive plan. The determination of the timing of the implementation of the comprehensive plan shall be at the sole discretion of the governing body.

Sec. 21. Minnesota Statutes 1992, section 471A.02, subdivision 8, is amended to read:

Subd. 8. [MUNICIPALITY.] "Municipality" means a home rule charter or statutory city, county, sanitary district, or other governmental subdivision or public corporation, including the metropolitan council ~~and the metropolitan waste control commission.~~

Sec. 22. Minnesota Statutes 1992, section 473.121, subdivision 5a, is amended to read:

Subd. 5a. [METROPOLITAN AGENCY.] "Metropolitan agency" means the ~~metropolitan parks and open space commission, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan transit authority, metro transit,~~ metropolitan airports commission, and metropolitan sports facilities commission.

Sec. 23. Minnesota Statutes 1992, section 473.121, subdivision 11, is amended to read:

Subd. 11. [INDEPENDENT COMMISSION, BOARD OR AGENCY.] "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area but not including metropolitan agencies that are subject to the requirements of section 473.161.

Sec. 24. Minnesota Statutes 1992, section 473.121, is amended by adding a subdivision to read:

Subd. 15a. [TRANSIT AUTHORITY OR AUTHORITY.] "Transit authority" or "authority" means the metropolitan transit authority created in section 473.373.

Sec. 25. Minnesota Statutes 1992, section 473.121, is amended by adding a subdivision to read:

Subd. 15b. [METRO TRANSIT.] "Metro transit" means the metropolitan agency created in section 473.4041.

Sec. 26. Minnesota Statutes 1992, section 473.122, is amended to read:

473.122 [PURPOSE.]

In order to provide regional services efficiently and effectively and to coordinate the planning and development of the metropolitan area comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, it is in the public interest to create an administrative agency a metropolitan council as a public corporation and a political subdivision of the state for that purpose. In addition to providing regional services, the council shall emphasize the following work and program areas: land use planning; planning for sewers, transportation, aviation, parks, and other physical systems; oversight of the metropolitan agencies; and research to support the council's planning and coordinating activities.

Sec. 27. Minnesota Statutes 1992, section 473.123, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area is created and established as a public corporation and a political subdivision of the state. It shall be under the supervision and control of 17 members, all of whom shall be residents of the metropolitan area.

Sec. 28. Minnesota Statutes 1992, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [MEMBERSHIP; TERMS.] Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed elected on a nonpartisan basis from newly drawn districts as provided in subdivision 3a. The terms of members are as follows: members representing even-numbered districts for terms ending the first Monday in January of the year ending in the numeral "7"; members representing odd-numbered districts for terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. A member shall continue to serve the member's district until a successor is appointed elected and qualified; ~~except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends. Each council member must reside in the council district represented. Each council district must be represented by one member of the council. Council members serve part time.~~

Sec. 29. Minnesota Statutes 1992, section 473.123, subdivision 3a, is amended to read:

Subd. 3a. [APPORTIONMENT.] The legislature shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. ~~Redistricting is effective on the first Monday in January in the year ending in the numeral "3." By the first Monday in March of that year, the governor shall appoint members and adopt the redistricting plan no later than 25 weeks before the state primary election in the year ending in the numeral "2". Council members elected from the newly drawn districts to serve terms as provided under subdivision 2a.~~

Sec. 30. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

Subd. 3c. [ELECTIONS; PROCEDURES.] Except as provided in this section, Minnesota election law applies to council elections, as far as practicable.

(a) Affidavits of candidacy must be filed with the secretary of state as provided under section 204B.06.

(b) The filing fee shall be the same as for county office as provided in section 204B.11, subdivision 1, clause (d).

(c) At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee as provided for a candidate for county office in section 204B.11, subdivision 2.

(d) Council members shall be elected at the state and county general election held in the year before the terms of office which they seek expire.

(e) If any council district position becomes vacant more than 270 days before the next general election, a successor must be elected at a special election ordered by the metropolitan council by filing with the secretary of state a writ calling for a special election as provided in section 204D.22. A special election must be conducted according to the provisions of sections 204D.22 to 204D.27 as far as practicable. The term of a successor council member will commence upon qualification of the member and will continue for the remainder of the term of the council member being replaced. A successor council member must meet all the qualifications of a council member elected at a general election.

Sec. 31. Minnesota Statutes 1992, section 473.123, subdivision 4, is amended to read:

Subd. 4. [CHAIR; APPOINTMENT; SELECTION; DUTIES.] (a) The chair of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at the pleasure of the governor. Senate confirmation shall be as provided by section 15.066. The chair shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability elected by and from among the members of the council and serve for a term of two years.

(b) The chair of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. The chair shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. The chair's salary shall be as provided in section 15A.081 the same as for all council members. The chair shall be eligible for expenses in the same manner and amount as state employees all council members.

Sec. 32. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

Subd. 4a. [VICE-CHAIR.] A vice-chair of the council shall be elected by and from among the council members for a term of two years. The vice-chair shall also serve as chair of the transportation advisory board established under section 473.146, subdivision 4.

Sec. 33. Minnesota Statutes 1992, section 473.123, subdivision 5, is amended to read:

Subd. 5. [METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.] The metropolitan council shall elect such officers in addition to the chair and vice-chair as it deems necessary for the conduct of its affairs other than the chair. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chair thereof. Each metropolitan council member other than the chair shall be paid \$50 for each day when the member attends one or more meetings or provides other services, as authorized by the metropolitan council, receive an annual salary of \$20,000 and shall be reimbursed for reasonable actual and necessary expenses. The annual budget of the council shall provide as a separate account anticipated expenditures for per diem, compensation, travel and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 14.

Sec. 34. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

Subd. 5a. [MEMBERS BENEFITS.] Metropolitan council members are eligible to join in the public employees retirement association in chapter 353 or participate in the defined contribution pension plan in chapter 353D. The council shall make the employer's contributions to pension funds of members. Members are eligible to receive insurance benefits that are provided to employees of the council.

Sec. 35. Minnesota Statutes 1992, section 473.123, subdivision 6, is amended to read:

Subd. 6. [EXECUTIVE DIRECTOR.] Upon the recommendation of the chair the metropolitan council may appoint an executive director to serve at the chair's council's pleasure as the principal operating administrator for the metropolitan council. The director may be chosen from among the citizens of the nation at large, and shall be selected on the basis of training and experience in the field of municipal and urban affairs.

Sec. 36. [473.124] [CAMPAIGN FINANCING.]

Subdivision 1. [ELIGIBILITY.] A candidate who has filed a petition or affidavit of candidacy with the secretary of state as provided in section 473.123, who has filed an agreement with the state ethical practices board as provided in subdivision 2, and who has raised \$2,500 in campaign funds before the primary election, as stated in the agreement filed with the board, is eligible for \$20,000 public campaign financing.

Subd. 2. [AGREEMENT.] A candidate for council may receive public campaign financing by signing and filing with the state ethical practices board a written agreement that not more than \$47,000 will be spent on the candidate's campaign for expenses incurred from the time of filing through the election day, and by stating in the agreement that the candidate has raised \$2,500 in campaign funds prior to the primary election date.

Subd. 3. [FUNDING.] The council shall provide sufficient funds for the purposes of this section. The funds authorized by this subdivision shall be included in the levy authorized under section 473.249.

Subd. 4. [REPORTING.] Each candidate who receives public campaign financing under this section shall report to the state ethical practices board and the council all campaign expenditures and return to the council's public campaign financing fund any funds not spent by January 1 of the year following the election or all public campaign financing funds if the candidate's campaign expenditures exceed the limits set by this section.

Sec. 37. Minnesota Statutes 1992, section 473.129, is amended by adding a subdivision to read:

Subd. 1a. [COUNCIL OPERATING DIVISION; CHIEF ADMINISTRATOR.] The metropolitan council shall have an operating division for waste control. The division shall have a chief administrator appointed by the council who shall be chosen solely on the basis of training and experience in the division's work and as an administrator, and who shall serve at the pleasure of the council. The council may delegate powers and duties to the chief administrator of an operating division as the council determines necessary or useful for the efficient and effective administration of the operating division and the council.

Sec. 38. Minnesota Statutes 1992, section 473.129, subdivision 6, is amended to read:

Subd. 6. [PARTICIPATION IN METROPOLITAN AREA COMMISSIONS AND BOARDS CABLE GOVERNANCE.]
(a) The metropolitan council shall appoint from its membership a member to serve with the metropolitan airports commission, a member to serve with the ~~mosquito control~~ metropolitan sports facilities commission, ~~a member to serve on the Minneapolis-St. Paul sanitary district or any successor thereof,~~ and may appoint a member to serve on any metropolitan area commission or board authorized by law. Each member of the metropolitan council so appointed on each of such commissions shall serve without a vote.

(b) The metropolitan council shall also appoint individuals to the governing body of the cable communications metropolitan interconnected regional channel entity under section 238.43, subdivision 5.

Sec. 39. Minnesota Statutes 1992, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] On or before October 1 of each year the council, after a public hearing, shall adopt a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken and for each operating division's programs and services, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council and each operating division for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget, an increase of over \$10,000 in the council's budget, a program or department budget, or a budget item, must be approved by the council before the increase is allowed or the funds obligated. After adoption of the budget and no later than October 1, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by sections 473.167 and 473.249.

Sec. 40. Minnesota Statutes 1992, section 473.13, is amended by adding a subdivision to read:

Subd. 5. [OPERATING DIVISION BUDGETS.] The chief administrator shall recommend to the council the division's operating and capital budget. The council shall review and approve the budget, and incorporate the approved budget into the council's budget as provided in subdivision 1.

The council's budget must show for each operating division for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; and

(3) the estimated source and use of pass-through funds.

Sec. 41. Minnesota Statutes 1992, section 473.13, is amended by adding a subdivision to read:

Subd. 6. [FINANCIAL PLAN FOR TRANSIT.] Along with its annual budget, each even-numbered year the council shall prepare a financial plan for its transit and transportation programs for the succeeding three calendar years, in half-year segments. The financial plan must be consistent with the council's implementation plan prepared under section 473.377 and must contain the elements specified in subdivision 7. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for the state financial assistance for the succeeding biennium.

Sec. 42. Minnesota Statutes 1992, section 473.13, is amended by adding a subdivision to read:

Subd. 7. [LEGISLATIVE REVIEW.] The council shall file its budget with the secretary of the senate and the clerk of the house of representatives on January 15 of the first year of each biennium for review by the committees of each body that have jurisdiction over the metropolitan council.

Sec. 43. [473.131] [FINANCIAL REPORTS; BUDGETS; PERSONNEL.]

Subdivision 1. [CONSOLIDATED FINANCIAL REPORT.] By December 15 of even-numbered years, the council shall publish a consolidated financial report for the council and the metropolitan agencies. The financial report must cover the calendar year in which the report is published and the two years preceding and three years succeeding that year. The financial report must contain the following information, for the council and the agencies, and for each division, function, or system, respectively, and in the aggregate, in a consistent format that allows comparison over time, between the agencies and among divisions, in expenditure and revenue categories:

(1) financial policies, goals, and priorities as to capital expenditures and debt;

(2) levels and allocation of capital expenditures and debt, stated in the aggregate and by appropriate functional categories, and the changes in capital expenditures and debt levels and allocations that the report represents;

- (3) the resources available under existing fiscal policy for capital expenditures and debt;
- (4) additional resources, if any, that are or may be required for capital expenditures and debt;
- (5) changes in council or agency policies on regional sources of revenue and in levels of debt, user charges, and taxes;
- (6) other changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that have been or may be recommended by the council or an agency;
- (7) an analysis that links, as far as practicable, the uses of funds and the sources of funds for capital expenditures and debt, by appropriate functional categories and in the aggregate;
- (8) a description of how the fiscal policies for capital expenditures and debt effectuate current policy and implementation plans of the council and the agency; and
- (9) a summary of significant changes in council and commission finance and an analysis of fiscal trends as to capital expenditures and debt.

The council shall present the report for discussion and comment at a public meeting in the metropolitan area and request, in writing, an opportunity to make presentations on the report before appropriate committees of the legislature. The council shall prepare a summary budget for council fiscal year 1994 and each year thereafter. The purpose of the summary budget is to increase public knowledge and council and agency accountability by providing citizens with a condensed, accessible, and graphic description of the financial affairs of the council and the agencies. The document should contain a coherent, effectively communicated, understandable statement of:

- (a) financial trends and forecasts;
- (b) budget policies and policy changes;
- (c) financial assumptions, objectives, and plans;
- (d) revenue sources and expenditures by program category;
- (e) personnel policies, decisions, and allocation;
- (f) budgetary performance measures; and
- (g) similar matters serving the purpose of the document.

Subd. 2. [ANNUAL BUDGET.] The council shall include in its annual budget:

- (1) a statement of the reserve or fund balance carried forward at the end of the budget year, for at least the two preceding fiscal years;
- (2) a comparison of budgeted and actual expenditures, reported by department and by program, for at least the two preceding fiscal years;
- (3) a comparison of budgeted and actual revenues, reported by revenue source, for at least the two preceding fiscal years; and
- (4) a listing, by contract or project, of proposed or anticipated expenditures for consultants and professional, technical, and other similar services.

Subd. 3. [PERSONNEL AND ETHICAL PRACTICES; COMMUNICATION.] By January 1 of each year, the council and the metropolitan agencies shall report to the legislature on the following:

- (1) compensation practices, including an analysis of trends, compliance with legal requirements, health care and other benefits, and salary levels in comparison with relevant job markets;

(2) human rights and affirmative action policies and procedures;

(3) ethical practices requirements for the council, the agencies, and advisory committee members and employees, including the sources of the requirements, and comparison with requirements for state and local government officers and employees; and

(4) the activities undertaken by each council and agency member to regularly meet with and communicate with legislators in the member's district about issues before the council or the agency.

The report on employee salaries under clause (1) must include details of: all lump sum payments or bonuses; and a description of all payments, expense accounts, allowances, including travel allowances, and other current benefits granted to individuals that are not made generally available to employees of the council or the agency.

Sec. 44. Minnesota Statutes 1992, section 473.143, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] For purposes of this section, "agency" means a metropolitan agency as defined in section 473.121, ~~except the metropolitan parks and open space commission.~~ Agency also means the metropolitan mosquito control commission. For purposes of this section, "commissioner" means the commissioner of the state department of employee relations.

Sec. 45. Minnesota Statutes 1992, section 473.146, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The council shall adopt a long-range comprehensive policy plan for each ~~metropolitan agency operating division for which the council is~~ required to prepare an implementation plan under section 473.161, ~~and the metropolitan transit authority.~~ The plans must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide developed and adopted by the council under this chapter. Each policy plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas, to be used in preparing the implementation plan of the affected metropolitan agency;

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services, and other similar matters;

(4) a statement of policies to effectuate the council's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the council's plan, including a statement of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if any, that are or may be required to effectuate the council's goals, objectives, and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the council has recommended or may recommend;

(6) a statement of the standards, criteria, and procedures that the council will use in monitoring and evaluating the implementation of the plan;

(7) a statement of the matters that must be addressed in the implementation plan ~~of the affected metropolitan agency;~~

(8) a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(9) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.872; and

(10) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency or operating division and function covered by the policy plan.

Sec. 46. Minnesota Statutes 1992, section 473.146, subdivision 2, is amended to read:

Subd. 2. ~~[CONSULTATION WITH AGENCY; PREDRAFTING NOTICE.] In preparing or amending the policy plan, the council shall consult with and make maximum use of the expertise of the affected metropolitan agency. The agency shall cooperate with the council and make its records, studies, plans, and other information available to the council.~~

Before beginning to prepare a substantial revision of a policy plan, the council shall publish notice and request comments from the public. ~~At least 90 days before publication of the predrafting notice, the council shall submit a draft of the notice to the affected metropolitan agency for review and comment.~~ The predrafting notice must include a statement of the subjects expected to be covered by the policy and implementation plans; a summary of important problems, issues, and matters that are expected to be addressed in the plans; and a summary of the studies and other information required as the basis of the plans. All interested persons must be afforded an opportunity to submit data or views on the predrafting notice, either orally or in writing.

~~Before adopting a policy plan or substantial revision thereof, the council shall submit the proposed plan to the affected metropolitan agency for its review, and the agency shall report its comments to the council within 90 days.~~

Sec. 47. Minnesota Statutes 1992, section 473.146, subdivision 2a, is amended to read:

Subd. 2a. ~~[HEARING; ADOPTION.]~~ The council shall hold a public hearing on the proposed policy plan at a time and place in the metropolitan area determined by the council. Not less than 15 days before the hearing, the council shall publish notice in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan ~~and agency comments~~ may be examined by any interested person. At any hearing interested persons must be permitted to present their views on the policy plan, and the hearing may be continued from time to time. ~~After receipt of the agency's report and the hearing,~~ The council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution.

Sec. 48. Minnesota Statutes 1992, section 473.146, subdivision 2b, is amended to read:

Subd. 2b. ~~[EFFECT.]~~ Adopted policy plans must be followed by the council ~~and the affected metropolitan agency.~~

Sec. 49. Minnesota Statutes 1992, section 473.146, subdivision 2c, is amended to read:

Subd. 2c. ~~[AMENDMENT.] An amendment to a policy plan may be initiated by the council or by an affected metropolitan agency.~~ At least every five years the council shall engage in a comprehensive review of the policy plan and revise the plan as necessary. The council shall amend a policy plan in accordance with the procedures established in this section.

Sec. 50. Minnesota Statutes 1992, section 473.146, subdivision 4, is amended to read:

Subd. 4. ~~[TRANSPORTATION PLANNING ADVISORY BOARD.]~~ (a) The metropolitan council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and shall establish an advisory body chaired by the vice-chair of the council consisting of representatives of ~~the regional transit board~~, citizens, municipalities, counties, and state agencies in fulfillment of the planning responsibilities of the council ~~and the transit board.~~

(b) The transportation advisory board shall administer transit contracts and subsidies, and review, arbitrate, and decide any dispute between the council and any other transit provider in the metropolitan area. The board shall establish procedures for notice and a hearing of any dispute. The council and the board shall notify all transit providers in the metropolitan area of the board's authority and procedures. The council and the organizations represented on the board shall provide the staff and resources necessary for the transportation advisory board to fulfill its duties.

Sec. 51. Minnesota Statutes 1992, section 473.147, is amended to read:

473.147 [REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.]

Subdivision 1. The metropolitan council after consultation with ~~the parks and open space commission~~, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. ~~In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission.~~ The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

Subd. 2. Before adopting the policy plan, the council shall ~~submit the proposed plan to the parks and open space commission for its review, and the commission shall report its comments to the council within 60 days.~~ The council shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice thereof in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan ~~and commission comments~~ may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After ~~receipt of the commission's report and~~ hearing, the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution. ~~An amendment to the policy plan may be proposed by the council or by the parks and open space commission.~~ At least every four years the council shall engage in a comprehensive review of the policy plan, development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of subdivision 1 which have been adopted by the council.

Sec. 52. Minnesota Statutes 1992, section 473.153, subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all facilities for the disposal of solid waste generated by the ~~metropolitan waste control commission~~ operating division shall be established and operated in accordance with this section and section 473.516. The ~~commission council~~ shall acquire and own all of the facilities needed for the disposal of the sludge ash generated by the commission. The ~~commission council~~ shall acquire and establish at least one facility for sludge ash disposal at a site selected by the council under this section, unless the council and the agency determine under subdivision 4a that the facility is not needed.

Sec. 53. Minnesota Statutes 1992, section 473.153, subdivision 4a, is amended to read:

Subd. 4a. [NEED FOR FACILITY; OPTION TO TERMINATE SITING.] The council may determine, by resolution following a public hearing, that the new sludge ash disposal facility to be acquired and established under this section, as required by subdivision 1, is not needed, because the council finds that permitted management methods other than land disposal, together with land disposal of ash on property owned by the ~~commission council~~ prior to March 1, 1986, will be sufficient to accommodate all of the ~~commission's council's~~ ash without the acquisition and establishment of a new facility. A determination of the council that the facility is not needed is subject to review and approval by the pollution control agency. If the agency disapproves, the council ~~and the commission~~ shall proceed to site, acquire, and establish the facility as required by this section. If the agency approves, the council shall terminate the siting process established by this section and permanently dismiss the candidate sites from further consideration as sites for the facility.

Sec. 54. Minnesota Statutes 1992, section 473.161, subdivision 1a, is amended to read:

Subd. 1a. [REQUIREMENT; PURPOSE.] ~~Each metropolitan agency that is subject to this section by its enabling law shall adopt an implementation plan meeting the requirements of this section.~~ The council shall adopt an implementation plan meeting the requirements of this section for the waste control operating division. The implementation plan must implement and effectuate the policy plan adopted by the council under section 473.146. Elements of the implementation plan must cover the period or periods prescribed in the council's policy plan.

Sec. 55. Minnesota Statutes 1992, section 473.161, subdivision 1b, is amended to read:

Subd. 1b. [CONTENT.] The implementation plan must include the following:

- (1) a statement of objectives and priorities for capital development, services, and system management;
- (2) a statement of agency council plans to achieve the objectives, describing the functions, services, and systems that will be provided by or under the direction or auspices of the agency council;
- (3) a statement of how the agency's council's objectives, priorities, and plans will implement and effectuate the council's policy plan;
- (4) a statement of the fiscal implications of the agency's council's plan, including a statement of: (i) the anticipated expenditure of public and private funds, for capital developments, services, and system administration and management, and the changes in expenditure levels that the plan represents; (ii) the resources available under existing fiscal policy and additional resources, if any, that are or may be required to effectuate the agency's council's plan; (iii) any changes in agency council policy on regional sources of revenue and changes in levels of debt, user charges, and taxes; (iv) other changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the agency council has recommended or may recommend; and (v) the effect on functions and levels and types of services, and the agency's council's contingency and cost-containment strategies, if the additional resources required to effectuate the agency's council's plan do not become available;
- (5) a statement of the standards, criteria, and procedures that the agency council will use in monitoring and evaluating the results of the implementation plan;
- (6) a statement of the effect of the plan on the responsibilities of other governmental units;
- (7) the services and systems management component required by subdivision 1c and the capital investment component required by subdivision 1d; and
- (8) other information that the council ~~or agency~~ deems appropriate.

Sec. 56. Minnesota Statutes 1992, section 473.161, subdivision 2a, is amended to read:

Subd. 2a. [AMENDMENT.] At least biennially ~~each metropolitan agency~~ the council shall review the implementation plan, plans and make the revisions necessary ~~and submit the plan to the council for its review as provided in this section.~~

Sec. 57. Minnesota Statutes 1992, section 473.161, subdivision 3, is amended to read:

Subd. 3. [ADOPTION; EFFECT.] The ~~metropolitan agency shall adopt and~~ council shall implement the implementation plan, with the revisions required by the council, within 60 days following council ~~approval~~ adoption of the plan. The activities of the agency council, including its priorities and timing, must be consistent with ~~its approved and adopted~~ the implementation plan or be specifically approved by the council. The council may not approve any activity not in substantial conformance with the appropriate policy plan.

Sec. 58. Minnesota Statutes 1992, section 473.164, is amended to read:

473.164 [PAYMENT OF METROPOLITAN COUNCIL COSTS.]

Subdivision 1. The ~~metropolitan parks and open space commission, the regional transit board, the metropolitan waste control commission, and the metropolitan transit authority and~~ the metropolitan airports commission shall annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the ~~commission or board~~ agency. The costs may be charged against any revenue sources of the ~~commission or board~~ agency as determined by the ~~commission or board~~ agency.

Subd. 2. On or before May 1 of each year, the council shall transmit to each ~~commission or board~~ agency an estimate of the costs which the council will incur in the discharge of its responsibilities related to the ~~commission or board~~ agency in the next budget year including, without limitation, costs in connection with the preparation, review, implementation and defense of plans, programs and budgets of the ~~commission or board~~ agency. Each ~~commission or board~~ agency shall include the estimates in its budget for the next budget year and may transmit its comments concerning the estimated amount to the council during the budget review process. Prior to December 15 of each year, the amount budgeted by each ~~commission or board~~ agency for the next budget year may be changed following approval by the council. During each budget year, the ~~commission or board~~ agency shall transfer budgeted funds to the council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in cooperation with each ~~commission or board~~ agency, shall adopt a final statement of costs incurred by the council for each ~~commission or board~~ agency. Where costs incurred in the budget year have exceeded the amount budgeted, each ~~commission or board~~ agency shall transfer to the council the additional moneys needed to pay the amount of the costs in excess of the amount budgeted, and shall include a sum in its next budget. Any excess of budgeted costs over actual costs may be retained by the council and applied to the payment of budgeted costs in the next year. ~~Costs incurred during 1976 shall be reimbursed to the council on or before December 31, 1976, following receipt and in accordance with a statement of costs transmitted by the council. Notwithstanding the provisions of this section, after July 1, 1981, the metropolitan council shall not charge the regional transit board for any costs incurred by the council for the study of light rail transit unless the study plan and budget have been approved by the board.~~

Sec. 59. Minnesota Statutes 1992, section 473.167, subdivision 1, is amended to read:

Subdivision 1. [~~CONTROLLED ACCESS METROPOLITAN HIGHWAYS: COUNCIL APPROVAL.~~] Before acquiring land for or constructing a controlled access highway in the area, the state transportation department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the proposed project. The statement must be in the form and detail required by the council. ~~Immediately upon receipt of the statement, the council shall transmit a copy to the regional transit board, which shall review and evaluate the project in relationship to the board's implementation plan and report its recommendations and comments to the council.~~ The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan and implementation plan. This approval is in addition to the requirements of any other statute, ordinance or rule.

Sec. 60. Minnesota Statutes 1992, section 473.168, subdivision 2, is amended to read:

Subd. 2. The metropolitan council ~~in consultation with the regional transit board~~ may require that any freeway constructed in the metropolitan area on which actual construction has not been commenced by April 12, 1974 include provisions for exclusive lanes for buses and, as the council may determine, other forms of multipassenger transit. The council, in making its determination, must demonstrate that the exclusive lanes are necessary to implement the transportation policy plan of the development guide.

Sec. 61. Minnesota Statutes 1992, section 473.175, subdivision 1, is amended to read:

Subdivision 1. The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to Laws 1976, chapter 127, sections 1 to 23, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with other adopted chapters of the metropolitan development guide. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans. By January 1, 1994, the council shall establish criteria, after soliciting comments and suggestions from potentially affected local government units, for determining when a comprehensive local plan or plan amendment will have a substantial impact on or substantially depart from metropolitan system plans. The criteria may not be limited to a metropolitan facility's capacity, but must also address whether a proposed plan or plan amendment will have a substantial impact on or substantially depart from metropolitan system plans, as that phrase is used in section 473.852, subdivision 8. The criteria established under this subdivision shall become effective and apply to matters pending before the council on or after June 1, 1994.

Sec. 62. Minnesota Statutes 1992, section 473.223, is amended to read:

473.223 [FEDERAL AID.]

For the purposes of this section the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. ~~If necessary to meet federal requirements, the council, the regional transit board, and the metropolitan transit commission may be considered a single eligible unit to carry out their respective responsibilities.~~ The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

Sec. 63. Minnesota Statutes 1992, section 473.313, subdivision 2, is amended to read:

Subd. 2. [COUNCIL REVIEW.] The metropolitan council shall review ~~with the advice of the commission~~, each master plan to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the municipalities, park district or county for revision and resubmittal.

Sec. 64. Minnesota Statutes 1992, section 473.315, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council ~~with the advice of the commission~~ may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to sections 117.50 to 117.56.

Sec. 65. Minnesota Statutes 1992, section 473.333, is amended to read:

473.333 [COUNCIL ACQUISITION.]

The metropolitan council shall have the same powers as a county under section 398.32, subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain. Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may ~~direct the commission to proceed with acquisition.~~ The council may, in its discretion, ~~direct the commission to~~ contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall ~~direct the commission to~~ manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

Sec. 66. Minnesota Statutes 1992, section 473.351, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION FORMULA.] By July 1 of every year each implementing agency must submit to the metropolitan ~~parks and open space commission~~ council a statement of the next annual anticipated operation and maintenance expenditures of the regional recreation open space parks systems within their respective jurisdictions and the previous year's actual expenditures. After reviewing the actual expenditures submitted and by July 15 of each year, ~~the parks and open space commission shall forward to the metropolitan council the funding requests from the implementing agencies and~~ based on the actual expenditures made, the metropolitan council shall distribute the operation and maintenance money as follows:

(1) 40 percent based on the use that each implementing agency's regional recreation open space system has in proportion to the total use of the metropolitan regional recreation open space system;

(2) 40 percent based on the operation and maintenance expenditures made in the previous year by each implementing agency in proportion to the total operation and maintenance expenditures of all of the implementing agencies; and

(3) 20 percent based on the acreage that each implementing agency's regional recreation open space system has in proportion to the total acreage of the metropolitan regional recreation open space system. The 80 percent natural resource management land acreage of the park reserves must be divided by four in calculating the distribution under this clause.

Each implementing agency must receive no less than 40 percent of its actual operation and maintenance expenses to be incurred in the current calendar year budget as submitted to the ~~parks and open space commission~~ council. If the available operation and maintenance money is less than the total amount determined by the formula including the preceding, the implementing agencies will share the available money in proportion to the amounts they would otherwise be entitled to under the formula.

Sec. 67. Minnesota Statutes 1992, section 473.371, subdivision 1, is amended to read:

Subdivision 1. [POLICY.] The legislature finds that, for the provision of essential mobility and transportation options in the metropolitan area, for the encouragement of alternatives to the single-occupant vehicle and for the development of transportation service designed to meet public needs efficiently and effectively, there is a need for the creation of regional metropolitan transit programs and agencies with the powers and duties prescribed by law.

Sec. 68. Minnesota Statutes 1992, section 473.373, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] To carry out the policy and achieve the goals of section 473.371 ~~there is established a regional metropolitan transit board authority is established as a public corporation an agency of the metropolitan council~~ and a political subdivision of the state. ~~Except as provided in this section, the board is~~ It is organized, structured, and administered as provided in this section 473.141.

Sec. 69. Minnesota Statutes 1992, section 473.373, is amended by adding a subdivision to read:

Subd. 9. [CHIEF ADMINISTRATOR.] The chair of the metropolitan council shall appoint the chief administrator of the transit authority. The chief administrator shall be chosen on the basis of training, experience, and other qualifications and shall serve at the pleasure of the council chair at the salary rate set by the council chair. The chief administrator shall have the following powers and duties:

(a) adopt measures the administrator considers necessary to enforce or carry out the powers and duties of the transit authority, or to efficiently administer the affairs of the transit authority;

(b) subject to the personnel code of the transit authority, appoint and remove, on the basis of merit and fitness, all regular employees of the transit authority;

(c) prepare and submit for council approval the capital and operating budgets of the transit authority, and other financial information, operations plans, implementation plans, and service plans as the council may require;

(d) annually submit a report to the council detailing the transit authority's activities and finances for the previous year; and

(e) perform other duties assigned by law or by the council chair.

Sec. 70. Minnesota Statutes 1992, section 473.373, is amended by adding a subdivision to read:

Subd. 10. [EMPLOYEES.] All persons regularly employed by the regional transit board immediately prior to the effective date of this act become employees of the metropolitan transit authority on the effective date of this act, retain all rights to which they are entitled by contract or law, and continue in the same retirement or pension system to which they belonged before the effective date of this act. The employees shall perform duties as may be prescribed by the transit authority. Section 473.141, subdivision 12, continues to apply to the transit authority. A person who was an employee of the metropolitan transit commission on July 1, 1984, who subsequently became an employee of the regional transit board, and who becomes an employee of the metropolitan transit authority has the option of continued coverage under chapter 353. This section does not entitle any employee of the transit authority the right or privilege to continue in the same level or classification of employment previously held. The transit authority may assign any employee to an employment level and classification that it considers appropriate and desirable in accordance with its personnel code.

Sec. 71. Minnesota Statutes 1992, section 473.373, is amended by adding a subdivision to read:

Subd. 11. [PROPERTY; CONTRACTS.] On the effective date of this act, the metropolitan transit authority succeeds to and becomes vested with all right, title, and interest in and to any property owned and any contracts held by the regional transit board.

Sec. 72. Minnesota Statutes 1992, section 473.375, subdivision 5, is amended to read:

Subd. 5. [INSURANCE.] The board transit authority may procure insurance in the amounts it considers necessary against the liability of the board transit authority or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Sec. 73. Minnesota Statutes 1992, section 473.375, subdivision 11, is amended to read:

Subd. 11. [RIDESHARING.] Upon certification by the board, after June 30, 1985, that it has adopted an approved interim implementation plan and is ready to assume responsibilities for the program, the board shall assume the responsibilities identified by the board that are imposed on the commissioner of transportation, the metropolitan council, or the transit commission pursuant to section 174.257 and other applicable provisions of law. The transit authority shall provide for the establishment and implementation of a ridesharing program in the metropolitan area, except for the statewide vanpool leasing program conducted by the commissioner of transportation. The commissioner, the council, and the commission metro transit shall cooperate with the board in the transfer of these duties and transit authority in the conduct of ridesharing activities in areas where the commissioner's programs and the board's transit authority's program overlap. The board shall establish a rideshare advisory committee to advise it in carrying out the program. The board transit authority may contract for services in operating the program.

Sec. 74. Minnesota Statutes 1992, section 473.375, subdivision 17, is amended to read:

Subd. 17. [AUDIT.] The board must be audited at least once each year. The board may elect to be audited by a certified public accountant or by the state auditor. If the board chooses the state auditor, The state auditor shall audit, either directly or by subcontract, the board's transit authority's financial accounts and affairs at least once each year. The information in the audit must be contained in the annual report and distributed in accordance with section 473.445, subdivision 3 to the council. The board transit authority shall pay the total cost of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received for the state audits must be deposited in the general fund.

Sec. 75. [473.381] [AUTHORITY BUDGET.]

Subdivision 1. [REQUIREMENT.] The metropolitan transit authority shall prepare a proposed budget by August 1 of each year. The budget shall include the proposed budget for metro transit and, in the detail and form prescribed by the council, must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; and

(3) the estimated source and use of pass-through funds.

Subd. 2. [PROCEDURE; APPROVAL OF COUNCIL.] As early as practicable before August 15 of each year, the transit authority shall hold a public hearing on a draft of the proposed budget. Along with the draft, the transit authority shall publish a report on user charges. The report must include an estimate and analysis of the changes in user charges, rates, and fees that will be required by the transit authority's budget. Not less than 14 days before the hearing, the transit authority shall publish notice of the hearing in a newspaper having general circulation in the metropolitan area, stating the date, time, and place of hearing, and the place where the proposed budget and report on user charges may be examined by any interested person. Following the hearing, the transit authority shall publish a report of the hearing that summarizes the comments received and the transit authority's response. The proposed budget must be submitted to the council by August 15 of each year for review and approval by the council. The council shall act to approve or disapprove by October 1 of each year. The council may approve or disapprove in whole or in part and may attach conditions to its approval. Before December 15 of each year the transit authority shall by resolution adopt a final budget. The transit authority shall file its final budget with the council on or before December 20 of each year. The council shall file the budget with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year.

Subd. 3. [EFFECT.] Except in an emergency, for which procedures must be established by the council, the transit authority and its officers, agents, and employees may not spend money for any purpose, without an appropriation by the transit authority, and no obligation to make an expenditure is enforceable except as the obligation of the person or persons incurring it. The transit authority may amend the budget with council approval at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued by the council for a specific purpose.

Subd. 4. [FINANCIAL PLAN; COUNCIL APPROVAL.] Along with its annual budget, each even-numbered year the transit authority shall prepare a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the transit authority during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium. The transit authority shall submit the financial plan to the council for review and approval or disapproval. The council may approve or disapprove in whole or in part.

Sec. 76. Minnesota Statutes 1992, section 473.382, is amended to read:

473.382 [LOCAL PLANNING AND DEVELOPMENT PROGRAM.]

In preparing and amending its implementation plan pursuant to section 473.377, the transit ~~board~~ authority shall establish a program to ensure participation by representatives of local government units and the coordination of the planning and development of transit by local government units. The ~~board~~ transit authority shall encourage the establishment of local transit planning and development boards by local governments for the purpose of:

(a) assisting and advising the transit ~~board~~ authority in preparing the implementation plan, including the identification of service needs and objectives;

(b) preparing, or advising and assisting local units of government in preparing the transit study and service plan required by section 473.384;

(c) preparing or advising the transit ~~board~~ authority in the review of applications for assistance under section 473.384.

The ~~board~~ transit authority may provide local boards with whatever assistance it deems necessary and appropriate.

Sec. 77. Minnesota Statutes 1992, section 473.384, subdivision 3, is amended to read:

Subd. 3. [APPLICATIONS.] The ~~board~~ transit authority shall establish procedures and standards for review and approval of applications for financial assistance under this section consistent with its approved implementation plan. An applicant must provide the ~~board~~ transit authority with the financial and other information the ~~board~~ transit authority requires to carry out its duties. The ~~board~~ transit authority may specify procedures, including public hearing requirements, to be followed by applicants that are cities, towns, or counties or combinations thereof in conducting transit studies and formulating service plans under subdivisions 4 and 5.

Sec. 78. Minnesota Statutes 1992, section 473.384, subdivision 7, is amended to read:

Subd. 7. [~~MTC METRO TRANSIT~~ IMPACT ASSESSMENT.] Prior to entering into a contract for operating assistance with a recipient, other than the metro transit commission, the board transit authority shall evaluate the effect, if any, of the contract on the ridership, routes, schedules, fares, and staffing levels of the existing and proposed service provided by the commission metro transit. A copy of the assessment must be provided to the commission metro transit chief administrator. The board transit authority may enter into the contract only if it determines that the service to be assisted under the contract will not impose an undue hardship on the ridership or financial condition of the commission metro transit. The requirements of this subdivision do not apply to contracts for assistance to recipients who, as part of a negotiated cost-sharing arrangement with the board transit authority, pay a substantial part of the cost of services that directly benefit the recipient as an institution or organization.

Sec. 79. Minnesota Statutes 1992, section 473.385, subdivision 2, is amended to read:

Subd. 2. [SERVICE AREAS.] The regional metropolitan transit board authority may provide financial assistance (whether directly or through another entity) to private, for-profit operators of public transit only for the following services:

- (1) services that are not regular route services;
- (2) regular route services provided on June 2, 1989, by a private, for-profit operator under contract with the board predecessor agency of the transit authority or under a certificate of convenience and necessity issued by the transportation regulation board;
- (3) regular route services outside of the fully developed service area that are not operated on June 2, 1989, by the commission predecessor agency of metro transit;
- (4) regular route services provided under section ~~473.388~~ 473.3881;
- (5) regular route services to recipients who, as part of a negotiated cost-sharing arrangement with the board transit authority, pay at least 50 percent of the cost of the service that directly benefits the recipient as an institution or organization; or
- (6) regular route services that the board transit authority and the commission metro transit agree are not or will not be operated for a reasonable subsidy by the commission metro transit.

Sec. 80. Minnesota Statutes 1992, section 473.386, subdivision 2, is amended to read:

Subd. 2. [SERVICE CONTRACTS; MANAGEMENT; TRANSPORTATION ACCESSIBILITY ADVISORY COMMITTEE.] (a) The board transit authority shall contract for services necessary for the provision of special transportation. All transportation service must be provided under a contract between the board transit authority and the provider which specifies the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The board transit authority shall establish management policies for the service but shall contract with a service administrator for day-to-day administration and management of the service. The contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to board transit authority management policies and must establish performance and compliance standards for the service administrator.

(c) The board transit authority shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service. The board transit authority shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the board transit authority and the service administrator to identify causes and provide remedies to recurring problems.

(d) ~~Within 90 days following August 1, 1987, the board shall hold a public hearing on standards for provider eligibility, selection, performance, compliance, and evaluation; the terms of provider contracts and the contract with the service administrator and related contract management policies and procedures of the board; fare policies; service areas, hours, standards, and procedures; and similar matters relating to implementation of the service. Each year before renewing contracts with providers and the service administrator, the board transit authority shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the board concerning providers, contract terms, and other matters relating to board the transit authority's policies and procedures for implementing the service.~~

(e) The board transit authority shall establish a transportation accessibility advisory committee. The transportation accessibility advisory committee must include elderly and handicapped persons, other users of special transportation service, representatives of persons contracting to provide special transportation services, and representatives of appropriate agencies for elderly and handicapped persons to advise the board transit authority on management policies for the service. At least half the transportation accessibility advisory committee members must be disabled or elderly persons or the representatives of disabled or elderly persons. Two of the appointments to the transportation accessibility advisory committee shall be made by the council on disability ~~in consultation with the chair of the regional transit board.~~

Sec. 81. Minnesota Statutes 1992, section 473.39, is amended to read:

473.39 [BORROWING MONEY.]

Subdivision 1. [GENERAL AUTHORITY.] The council, if requested by ~~vote of at least two-thirds of all of the members of the transit board the chief administrator of the transit authority~~, may issue general obligation bonds subject to the volume limitations in this section to provide funds to the board transit authority for expenditure to implement the board's approved implementation plan of the transit authority and may issue general obligation bonds not subject to the limitations for the refunding of outstanding bonds or certificates of indebtedness of the council, the board or the commission predecessor agency of the transit authority, or the predecessor agency of metro transit, and for judgments against the board transit authority or the commission metro transit. The council may not unreasonably withhold the issuance of obligations for an implementation plan that has been approved by the council. The council may not issue obligations pursuant to this subdivision, other than refunding bonds, in excess of the amount specifically authorized by law. Except as otherwise provided in sections 473.371 to 473.449, the council shall provide for the issuance, sale, and security of the bonds in the manner provided in chapter 475, and has the same powers and duties as a municipality issuing bonds under that law, except that no election is required and the net debt limitations in chapter 475 do not apply to the bonds. The obligations are not a debt of the state or any municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state, nor any municipality or political subdivision except the council ~~and board~~, nor any member or officer or employee of the board transit authority or council, is liable on the obligations. The obligations may be secured by taxes levied without limitation of rate or amount upon all taxable property in the transit taxing district and transit area as provided in section 473.446, subdivision 1, clause (c). ~~The council shall certify to the transit board before October 1 of each year the amounts necessary to provide full and timely payment of the obligations.~~ As part of its levy made under section 473.446, subdivision 1, clause (c), the board council shall levy the amounts certified by the council and transfer the proceeds to the council for payment of the obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness.

Subd. 1a. [OBLIGATIONS.] (a) ~~After August 1, 1989,~~ The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$26,000,000 for financial assistance to ~~the commission, as prescribed in the implementation and capital plans of the board and the capital program of the commission metro transit.~~

(b) ~~After August 1, 1989,~~ The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$4,700,000 for other transit-related capital expenditures as prescribed in the implementation and capital plans of the board transit authority.

(c) The board shall require, as a condition of financial assistance to the commission, that the commission make facilities it constructs, acquires, or improves for I-394 with funds provided under this section available to all transit providers on a nondiscriminatory basis, as the board defines these terms.

(d) The limitation contained in this subdivision does not apply to refunding bonds issued by the council.

Subd. 1b. [ADDITIONAL OBLIGATIONS; 1993-1996.] The council may also issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$62,000,000, of which \$44,000,000 may be used by ~~the commission~~ metro transit for fleet replacement, facilities, and capital equipment, and \$18,000,000 may be used by the ~~board~~ transit authority for transit hubs, park-and-ride lots, community-based transit vehicles and replacement service program vehicles, and intelligent vehicle highway systems projects, and related costs including the cost of issuance and sale of the obligations. The council may issue \$32,000,000 of the total amount authorized under this subdivision during fiscal biennium ending 1993, \$30,000,000 during fiscal biennium ending 1995.

Subd. 2. [LEGAL INVESTMENTS.] Certificates of indebtedness, bonds, or other obligations issued by the council to which tax levies have been pledged pursuant to section 473.446, are proper for investment of any funds by a bank, savings bank, savings and loan association, credit union, trust company, insurance company, or public or municipal corporation, and may be pledged by any bank, savings bank, savings and loan association, credit union, or trust company as security for the deposit of public money.

Sec. 82. Minnesota Statutes 1992, section 473.391, is amended to read:

473.391 [ROUTE PLANNING AND SCHEDULING.]

The ~~regional transit board~~ metropolitan transit authority shall contract with ~~the metropolitan metro transit commission~~ or other operators or local governments for route planning and scheduling services in any configuration of new or reconfiguration of existing transit services and routes, including route planning and scheduling necessary for the test marketing program, the service bidding program, and the interstate highway described in section 161.123, clause (2), commonly known as I-394. Route planning and scheduling is subject to the transit authority's approval ~~by the board for conformity to with the board's transit authority's~~ implementation plans and route, schedule, and other service standards, objectives, and policies established by the ~~board~~ transit authority.

Sec. 83. Minnesota Statutes 1992, section 473.392, is amended to read:

473.392 [SERVICE BIDDING.]

The ~~regional transit board~~ metropolitan transit authority may competitively bid transit service only in accordance with standards, procedures, and guidelines adopted by ~~resolution of the board~~ the chief administrator. The ~~board~~ transit authority shall establish a project management team to assist and advise the ~~board~~ transit authority in developing and implementing standards, procedures, and guidelines. The project management team must include representatives of the ~~metropolitan metro transit commission~~, the Amalgamated Transit Union Local 1005, private operators, local governments, and other persons interested in the subject. At least 60 days before adopting any standards, procedures, or guidelines for competitive bidding of transit service, the ~~board~~ transit authority shall hold a public hearing on the subject. The board shall publish notice of the hearing in newspapers of general circulation in the metropolitan area not less than 15 days before the hearing. At the hearing all interested persons must be afforded an opportunity to present their views orally and in writing. Following the hearing, and after considering the testimony, the ~~board~~ chief administrator shall revise and adopt the standards, procedures, and guidelines.

Sec. 84. [473.4041] [METRO TRANSIT.]

Subdivision 1. [ESTABLISHMENT.] Metro transit is established as a public corporation and a political subdivision of the state.

Subd. 2. [CHIEF ADMINISTRATOR.] (a) The chair of the metropolitan council shall appoint the chief administrator of metro transit after consultation with the commissioner of transportation and the chief administrator of the transit authority. The chief administrator must be chosen on the basis of training, experience, and other qualifications and shall serve at the pleasure of the council chair at the salary rate set by the council chair.

(b) The chief administrator has the powers and duties:

(1) to adopt measures the administrator considers necessary to enforce or carry out the powers and duties of metro transit, or necessary for the efficient administration of the affairs of metro transit;

(2) subject to the personnel code of metro transit, to appoint and remove on the basis of merit and fitness, all regular employees of metro transit;

(3) to prepare and submit to the transit authority for council approval the capital and operating budgets of metro transit, and other financial information, operations plans, implementation plans, and service plans as the transit authority may require;

(4) to submit annually a report to the transit authority and the council detailing metro transit's activities and finances for the previous year; and

(5) to perform other duties assigned by law or by the council chair.

Subd. 3. [ORGANIZATION.] Metro transit is organized into an operating division and an administration and operations planning division. The head of each division shall report to the chief administrator.

Subd. 4. [EMPLOYEES.] On July 1, 1993, all persons regularly employed by the metropolitan transit commission on June 30, 1993, are employees of metro transit, retain all rights to which they are entitled by contract or law, and continue in the same retirement or pension system to which they belonged before July 1, 1993. These employees shall perform duties as may be prescribed by metro transit. Section 473.141, subdivision 12, continues to apply to metro transit. Metro transit shall continue to perform the employer responsibilities of its predecessor agency as specified in Minnesota Statutes 1992, sections 473.417 and 473.418, as applicable. Nothing in this section shall be construed to give any employee of metro transit the right or privilege to continue in the same level or classification of employment previously held. Metro transit may assign any employee to an employment level and classification that it considers appropriate and desirable in accordance with its personnel code.

Subd. 5. [PROPERTY; CONTRACTS.] On July 1, 1993, metro transit succeeds to and is vested with all right, title, and interest in and to any property, real or personal, owned or operated by and any contracts held on June 30, 1993, by its predecessor agency, the metropolitan transit commission.

Sec. 85. Minnesota Statutes 1992, section 473.405, subdivision 5, is amended to read:

Subd. 5. [ACQUISITION OF TRANSIT SYSTEMS.] ~~The commission~~ Metro transit may acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the metropolitan area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. ~~The commission~~ Metro transit may not acquire any existing public transit system until the acquisition has been approved by the transit board authority and the metropolitan council. ~~The commission~~ Metro transit may take control of and operate a system immediately following the filing and approval of the initial petition for condemnation, if ~~the commission~~ metro transit, in its discretion, determines this to be necessary, and may take possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Control must be taken by ~~resolution order of the chief administrator~~ which is effective upon service of a copy on the condemnee and the filing of the ~~resolution order~~ in the condemnation action. In the determination of the fair value of the existing public transit system, there must not be included any value attributable to expenditures for improvements made by the ~~metro transit commission~~.

~~The commission~~ Metro transit may continue or terminate within three months of acquisition any advertising contract in existence by and between any advertiser and a transit system that ~~the commission~~ metro transit has acquired. If ~~the commission~~ metro transit determines to terminate the advertising contract, it shall acquire all of the advertiser's rights under the contract by purchase or eminent domain proceedings as provided by law.

Sec. 86. Minnesota Statutes 1992, section 473.408, subdivision 2a, is amended to read:

Subd. 2a. [REGULAR ROUTE FARES.] The ~~board~~ transit authority shall establish and enforce uniform fare policies for regular route transit in the metropolitan area. The policies must be stated in the board's three-year transit service implementation and financing plan. The policies must be consistent with the requirements of this section and the council's transportation policy plan. ~~The commission~~ Metro transit and other operators shall charge a base fare and any surcharges for peak hours and distance of service in accordance with the policies prescribed in the approved implementation plan of the transit ~~board~~ authority. ~~The commission~~ Metro transit and other operators shall submit their fare schedules to the ~~board~~ transit authority for approval.

Sec. 87. Minnesota Statutes 1992, section 473.409, is amended to read:

473.409 [AGREEMENTS WITH COMMISSION TRANSIT AUTHORITY; ENCOURAGEMENT OF TRANSIT USE.]

A state department or agency, including the legislative branch, any local governmental unit, the metropolitan council, or other metropolitan agency may enter into an agreement with the metro transit commission and other operators for the purpose of encouraging the use of transit by its employees residing in the metropolitan area. The agreement may provide for, among other things: (a) the advance purchase of tokens, tickets or other devices from the commission metro transit or other operator for use in lieu of fares on vehicles operated by the commission metro transit or other operator; and (b) special transit service for employees to and from their place of employment, at fares to be agreed upon by the contracting parties. The tokens, tickets, or other devices or services may be made available to employees at reduced rates. Any such agreement and arrangement by a state department or agency shall be submitted to the commissioner of administration for approval before execution. Any operating deficits or subsidy resulting from such agreements shall be assumed by the contracting department, agency, governmental unit, or council, ~~or other commission~~, unless otherwise provided in an agreement approved by the transit ~~board~~ authority.

Sec. 88. Minnesota Statutes 1992, section 473.415, subdivision 2, is amended to read:

Subd. 2. For any employees of the commission metro transit who were previously transferred to and appointed as employees of the former metropolitan transit commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, chapter 538 July 1, 1978, the provisions of Laws 1978, chapter 538 shall replace the provisions of subdivision 1 1a relating to the pension obligations which the commission metro transit is required to assume, and the pension or retirement plan and pension trust funds which the commission metro transit is required to establish, maintain and administer. Upon compliance with the applicable provisions of Laws 1978, chapter 538, by the former metropolitan transit commission, metro transit shall not be deemed to have placed any employee of the commission metro transit who was previously transferred to and appointed as an employee of the metropolitan transit commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, chapter 538 July 1, 1978, in any worse position with respect to pension and related benefits than the employee of the commission metro transit enjoyed as an employee of the acquired existing transit system.

Sec. 89. Minnesota Statutes 1992, section 473.415, subdivision 3, is amended to read:

Subd. 3. For any employees of the commission metro transit who are transferred to and appointed as employees of the commission metro transit upon completion of acquisitions of transit systems which occur subsequent to the effective date of Laws 1978, chapter 538 July 1, 1978, those employees shall be governed by the provisions of Laws 1978, chapter 538 unless the acquisition of the transit system which employed them immediately preceding the acquisition included the acquisition of a pension trust fund under the joint control of the acquired system and the participating employees through their representatives.

Sec. 90. Minnesota Statutes 1992, section 473.435, is amended to read:

473.435 [FINANCE.]

Subdivision 1. [BUDGET.] In furtherance of and in conformance with the ~~implementation plan plans~~ of the transit ~~board authority~~, the metro transit commission each year shall prepare an annual budget, at the time, in the form, and containing the information prescribed by the board authority, and, ~~after holding a public hearing on the budget~~, shall submit the budget to the ~~board for review and approval or disapproval~~ transit authority for incorporation in the transit authority's proposed budget and for transmittal to the metropolitan council. The ~~board council~~ may approve or disapprove the budget in whole or in part. ~~The board and~~ may attach conditions to its approval. ~~The board shall approve elements that the board determines are in conformance with the board's implementation plan and budget and shall disapprove elements that the board determines are not in conformance with the board's implementation plan and budget.~~ The board transit authority shall return the budget to the commission metro transit, with comments indicating the reasons for any council disapproval. If necessary, the commission metro transit shall make any appropriate amendments and resubmit the budget to the board council for approval or disapproval.

Subd. 2. [AUDIT.] ~~The commission Metro transit~~ must be audited at least once each year. ~~The commission Metro transit~~ may elect to be audited by a certified public accountant or by the state auditor. If ~~the commission metro transit~~ chooses the state auditor, the state auditor shall ~~make an~~ audit, either directly or by subcontract, ~~of the commission's metro transit's~~ financial accounts and affairs at least once each year. Copies of the auditor's report shall be filed and kept open to public inspection in the offices of ~~the secretary of the commission metro transit, the board transit authority, and the secretary of state.~~ The information in the audit shall be contained in ~~the metro transit's~~ annual report and ~~distributed in accordance with section 473.445.~~ ~~The commission Metro transit~~ shall pay the total cost of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received for the state audits must be deposited in the general fund.

Sec. 91. Minnesota Statutes 1992, section 473.436, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY BORROWING.] On or after the first day of any fiscal year, ~~the commission metro transit~~ may borrow money which may be used or expended by ~~the commission metro transit~~ for any purpose, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of ~~the commission metro transit.~~ The indebtedness must be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to ~~a resolution~~ an order of the chief administrator authorizing the issuance. The ~~resolution order~~ must set forth the form and manner of execution of the notes and shall contain other terms and conditions the ~~commission chief administrator~~ chief administrator deems necessary or desirable to provide security for the holders of the notes. The note or notes are payable from committed or appropriated money from taxes, grants or loans of the state or federal government made to ~~the commission metro transit,~~ or other revenues of ~~the commission metro transit,~~ and the money may be pledged to the payment of the notes. ~~The commission Metro transit is authorized to pledge to the payment of the note or notes taxes levied by the regional transit board metropolitan council under section 473.446, subdivision 1, clause (a), and if taxes are so pledged the board council shall transfer amounts received from the levy to the commission metro transit for payment of the note or notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the principal and interest of the notes must be paid from any taxes received by the transit board council under section 473.446 and any income and revenue received by or accrued to the commission metro transit during the fiscal year in which the note or notes were issued, or other money of the commission metro transit lawfully available therefor.~~

Metro transit may not issue debt under this section without the approval of the council.

Sec. 92. Minnesota Statutes 1992, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections ~~473.404~~ 473.4041 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision, the ~~regional transit board council~~ shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) an amount which shall be used for payment of the expenses of operating transit and paratransit service and to provide for payment of obligations issued by ~~the commission metro transit~~ under section 473.436, subdivision 6;

(b) an additional amount, if any, the ~~board council~~ council determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding ~~on July 1, 1985,~~ to which property taxes under this section have been pledged; and

(c) an additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council or ~~former regional transit board~~ has specifically pledged tax levies under this clause.

The property tax levied by the ~~regional transit board for general purposes~~ council under clause (a) must not exceed the following amount for the years specified:

(1) ~~for taxes payable in 1988, the product of two mills multiplied by the total assessed valuation of all taxable property located within the metropolitan transit taxing district as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;~~

~~(2) for taxes payable in 1989, the product of (i) the regional transit board's property tax levy limitation for general purposes for the taxes payable year 1988 determined under clause (1) multiplied by (ii) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan transit taxing district divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan transit taxing district; and~~

~~(3) for taxes payable in 1990 and subsequent years 1994, the product of (i) the former regional transit board's property tax levy limitation for general purposes for the previous year determined under this subdivision Minnesota Statutes 1992, section 473.446, subdivision 1, clause (3), multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous assessment year; and~~

(2) for taxes payable in 1995 and subsequent years, the product of (i) the council's property tax levy limitation for the previous year determined under this subdivision multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan transit taxing district for the current assessment year divided by the total market valuation of all taxable property located within the metropolitan transit taxing district for the previous assessment year.

For the purpose of determining the ~~regional transit board's~~ council's property tax levy limitation ~~for general purposes for the taxes payable year 1988 and subsequent years~~ under this subdivision, "total market valuation" means the total market valuation of all taxable property within the metropolitan transit taxing district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive full-peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.510 percent of net tax capacity on the property. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within statutory and home rule charter cities and towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.765 percent of net tax capacity on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy and may make changes in the certification as necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the ~~regional transit board~~ council the amounts certified by the county auditors on the dates provided in section 273.1398. There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments.

For the purposes of this subdivision, "full-peak and limited off-peak service" means peak period regular route service, plus weekday midday regular route service at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period regular route service only.

Sec. 93. Minnesota Statutes 1992, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections ~~473.404~~ 473.401 to 473.449, and the metropolitan transit system, the ~~regional transit board~~ council shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Sec. 94. Minnesota Statutes 1992, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] Each county treasurer shall collect and make settlement of the taxes levied under subdivisions 1 and 1a with the treasurer of the ~~board~~ council. For taxes levied in 1992, payable in 1993, by the former regional transit board under Minnesota Statutes 1992, section 473.446, each county treasurer shall collect and make settlement of the taxes levied with the treasurer of the council. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the ~~board~~ council for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Sec. 95. Minnesota Statutes 1992, section 473.446, subdivision 7, is amended to read:

Subd. 7. [PROTECTION OF RIGHTS OF HOLDERS OF OUTSTANDING INDEBTEDNESS.] Beginning for taxes levied in ~~1984 1993~~, payable in ~~1985 1994~~, and for each succeeding year, the ~~metro transit commission~~ shall certify to the ~~transit board council~~ before October 1 of each year the amounts necessary to provide full and timely payment of certificates of indebtedness, bonds, and other obligations of the ~~commission metro transit~~, until all debt of the ~~commission metro transit~~ is fully discharged. As part of its levy made pursuant to ~~subdivisions~~ subdivision 1 and 6, the ~~board council~~ shall levy the amounts certified by the ~~commission metro transit~~ and transfer the proceeds to the ~~commission metro transit~~ for payment of its obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness. Nothing in Laws 1984, chapter 654 may impair the rights of holders of valid obligations of the metropolitan transit commission to require a levy of property taxes. The ~~transit board council~~ shall take the actions necessary to comply with the terms and conditions of the obligations, including if necessary the levy of property taxes to provide for a deficiency.

Sec. 96. Minnesota Statutes 1992, section 473.446, subdivision 8, is amended to read:

Subd. 8. [STATE REVIEW.] The ~~board council~~ must certify its proposed property tax levy under this section to the commissioner of revenue by ~~August 1~~ September 15 of the levy year. The commissioner of revenue shall annually determine whether the property tax for ~~general purposes~~ certified by the ~~regional transit board council~~ for levy following the adoption of its metro transit's and the authority's proposed budget is within the levy limitation imposed by subdivision 1. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to ~~September~~ November 1 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

Sec. 97. Minnesota Statutes 1992, section 473.504, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council ~~and the commission~~ shall each have all powers which may be necessary or convenient to discharge the duties imposed upon ~~them~~ it by law. Such powers shall include those hereinafter specified, but the express grant or enumeration of powers shall not be deemed to limit the generality or scope of the grant of power contained in this subdivision. ~~The exercise of any of its powers by the commission shall be consistent with the exercise by the metropolitan council of any of its powers. The council may delegate to the commission any powers conferred on the council under sections 473.503 to 473.547.~~

Sec. 98. Minnesota Statutes 1992, section 473.504, subdivision 5, is amended to read:

Subd. 5. The council ~~or commission with the consent of the council~~ may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, including any grant available under the federal water pollution act amendments of 1972, whether for construction, research or pilot project implementation, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto. The ~~commission with the consent of the council~~ shall have all powers necessary to comply with the federal water pollution control act amendments of 1972 and any grant offered to it thereunder including, but not limited to, the power to enter into such contracts with, or to impose such charges upon, persons using the metropolitan disposal system as it shall determine to be necessary for the recovery of treatment works and interceptor costs paid with federal grant funds. Insofar as possible these costs shall be recovered by local government units on behalf of the commission council.

Sec. 99. Minnesota Statutes 1992, section 473.504, subdivision 6, is amended to read:

Subd. 6. The council ~~or commission~~ may act under the provisions of section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

Sec. 100. Minnesota Statutes 1992, section 473.504, subdivision 7, is amended to read:

Subd. 7. The commission council may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction and operation of the metropolitan disposal system; and may advise and assist the ~~metropolitan council~~ and other government units on system planning matters within the scope of its powers, duties, and objectives.

Sec. 101. Minnesota Statutes 1992, section 473.504, subdivision 9, is amended to read:

Subd. 9. The ~~commission council~~ may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor or treatment works determined to be necessary or convenient for the collection and disposal of sewage in the metropolitan area. Any local government unit and the commissioners of transportation and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it by the council ~~or the commission~~, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government agency. All powers conferred by this subdivision may be exercised both within or without the metropolitan area as may be necessary for the exercise by the council ~~or commission~~ of its powers or the accomplishment of its purposes. The ~~commission council~~ may hold such property for its purposes, and may lease any such property so far as not needed for its purposes, upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the board is paramount to such use. Except in case of property in actual public use, the ~~commission council~~ may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Sec. 102. Minnesota Statutes 1992, section 473.511, subdivision 1, is amended to read:

Subdivision 1. [DUTY OF COMMISSION COUNCIL; ACQUISITION OF EXISTING FACILITIES; NEW FACILITIES.] ~~At any time after January 1, 1970, The waste control commission council~~ shall assume ownership of all existing interceptors and treatment works which will be needed to implement the council's comprehensive plan for the collection, treatment, and disposal of sewage in the metropolitan area, in the manner and subject to the conditions prescribed in subdivisions 2 and 4, and shall thereafter acquire, construct, equip, operate and maintain all additional interceptors and treatment works which will be needed for such purpose. The ~~commission council~~ shall assume ownership of all treatment works owned by a local government unit if any part of such treatment works will be needed for such purpose.

Sec. 103. Minnesota Statutes 1992, section 473.511, subdivision 2, is amended to read:

Subd. 2. [METHOD OF ACQUISITION; EXISTING DEBT.] The ~~commission, with the approval of the council;~~ may require any local government unit to transfer to the ~~commission, council~~ all of its right, title and interest in any interceptors or treatment works and all necessary appurtenances thereto owned by such local government unit which will be needed for the purpose stated in subdivision 1. Appropriate instruments of conveyance for all such property shall be executed and delivered to the ~~commission council~~ by the proper officers of each local government unit concerned. All persons regularly employed by a local government unit to operate and maintain any treatment works so transferred to the ~~commission council~~, on the date on which the transfer becomes effective, shall be employees of the ~~commission council~~, in the same manner and with the same options and rights as are reserved to employees of sanitary districts and joint boards under subdivision 3. The ~~commission council~~, upon assuming ownership of any such interceptors or treatment works, shall become obligated to pay to such local government unit amounts sufficient to pay when due all remaining principal of and interest on bonds issued by such local government unit for the acquisition or betterment of the interceptors or treatment works taken over. Such amounts may be offset against any amount to be paid to the ~~commission council~~ by the local government unit as provided in section 473.517.

Sec. 104. Minnesota Statutes 1992, section 473.511, subdivision 4, is amended to read:

Subd. 4. [CURRENT VALUE OF EXISTING FACILITIES.] When the ~~commission council~~ assumes the ownership of any existing interceptors or treatment works as provided in subdivision 2 ~~or 3~~, the local government unit or units which paid part or all of the cost of such facility, directly or pursuant to contracts for reimbursement of costs, shall be entitled to receive a credit against amounts to be allocated to them under section 473.517, which may be spread over such period not exceeding 30 years as the ~~commission council~~ shall determine, and an additional credit equal to interest on the unused credit balance from time to time at the rate of four percent per annum. The amount of such credit shall equal the current value of the facility computed by the ~~commission council~~ in the manner provided in this subdivision at the time the ~~commission council~~ acquires it. The original cost of a facility shall be computed as the total actual costs of constructing it, including engineering, legal, and administrative costs, less any part of it paid from federal or state funds and less the principal amount of any then outstanding bonds which were issued to finance its

construction. The original cost shall be multiplied by a factor equal to a current cost index divided by the same cost index at the time of construction, to determine replacement cost. The cost indices used shall be the Engineering News Record Construction Cost Indices for facilities or parts thereof completed before 1930, and the United States Public Health Service Federal Water Pollution Control Values for Sewer and Treatment Plant Construction, as applied to facilities or parts thereof completed in or after 1930. The current value of the facility shall be the replacement cost depreciated by 2.50 percent per annum from the date of construction of treatment works and 1.25 percent per annum from the date of construction of interceptors; and decreased further by a reasonable allowance for obsolescence if the ~~board~~ council determines that the facility or any part thereof will not be useful for ~~board~~ council purposes for at least the remaining period required to depreciate it fully, assuming no salvage value. The current value of each such facility shall be credited to each local government unit in proportion to the amount of the construction cost paid by that unit, as determined by the ~~commission~~ council, taking into account reimbursements previously made under contracts between any of the local government units. The ~~commission~~ council shall prepare an itemized statement of the amount of credit each local government unit is entitled to receive under this subdivision, and the years and amounts of installments of principal and interest thereon, and shall cause it to be mailed or delivered to the governing body of each local government unit concerned. All credits allowed under this subdivision shall be used to finance current costs allocated to the local government unit by the ~~commission~~ council or for other sewer costs, and the credits shall not be considered as proceeds from the sale of municipal property so as to permit their use for other purposes.

Sec. 105. Minnesota Statutes 1992, section 473.516, subdivision 1, is amended to read:

Subdivision 1. [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council ~~or commission~~ under sections 473.501 to 473.549, the ~~commission~~ council shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including development rights as defined in section 473.833, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of waste resulting from sewage treatment, and the ~~commission~~ council may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The ~~commission~~ council may accept for processing waste derived from outside the metropolitan area in the state, as well as waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of waste as the ~~commission~~ council determines to be reasonable.

Sec. 106. Minnesota Statutes 1992, section 473.521, subdivision 3, is amended to read:

Subd. 3. [POWERS OF GOVERNMENT UNITS.] To accomplish any duty imposed on it by the council ~~or commission~~, the governing body of every government unit in the metropolitan area may exercise the powers granted any municipality by chapters 117, 412, 429, 475, sections 115.46, 444.075 and 471.59.

Sec. 107. Minnesota Statutes 1992, section 473.523, is amended to read:

473.523 [CONTRACTS FOR CONSTRUCTION MATERIALS, SUPPLIES, AND EQUIPMENT.]

Subdivision 1. No contract for any construction work, or for the purchase of materials, supplies, or equipment, costing more than ~~\$15,000~~ the amount specified by section 471.345, subdivision 3, shall be made by the commission without publishing once in a legal newspaper or trade paper published in a city of the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of ~~\$15,000~~ the amount specified by section 471.345, subdivision 3, or in making emergency repairs, it shall not be necessary to advertise for bids.

Subd. 2. The administrator may, without prior approval of the commission and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of ~~\$15,000~~ the amount specified by section 471.345, subdivision 3.

Sec. 108. Minnesota Statutes 1992, section 473.549, is amended to read:

473.549 [RELATION TO EXISTING LAWS.]

The provisions of sections 473.501 to 473.549 shall be given full effect notwithstanding the provisions of any law not consistent therewith. The powers conferred on the council ~~and the commission~~ under sections 473.501 to 473.545 shall in no way diminish or supersede the powers conferred on the pollution control agency by sections 103F.701 to 103F.761 and chapters 115 and 116.

Sec. 109. Minnesota Statutes 1992, section 473.553, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section ~~and section 473.141, subdivisions 6 to 11, 13, and 14.~~

Sec. 110. Minnesota Statutes 1992, section 473.553, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of six members, appointed by ~~the governor during the period before substantial completion of construction of sports facilities pursuant to sections 473.551 to 473.595 and thereafter as hereinafter provided, plus a chair appointed as provided in subdivision 3.~~ Initial appointments of members shall be made within 30 days of May 17, 1977. ~~One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and C; D and E; F and H. Two members shall be appointed from outside the metropolitan area. Upon substantial completion of construction of the sports facility, vacancies occurring on the commission, whether at the completion of or prior to the completion of a member's term, shall be filled by the city council of the city in which the stadium is located.~~

Sec. 111. Minnesota Statutes 1992, section 473.553, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] ~~Each member appointed prior to substantial completion of construction of a sports facility constructed pursuant to sections 473.551 to 473.595 shall be a resident of the precincts or area of the state for which appointed. A member appointed at any time shall not during a term of office hold the office of metropolitan council member or be a member of another metropolitan agency that is subject to section 473.141 or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6. The oath, duly certified by the official administering it, shall be filed with the chair of the metropolitan council.~~

Sec. 112. Minnesota Statutes 1992, section 473.553, subdivision 5, is amended to read:

Subd. 5. [TERMS.] ~~The terms of the members representing precincts A and B and C and C and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the other members and the chair shall end the first Monday in January, 1983. After the initial term provided for in this subdivision, The term of each member and the chair shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chair may be removed in the manner specified in chapter 351.~~

Sec. 113. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 6. [VACANCIES.] If the office of any commission member becomes vacant, the vacancy shall be filled in the same manner in which the last regular appointment for that precinct was made. An office shall be deemed vacant under the conditions specified in chapter 351.

Sec. 114. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid \$50 for each day when the member attends one or more meetings or provides other services, as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties in the same manner and amount as state employees. The chair shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member. The annual budget of the commission shall provide as a separate account anticipated expenditures for compensation, per diem, travel and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

Sec. 115. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 8. [REGULAR AND SPECIAL MEETINGS.] The commission shall meet regularly at least once each month at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chair or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Sec. 116. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The commission shall by resolution adopt a personnel code relating to the employees of the commissions. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension, or discharge of employees, procedures for hearing grievances, procedures for salary administration, and other provisions that the commission deems appropriate. In addition, the code shall provide for the development by the commission of affirmative action plans, as provided in section 473.143. The chief administrator of the commission shall administer the code, and the commission shall not take any action inconsistent with the personnel code.

(b) All employees of the commission, except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or personal fitness for the position. If there is more than one applicant for a position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended, or dismissed by the chief administrator, the employee may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which the employee was dismissed, the date of dismissal, and the reason for requesting the hearing, full name, and present mailing address. Upon receipt of a request for a hearing, the commission shall appoint three of its members to act as an appeals committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at the employee's present mailing address, not less than seven days before the hearing. The appeals committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeals committee may reinstate the employee under the conditions that it deems proper, and may order the payment to the employee of the compensation lost as a result of the demotion, suspension, or dismissal.

Sec. 117. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 10. [SECRETARY AND TREASURER.] At its first regular meeting each year the commission shall appoint a secretary and a treasurer or, in the alternative, a secretary-treasurer. The secretary and treasurer, or secretary-treasurer, may, but need not be, members of the commission, and shall hold office at the pleasure of the commission, subject to the terms of any contract of employment which the commission may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the commission and shall be the custodian of all books and records of the commission except those that the commission shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all money received by the commission except money that the commission shall entrust to the custody of a designated employee. The commission may appoint a deputy to perform any and all functions of either the secretary or the treasurer.

Sec. 118. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 11. [CHIEF ADMINISTRATOR.] The chair of the commission shall, subject to the approval of the commission, appoint a chief administrator who shall be chosen solely on the basis of training, experience, and other qualifications, and who shall serve at the pleasure of the commission. The administrator shall attend all meetings of the commission, but shall not vote, and shall have the following powers and duties:

- (1) see that all resolutions, rules, or orders of the commission are enforced;
- (2) appoint and remove, subject to the provisions of the personnel code adopted under subdivision 9, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission;
- (3) present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission adoption of measures that the administrator deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission;
- (4) keep the commission fully advised as to its financial condition, and prepare and submit to the commission its annual budget and other financial information as it may request;
- (5) recommend to the commission for adoption rules that the administrator deems necessary for the efficient operation of the commission's functions; and
- (6) perform other duties prescribed by the commission.

Sec. 119. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 12. [COMMISSION OPERATING PROCEDURES.] (a) The commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds, and audit of all financial operations of the commission.

(b) The commission and the metropolitan council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59.

The commission shall not enter into any contract with the metropolitan council which would assign any operations authority, responsibility, or function, other than planning or making studies, from the commission to the metropolitan council.

Sec. 120. Minnesota Statutes 1992, section 473.553, is amended by adding a subdivision to read:

Subd. 13. [RELOCATION PAYMENT STANDARDS.] In all acquisitions the commission shall provide as a cost of acquisition the relocation assistance, services, payments, and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title 42, section 4601, et seq.

Sec. 121. [473.554] [BUDGET.]

The commission shall file its budget with the secretary of the senate and the chief clerk of the house of representatives by January 15 of the first year of each biennium for review by the committees of each body that have jurisdiction over the commission.

Sec. 122. Minnesota Statutes 1992, section 473.858, subdivision 1, is amended to read:

Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 473.175. The provisions of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 shall supersede the provisions of the applicable planning statute wherever a conflict may exist. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.

Sec. 123. Minnesota Statutes 1992, section 473.865, subdivision 1, is amended to read:

Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only. The official controls adopted shall implement the purpose, objectives, and policies of the comprehensive plan. Zoning ordinances and subdivision regulations must not allow land use and development that will effectively prevent the planned land use as designated within specific areas of the comprehensive plan. The determination of the timing of the implementation of the comprehensive plan shall be at the sole discretion of the governing body. The provisions of this subdivision do not limit the applicability of the requirements in subdivision 3.

Sec. 124. Minnesota Statutes 1992, section 629.40, subdivision 5, is amended to read:

Subd. 5. [OFFICERS APPOINTED BY METROPOLITAN TRANSIT COMMISSION COUNCIL.] An off-duty peace officer as defined in section 626.84, subdivision 1, paragraph (c), may be employed by the metropolitan ~~transit commission~~ council to police its transit property and routes and may make an arrest under section 629.34 while on duty for the metropolitan ~~transit commission~~ council anywhere within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The powers of arrest may only be exercised in connection with investigations authorized by the ~~commission~~ council that relate to ~~commission~~ council transit property, equipment, employees, and passengers.

Sec. 125. [LABOR REPRESENTATION.]

The exclusive representatives and appropriate units under Minnesota Statutes, chapter 179A, that exist for the metropolitan council, metropolitan agencies, and other bodies subject to Minnesota Statutes, chapter 473, on the effective date of this act shall, after the act's effective date, continue to be recognized under Minnesota Statutes, chapter 179A for the purposes of public employment labor relations.

Sec. 126. [COORDINATED PERSONNEL POLICIES AND SERVICES.]

The chairs of the council and the metropolitan agencies shall establish a task force to develop a plan for implementing personnel policies that are uniform among each of the metropolitan agencies and the council. The task force shall also conduct a study of the feasibility of establishing a unified personnel or human resources department that would take the place of the agencies' and the council's separate personnel or human resources departments or offices. The study shall examine a suggested time frame for implementing a unified personnel or human resources department or office, the estimated cost of the change, and the estimated cost increases or decreases over three, five, and ten years following implementation of the unified department or office. The task force shall complete its work and the chair of the council shall report on its results to the legislature by January 15, 1994. The task force shall also evaluate and develop a joint or uniform and coordinated exercise of powers by the council and metropolitan agencies for other appropriate administrative functions. The study must include at least ongoing managerial reporting, contracts, purchasing, and data processing. The council shall report to the legislature annually on the findings, recommendations, and implementation of the recommendations of the task force to date and on legal and other impediments to increased coordination of administrative functions. Before submitting the report, the council shall request comments on the report from the affected metropolitan agencies, and the comments must be submitted along with the report.

Sec. 127. [TRANSFER OF POWERS.]

Minnesota Statutes, section 15.039, applies to the transfer of metropolitan agencies' powers, duties, rights, obligations, and other authority imposed by law on any of the agencies to the metropolitan council under this act.

Sec. 128. [PLANS; POLICIES.]

All plans and policies adopted by any metropolitan agency affected by this act as required or permitted by Minnesota Statutes, chapter 473, or any other law continue in force and effect as plans and policies of the metropolitan council, effective on the effective date of this section until expired by their own terms, superseded by new plans or policies adopted by the council, or repealed by resolution of the council.

Sec. 129. [JOINT LIGHT RAIL TRANSIT ADVISORY COMMITTEE.]

The joint light rail transit advisory committee established by the regional transit board pursuant to Minnesota Statutes 1992, section 473.3991, may at the discretion of the metropolitan council continue after the transfer of the regional transit board's powers and duties to the metropolitan council under this act.

Sec. 130. [RIGHTS OF HOLDERS OF VALID OBLIGATIONS.]

Nothing in this act may impair the rights of holders of valid obligations of any metropolitan agency to require a levy of property taxes. The metropolitan council shall take the actions necessary to comply with the terms and conditions of the obligations including, if necessary, the levy of property taxes to provide for a deficiency.

Sec. 131. [PENSION.]

Any employee of a metropolitan agency who becomes an employee of the metropolitan council upon the transfer of the agency's powers and duties to the council and the dissolution of the agency, who continued coverage under Minnesota Statutes, chapter 353, pursuant to Minnesota Statutes 1992, section 473.373, subdivision 8, has the option of continuing coverage under Minnesota Statutes, chapter 353.

Sec. 132. [METROPOLITAN AGENCY APPOINTMENTS.]

The terms of metropolitan agencies' members and chairs, except the terms of the metropolitan airports commission members and chair, terminate upon the effective date of this section.

Sec. 133. [TRANSITION; CONTINUATION OF TERMS.]

Council members and the chair appointed pursuant to Minnesota Statutes, section 473.123, representing council districts 1 through 16, described in Minnesota Statutes 1992, section 473.123, and holding office on the effective date of this section, and any successor appointed to fill a vacancy, shall continue in office until council members have been elected and qualified as provided in this act. Upon the election and qualification of council members under this act, the terms of appointed members and the chair terminate.

Sec. 134. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the terms "metropolitan agency," "metropolitan waste control commission," "metropolitan waste control commission created by section 473.503," "waste control commission," "metropolitan parks and open space commission," "commission," or similar terms wherever they are used in Minnesota Statutes 1992 to refer to a metropolitan agency as defined in Minnesota Statutes 1992, section 473.121, subdivision 5a, other than the metropolitan airports commission or the metropolitan sports facilities commission, to "metropolitan council" or "council" in the next edition of Minnesota Statutes, unless the terms are in sections of this act, sections 3.971, subdivision 2; 352.271; 352.75; 473.3997; 473.564; 473.565, subdivisions 3 and 4; 473.581, subdivision 3; 473.592, subdivision 1; or the context clearly indicates different meaning.

The revisor of statutes shall change the term "regional transit board," "transit board," "board," or "regional transit board created by section 473.373," or similar terms wherever they are used in Minnesota Statutes 1992 to refer to the regional transit board defined in Minnesota Statutes 1992, section 473.121, subdivision 14a, to "metropolitan transit authority" or "transit authority" in the next and subsequent editions of Minnesota Statutes, as appropriate and consistent with this act. The revisor of statutes shall change the terms "metropolitan transit commission," "transit commission," "commission," "metropolitan transit commission created in section 473.404," or similar terms wherever they are used in Minnesota Statutes 1992 to refer to the metropolitan transit commission defined in Minnesota Statutes 1992, section 473.121, subdivision 15, to "metro transit" in the next and subsequent editions of Minnesota Statutes as appropriate and consistent with this act.

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

Column A

Column B

Column C

169.781, subd. 1
473.405, subd. 1
473.405, subd. 12
473.411, subd. 4
473.411, subd. 5
473.449

473.404
473.404
473.404
473.404
473.404
473.404

473.4041
473.4041
473.4041
473.4041
473.4041
473.4041

The revisor of statutes shall make conforming corrections to Minnesota Rules.

In the next edition of Minnesota Statutes, the revisor of statutes is directed to change the reference in Minnesota Statutes, section 473.704, subdivision 19, from "473.1623, subdivision 3," to "473.131, subdivision 1," and the references in Minnesota Statutes, sections 473.405, subdivision 12, 473.411, subdivisions 4 and 5, 473.415, subdivision 1, 473.446, subdivision 1a, and 473.449, from "473.404" to "473.405." In the next edition of Minnesota Statutes, the revisor of statutes is directed to delete the reference to section 473.413 in Minnesota Statutes, section 3.9741. The revisor of statutes is directed to change references in Minnesota Statutes 1992 to "sixteen" metropolitan council districts or members wherever either appears to "seventeen" in the next edition of Minnesota Statutes.

Sec. 135. [REPEALER.]

Minnesota Statutes 1992, sections 174.22, subdivision 4; 473.121, subdivisions 12, 14a, 15, and 21; 473.123, subdivision 3; 473.141; 473.161, subdivision 2; 473.1623; 473.1631; 473.301, subdivision 4; 473.303; 473.373, subdivisions 4a, 5, 6, and 8; 473.375, subdivisions 7 and 16; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404; 473.405, subdivisions 1 and 2; 473.416; 473.417; 473.418; 473.436, subdivision 7; 473.445; 473.501, subdivision 2; 473.503; 473.504, subdivisions 2 and 3; 473.511; subdivision 3; 473.517, subdivision 9; 473.535; 473.543, subdivision 5, are repealed.

Sec. 136. [APPROPRIATION.]

\$100,000 is appropriated in fiscal year 1994 from the general fund to the metropolitan council to analyze options and develop a plan for an 800 megahertz radio system in the metropolitan area.

Sec. 137. [APPLICATION.]

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 138. [EFFECTIVE DATES.]

Sections 4, 16 as it relates to the council chair, 17, 31, 33, and 34 are effective the first Monday in January 1995.

Section 92 is effective for taxes payable in 1994 and subsequent years."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for an elected metropolitan council; eliminating the metropolitan transit commission, the regional transit board, the metropolitan parks and open space commission, and the metropolitan waste control commission, and transferring their powers and duties to the council; providing for the transportation advisory board to review and approve transit assistance and contracts and to serve as an arbitrator between transit providers in the metropolitan area; amending Minnesota Statutes 1992, sections 6.76; 10A.01, subdivision 18; 15.0597, subdivision 1; 15A.081, subdivisions 1 and 7; 174.04; 174.22, by adding a subdivision; 174.23, subdivision 4; 174.24, subdivision 2; 174.32, subdivision 3; 204B.32, subdivision 2; 252.478, subdivision 2; 352.01, subdivisions 2a and 2b; 352.75, subdivision 2; 352D.02, subdivision 1; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 462.357, subdivision 2; 471A.02, subdivision 8; 473.121, subdivisions 5a, 11, and by adding subdivisions; 473.122; 473.123, subdivisions 1, 2a, 3a, 4, 5, 6, and by adding subdivisions; 473.129, subdivision 6, and by adding a subdivision; 473.13, subdivision 1, and by adding subdivisions; 473.143, subdivision 1; 473.146, subdivisions 1, 2, 2a, 2b, 2c, and 4; 473.147; 473.153, subdivisions 1 and 4a; 473.161, subdivisions 1a, 1b, 2a, and 3; 473.164; 473.167, subdivision 1; 473.168, subdivision 2; 473.175, subdivision 1; 473.223; 473.313, subdivision 2; 473.315, subdivision 1; 473.333; 473.351, subdivision 3; 473.371, subdivision 1; 473.373, subdivision 1, and by adding subdivisions; 473.375, subdivisions 5, 11, and 17; 473.382; 473.384, subdivisions 3 and 7; 473.385, subdivision 2; 473.386, subdivision 2; 473.39; 473.391; 473.392; 473.405, subdivision 5; 473.408, subdivision 2a; 473.409; 473.415, subdivisions 2 and 3; 473.435; 473.436, subdivision 6; 473.446, subdivisions 1, 1a, 3, 7, and 8; 473.504, subdivisions 1, 5, 6, 7, and 9; 473.511, subdivisions 1, 2, and 4; 473.516, subdivision 1; 473.521, subdivision 3; 473.523; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.858, subdivision 1; 473.865, subdivision 1; and 629.40, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 174.22, subdivision 4; 473.121, subdivisions 12, 14a, 15, and 21; 473.123, subdivision 3; 473.141; 473.161, subdivision 2; 473.1623; 473.1631; 473.301, subdivision 4; 473.303; 473.373, subdivisions 4a, 5, 6, and 8; 473.375, subdivisions 7 and 16; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404; 473.405, subdivisions 1 and 2; 473.416; 473.417; 473.418; 473.436, subdivision 7; 473.445; 473.501, subdivision 2; 473.503; 473.504, subdivisions 2 and 3; 473.511, subdivision 3; 473.517, subdivision 9; 473.535; and 473.543, subdivision 5."

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

The report was adopted.

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

H. F. No. 1092, A bill for an act relating to pollution control; oil and hazardous substance discharge; allowing for a single corporate prevention and response plan; extending completion date for a response plan; modifying a notification form; establishing fees; establishing accounts in the environmental fund; creating a spill prevention and preparedness advisory council; requiring notification of pipeline petroleum discharges; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 115E.04, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapter 115E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 115E.04, subdivision 1, is amended to read:

Subdivision 1. [PLAN CONTENTS.] Persons required to show specific preparedness under section 115E.03, subdivision 2, shall prepare and maintain a prevention and response plan for a worst case discharge. The plan must:

(1) describe how it is consistent with the requirements of the national or area contingency plans developed under the Oil Pollution Act of 1990;

(2) describe the measures taken to prevent discharges from occurring, including prevention of a worst case discharge, prevention of discharges of lesser magnitude, and prevention of discharges similar to those that have occurred from the vessel or facility during its history of operation;

(3) identify the individual or individuals having full authority to implement response actions, and those individuals' qualifications and titles;

(4) identify how communication and incident command relationships will be established between the individuals in command of a vessel or facility response and the following persons:

(i) individuals in the employ of the owner or operator of the vessel or facility who are responding to the discharge;

(ii) appropriate federal, state, and local officials; and

(iii) other persons providing emergency response equipment and personnel;

(5) describe the facility or vessel and identify the locations and characteristics of potential worst case discharges from the vessel or facility;

(6) identify the means under section 115E.03, subdivision 4, that will be used to satisfy the requirement to have adequate equipment and personnel to respond to a worst case discharge;

(7) contain copies of contracts, correspondence, or other documents showing that adequate personnel and equipment as described in section 115E.03, subdivision 4, will be available to respond to a worst case discharge;

(8) describe the actions that will be taken by the persons described in section 115E.03, subdivision 4, in the event of a worst case discharge; and

(9) describe the training, equipment testing, periodic drills, and unannounced drills that will be used to ensure that the persons and equipment described in section 115E.03, subdivision 4, are ready for response.

A single corporate prevention and response plan may be prepared by a person owning or operating more than one mobile facility including vessels, trucks or cargo trailer rolling stock, railroad car rolling stock, or transportation related facilities including pipelines, as long as the single plan considers response in all areas of Minnesota in which the facility is operated. For each facility in a fixed location, including facilities with tank storage or transfer operations, a separate plan, or a separate individual section of a corporate master plan, must be prepared.

A plan submitted to the federal government under the Oil Pollution Act of 1990 or prepared under other law may be used to satisfy the requirements in clauses (1) to (9) provided that the information required by clauses (1) to (9) is included in the plan.

Sec. 2. Minnesota Statutes 1992, section 115E.04, subdivision 2, is amended to read:

Subd. 2. [TIMING.] (a) A person required to be prepared under section 115E.03, ~~other than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance,~~ shall complete the response plan required by this section by ~~March 1, 1993~~ January 1, 1994, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 115E.05. Plans must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

~~(b) A person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance shall complete the response plan required by this section by January 1, 1994.~~

Sec. 3. Minnesota Statutes 1992, section 115E.04, subdivision 3, is amended to read:

Subd. 3. [NOTIFICATION.] (a) The commissioner of public safety must be notified when any of the following takes place:

- (1) submission of the plan to the federal government;
- (2) granting of exemptions or extensions of time by the federal government for submission of the plan; or
- (3) completion of the plan if submission to the federal government is not required.

(b) Notification under this subdivision must be on a form prescribed by the commissioner of public safety and must include:

- (1) a description of the facility or vessel;
- (2) a description of the activities involving oil or hazardous substances;
- (3) a description of the types of materials being handled, including whether agricultural chemicals are involved; and

(4) a telephone number through which the person notifying the commissioner can be contacted during business and nonbusiness hours; and

(5) other information required by the commissioner.

(c) The commissioner of public safety shall transmit a copy of the notification to the other commissioners as appropriate, depending on the types of materials involved.

Sec. 4. [115E.10] [FEES ESTABLISHED.]

Subdivision 1. [RULEMAKING.] The commissioner of the pollution control agency shall adopt rules to levy a fee to be paid by persons required to prepare a response plan under section 115E.04, subdivision 2. The fees shall be set so as to recover appropriations made from the environmental fund to the commissioner of the pollution control agency for the purposes of this chapter. The fees shall be credited to a spill prevention and oversight account in the environmental fund.

Subd. 2. [FEE FACTORS.] When determining fee levels for different types of facilities, the commissioner of the pollution control agency shall consider:

- (1) the likelihood of a discharge from each type of facility;

(2) the potential magnitude, hazard, and state oversight requirement for each potential discharge type;

(3) the administrative feasibility of collecting a fee from each type of facility; and

(4) the fee amount paid by each type of facility under section 221.0335 or 299K.095.

Subd. 3. [ADJUSTMENTS.] The commissioner of the pollution control agency may prescribe, by rule, fee credits or other adjustments for actions that promote prevention of discharges or adequate response preparedness.

Sec. 5. [115E.11] [SPILL PREVENTION AND OVERSIGHT ACCOUNT.]

(a) A spill prevention and oversight account is established in the environmental fund. The account consists of fees paid under section 115E.10, penalties for violations of this chapter or section 115.061, and gifts and grants.

(b) The money in the account may be spent for activities of the commissioner of the pollution control agency related to the commissioner's responsibility under section 299A.50, subdivision 3, and other law to assess environmental damage caused by oil or hazardous substance discharges or hazardous materials incidents and to provide oversight of long-term monitoring and remediation of any environmental damage, including:

(1) staff salaries and related expenses;

(2) administrative purposes;

(3) seminars, conferences, and training or exercises related to spill prevention and preparedness for public and private responders, oil and substance handlers, and response organizations; and

(4) costs of collecting and auditing the accuracy of fees paid under section 115E.10.

(c) Money in the account may be spent for activities of the department of natural resources, including staff salaries and administrative expenses, related to determining and mapping sensitive habitats or other areas that require additional protection or response oversight. Money in the account may also be spent for department participation in seminars, conferences, and training or exercises as specified in paragraph (b).

(d) The commissioners of the agency and department shall use any appropriation made for the purposes in paragraph (b) to ensure that staff have the best available training in oil and hazardous substances discharge response and hazardous material incident response and techniques for incorporating long-term environmental damage prevention and remediation into both the initial response and later environmental assessments, monitoring, and remediation.

Sec. 6. [115E.12] [PIPELINE AND RAIL FUELING FACILITY FOLLOW-UP.]

Subdivision 1. [PIPELINE DISCHARGE SITE NOTIFICATION.] (a) By July 1, 1995, owners or operators of hazardous liquid pipeline facilities may provide a written report to the pollution control agency of the leaks, ruptures, breaks, repairs, maintenance problems, or other incidents in which petroleum was or may have been discharged prior to the effective date of this act from the pipeline or pipeline pump stations within the state. The report shall include:

(1) the discharge or discharge discovery date;

(2) pipeline milepost and approximate legal description of the incident location;

(3) known circumstances of the discharge or possible discharge;

(4) the approximate volume of the discharge; and

(5) a description of the cleanup undertaken by the owner or operator and by previous owners or operators.

(b) In compiling the report, the owner or operator shall at a minimum:

(1) examine reports made to the United States Department of Transportation Office of Pipeline Safety and predecessor offices;

(2) examine files of cleanups undertaken by the owner or operator and the files of predecessor owners or operators which may be in the possession of or available to the owner or operator;

(3) examine the pipeline charts and maintenance records to identify sections of pipeline that have been repaired or replaced since original installation and determine whether each repair or replacement was associated with a discharge; and

(4) interview employees or former employees who have knowledge of the historic operation of the pipeline.

Subd. 2. [RAIL REFUELING FACILITY NOTIFICATION.] (a) By July 1, 1995, owners or operators of railroads that transfer more than 1,000,000 gallons of fuel into railroad engines per year may provide a written report to the pollution control agency of the facilities at which the owner or operator and predecessor owners or operators have refueled railroad engines prior to the effective date of this act within the state. The report shall include:

(1) the approximate legal description of the facility location;

(2) the years in which the facility has operated;

(3) the approximate yearly volume of refueling done at the facility;

(4) whether an investigation of petroleum contamination has ever been done at the facility;

(5) whether soil or track ballast visibly contaminated by fuel is present at the facility;

(6) whether fueling at the facility is done from a fixed location or via mobile tanks;

(7) whether track pans or other means to contain fueling spills are in place at the facility and the approximate date of installation; and

(8) a description of any fuel cleanups undertaken at the facility by the owner or operator and by previous owners or operators.

(b) In compiling the report, the owner or operator shall at a minimum:

(1) examine records of cleanups undertaken by the owner or operator and those records of predecessor owners or operators which may be in the possession of or available to the owner or operator;

(2) examine the fueling and land ownership records of the owner or operator and those records of predecessor owners or operators which may be in the possession of or available to the owner or operator; and

(3) interview employees or former employees who have knowledge of the past operation of the railroad.

Subd. 3. [LIMITING PENALTIES WHEN APPROPRIATE ACTION TAKEN.] (a) For discharge sites or facilities listed in reports submitted under subdivision 1, paragraph (a), or subdivision 2, paragraph (a), the agency shall not seek or impose penalties when an owner or operator who has failed to report or recover the discharge under section 115.061 takes appropriate action to report and correct confirmed discharges under this section.

(b) This section does not affect (1) the obligation of the owner or operator under section 115.061 to recover discharged material once it has been discovered; or (2) the authority of the agency, commissioner, or attorney general to order or compel investigations or corrective actions or to obtain information regarding discharges or releases.

Sec. 7. Minnesota Statutes 1992, section 299A.50, is amended by adding a subdivision to read:

Subd. 3. [LONG-TERM OVERSIGHT; TRANSITION.] When a regional hazardous materials response team has completed its response to an incident, the commissioner shall notify the commissioner of the pollution control agency who is responsible for assessing environmental damage caused by the incident and providing oversight of monitoring and remediation of that damage from the time the response team has completed its activities.

Sec. 8. [APPROPRIATION AND COMPLEMENT.]

Subdivision 1. \$..... is appropriated for the fiscal year ending June 30, 1994, from the environmental fund to the commissioner of the pollution control agency to be available for the purposes of Minnesota Statutes, chapter 115E, and the complement of the pollution control agency is increased by .. positions.

Subd. 2. \$..... is appropriated for the fiscal year ending June 30, 1995, from the environmental fund to the commissioner of the pollution control agency for the purposes of Minnesota Statutes, chapter 115E, and the complement of the pollution control agency is increased by .. positions.

Subd. 3. \$..... is appropriated for the biennium ending June 30, 1995, from the environmental fund to the commissioner of the department of natural resources for the purposes of Minnesota Statutes, chapter 115E, and the complement of the department of natural resources is increased by .. positions."

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete everything before "requiring"

Page 1, line 9, delete everything after the first semicolon

Page 1, line 11, delete "section" and insert "sections" and after the semicolon insert "and 299A.50, by adding a subdivision;"

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. 1106, A bill for an act relating to the environment; changing methods for assessing and collecting hazardous waste administration fees; providing for rulemaking; amending Minnesota Statutes 1992, section 116.12.

Reported the same back with the following amendments:

Page 2, line 11, delete "To" and insert "The rules must"

Page 2, line 12, delete ", the agency also may base" and insert "by basing"

Page 3, lines 8 to 13, reinstate the stricken language

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. 1107, A bill for an act relating to waters; establishing a safe harbors program for Lake Superior; stating powers and duties of the commissioner of natural resources and local authorities in respect thereto; proposing coding for new law in Minnesota Statutes, chapter 86A.

Reported the same back with the following amendments:

Page 1, line 11, delete everything after "watercraft" and insert a period

Page 1, delete lines 12 to 20, and insert:

"Subd. 2. The legislature further finds that a system of small craft harbors, in the sites identified in subdivision 3, on the Lake Superior shoreline is environmentally feasible, might increase the level of safety for boaters using those waters, and that such a system may provide economic benefits to the communities on the north shore."

Page 1, line 22, after the second comma insert "as amended March 2, 1993,"

Page 1, line 24, delete everything after "Portage" and insert "only."

Delete page 1, line 25 to page 2, line 1

Page 2, line 12, delete "HARBOR OF REFUGE" and insert "SMALL CRAFT HARBOR" and delete "'Harbor of refuge'" and insert "'Small craft harbor'"

Page 2, lines 27 and 33, delete "harbors of refuge" and insert "small craft harbors"

Page 2, line 29, delete everything after the first "the"

Page 2, line 30, delete "Minnesota" and insert "locations identified in section 1, subdivision 3"

Page 2, lines 34 and 35, delete "harbors of refuge" and insert "small craft harbors"

Page 2, line 36, delete "harbors of"

Page 3, line 1, delete "refuge" and insert "small craft harbors" and insert a comma after "property"

Page 3, lines 5, 8, 11, 17, and 19, delete "harbors of refuge" and insert "small craft harbors"

Page 3, lines 23 and 24, delete "harbors of refuge" and insert "small craft harbors"

Page 4, delete lines 9 to 11, and insert:

"(2) enter into agreements with the chief of engineers or designee of the chief to provide the funds and other items of local cooperation required as a condition precedent to the construction of a harbor, mooring facility, or marina project; and"

Amend the title as follows:

Page 1, line 2, delete "safe" and insert "small craft"

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 1180, A bill for an act relating to health; implementing recommendations of the Minnesota health care commission; defining and regulating integrated service networks; requiring regulation of all health care services not provided through integrated service networks; establishing data reporting and collection requirements; establishing other cost containment measures; providing for voluntary commitments by health plans and providers to limit the rate of growth in total revenues; permitting expedited rulemaking; requiring certain studies; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 60A.02, subdivision 1a; 62A.021, subdivision 1; 62A.65; 62E.02, subdivision 23; 62E.10, subdivisions 1 and 3; 62E.11, subdivision 12; 62J.03, subdivisions 6, 8, and by adding a subdivision; 62J.04, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 62J.09, subdivisions 2, 5, and 8; 62J.15, subdivisions 1 and 2; 62J.17, subdivision 2, and by adding subdivisions; 62J.23, by adding a subdivision; 62J.30, subdivisions 1, 6, and 7; 62J.33; 62L.02, subdivisions 16, 26, and 27; 62L.03, subdivisions 3 and 4; 62L.04, subdivision 1; 62L.05, subdivisions 4 and 6; 62L.09, subdivision 1; 136A.1355, subdivisions 1, 3, 4, and by adding a subdivision; 136A.1356, subdivisions 2 and 5; 136A.1357, subdivisions 1 and 4; 137.38, subdivisions 2, 3, and 4; 137.39, subdivisions 2 and 3; 137.40, subdivision 3; 144.1484, subdivisions 1 and 2; 214.16, subdivision 3; 256.9351, subdivision 3; 256.9353, subdivisions 2, 3, 5, and 6; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, 7, and by adding subdivisions; 295.51, subdivision 1; 295.52, by adding subdivisions; 295.53, subdivision 1; 295.55, subdivision 4; 295.58; and 295.59; proposing coding for new law in Minnesota Statutes, chapters 16B; 62J; 62N; 62O; 256; and 295; repealing Minnesota Statutes 1992, sections 62J.17, subdivisions 4, 5, and 6; 62J.29; 62L.09, subdivision 2; 295.50, subdivision 10; and 295.51, subdivision 2; and Laws 1992, chapter 549, article 9, section 19, subdivision 2.

Reported the same back with the following amendments:

Page 12, line 17, delete "confidential" and insert "private"

Page 38, line 18, delete everything after "providers" and insert ", if the commissioner of revenue and the commissioner agree that this is the most efficient method of collecting the data. The commissioner of revenue shall provide any data collected to the commissioner of health."

Page 38, delete lines 19 and 20

Page 39, after line 20, insert:

"Sec. 13. [62J.45] [DATA INSTITUTE.]

Subdivision 1. [STATEMENT OF PURPOSE.] It is the intention of the legislature to create a public-private mechanism for the collection of health care expenditures and outcome data, to the extent administratively efficient and effective. This integrated data system will provide clear, usable information on the cost, quality, and structure of health care services in Minnesota.

The health reform initiatives being implemented rely heavily on the availability of valid, objective data that currently are collected in many forms within the health care industry. Data collection needs cannot be efficiently met by undertaking separate data collection efforts.

The data institute created in this section will be a partnership between the commissioner of health and a board of directors representing health carriers and other group purchasers, health care providers, and consumers. These entities will work together to establish a centralized cost and quality data system that will be used by the public and private sectors. The data collection advisory committee and the practice parameter advisory committee shall provide assistance to the institute.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following definitions apply.

(a) "Board" means the board of directors of the data institute.

(b) "Encounter level data" means data related to the provision of health care services to individual patients, enrollees, or insureds, including claims data, abstracts of medical records, and data from patient interviews and patient surveys.

(c) "Health carrier" has the definition provided in section 62A.011, subdivision 2.

Subd. 3. [OBJECTIVES OF THE DATA INSTITUTE.] The data institute shall:

- (1) provide direction and coordination for public and private sector data collection efforts;
- (2) establish a data system that provides users of data with the data necessary for their specific interests, in order to promote a high quality, cost-effective, consumer-responsive health care system;
- (3) use and build upon existing data sources and quality measurement efforts, and improve upon these existing data sources and measurement efforts through the integration of data systems and the standardization of concepts, to the greatest extent possible;
- (4) ensure that each segment of the health care industry can obtain data for appropriate purposes in a useful format and timely fashion; and
- (5) protect the privacy of individuals and minimize administrative costs.

The institute shall carry out these activities in accordance with the recommendations of the data collection plan developed by the data collection advisory committee, the Minnesota health care commission, and the commissioner of health, under subdivision 4.

Subd. 4. [DATA COLLECTION PLAN.] The commissioner, in consultation with the data collection advisory committee and the Minnesota health care commission, shall develop and implement a plan that:

- (1) provides data collection objectives, strategies, priorities, cost estimates, administrative and operational guidelines, and implementation timelines for the data institute; and
- (2) identifies the encounter level data needed for the commissioner to carry out the duties assigned in this chapter.

The plan must take into consideration existing data sources and data sources that can easily be made uniform for linkages to other data sets.

Subd. 5. [COMMISSIONER'S DUTIES.] The commissioner shall establish a public/private data institute in conjunction with health care providers, health carriers and other group purchasers, and consumers, to collect and process encounter level data that are required to be submitted to the commissioner under this chapter. The commissioner shall not collect encounter level data from individual health care providers until standardized forms and procedures are available. The commissioner shall establish a board of directors comprised of members of the public and private sector to provide oversight for the administration and operation of the institute. The commissioner may intervene in the direct operation of the institute, if this is necessary in the judgment of the commissioner to accomplish the institute's duties.

Subd. 6. [BOARD OF DIRECTORS.] The institute is governed by a 20 member board of directors consisting of the following members:

- (1) two representatives of hospitals, one appointed by the Minnesota Hospital Association and one appointed by the Minnesota Health Care Council;
- (2) three representatives of health carriers, one appointed by the Minnesota Council of Health Maintenance Organizations, one by Blue Cross/Blue Shield, and one by the Insurance Federation of Minnesota;
- (3) three consumer members appointed by the commissioner, at least one of whom must be a labor union representative;
- (4) four employer representatives appointed by the Minnesota Chamber of Commerce, two of whom must represent employers with less than 50 employees;
- (5) two physicians appointed by the Minnesota Medical Association;
- (6) one nursing representative appointed by the Minnesota Nurses Association;
- (7) three representatives of state agencies, one member representing the department of employee relations, one member representing the department of human services, and one member representing the department of health; and

(8) two researchers experienced in the collection and processing of encounter level data to be appointed by the commissioner.

Subd. 7. [TERMS; COMPENSATION; REMOVAL; AND VACANCIES.] The board is governed by section 15.0575.

Subd. 8. [STAFF.] The board may hire an executive director. The executive director is not a state employee, but is covered by section 3.736. The executive director may participate in the following plans for employees in the unclassified service: the state retirement plan, the state deferred compensation plan, and the health insurance and life insurance plans. The attorney general shall provide legal services to the board.

Subd. 9. [DUTIES.] The board shall provide assistance to the commissioner in determining what data projects should be pursued and how data will be validated for statistical and clinical significance. If the commissioner intends to depart from the advice and recommendations of the board, the commissioner shall inform the board of the intended departure, provide a written explanation of the reasons for the departure, and give the board the opportunity to comment on the departure. The board shall advise and make recommendations to the commissioner on:

- (1) the purpose of initiating a data collection project;
- (2) the expected benefit to the state from the project;
- (3) the methodology needed to assure the validity of the project without creating an undue burden to providers and payers;
- (4) the most appropriate method of collecting the necessary data; and
- (5) the projected cost to the state, health care providers, health carriers, and other group purchasers to complete the project.

Subd. 10. [DATA COLLECTION.] The commissioner, in consultation with the data institute board, may select a vendor to:

- (1) collect the encounter level data required to be submitted by group purchasers under sections 62J.38 and 62J.42, state agencies under section 62J.40, and health care providers under sections 62J.41 and 62J.42, using, to the greatest extent possible, standardized forms and procedures;
- (2) collect the encounter level data required for the initiatives of the health care analysis unit, under sections 62J.30 to 62J.34, using, to the greatest extent possible, standardized forms and procedures;
- (3) process the data collected to ensure validity, consistency, accuracy, and completeness, and as appropriate, merge data collected from different sources;
- (4) provide unaggregated, encounter-level data to the health care analysis unit within the department of health; and
- (5) carry out other duties assigned in this section.

Subd. 11. [USE OF DATA.] (a) The board of the data institute, with the advice of the data collection advisory committee and the practice parameter advisory committee, is responsible for establishing the methodology for the collection and analysis of the data and the development and dissemination of reports.

(b) The health care analysis unit is responsible for the analysis of the data and the development and dissemination of reports.

(c) The commissioner, in consultation with the board, shall determine when and under what conditions data disclosure to group purchasers, health care providers, consumers, researchers, and other appropriate parties may occur to meet the state's goals. The commissioner may require users of data to contribute toward the cost of data collection through the payment of fees. The commissioner shall require users of data to maintain the data according to the data privacy provisions applicable to the data.

Subd. 12. [CONTRACTING.] The commissioner, in consultation with the board, may contract with private sector entities to carry out the duties assigned in this section. The commissioner shall diligently seek to enter into contracts with private sector entities. Any contract must list the specific data to be collected and the methods to be used to collect and validate the data. Any contract must require the private sector entity to maintain the data collected according to the data privacy provisions applicable to the data.

Subd. 13. [DATA PRIVACY.] The board and the institute are subject to chapter 13.

Subd. 14. [STANDARDS FOR DATA RELEASE.] The data institute shall adopt standards for the collection, analysis, and dissemination of data collected on costs, spending, quality, outcomes, and utilization. These standards must be consistent with data privacy requirements. Standards for data on health care costs and spending must ensure that the data are collected, analyzed, and disseminated with consistency, accuracy, and completeness. Standards for data on quality, outcomes, and utilization must ensure that the data are collected, analyzed, and disseminated using scientifically and statistically valid techniques that are accurate and reliable, adjust for severity, and are appropriate for evaluating practice patterns and outcomes.

Subd. 15. [INFORMATION CLEARINGHOUSE.] The commissioner shall coordinate the activities of the data institute with the activities of the information clearinghouse established in section 62J.33, subdivision 2.

Subd. 16. [FEDERAL AND OTHER GRANTS.] The commissioner, in collaboration with the board, shall seek federal funding and funding from private and other nonstate sources for the initiatives required by the board.

Page 40, line 11, delete "13" and insert "14"

Page 46, line 31, delete everything after the period

Page 46, delete lines 32 and 33

Page 46, line 34, delete everything before "All"

Page 66, line 2, delete "and supervised"

Page 66, line 3, after "commissioner" insert "and accompanied by such appropriate conditions, supervision, and regulation"

Page 66, line 22, delete "The commissioner's"

Page 66, delete lines 23 to 35

Page 67, line 18, delete "Notwithstanding the"

Page 67, delete lines 19 to 24

Page 67, line 25, delete "commerce under sections 325D.49 to 325D.66."

Page 67, line 29, delete "ATTORNEY GENERAL CANNOT USE" and after "APPLICATION" insert "CANNOT BE USED"

Page 67, line 30, delete "PROSECUTE" and insert "IMPOSE LIABILITY"

Page 67, line 31, delete ", but the" and insert ": The"

Page 67, line 33, delete "to the attorney"

Page 67, line 34, delete "general" and after "any" insert "civil or criminal"

Page 67, line 35, after "general" insert "or any other person" and after "except" insert ": (1)"

Page 68, line 2, before the period, insert "; or (2) a proceeding based on actions taken by the applicant prior to submitting the application, where such actions are admitted to in the application"

Page 68, line 14, before the semicolon insert "of each party"

Page 71, after line 8, insert:

"Subd. 7. [COMMISSIONER'S AUTHORITY TO EXTEND TIME LIMITS.] The commissioner may extend any of the time limits stated in sections 62J.2915 and 62J.2916 at the request of the applicant or another person, but may not grant such extension unless good cause is shown."

Page 71, line 23, delete "submit" and insert "mail"

Page 71, line 24, after the period, insert "Within 30 days after the notice is published, the Minnesota health care commission or any regional coordinating board may mail such comments."

Page 71, line 26, delete "submit" and insert "mail"

Page 71, line 27, delete "comments" and insert "any comment" and delete "submitting" and insert "mailing such"

Page 71, line 28, delete "comments" and insert "comment"

Page 75, line 3, before "In" insert "The commissioner's analysis of cost must focus on the individual consumer of health care. Cost savings to be realized by providers, health carriers, group purchasers, or other participants in the health care system are relevant only to the extent that the savings are likely to be passed on to the consumer. However, where an application is submitted by providers or purchasers who are paid primarily by third party payors unaffiliated with the applicant, it is sufficient for the applicant to show that cost savings are likely to be passed on to the unaffiliated third party payors; the applicants do not have the burden of proving that third party payors with whom the applicants are not affiliated will pass on cost savings to individuals receiving coverage through the third party payors."

Page 76, line 4, after "access" insert "and bases that determination on a projected increase in utilization"

Page 76, line 6, delete "access is not due to" and insert "utilization does not reflect" and delete everything after "overutilization" and insert a period

Page 76, delete line 7

Page 76, line 15, delete "leading" and insert "likely to lead"

Page 78, line 17, delete "active"

Page 79, line 29, delete "active" and insert "appropriate"

Page 108, after line 26, insert:

"Sec. 4. Minnesota Statutes 1992, section 144.335, is amended by adding a subdivision to read:

Subd. 3b. [RELEASE OF RECORDS TO COMMISSIONER OF HEALTH OR DATA INSTITUTE.] Subdivision 3a does not apply to the release of health records to the commissioner of health or the data institute under chapter 62J, provided that the data are not in individually identifiable form."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 29, after the second semicolon insert "144.335, by adding a subdivision;"

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

The report was adopted.

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

H. F. No. 1182, A bill for an act relating to state lands; providing for the release of a state interest in certain property in the city of Minneapolis.

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. 1187, A bill for an act relating to labor and employment; advisory councils; extending the expiration date of labor and employment related advisory councils; amending Minnesota Statutes 1992, sections 79.51, subdivision 4; 175.008; 178.02, subdivision 2; 182.656, subdivision 3; 268.363; and 326.41.

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. 1228, A bill for an act relating to retirement; public employees retirement association and Minneapolis employees retirement fund; providing for the retention of pension coverage for certain transferred employees.

Reported the same back with the following amendments:

Page 1, delete section 2 and insert:

"Sec. 2. [EMPLOYEE CONTRIBUTION.]

(a) For employees of the Minneapolis community action council retaining public employees retirement association coverage under section 1, employee contributions must be deducted from salary at the applicable rate under Minnesota Statutes, section 353.27, subdivision 2.

(b) For employees of the Minneapolis community action council retaining Minneapolis employees retirement fund coverage under section 1, employee contributions must be deducted from salary as required under Minnesota Statutes, section 422A.10.

Sec. 3. [EMPLOYER CONTRIBUTION.]

(a) On behalf of employees retaining public employees retirement association coverage under section 1, the Minneapolis community action council must make an employer and additional employer contribution to the public employees retirement association as required under Minnesota Statutes, section 353.27, subdivisions 3 and 3a.

(b) On behalf of employees retaining Minneapolis employees retirement fund coverage under section 1, the Minneapolis community action council must make a contribution to the Minneapolis employees retirement fund equal to the same percentage of the covered payroll that the total contribution by the city of Minneapolis to the Minneapolis employees retirement fund for the previous calendar year bears to the total payroll in the previous calendar year of employees of the city of Minneapolis with coverage by the Minneapolis employees retirement fund.

Sec. 4. [LOCAL APPROVAL.]

Sections 1 to 3 are effective the day following approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021."

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1259, A bill for an act relating to the city of Minneapolis; extending authority to guarantee certain loans; amending Laws 1988, chapter 594, section 6, as amended.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1267, A bill for an act relating to metropolitan government; setting conditions for tax equivalent payments; amending Minnesota Statutes 1992, section 473.341.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1355, A bill for an act relating to agriculture; declaring llamas to be livestock and raising llama to be an agricultural pursuit; defining llama farming as agricultural production for purposes of the sales tax; amending Minnesota Statutes 1992, sections 17A.03, subdivision 5; 31A.02, subdivisions 4 and 10; 31B.02, subdivision 4; and 297A.01, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [17.453] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 and 2.

Subd. 2. [OWNER.] "Owner" means a person who owns or is responsible for the raising of ratitae.

Subd. 3. [RATITAE.] "Ratitae" means members of the ratitae family (including ostriches, emus, and rheas) that are raised for the purpose of producing fiber, meat, or animal by-products or as breeding stock.

Sec. 2. [17.454] [RATITAE.]

Subdivision 1. [RATITAE ARE LIVESTOCK.] Ratitae are livestock and are not wild animals for purposes of hunting or wildlife laws. Ratitae and their products are farm products and livestock for purposes of financial transactions and collateral.

Subd. 2. [RAISING RATITAE IS AN AGRICULTURAL PURSUIT.] Raising ratitae is agricultural production and an agricultural pursuit.

Subd. 3. [SALES OF RATITAE AND MEAT PRODUCTS.] Persons selling or buying ratitae sold as livestock, sold for human consumption, or sold for slaughter must comply with chapters 17A, 31A, and 31B.

Subd. 4. [DISEASE INSPECTION.] Ratitae are subject to chapter 35 and the rules of the board of animal health in the same manner as livestock and domestic animals, including provisions relating to importation and transportation.

Sec. 3. [17.455] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 3 and 4.

Subd. 2. [LLAMA.] "Llama" means a member of the genus lama that is raised for the purpose of producing fiber, meat, or animal by-products or as breeding stock.

Subd. 3. [OWNER.] "Owner" means a person who owns or is responsible for the raising of llamas.

Sec. 4. [17.456] [LLAMA.]

Subdivision 1. [LLAMAS ARE LIVESTOCK.] Llamas are livestock and are not wild animals for purposes of hunting or wildlife laws. Llamas and their products are farm products and livestock for purposes of financial transactions and collateral.

Subd. 2. [RAISING LLAMAS IS AN AGRICULTURAL PURSUIT.] Raising llamas is agricultural production and an agricultural pursuit.

Subd. 3. [SALES OF LLAMAS AND MEAT PRODUCTS.] Persons selling or buying llamas sold as livestock, sold for human consumption, or sold for slaughter must comply with chapters 17A, 31A, and 31B.

Subd. 4. [DISEASE INSPECTION.] Llamas are subject to chapter 35 and the rules of the board of animal health in the same manner as livestock and domestic animals, including provisions relating to importation and transportation.

Sec. 5. Minnesota Statutes 1992, section 17A.03, subdivision 5, is amended to read:

Subd. 5. [LIVESTOCK.] "Livestock" means cattle, sheep, swine, horses intended for slaughter, mules, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, and goats.

Sec. 6. Minnesota Statutes 1992, section 31.51, subdivision 9, is amended to read:

Subd. 9. "Animal" means cattle, swine, sheep, goats, horses, mules or other equines, llamas as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3.

Sec. 7. Minnesota Statutes 1992, section 31A.02, subdivision 4, is amended to read:

Subd. 4. [ANIMALS.] "Animals" means cattle, swine, sheep, goats, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, horses, equines, and other large domesticated animals, not including poultry.

Sec. 8. Minnesota Statutes 1992, section 31A.02, subdivision 10, is amended to read:

Subd. 10. [MEAT FOOD PRODUCT.] "Meat food product" means a product usable as human food and made wholly or in part from meat or a portion of the carcass of cattle, sheep, swine, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, or goats. "Meat food product" does not include products which contain meat or other portions of the carcasses of cattle, sheep, swine, llamas, ratitae, or goats only in a relatively small proportion or that historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the commissioner under the conditions the commissioner prescribes to assure that the meat or other portions of carcasses contained in the products are not adulterated and that the products are not represented as meat food products.

"Meat food product," as applied to products of equines, has a meaning comparable to that for cattle, sheep, swine, llamas, ratitae, and goats.

Sec. 9. Minnesota Statutes 1992, section 31B.02, subdivision 4, is amended to read:

Subd. 4. [LIVESTOCK.] "Livestock" means live or dead cattle, sheep, swine, horses, mules, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, or goats.

Sec. 10. Minnesota Statutes 1992, section 297A.01, subdivision 13, is amended to read:

Subd. 13. "Agricultural production," as used in section 297A.25, subdivision 9, includes, but is not limited to, horticulture; floriculture; raising of pets, fur bearing animals, research animals, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, and horses.

Sec. 11. [EFFECTIVE DATE.]

This act is effective the day after final enactment. Section 10 is effective for all open tax years.

Delete the title and insert:

"A bill for an act relating to agriculture; declaring llamas and ratitae to be livestock and raising llamas and ratitae to be agricultural pursuits; defining llamas and ratitae farming as agricultural production for purposes of the 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; and 297A.01, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 17."

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

The report was adopted.

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

H. F. No. 1366, A bill for an act relating to transportation; authorizing road authorities to develop, finance, design, construct, improve, rehabilitate, own, and operate toll facilities and to enter into agreements with private operators for the construction, maintenance, and operation of toll facilities; proposing coding for new law in Minnesota Statutes, chapter 160.

Reported the same back with the following amendments:

Page 7, after line 34, insert:

"Sec. 10. Minnesota Statutes 1992, section 163.07, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The county board of each county shall appoint and employ, as hereinafter provided, a county highway engineer who ~~may~~ shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required of the engineer. The county highway engineer may be removed by the county board during the term of office for which appointed only for incompetency or misconduct shown after a hearing upon due notice and upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party alleging the same."

Amend the title as follows:

Page 1, line 7, after the semicolon insert "providing for duties of county highway engineer; amending Minnesota Statutes 1992, section 163.07, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1404, A bill for an act relating to the city of New Brighton; permitting the city to acquire granular carbon without a bond.

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. 1408, A bill for an act relating to agriculture; redefining terms in the plant pest act; amending Minnesota Statutes 1992, section 18.46, subdivisions 3 and 9, and by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 3 and insert:

"Sec. 3. [18.525] [EXEMPT SALES.]

An organization does not need to obtain a nursery stock dealer certificate before offering nursery stock for sale or distribution if the organization:

- (1) is a nonprofit charitable, educational, or religious organization;
- (2) conducts sales or distributions of nursery stock on ten or fewer days in a calendar year; and
- (3) uses the proceeds from its nursery stock sales or distributions for charitable, educational, or religious purposes."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "exempting certain nonprofit organizations from the requirement for a nursery stock dealer certificate;"

Page 1, line 4, delete "subdivisions 3 and 9" and insert "subdivision 3"

Page 1, line 5, before the period insert "; proposing coding for new law in Minnesota Statutes, chapter 18"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1415, A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

Reported the same back with the following amendments:

Page 2, line 31, delete the first comma and insert "or" and after "barley" insert "grown or produced outside the continental United States"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1435, A bill for an act relating to metropolitan government; providing for minority representation on the metropolitan council; amending Minnesota Statutes 1992, section 473.123, subdivisions 1 and 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 473.123, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council. Of the 16 members, not less than three shall be either Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native, or disabled.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

Sec. 2. [APPOINTMENTS TO BE MADE WITHIN TWO YEARS.]

The governor shall make the appointments required by section 1 at the time the governor makes appointments pursuant to a redistricting plan enacted by the legislature, but in any case not later than two years from the effective date of this act.

Sec. 3. [APPLICATION.]

Sections 1 and 2 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, delete line 5 and insert "subdivision 3."

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. 1436, A bill for an act relating to the environment; appropriating money from the metropolitan landfill contingency trust fund to the commissioner of the pollution control agency for reimbursement to the city of Hopkins for remediation of methane at the city landfill; amending Laws 1991, chapter 182, section 7.

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.

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

H. F. No. 1450, A bill for an act relating to game and fish; authorizing expenditure of RIM funds for restoration of fish and wildlife habitat; amending Minnesota Statutes 1992, section 84.95, subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 8, insert:

"Sec. 2. [NATIVE PLANTINGS ON PUBLIC LANDS; REPORT.]

The commissioner of the department of natural resources, in consultation with the commissioners of the departments of transportation and agriculture and other interested persons, shall investigate the extent to which all state agencies and local units of government may be encouraged to plant on public lands trees, shrubs, and other plantings that are native to the habitat involved. The commissioner shall submit a report of findings made under this section to the environment and natural resources committees of the legislature by January 15, 1994."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "directing a report on plantings of native trees and shrubs;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1474, A bill for an act relating to county records; providing for the use of certain fees; amending Minnesota Statutes 1992, section 357.18, 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.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1479, A bill for an act relating to the city of Duluth; authorizing the establishment of a special service district in the city; authorizing provision of special services in the district; providing for the levy and collection of special service charges.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1493, A bill for an act relating to counties; allowing counties to impose fees or interest on late payments; amending Minnesota Statutes 1992, section 373.41.

Reported the same back with the following amendments:

Page 1, line 19, before the period insert "that are more than 90 days overdue"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1495, A bill for an act relating to child labor; changing penalty provisions of the child labor law; amending Minnesota Statutes 1992, section 181A.12.

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

The report was adopted.

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

H. F. No. 1496, A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; amending Minnesota Statutes 1992, section 145.64, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 145.61, is amended by adding a subdivision to read:

Subd. 4c. "Preferred provider organization" means an organization which enters into agreements with health insurance carriers and other entities to make available the services of health providers with which the preferred provider organization has agreements to provide health care services to their insureds or other covered persons.

Sec. 2. Minnesota Statutes 1992, section 145.61, subdivision 5, is amended to read:

Subd. 5. "Review organization" means a nonprofit organization acting according to clause (k) or a committee whose membership is limited to professionals, administrative staff, and consumer directors, except where otherwise provided for by state or federal law, and which is established by a hospital, by a clinic, by a nursing home, by one or more state or local associations of professionals, by an organization of professionals from a particular area or medical institution, by a health maintenance organization as defined in chapter 62D, by a nonprofit health service plan corporation as defined in chapter 62C, by a preferred provider organization, by a professional standards review organization established pursuant to United States Code, title 42, section 1320c-1 et seq., or by a medical review agent established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b), or by the department of human services, to gather and review information relating to the care and treatment of patients for the purposes of:

(a) evaluating and improving the quality of health care rendered in the area or medical institution;

- (b) reducing morbidity or mortality;
- (c) obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness and injuries;
- (d) developing and publishing guidelines showing the norms of health care in the area or medical institution;
- (e) developing and publishing guidelines designed to keep within reasonable bounds the cost of health care;
- (f) reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations, health service plans, preferred provider organizations, and insurance companies;
- (g) acting as a professional standards review organization pursuant to United States Code, title 42, section 1320c-1 et seq.;
- (h) determining whether a professional shall be granted staff privileges in a medical institution, membership in a state or local association of professionals, or participating status in a nonprofit health service plan corporation, health maintenance organization, preferred provider organization, or insurance company, or whether a professional's staff privileges, membership, or participation status should be limited, suspended or revoked;
- (i) reviewing, ruling on, or advising on controversies, disputes or questions between:
 - (1) health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, or self-insurers and their insureds, subscribers, ~~or~~ enrollees, or other covered persons;
 - (2) professional licensing boards and health providers licensed by them;
 - (3) professionals and their patients concerning diagnosis, treatment or care, or the charges or fees therefor;
 - (4) professionals and health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, or self-insurers concerning a charge or fee for health care services provided to an insured, subscriber, ~~or~~ enrollee, or other covered person;
 - (5) professionals or their patients and the federal, state, or local government, or agencies thereof;
 - (j) providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists;
 - (k) acting as a medical review agent under section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b);
 - (l) providing recommendations on the medical necessity of a health service, or the relevant prevailing community standard for a health service;
 - (m) reviewing a provider's professional practice as requested by the health care analysis unit under section 62J.32; or
 - (n) providing quality assurance as required by United States Code, title 42, sections 1396r(b)(1)(b) and 1395i-3(b)(1)(b) of the Social Security Act."

Page 1, line 7, delete "Section 1." and insert "Sec. 3."

Page 1, line 12, delete "board" and insert "organization"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "including preferred provider organizations in definition of review organizations;"

Page 1, line 4, delete "section" and insert "sections 145.61, subdivision 5, and by adding a subdivision; 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. 1504, A bill for an act relating to the environment; appropriating money for grants to the east central solid waste commission for payments on bonds issued for a composting facility.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Finance without further recommendation.

The report was adopted.

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

H. F. No. 1547, A bill for an act relating to Ramsey county; providing for functional consolidation of streets, highways, and roads in Ramsey county; providing for state-aid funding; amending Minnesota Statutes 1992, sections 162.09, by adding a subdivision; and 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 22 and 23, delete "for calendar years 1994 and 1995"

Page 1, line 24, delete "in Ramsey county over the population of 5,000"

Page 1, line 26, before the period insert "where the reduction in apportionment is the result of mileage increases under paragraph (a)"

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. 1569, A bill for an act relating to lead waste disposal; regulating the disposal of residential lead paint waste; authorizing rulemaking; providing for revocation of licenses in certain circumstances; 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 Environment and Natural Resources Finance.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1639, A bill for an act relating to agriculture; changing the bases for certain milk payments; amending Minnesota Statutes 1992, section 32.25, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 32.25, subdivision 1, is amended to read:

Subdivision 1. [MILK FAT, PROTEIN, AND SOLIDS NOT FAT BASES OF PAYMENT; TESTS.] ~~All Milk and cream must be purchased from producers shall be purchased by weight and using a formula based on one or more of the following methods:~~

- (1) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent fat;
- (2) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat for the pounds of milk fat contained in the milk;
- (2) (3) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat and above or below a base percent for the pounds of protein contained in the milk;
- (3) (4) payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat and above or below a base percent for the pounds of solids not fat contained in the milk; or
- (5) payment of standard rates based on other attributes of value in the milk.

In addition, an adjustment to the milk price may be made on the basis of milk quality, and the component price payment may be subject to the milk quality and other premiums.

Testing procedures for determining the percentages of milk fat, protein, and milk solids not fat ~~shall be~~ must comply with the Association of Analytical Chemists approved methods or be as adopted by rule.

Sec. 2. Minnesota Statutes 1992, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation, limited liability company, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, limited liability company, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Provided, however, that the restrictions in this subdivision do not apply to corporations or partnerships in clause (b) and do not apply to corporations, limited partnerships, and pension or investment funds that record its name and the particular exception under clauses (a) to (e) (f) under which the agricultural land is owned or farmed, have a conservation plan prepared for the agricultural land, report as required under subdivision 4, and satisfy one of the following conditions under clauses (a) to (e) (f):

- (a) a bona fide encumbrance taken for purposes of security;
- (b) a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership as defined in subdivision 2 or a general partnership;
- (c) agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973, or a pension or investment fund as of May 12, 1981, including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(d) agricultural land operated for research or experimental purposes with the approval of the commissioner of agriculture, provided that any commercial sales from the operation must be incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking to operate agricultural land for research or experimental purposes must submit to the commissioner a prospectus or proposal of the intended method of operation, containing information required by the commissioner including a copy of any operational contract with individual participants, prior to initial approval of an operation. A corporation, limited partnership, or pension or investment fund operating agricultural land for research or experimental purposes prior to May 1, 1988, must comply with all requirements of this clause except the requirement for initial approval of the project;

(e) agricultural land operated by a corporation or limited partnership for the purpose of raising breeding stock, including embryos, for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod;

(f) agricultural land and land capable of being used for farming leased by a corporation or limited partnership in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973, or to the limited partnership as of May 1, 1988, and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973, for a corporation or May 1, 1988, for a limited partnership in any five-year period, and the additional acreage reasonably necessary to meet the requirements of pollution control rules;

(g) agricultural land when acquired as a gift (either by grant or a devise) by an educational, religious, or charitable nonprofit corporation or by a pension or investment fund or limited partnership; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation or limited partnership which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;

(h) agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, or a limited partnership other than a family farm partnership or authorized farm partnership as defined in subdivision 2, for which the corporation or limited partnership has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation or limited partnership may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation;

(i) agricultural lands acquired by a pension or investment fund or a corporation or limited partnership by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ten years after acquiring the title if acquired before May 1, 1988, and five years after acquiring the title if acquired on or after May 1, 1988, acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ten-year or five-year period except under a lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership. The aforementioned ten-year or five-year limitation period shall be deemed a covenant running with the title to the land against any grantee, assignee, or successor of the pension or investment fund, corporation, or limited partnership. Notwithstanding the five-year divestiture requirement under this clause, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period;

(j) agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership;

(k) agricultural land, either leased or owned, totaling no more than 2,700 acres, acquired after May 20, 1973, for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2,000 acres of asparagus production;

(l) all agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, section 500.24, subdivision 1, clause (d), but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) a corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of this subdivision under the provisions of Laws 1973, chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975, in any five-year period and the additional ownership reasonably necessary to meet requirements of pollution control rules;

(o) agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978, and the additional ownership reasonably necessary to meet requirements of pollution control rules, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, chapter 324, section 1, subdivision 2;

(p) an interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d);

(q) agricultural land owned by a nursing home located in a city with a population, according to the state demographer's 1985 estimate, between 900 and 1,000, in a county with a population, according to the state demographer's 1985 estimate, between 18,000 and 19,000, if the land was given to the nursing home as a gift with the expectation that it would not be sold during the donor's lifetime. This exemption is available until July 1, 1995;

(r) the acreage of agricultural land and land capable of being used for farming owned and recorded by an authorized farm corporation as defined in Minnesota Statutes 1986, section 500.24, subdivision 2, paragraph (d), or a limited partnership as of May 1, 1988, including the normal expansion of the ownership at a rate not to exceed 20 percent of the land owned and recorded as of May 1, 1988, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(s) agricultural land owned or leased as a necessary part of an aquatic farm as defined in section 17.47, subdivision 3; and

(t) farming of livestock acquired by a pension or investment fund, corporation, limited partnership, or limited liability company in the collection of debts, or by a procedure for the enforcement of a lien or claim thereon, whether created by a security agreement or otherwise; provided, however, that all livestock so acquired be disposed of within one full production cycle for the type of livestock operation from which the livestock was acquired but in no case later than 18 months after acquisition or 18 months after the effective date of this subdivision, whichever is later. This clause does not diminish the rights existing under this section, for financial institutions insured by the FDIC or its successor.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1993, and is not subject to the contingency contained in Laws 1984, chapter 509, section 2."

Delete the title and insert:

"A bill for an act relating to agriculture; changing the bases for certain milk payments; changing provisions of the corporate farming law relating to livestock; amending Minnesota Statutes 1992, sections 32.25, subdivision 1; and 500.24, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

S. F. No. 186, A bill for an act relating to marriage dissolution; requiring more information on the notice to a public authority; amending Minnesota Statutes 1992, section 518.551, subdivision 5.

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

The report was adopted.

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

S. F. No. 283, A bill for an act relating to state lands; authorizing the conveyance of state land in St. Louis county.

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

The report was adopted.

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

S. F. No. 903, A bill for an act relating to public employees; authorizing a local police civil service commission to adopt rules allowing the striking of a name on the civil service eligible register after a one-year period; amending Minnesota Statutes 1992, section 419.06.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 104, 259, 534, 535, 540, 606, 663, 735, 738, 785, 807, 815, 825, 858, 893, 900, 950, 951, 964, 986, 1054, 1107, 1182, 1187, 1228, 1366, 1404, 1408, 1415, 1435, 1450, 1474, 1493, 1496, 1547 and 1639 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 568, 186, 283 and 903 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Munger, Trimble, Ozment, Pauly and Kahn introduced:

H. F. No. 1682, A bill for an act relating to the environment; regulating packaging; setting mandatory recycled content for certain products and packaging; listing preferences for use of packaging; regulating transport packaging; regulating disposable packaging; requiring use of reusable packaging for certain percentages of beverages sold or, in the alternative, refundable recycling deposits on nonreusable beverage packaging; requiring a wood waste and wood products residue marketing plan; providing penalties; amending Minnesota Statutes 1992, sections 16B.122, by adding a subdivision; 18B.135, by adding a subdivision; 115A.03, by adding a subdivision; 115A.072, subdivision 4; and 297A.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A; and 116F; repealing Minnesota Statutes 1992, sections 116F.01; 116F.02; 116F.05; 116F.06; and 116F.08.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia and Rukavina introduced:

H. F. No. 1683, A bill for an act relating to taxation; providing an exemption for certain property used to provide recreational activities for disabled veterans and their families; amending Minnesota Statutes 1992, section 272.02, subdivision 1.

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

Huntley, Asch, McCollum and Ness introduced:

H. F. No. 1684, A bill for an act relating to health; regulating physician advertising; amending Minnesota Statutes 1992, section 147.091, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Huntley introduced:

H. F. No. 1685, A bill for an act relating to state lands; requiring St. Louis county to allow a repurchase of certain tax-forfeited land.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Huntley introduced:

H. F. No. 1686, A bill for an act relating to occupations and professions; exempting retired physicians from a license surcharge; amending Minnesota Statutes 1992, section 147.01, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carruthers and Macklin introduced:

H. F. No. 1687, A bill for an act relating to business corporations; amending Minnesota Statutes 1992, section 302A.011, subdivision 6a.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Bertram introduced:

H. F. No. 1688, A bill for an act relating to education; authorizing a fund transfer for independent school district No. 750, Rocori area schools.

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

Hausman; Johnson, A.; Greiling and Weaver introduced:

H. F. No. 1689, A bill for an act relating to education; guaranteeing special education services to eligible infants and toddlers; providing services to other eligible children; amending Minnesota Statutes 1992, section 120.17, subdivisions 11b, 12, 14, 15, and by adding subdivisions.

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

Kahn, Simoneau and Tomassoni introduced:

H. F. No. 1690, A bill for an act relating to the attorney general; directing the attorney general to initiate an action in federal court to determine the validity of a federal law relating to wagering on sports events.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Solberg introduced:

H. F. No. 1691, A bill for an act relating to state lands; authorizing a sale and conveyance in Itasca county to resolve an inadvertent trespass.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

Osthoff introduced:

H. F. No. 1692, A bill for an act relating to taxation; allowing cities and counties to impose service charges on certain tax exempt property for certain expenditures; appropriating money; amending Minnesota Statutes 1992, section 272.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 429.

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

Osthoff introduced:

H. F. No. 1693, A bill for an act relating to the city of Saint Paul; authorizing the city to impose a sales tax and issue bonds.

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

Kelley, Neary, Hausman, Kelso and Lindner introduced:

H. F. No. 1694, A bill for an act relating to utilities; restricting approval of competitive rate schedules to those that apply to consumers requiring electric service with a connected load of at least 2,000 kilowatts; providing for determination by public utilities commission of competitive rate filings; amending Minnesota Statutes 1992, section 216B.162, subdivisions 2 and 7.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Krueger, Rodosovich, Pelowski, Morrison and Bettermann introduced:

H. F. No. 1695, A bill for an act relating to higher education; creating a higher education instructional telecommunications network; providing for grants from the higher education coordinating board for regional linkages, regional coordination, courseware development and usage, and faculty training; appropriating money.

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

Krueger introduced:

H. F. No. 1696, A bill for an act relating to economic development; creating a task force on the state's economic future and competitiveness; proposing coding for new law in Minnesota Statutes, chapter 116j.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Sviggunn; Weaver; Olson, M.; Dehler and Ness introduced:

H. F. No. 1697, A bill for an act relating to crime victims; restitution; requiring the deduction from a prison inmate's wages of unpaid restitution obligations from previous convictions; requiring the deduction of unpaid restitution obligations from tax refunds before deducting debts other than taxes and child support; permitting forfeited bail proceeds to be used to pay restitution obligations; waiving fees for the docketing of a restitution order as a civil judgment; amending Minnesota Statutes 1992, sections 243.23, subdivision 3; 270A.10; and 611A.04, subdivisions 1 and 3.

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

Bettermann, Gutknecht, Commers, Erhardt and Ness introduced:

H. F. No. 1698, A bill for an act relating to the legislature; requiring the publication of bill summaries; 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.

Skoglund introduced:

H. F. No. 1699, A bill for an act relating to education; precluding school boards from renewing or extending superintendents' contracts until six months before the contract expires; amending Minnesota Statutes 1992, section 123.34, subdivision 9.

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

CONSENT CALENDAR

H. F. No. 449, A bill for an act relating to education; independent school district No. 206, Alexandria; providing for the beginning of board terms.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 566, A bill for an act relating to telecommunications; extending authority of public utilities commission to approve incentive regulation plans for certain telephone companies; amending Laws 1989, chapter 74, section 27.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1050, A bill for an act relating to utilities; providing that primary fuel source determines whether power generating plant is a large energy facility for purposes of certificate of need process; amending Minnesota Statutes 1992, section 216B.2421, subdivision 2, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1063, A bill for an act relating to commerce; currency exchanges; changing the date for submission of license renewal applications; amending Minnesota Statutes 1992, section 53A.03.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1066 was reported to the House.

Steensma moved that H. F. No. 1066 be re-referred to the Committee on Agriculture. The motion prevailed.

H. F. No. 1074 was reported to the House.

Anderson, I., moved that H. F. No. 1074 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 1274, A bill for an act relating to veterans; authorizing the legislature to hear and determine claims by patients at the Minnesota veterans homes; amending Minnesota Statutes 1992, section 3.738, subdivision 1.

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

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

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Brown, K.	Commers	Dawkins	Dorn
Anderson, I.	Bauerly	Bettermann	Carlson	Cooper	Dehler	Erhardt
Anderson, R.	Beard	Bishop	Carruthers	Dauner	Delmont	Evans
Asch	Bergson	Blatz	Clark	Davids	Dempsey	Farrell

Frerichs	Jaros	Krueger	Morrison	Ostrom	Simoneau	Vickerman
Garcia	Jefferson	Lasley	Mosel	Ozment	Skoglund	Wagenius
Girard	Jennings	Leppik	Munger	Pauly	Smith	Waltman
Goodno	Johnson, A.	Limmer	Murphy	Pawlenty	Solberg	Weaver
Greenfield	Johnson, R.	Lindner	Neary	Pelowski	Sparby	Wejcman
Greiling	Johnson, V.	Lourey	Nelson	Perlt	Stanius	Wenzel
Gruenes	Kahn	Luther	Ness	Peterson	Steensma	Winter
Gutknecht	Kalis	Lynch	Olson, E.	Pugh	Sviggum	Wolf
Hasskamp	Kelley	Macklin	Olson, K.	Reding	Swenson	Worke
Haukoos	Kelso	Mahon	Olson, M.	Rest	Tomassoni	Workman
Hausman	Kinkel	Mariani	Onnen	Rhodes	Tompkins	Spk. Long
Holsten	Klinzing	McCollum	Opatz	Rodosovich	Trimble	
Hugoson	Knickerbocker	McGuire	Orenstein	Rukavina	Tunheim	
Huntley	Koppendrayner	Milbert	Orfield	Seagren	Van Dellen	
Jacobs	Krinkie	Molnau	Osthoff	Sekhona	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 1423, A bill for an act relating to unemployment compensation; modifying definitions; changing provisions relating to eligibility for and administration of unemployment compensation; amending Minnesota Statutes 1992, sections 268.04, subdivisions 4 and 12; 268.08, subdivisions 3 and 6; 268.09, subdivisions 1, 2, and 8; 268.10, subdivisions 2 and 6; 268.12, subdivision 12; 268.16, subdivision 4; and 268.161, subdivision 9.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1528 was reported to the House.

Lasley moved that H. F. No. 1528 be continued on the Consent Calendar. The motion prevailed.

S. F. No. 215, A bill for an act relating to courts; providing that the county law library fee may be collected in petty misdemeanor cases; amending Minnesota Statutes 1992, sections 134A.09, subdivision 2a; and 134A.10, subdivisions 3 and 4.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 729, A bill for an act relating to corrections; requiring the ombudsman to make biennial reports to the governor; amending Minnesota Statutes 1992, section 241.45, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 732, A bill for an act relating to law enforcement; exempting law enforcement agencies from the requirements of the criminal offender rehabilitation employment law; amending Minnesota Statutes 1992, section 364.09.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Cooper

The bill was passed and its title agreed to.

H. F. No. 846, A bill for an act relating to civil commitment; authorizing new procedures for return of certain patients who are absent from treatment facilities without authorization; amending Minnesota Statutes 1992, section 253B.23, subdivision 1a.

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

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

Those who voted in the affirmative were:

Abrams	Blatz	Delmont	Greiling	Jefferson	Knickerbocker	Macklin
Anderson, I.	Brown, K.	Dempsey	Gruenes	Jennings	Koppendrayner	Mahon
Anderson, R.	Carlson	Dorn	Gutknecht	Johnson, A.	Krinkie	Mariani
Asch	Carruthers	Erhardt	Hasskamp	Johnson, R.	Krueger	McCollum
Battaglia	Clark	Evans	Haukoos	Johnson, V.	Lasley	McGuire
Bauerly	Commers	Farrell	Hausman	Kahn	Leppik	Milbert
Beard	Cooper	Frerichs	Holsten	Kalis	Limmer	Molnau
Bergson	Dauner	Garcia	Hugoson	Kelley	Lindner	Morrison
Bertram	Davids	Girard	Huntley	Kelso	Lourey	Mosel
Bettermann	Dawkins	Goodno	Jacobs	Kinkel	Luther	Munger
Bishop	Dehler	Greenfield	Jaros	Klinzing	Lynch	Murphy

Neary	Orenstein	Perlt	Seagren	Steensma	Vellenga	Wolf
Nelson	Orfield	Peterson	Sekhon	Sviggum	Vickerman	Worke
Ness	Osthoff	Pugh	Simoneau	Swenson	Wagenius	Workman
Olson, E.	Ostrom	Reding	Skoglund	Tomassoni	Waltman	Spk. Long
Olson, K.	Ozment	Rest	Smith	Tompkins	Weaver	
Olson, M.	Pauly	Rhodes	Solberg	Trimble	Wejcman	
Onnen	Pawlenty	Rodosovich	Sparby	Tunheim	Wenzel	
Opatz	Pelowski	Rukavina	Stanisus	Van Dellen	Winter	

The bill was passed and its title agreed to.

H. F. No. 976, A bill for an act relating to counties; authorizing a county to transfer funds to and enter into contracts with community action agencies; amending Minnesota Statutes 1992, section 375.18, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1018, A bill for an act relating to limited liability companies; requiring biennial registration; proposing coding for new law in Minnesota Statutes, chapter 322B.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1296, A bill for an act relating to Pine county; permitting the county board to extend certain temporary land use controls.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1454, A bill for an act relating to the city of Hutchinson; permitting the city to erect certain signs.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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; amending Laws 1977, chapter 61, section 6, as amended.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

. 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.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dauids	Goodno	Leppik	Stanis
Dehler	Krinkie	Lindner	Waltman

The bill was passed and its title agreed to.

H. F. No. 270 was reported to the House.

Anderson, I., moved that H. F. No. 270 be continued on the Consent Calendar. The motion prevailed.

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.

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

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

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Brown, K.	Commers	Dawkins	Dorn
Anderson, I.	Bauerly	Bettermann	Carlson	Cooper	Dehler	Erhardt
Anderson, R.	Beard	Bishop	Carruthers	Dauner	Delmont	Evans
Asch	Bergson	Blatz	Clark	Dauids	Dempsey	Farrell

Frerichs	Jaros	Krueger	Morrison	Ostrom	Simoneau	Vickerman
Garcia	Jefferson	Lasley	Mosel	Ozment	Skoglund	Wagenius
Girard	Jennings	Leppik	Munger	Pauly	Smith	Waltman
Goodno	Johnson, A.	Limmer	Murphy	Pawlenty	Solberg	Weaver
Greenfield	Johnson, R.	Lindner	Neary	Pelowski	Sparby	Wejcman
Greiling	Johnson, V.	Lourey	Nelson	Perlt	Stanius	Wenzel
Gruenes	Kahn	Luther	Ness	Peterson	Steensma	Winter
Gutknecht	Kalis	Lynch	Olson, E.	Pugh	Sviggum	Wolf
Hasskamp	Kelley	Macklin	Olson, K.	Reding	Swenson	Worke
Haukoos	Kelso	Mahon	Olson, M.	Rest	Tomassoni	Workman
Hausman	Kinkel	Mariani	Onnen	Rhodes	Tompkins	Spk. Long
Holsten	Klinzing	McCollum	Opatz	Rodosovich	Trimble	
Hugoson	Knickerbocker	McGuire	Orenstein	Rukavina	Tunheim	
Huntley	Koppendrayar	Milbert	Orfield	Seagren	Van Dellen	
Jacobs	Krinkie	Molnau	Osthoff	Sekhon	Vellenga	

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frerichs

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dehler	Gutknecht	Krinkie	Lindner	Reding	Svigum
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The bill was passed and its title agreed to.

H. F. No. 1326 was reported to the House.

Anderson, I., moved that H. F. No. 1326 be continued on the Consent Calendar. The motion prevailed.

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, subdivisions 1 and 3; 525.544, subdivision 2; 525.58, subdivision 4; and 525.703, subdivisions 2 and 3.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Krinkie

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 1439, A bill for an act relating to crime; creating a commission on nonfelony enforcement to review the proportionality and enforcement of petty misdemeanor, misdemeanor, and gross misdemeanor offenses; requiring a report.

Reported the same back with the following amendments:

Page 1, line 7, delete "COMMISSION" and insert "ADVISORY COMMITTEE"

Page 1, lines 9, 10, 13, 16, and 24, delete "commission" and insert "advisory committee"

Page 2, line 4, delete "commission" and insert "advisory committee"

Page 2, delete lines 5 to 23 and insert:

"Subd. 3. [MEMBERSHIP.] The advisory committee consists of:

(1) three senators, no more than two of whom are from the same political party, appointed by the senate subcommittee on committees of the committee on rules and administration, and three members of the house of representatives, no more than two of whom are from the same political party, appointed by the speaker;

(2) two representatives from each of the following groups appointed by the chairs of the senate committee on crime prevention and the house judiciary committee:

(i) crime victim advocates;

(ii) county attorneys;

(iii) city attorneys;

(iv) professors of law with expertise in criminal justice;

(v) district court judges;

(vi) criminal defense attorneys;

(vii) probation officers; and

(viii) public members who are victims of crime;

(3) four law enforcement officials, including one municipal law enforcement official, one county law enforcement official, one conservation officer, and one member of the state patrol, appointed by the chairs of the senate committee on crime prevention and the house judiciary committee; and

(4) the state court administrator, who shall chair the advisory committee."

Page 2, line 24, delete "commission" and insert "advisory committee"

Amend the title as follows:

Page 1, line 2, delete "a commission" and insert "an advisory committee"

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

The report was adopted.

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. No. 163.

H. F. No. 163 was reported to the House.

The Speaker called Bauerly to the Chair.

Sparby moved to amend H. F. No. 163, the third engrossment, as follows:

Page 3, after line 17, insert:

"Sec. 4. 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."

Renumber sections and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sparby amendment and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

Abrams moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 10, line 22, delete everything after "exceed" and insert "an amount equal to 25 percent of the expenditure limits for the office sought by the"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Knickerbocker moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Pages 10 to 14, delete section 17

Renumber sections and correct internal references

Amend the title as follows:

Page 1, line 15, delete "changing"

Page 1, line 16, delete everything before "eliminating"

Page 1, line 36, delete "5,"

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker amendment and the roll was called. There were 73 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Gutknecht	Lindner	Ness	Rukavina	Vickerman
Asch	Dawkins	Haukoos	Luther	Olson, E.	Seagren	Waltman
Battaglia	Dehler	Holsten	Lynch	Olson, M.	Simoneau	Wejcmán
Beard	Delmont	Hugoson	Macklin	Onnen	Smith	Winter
Bettermann	Dempsey	Jacobs	Mahon	Osthoff	Solberg	Wolf
Bishop	Erhardt	Johnson, V.	Mariani	Ozment	Stanis	Worke
Blatz	Frerichs	Knickerbocker	Milbert	Pauly	Sviggum	Workman
Brown, K.	Garcia	Koppendrayner	Molnau	Pelowski	Tomassoni	
Carlson	Girard	Krinkie	Morrison	Pugh	Tompkins	
Carruthers	Goodno	Leppik	Munger	Rhodes	Trimble	
Commers	Gruenes	Limmer	Murphy	Rice	Van Dellen	

Those who voted in the negative were:

Anderson, I.	Evans	Johnson, A.	Lasley	Orenstein	Sekhon	Welle
Anderson, R.	Farrell	Johnson, R.	Lourey	Orfield	Skoglund	Wenzel
Bauerly	Greenfield	Kahn	McCollum	Ostrom	Sparby	Spk. Long
Bergson	Greiling	Kalis	McGuire	Pawlenty	Steensma	
Bertram	Hasskamp	Kelley	Mosel	Perl	Swenson	
Clark	Hausman	Kelso	Neary	Peterson	Tunheim	
Cooper	Huntley	Kinkel	Nelson	Reding	Vellenga	
Dauner	Jefferson	Klinzing	Olson, K.	Rest	Wagenius	
Dorn	Jennings	Krueger	Opatz	Rodosovich	Weaver	

The motion prevailed and the amendment was adopted.

Neary and Osthoff moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 16, delete lines 9 to 12

The motion prevailed and the amendment was adopted.

Dawkins was excused between the hours of 5:45 p.m. and 6:30 p.m.

Pawlenty moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 7, after line 30, insert:

"Sec. 10. 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."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Pawlenty amendment and the roll was called. There were 61 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Hugoson	Lourey	Ness	Rhodes	Wagenius
Bergson	Girard	Kelley	Luther	Olson, M.	Seagren	Waltman
Bettermann	Goodno	Kelso	Lynch	Onnen	Sekhon	Weaver
Blatz	Greiling	Koppendrayer	Macklin	Orfield	Smith	Wolf
Commers	Gruenes	Krinkie	McGuire	Ostrom	Stanius	Worke
Dehler	Gutknecht	Krueger	Molnau	Ozment	Sviggum	Workman
Dempsey	Haukoos	Lasley	Morrison	Pauly	Swenson	Spk. Long
Dorn	Hausman	Limmer	Mosel	Pawlenty	Van Dellen	
Erhardt	Holsten	Lindner	Neary	Rest	Vickerman	

Those who voted in the negative were:

Anderson, I.	Carruthers	Hasskamp	Kinkel	Nelson	Rice	Trimble
Anderson, R.	Clark	Huntley	Klinzing	Olson, E.	Rodosovich	Tunheim
Asch	Cooper	Jacobs	Knickerbocker	Olson, K.	Rukavina	Vellenga
Battaglia	Dauner	Jefferson	Leppik	Opatz	Simoneau	Wejcmann
Bauerly	Davids	Jennings	Mahon	Orenstein	Skoglund	Welle
Beard	Delmont	Johnson, A.	Mariani	Pelowski	Solberg	Wenzel
Bertram	Evans	Johnson, R.	McCollum	Perlt	Sparby	Winter
Bishop	Farrell	Johnson, V.	Milbert	Peterson	Steensma	
Brown, K.	Garcia	Kahn	Munger	Pugh	Tomassoni	
Carlson	Greenfield	Kalis	Murphy	Reding	Tompkins	

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

Blatz, Lynch and Leppik moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 7, after line 15, insert:

"Sec. 9. Minnesota Statutes 1992, section 10A.20, is amended by adding a subdivision to read:

Subd. 6b. (a) 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 a notice of the intent to make the expenditure with the board. (b) Notwithstanding the provision in clause (a), any expenditure made in excess of \$100 that occurs from the last day for filing for statewide or legislative office and prior to the 15 days immediately preceding an election must be disclosed by filing a notice within 48 hours of the expenditure made.

The notice must contain the information with respect to the expenditure that is required to be reported under subdivision 3, paragraph (g). Each new expenditure requires a new notice to the board. This subdivision does not apply to communications between an association and its members."

Page 8, after line 9, insert:

"Sec. 12. Minnesota Statutes 1992, section 10A.25, is amended by adding a subdivision to read:

Subd. 12. 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. This subdivision does not apply to communications between an association and its members."

Renumber sections and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Blatz et al amendment and the roll was called. There were 49 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Hausman	Leppik	Molnau	Pauly	Van Dellen
Bergson	Erhardt	Holsten	Lindner	Morrison	Pawlenty	Vickerman
Bishop	Frerichs	Hugoson	Luther	Mosel	Peterson	Waltman
Blatz	Girard	Kelley	Lynch	Ness	Rhodes	Weaver
Commers	Greiling	Knickerbocker	Macklin	Olson, M.	Smith	Wolf
Davids	Gutknecht	Koppendrayner	Mahon	Orenstein	Sviggum	Worke
Dempsey	Haukoos	Krinkie	McCollum	Ostrom	Swenson	Workman

Those who voted in the negative were:

Anderson, I.	Dauner	Jefferson	Limmer	Orfield	Sekhon	Wagenius
Anderson, R.	Dehler	Jennings	Mariani	Osthoff	Simoneau	Wejzman
Asch	Delmont	Johnson, A.	McGuire	Ozment	Skoglund	Welle
Battaglia	Evans	Johnson, R.	Milbert	Pelowski	Solberg	Wenzel
Bauerly	Farrell	Johnson, V.	Munger	Perl	Sparby	Winter
Beard	Garcia	Kahn	Murphy	Pugh	Stanis	Spk. Long
Bertram	Goodno	Kalis	Neary	Reding	Steensma	
Bettermann	Greenfield	Kelso	Nelson	Rest	Tomassoni	
Brown, K.	Gruenes	Kinkel	Olson, E.	Rice	Tompkins	
Carlson	Hasskamp	Klinzing	Olson, K.	Rodosovich	Trimble	
Carruthers	Huntley	Krueger	Onnen	Rukavina	Tunheim	
Cooper	Jacobs	Lasley	Opatz	Seagren	Vellenga	

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

Swenson and Weaver moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Pages 23 to 25, delete section 29 and insert:

"Sec. 29. Minnesota Statutes 1992, section 290.06, is amended by adding a subdivision to read:

Subd. 25. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] A taxpayer may take a credit against the tax due of 50 percent but not more than \$50 of the taxpayer's contributions to a political party or candidate. A married couple filing jointly may take a credit of 50 percent of the tax due up to \$100. No credit shall be allowed under this subdivision for a contribution to a candidate who has not signed an agreement to comply with the spending limits in section 10A.25. The department of revenue shall provide on the first page of the Minnesota tax form appropriate provisions for the credit under this subdivision."

Page 25, after line 28, insert:

"Sec. 33. [REPEALER.]

Minnesota Statutes 1992, section 290.06, subdivision 23, is repealed."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Swenson moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 18, after line 7, insert:

"Sec. 24. Minnesota Statutes 1992, section 10A.323, is amended to read:

10A.323 [MATCHING REQUIREMENTS.]

Subdivision 1. [AFFIDAVIT.] In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy from the state elections campaign fund a candidate shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions, including unexpended balances from the year before, equal to 20 30 percent or more of the ~~minimum amount that the board estimates, on August 15 of the general election year, would be received by the candidate from the state elections campaign fund~~ spending limits for the office the candidate seeks. The contributions must be received from individuals residing in the district where the candidate seeks election.

Subd. 2. [DEADLINE.] The candidate or the candidate's treasurer shall submit the affidavit required by this subdivision to the board in writing by October 1 of the general election year."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Swenson amendment and the roll was called. There were 37 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Limmer	Onnen	Sviggum	Workman
Bettermann	Frerichs	Holsten	Lindner	Pauly	Swenson	
Blatz	Girard	Hugoson	Lynch	Pawlenty	Tompkins	
Commers	Goodno	Johnson, V.	Macklin	Seagren	Van Dellen	
Dehler	Gruenes	Koppendrayner	Molnau	Smith	Vickerman	
Dempsey	Gutknecht	Krinkie	Ness	Stanis	Worke	

Those who voted in the negative were:

Anderson, I.	Dauner	Jefferson	Lourey	Olson, M.	Rice	Waltman
Anderson, R.	Davids	Jennings	Luther	Opatz	Rodosovich	Weaver
Asch	Dawkins	Johnson, A.	Mahon	Orenstein	Rukavina	Wejzman
Battaglia	Delmont	Johnson, R.	Mariani	Orfield	Sekhon	Welle
Bauerly	Dorn	Kahn	McCollum	Osthoff	Simoneau	Wenzel
Beard	Evans	Kalis	McGuire	Ostrom	Skoglund	Winter
Bergson	Farrell	Kelley	Milbert	Ozment	Solberg	Wolf
Bertram	Garcia	Kelso	Morrison	Pelowski	Sparby	Spk. Long
Bishop	Greenfield	Kinkel	Mosel	Perlt	Steensma	
Brown, K.	Greiling	Klinzing	Munger	Peterson	Tomassoni	
Carlson	Hasskamp	Knickerbocker	Murphy	Pugh	Trimble	
Carruthers	Hausman	Krueger	Neary	Reding	Tunheim	
Clark	Huntley	Lasley	Nelson	Rest	Vellenga	
Cooper	Jacobs	Leppik	Olson, E.	Rhodes	Wagenius	

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

Van Dellen, Molnau, Lindner and Leppik moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 18, after line 7, insert:

"Sec. 24. [10A.3235.] [ADDITIONAL PUBLIC SUBSIDY REQUIREMENT.]

In addition to the requirements of sections 10A.322 and 10A.323, in order to be eligible for a public subsidy from the state elections campaign fund, a candidate must be seeking (a) election to an office the candidate does not presently hold, or (b) re-election to an office the candidate has held for not longer than 10 years."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Van Dellen et al amendment and the roll was called. There were 36 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Bettermann	Frerichs	Hugoson	Lynch	Rhodes	Van Dellen
Blatz	Girard	Koppendrayner	Molnau	Seagren	Vickerman
Commers	Goodno	Krinkie	Ness	Smith	Waltman
Dehler	Gruenes	Leppik	Olson, M.	Stanis	Weaver
Dempsey	Gutknecht	Limmer	Pauly	Sviggum	Worke
Erhardt	Haukoos	Lindner	Pawlenty	Swenson	Workman

Those who voted in the negative were:

Abrams	Cooper	Huntley	Krueger	Nelson	Reding	Tunheim
Anderson, I.	Dauner	Jacobs	Lasley	Olson, E.	Rest	Vellenga
Anderson, R.	Dauids	Jefferson	Lourey	Olson, K.	Rice	Wagenius
Asch	Dawkins	Jennings	Luther	Onnen	Rodosovich	Wejzman
Battaglia	Delmont	Johnson, A.	Macklin	Opatz	Rukavina	Welle
Bauerly	Dorn	Johnson, R.	Mahon	Orenstein	Sekhon	Wenzel
Beard	Evans	Johnson, V.	Mariani	Orfield	Simoneau	Winter
Bergson	Farrell	Kahn	McCollum	Osthoff	Skoglund	Wolf
Bertram	Garcia	Kalis	McGuire	Ostrom	Solberg	Spk. Long
Bishop	Greenfield	Kelley	Milbert	Ozment	Sparby	
Brown, K.	Greiling	Kelso	Morrison	Pelowski	Steensma	
Carlson	Hasskamp	Kinkel	Mosel	Perlt	Tomassoni	
Carruthers	Hausman	Klinzing	Murphy	Peterson	Tompkins	
Clark	Holsten	Knickerbocker	Neary	Pugh	Trimble	

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

Sviggum moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 10, after line 31, insert:

"Sec. 17. Minnesota Statutes 1992, section 10A.31, subdivision 4, is amended to read:

Subd. 4. The amounts designated by individuals for the state elections campaign fund, less three percent, are appropriated from the general fund and shall be appropriated from the general fund to the ethical practices board to pay the public matching subsidy under section 10A.312. To the extent possible, the public matching subsidy must be paid from the general account money in the state elections campaign fund. If the general account money is insufficient for this purpose, the public matching subsidy must be paid from the party account money. Any funds remaining in the state elections campaign fund after the payment of public matching subsidies must be credited to the appropriate account in the state elections campaign fund and annually appropriated for distribution as set forth in subdivisions 5, 6 and 7. An amount equal to three percent shall be retained in the general fund for administrative costs."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 53 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Olson, M., moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 23, line 25, strike "\$50" and insert "\$25"

Page 23, line 26, strike "\$100" and insert "\$50"

Page 24, after line 8, insert:

"(2) has agreed not to accept, and does not accept, contributions from political funds;"

Page 24, line 9, strike "(2)" and insert "(3)"

Page 24, line 11, strike "(3)" and insert "(4)"

A roll call was requested and properly seconded.

The question was taken on the Olson, M., amendment and the roll was called. There were 46 yeas and 82 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Krinkie, Worke and Molnau moved to amend H. F. No. 163, the third engrossment, as amended, as follows:

Page 4, after line 21, insert:

"Sec. 7. [10A.156] [POLITICAL FUND CONTRIBUTIONS RESTRICTED.]

A political fund may not make a contribution to a party unit, a candidate's principal campaign committee or a political committee whose major purpose is to influence the nomination or election of a candidate. No party unit, candidate or treasurer of a candidate's principal campaign committee, or other political committee whose major purpose is to influence the nomination or election of a candidate may solicit or accept a contribution from or on behalf of a political fund."

Renumber and correct internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "restricting contributions by political funds;"

A roll call was requested and properly seconded.

The question was taken on the Krinkie et al amendment and the roll was called. There were 48 yeas and 79 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Sviggum, Koppendrayer, Molnau, Lindner, Dempsey and Leppik offered an amendment to H. F. No. 163, the third engrossment, as amended.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 3.09 that the Sviggum et al amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

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; 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.065, subdivision 1; 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 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.

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

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Cooper	Huntley	Krueger	Murphy	Pugh	Tomassoni
Anderson, R.	Dauner	Jacobs	Lasley	Neary	Reding	Tompkins
Asch	Dawkins	Jefferson	Limmer	Nelson	Rest	Trimble
Battaglia	Delmont	Jennings	Lourey	Olson, E.	Rice	Vellenga
Bauerly	Dorn	Johnson, A.	Luther	Olson, K.	Rodosovich	Wagenius
Beard	Evans	Johnson, R.	Macklin	Opatz	Sekhon	Wejcman
Bergson	Farrell	Johnson, V.	Mahon	Orenstein	Simoneau	Welle
Bertram	Garcia	Kahn	Mariani	Orfield	Skoglund	Wenzel
Bishop	Greenfield	Kalis	McCollum	Ostrom	Smith	Winter
Brown, K.	Greiling	Kelley	McGuire	Pawlenty	Solberg	Workman
Carlson	Hasskamp	Kelso	Milbert	Pelowski	Sparby	Spk. Long
Carruthers	Hausman	Kinkel	Mosel	Perlt	Stanisus	
Clark	Holsten	Klinzing	Munger	Peterson	Steensma	

Those who voted in the negative were:

Abrams	Dempsey	Gutknecht	Leppik	Olson, M.	Rukavina	Vickerman
Bettermann	Erhardt	Haukoos	Lindner	Onnen	Seagren	Waltman
Blatz	Frerichs	Hugoson	Lynch	Osthoff	Sviggum	Weaver
Commers	Girard	Knickerbocker	Molnau	Ozment	Swenson	Wolf
Dauids	Goodno	Koppendrayer	Morrison	Pauly	Tunheim	Worke
Dehler	Gruenes	Krinkie	Ness	Rhodes	Van Dellen	

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

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

Orfield moved that the name of Evans be added as an author on H. F. No. 671. The motion prevailed.

Milbert moved that the names of Evans and Greiling be added as authors on H. F. No. 1025. The motion prevailed.

Stanisus moved that the name of Reding be added as an author on H. F. No. 1095. The motion prevailed.

Onnen moved that the name of Murphy be added as an author on H. F. No. 1209. The motion prevailed.

Steensma moved that the name of Bettermann be added as an author on H. F. No. 1225. The motion prevailed.

Clark moved that the names of Goodno and Blatz be added as authors on H. F. No. 1371. The motion prevailed.

Farrell moved that the name of Kalis be added as an author on H. F. No. 1423. The motion prevailed.

Krueger moved that the name of Evans be added as an author on H. F. No. 1429. The motion prevailed.

Clark moved that the name of Evans be added as chief author on H. F. No. 1608. The motion prevailed.

Wenzel moved that the name of Steensma be added as an author on H. F. No. 1639. The motion prevailed.

Limmer moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, March 22, 1993, when the vote was taken on the final passage of H. F. No. 233." The motion prevailed.

Beard moved that H. F. No. 877 be recalled from the Committee on Economic Development, Infrastructure and Regulation Finance and be re-referred to the Committee on Environment and Natural Resources Finance. The motion prevailed.

Anderson, I., moved that H. F. No. 1402 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Agriculture. The motion prevailed.

Hasskamp moved that H. F. No. 1552 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Governmental Operations and Gambling. The motion prevailed.

Jacobs moved that H. F. No. 1601 be recalled from the Committee on Regulated Industries and Energy and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Jacobs moved that H. F. No. 1609 be recalled from the Committee on Governmental Operations and Gambling and be re-referred to the Committee on Regulated Industries and Energy. The motion prevailed.

Krueger moved that H. F. No. 1658 be recalled from the Committee on Commerce and Economic Development and be re-referred to the Committee on Governmental Operations and Gambling. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, April 8, 1993. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, April 8, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives