

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

NINETY-FIRST DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 15, 1994

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

Prayer was offered by the Reverend James Fretheim, Bloomington Covenant Church, Bloomington, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Farrell was excused until 1:45 p.m. Carruthers was excused until 2:30 p.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 13, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Anderson:

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. 1934, relating to corporations; modifying provisions for the organization and operation of business corporations.

H. F. No. 2187, relating to state lands; authorizing the sale of certain lands in Mille Lacs county to resolve a trespass situation.

H. F. No. 2306, relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes.

H. F. No. 2562, relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief.

H. F. No. 2646, relating to agriculture; expanding the restricted seed potato growing area.

H. F. No. 1890, relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

H. F. No. 1886, relating to insurance; regulating insurers, investments, rehabilitations and liquidations, policy loans, and alternative coverage mechanisms.

H. F. No. 1964, relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals.

H. F. No. 2487, relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
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 1994 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
2073		416	1:15 p.m. April 13	April 13
	1934	417	1:04 p.m. April 13	April 13
	2187	418	1:06 p.m. April 13	April 13
1692		419	1:17 p.m. April 13	April 13
	2306	420	1:03 p.m. April 13	April 13
	2562	421	1:07 p.m. April 13	April 13
	2646	422	1:08 p.m. April 13	April 13
	1890	423	1:09 p.m. April 13	April 13
1826		424	1:20 p.m. April 13	April 13
	1886	425	1:10 p.m. April 13	April 13
	1964	426	1:12 p.m. April 13	April 13
	2487	427	1:13 p.m. April 13	April 13
2671		428	1:22 p.m. April 13	April 13
2462		429	1:25 p.m. April 13	April 13
2464		430	1:24 p.m. April 13	April 13
2598		431	1:25 p.m. April 13	April 13
2135		432	1:27 p.m. April 13	April 13
2345		433	1:02 p.m. April 13	April 13
2572		434	1:31 p.m. April 13	April 13
2582		435	1:33 p.m. April 13	April 13
2503		436	1:35 p.m. April 13	April 13
1959		437	1:38 p.m. April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Rest from the Committee on Taxes to which was referred:

H. F. No. 3193, A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; providing procedures for use of obligations to satisfy unfunded pension liabilities; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 353A.09, subdivision 5; 383.06, subdivision 2; 423A.02, subdivision 1; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.157; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5, and by adding a subdivision; 471.562, subdivision 3, and by adding a subdivision; 475.51, subdivision 4; 475.52, subdivisions 1 and 6; 475.53, subdivision 5; 475.54, subdivision 16; 475.60, by adding a subdivision; and 475.79; Minnesota Statutes 1993 Supplement, sections 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the following amendments:

Page 1, after line 25, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 124.91, subdivision 3, is amended to read:

Subd. 3. [POST-JUNE 1992 LEASE PURCHASE, INSTALLMENT BUYS.] (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b)(1) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law.

(2) An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) In this subdivision, "district" means:

(1) a school district required to have a comprehensive plan for the elimination of segregation whose plan has been determined by the commissioner to be in compliance with the state board of education rules relating to equality of educational opportunity and school desegregation; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) Projects may be approved under this section by the commissioner in fiscal years 1993, 1994, and 1995 only.

(g) For the purposes of this subdivision, any references in subdivision 1 to building or land shall be deemed to include personal property."

Pages 10 to 12, delete section 3

Pages 13 and 14, delete section 5

Page 16, after line 27, insert:

"Sec. 8. Minnesota Statutes 1992, section 469.015, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp revenue bonds; and

(3) in the case of any building at least 75 percent of the useable square footage of which constitutes a housing development project if:

(i) the project is financed with the proceeds of bonds issued under section 469.034 or from nongovernmental sources;

(ii) the project is either located on land that is owned or is being acquired by the authority only for development purposes, or is not owned by the authority at the time the contract is entered into but the contract provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond for the following projects:

(1) a contract described in paragraph (a), clause (1);

(2) a construction change order for a housing project in which 30 percent of the construction has been completed;

(3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or

(4) a services or materials contract for a housing project.

For purposes of this paragraph, "services or materials contract" does not include construction contracts."

Pages 17 and 18, delete section 10

Page 20, delete section 15

Pages 21 and 22, delete section 18

Pages 22 and 23, delete section 20

Page 23, line 27, delete "AAA" and insert "A"

Pages 24 and 25, delete section 23

Page 25, after line 9, insert:

"Sec. 19. Minnesota Statutes 1992, section 475.66, subdivision 1, is amended to read:

Subdivision 1. All debt service funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest-bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. Sufficient cash for payment of principal, interest, and redemption premiums when due with respect to the obligations for which any debt service fund is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund, provided however, that the governing body may authorize the purchase of longer term investments subject to an agreement to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so

required, provided that the exclusion as investments of mortgage-backed securities that are defined as high risk under subdivision 5 does not apply to repurchase agreements if the margin requirement under the repurchase agreement is 101 percent. Repurchase agreements may be entered into with

- (1) a bank qualified as depository of money held in the debt service fund;
- (2) any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds \$10,000,000;
- (3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; or
- (4) a securities broker-dealer having its principal executive office in Minnesota, licensed pursuant to chapter 80A, or an affiliate of it, regulated by the securities and exchange commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt."

Page 25, line 24, delete "1" and insert "2"

Page 25, line 25, delete "2" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "providing"

Page 1, delete line 6

Page 1, line 7, delete "pension liabilities" and insert "allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements"

Page 1, line 12, delete everything after the semicolon

Page 1, line 13, delete "5;" and delete "423A.02, subdivision 1;"

Page 1, line 15, delete "469.157" and insert "469.015, subdivision 4"

Page 1, line 16, delete ", and by"

Page 1, line 17, delete "adding a subdivision"

Page 1, line 18, delete "475.51, subdivision 4;"

Page 1, line 19, delete "subdivisions 1 and 6" and insert "subdivision 1"

Page 1, line 20, delete "475.60, by adding a subdivision" and insert "475.66, subdivision 1"

Page 1, line 21, after "sections" insert "124.91, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3210, A bill for an act relating to human services; appropriating money for the departments of human services and health, and the ombudsman for mental health and mental retardation; modifying certain provisions relating to health and human services programs and activities; amending Minnesota Statutes 1992, sections 62A.046;

62A.048; 62A.27; 62A.31, by adding a subdivision; 144.0721, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 62A.045; 144.551, subdivision 1; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 2; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; and 626.556, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 137; 245; 246; 252; 253; and 256; repealing Minnesota Statutes 1992, sections 14.38; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 252.275, subdivisions 4a and 10; and 256B.501.

Reported the same back with the following amendments:

Page 2, line 22, before "APPROPRIATIONS" insert "HUMAN SERVICES"

Page 3, line 6, delete "\$36,351,000" and insert "\$36,253,000"

Page 7, delete lines 54 to 62 and insert:

"Total Appropriation	-0-	\$185,000
Summary by Fund		
General	-0-	70,000
State Government Special Revenue	-0-	115,000

This appropriation is added to the appropriation in Laws 1993, First Special Session chapter 1, article 1, section 3.

[HEALTH CARE ACCESS OFFICE GRANTS.] Of this appropriation, \$50,000 in fiscal year 1995 is appropriated to the commissioner of health to award a grant to an existing health care access office and to a rural community to establish a health care access office. Recipients of the grants must provide a local match equal to 30 percent of the state grant. A health care access office is a nonprofit organization that provides direct client services that increase access to health care by providing a single point of access for financial assessment and assistance, information and assisted referral to existing public and private health care programs and services, advocacy, counseling, and case management."

Page 8, delete lines 1 to 12

Page 8, line 14, delete "the general fund money"

Page 8, delete lines 15 to 17 and insert "this appropriation, \$20,000 is appropriated to the commissioner of"

Page 8, line 25, delete "the" and after "\$115,000" insert "is"

Page 8, delete lines 28 and 29

Page 8, line 42, delete "act" and insert "article"

Page 91, line 26, after "(a)" insert "(1)"

Page 92, after line 8, insert:

"(2) Notwithstanding the limit in clause (1), the hospital cost index for admissions under the medical assistance program, but excluding admissions under the general assistance medical care program, shall include an additional 1.25 percent for changes in technology for admissions occurring on or after April 1, 1994."

Page 92, line 18, delete everything after the period

Page 92, delete lines 19 and 20

Page 193, line 19, delete "act" and insert "article"

Page 196, line 23, after "[ICF/MR REPEALER.]" insert "Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f, are repealed"

Page 196, line 26, delete everything after "law" and insert a period

Page 196, delete lines 27, 28, and 29

Page 196, after line 29, insert:

"Subd. 3. [HOSPITAL PEER GROUPS REPEALER.] Minnesota Statutes 1993 Supplement, section 256.969, subdivision 24, is repealed."

Page 198, line 7, delete "revise" and insert "revive"

Page 200, line 33, delete the new language

Page 200, line 34, delete the new language

Page 203, after line 15, insert:

"Sec. 12. Minnesota Statutes 1992, section 253.015, is amended by adding a subdivision to read:

Subd. 3a. [SERVICES FOR PERSONS WITH MENTAL ILLNESS AT VIRGINIA REGIONAL MEDICAL CENTER COMPLEX.] The commissioner shall locate the state-operated inpatient psychiatric program authorized in subdivision 3, paragraph (b), in space provided in the Virginia Regional Medical Center Complex, located in Virginia, notwithstanding any contrary provisions of subdivision 3, paragraph (b). The commissioner may enter into any necessary agreements with the governing authority of the Virginia Regional Medical Center Complex and may request assistance for capital improvements in order to locate these state-operated inpatient beds at the complex. Other state-operated mental health services, as determined by the commissioner, may also be located at the complex."

Page 208, line 1, delete "13" and insert "14"

Renumber the sections in sequence and correct internal references

Page 208, after line 2, insert:

"ARTICLE 5

HEALTH DEPARTMENT; VETERANS NURSING HOMES BOARD;
COUNCIL ON DISABILITY

Section 1. [APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this article, to be available for the fiscal years indicated for each purpose. The figures "1994" and "1995" where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994, or June 30, 1995, respectively. Where a dollar amount appears in parentheses, it means a reduction of an appropriation.

Sec. 2. [UNCODIFIED LANGUAGE.]

All uncodified language in this article expires on June 30, 1995, unless a different expiration is specified.

Sec. 3. [FUNDING SOURCE.]

All language in this article designating an appropriation refers to a general fund appropriation unless a different fund is specifically referenced.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ 25,000	\$ 2,934,000	\$ 2,959,000
State Government Special Revenue	115,000	169,000	284,000
TOTAL	\$ 140,000	\$ 2,903,000	\$ 3,043,000

APPROPRIATIONS
Available for the Year
Ending June 30

1994	1995
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Sec. 4. COMMISSIONER OF HEALTH

Total Appropriation	\$ 140,000	\$ 2,396,000
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Summary by Fund

General	25,000	2,227,000
State Government Special Revenue	115,000	169,000

This appropriation is added to the appropriation in Laws 1993, First Special Session chapter 1, article 1, section 3.

(a) Tuberculosis Control Drugs

Of this appropriation, \$150,000 is added for fiscal year 1995 to the appropriation in Laws 1993, First Special Session chapter 1, article 1, section 3, subdivision 2, for tuberculosis control drugs.

Local boards of health must use funds that otherwise would have been expended for tuberculosis drugs, for other tuberculosis control activities. For purposes of this rider, "funds that otherwise would have been expended for tuberculosis drugs" means the amount expended for tuberculosis drugs in calendar year 1993.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

The commissioner may utilize a portion of this appropriation to contract with a pharmacist to dispense the tuberculosis drugs.

(b) Women's Health Initiative

Of this appropriation, \$333,000 is added for fiscal year 1995 to the appropriation in Laws 1993, First Special Session chapter 1, article 1, section 3, subdivision 4, to be available on January 1, 1995, and is for women's health initiatives.

The appropriation to the commissioner of health for the purposes of the women's health center shall not become part of the base level funding for the 1995-1996 biennial budget. The commissioner shall report to the division the status of the center as part of the 1995-1996 biennial budget process.

(c) Vital Statistics System Reengineering

Of this appropriation, \$25,000 for fiscal year 1994 and \$125,000 for fiscal year 1995 is added to the appropriations in Laws 1993, First Special Session chapter 1, article 1, section 3, subdivision 5, and are for planning and pilot projects for automating systems for vital statistics.

(d) State Government Special Revenue (SGSR) Fund Adjustments

\$115,000 in fiscal year 1994 and \$115,000 in fiscal year 1995 is appropriated from the SGSR fund for SGSR fund adjustments.

(e) Feasibility Study on Enhancing Ambulance Services

Of this appropriation, \$35,000 is appropriated for fiscal year 1995 to the commissioner of health for the purpose of a grant to West Central Minnesota EMS Corporation, the current contract holder under Minnesota Statutes, section 144.8093, to conduct a study to determine the feasibility of expanding the scope of services provided by ambulance service providers to better address the out-of-hospital health care needs of rural Minnesota populations.

The grantee may itself undertake the study or may contract with another entity to undertake the study.

The study must be undertaken in consultation with community health services, hospitals, physicians, and nurses to consider potential areas for expanded ambulance personnel roles and responsibilities. The study must include, but is not limited to, analyzing:

- (1) ways of supporting current health care provider services and personnel;
- (2) additional training needs;
- (3) statutory issues;

APPROPRIATIONS
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1994 1995

- (4) potential liability;
- (5) third-party reimbursement consequences; and
- (6) the unique needs of the sick and injured in rural areas.

The study must consider only the out-of-hospital health care needs of the rural population in Minnesota.

The commissioner shall report the findings and recommendations of the study to the legislature no later than January 1, 1995.

(f) Home Visiting Program

Of this appropriation, \$500,000 is to the commissioner of health for the purposes of the home visiting program.

(g) Strep Study

Of this appropriation, \$75,000 is to the commissioner of health for fiscal year 1995 to be awarded as a grant to an entity which will conduct a feasibility study to determine the efficacy of conducting throat cultures for evidence of streptococcal infection in selected symptomatic students. The study must be conducted in three schools, one of which is in rural Minnesota and one of which is in a core city. The study must be conducted with students in grades K-12.

The grantee must be a Minnesota institution of higher learning which is affiliated with a university hospital which has a relationship with the World Health Organization. The grantee shall develop the protocol for the study.

(h) Lead Abatement

Of this appropriation, \$500,000 is appropriated to the commissioner of health for fiscal year 1995 for lead abatement activities. \$275,000 must be used to subsidize the cost of the lead abatement training as required under Minnesota Statutes, section 144.876, subdivision 1, and rules adopted under Minnesota Statutes, section 144.878, subdivision 5. The commissioner shall give preference for subsidies provided through this appropriation to training small business owners and employees of nonprofit organizations. \$225,000 must be used to create five staff positions assigned to lead abatement responsibilities under Minnesota Statutes, sections 144.871 to 144.879. These positions must include one lead research analyst, one health educator, one remediation coordinator, one lead abatement training specialist, and one clerical support position. These positions must supplement and not replace current staff assigned to lead abatement activities within the department.

(i) CHILD Program

Of this appropriation, \$59,000 is appropriated to the commissioner of health for fiscal year 1995 for the CHILD program under Minnesota Statutes, section 145.951.

APPROPRIATIONS
Available for the Year
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1994

1995

(j) Childhood Screenings

Of this appropriation, \$200,000 is appropriated to the commissioner of health for the childhood screening grant program under Minnesota Statutes, section 145A.14, subdivision 5.

(k) Manufactured Housing Study

Of this appropriation, \$50,000 is appropriated to the commissioner of health for transfer to the management analysis division of the department of administration for the manufacturing home study required under this article.

(l) Acupuncture Practitioner Certification

Of this appropriation, \$54,000 is appropriated to the commissioner of health from the state government special revenue fund for fiscal year 1995 to administer Minnesota Statutes, sections 148.63 to 148.637.

(m) Hotels; Resorts; Restaurants

Of this appropriation \$200,000 is appropriated to the commissioner of health for fiscal year 1995 for the purposes of the programs in Minnesota Statutes, chapter 157. This appropriation shall not become part of the base level funding for the 1995-1996 biennial budget.

(n) Collaboration with Culturally Appropriate Groups

The commissioner of health shall collaborate with culturally appropriate groups to carry out appropriate education, prevention, and outreach activities in communities that traditionally practice female circumcision, excision, or infibulation to inform people in those communities about the health risks and emotional trauma inflicted by these practices. The commissioner also shall make reasonable efforts to inform the medical community of the criminal penalties applicable to these practices. The commissioner shall work with culturally appropriate groups to obtain private funds to help finance these education, prevention, and outreach efforts.

Sec. 5. VETERANS NURSING HOMES BOARD

-0-

-0-

The general fund appropriations made to the veterans homes board in Laws 1993, First Special Session chapter 1, article 1, section 4, shall be transferred to a veterans homes special revenue account in the special revenue fund in the same manner as other receipts are deposited in accordance with Minnesota Statutes, section 198.34, and are appropriated to the veterans homes board of directors for the operation of board facilities and programs.

Sec. 6. COUNCIL ON DISABILITY

-0-

707,000

This appropriation is added to the appropriation in Laws 1993, First Special Session chapter 1, article 1, section 6.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

Of this appropriation, \$200,000 is appropriated from the general fund to the council on disability for fiscal year 1995 for the purpose of a grant to the Fergus Falls Center for the Arts, Inc. to complete renovations of a local theater necessary to bring it into compliance with the federal Americans with Disabilities Act.

Sec. 7. CARRYOVER LIMITATION

None of the appropriations in this article and article 6 which are allowed to be carried forward from fiscal year 1994 to fiscal year 1995 shall become part of the base level funding for the 1995-1997 biennial budget.

Sec. 8. Minnesota Statutes 1992, section 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section 16B.01.

(c) "Grantee" means the regional emergency medical services systems receiving funding under section 144.8093.

Sec. 9. Minnesota Statutes 1992, section 16A.124, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER SUPERVISION.] The commissioner shall exercise constant supervision over state agencies to insure the prompt payment of vendor and grantee obligations.

Sec. 10. Minnesota Statutes 1992, section 16A.124, subdivision 3, is amended to read:

Subd. 3. [PAYMENT REQUIRED.] State agencies must pay each valid vendor and grantee obligation so that the vendor or grantee receives payment within the vendor's or grantee's early payment discount period. If there is no early payment discount period, the state agency must pay the vendor or grantee within 30 days following the receipt of the invoice for the completed delivery of the product or service.

Sec. 11. Minnesota Statutes 1992, section 16A.124, subdivision 4, is amended to read:

Subd. 4. [INVOICE ERRORS.] If an invoice is incorrect, defective, or otherwise improper, the agency must notify the vendor or grantee within ten days of discovering the error. Upon receiving a corrected invoice, the agency must pay the bill within the time limitation contained in subdivision 3.

Sec. 12. Minnesota Statutes 1992, section 16A.124, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) A state agency shall pay interest to a vendor or grantee for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor or grantee and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's or grantee's invoice shall not be considered past due until 30 days after the completion of the audit by the state agency. Before any interest payment is made, the vendor or grantee must invoice the state agency for such interest.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be 1-1/2 percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor or grantee who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor or grantee; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor or grantee accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor or grantee for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor or grantee.

Sec. 13. Minnesota Statutes 1992, section 16A.124, subdivision 6, is amended to read:

Subd. 6. [AUTHORITY TO REDUCE AGENCY ALLOTMENT.] The commissioner shall have the authority to reduce the allotment of any state agency by the amount of any vendor or grantee obligations that are paid later than 30 days following the receipt of the invoice for completed delivery of the products or services.

Sec. 14. Minnesota Statutes 1992, section 16B.75, is amended to read:

16B.75 [INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS.]

The state of Minnesota ratifies and approves the following compact:

INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS

ARTICLE I

FINDINGS AND DECLARATIONS OF POLICY

(1) The compacting states find that:

(a) Industrialized/modular buildings are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(b) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the industrialized/modular building industry.

(c) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings, restricts market access and discourages the development and incorporation of new technologies.

(2) It is the policy of each of the compacting states to:

(a) Provide the states which regulate the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer the states' rules and regulations for such buildings, all in a manner to assure interstate reciprocity.

(b) Provide to the United States Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with life-cycle cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

- (1) "Commission" means the interstate industrialized/modular buildings commission.
- (2) "Industrialized/modular building" means any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multifamily housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.
- (3) "Interim reciprocal agreement" means a formal reciprocity agreement between a noncompacting state wherein the noncompacting state agrees that labels evidencing compliance with the model rules and regulations for industrialized/modular buildings, as authorized in Article VIII, section (9), shall be accepted by the state and its subdivisions to permit installation and use of industrialized/modular buildings. Further, the noncompacting state agrees that by legislation or regulation, and appropriate enforcement by uniform administrative procedures, the noncompacting state requires all industrialized/modular building manufacturers within that state to comply with the model rules and regulations for industrialized/modular buildings.
- (4) "State" means a state of the United States, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- (5) "Uniform administrative procedures" means the procedures adopted by the commission (after consideration of any recommendations from the rules development committee) which state and local officials, and other parties, in one state, will utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard of requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies.
- (6) "Model rules and regulations for industrialized/modular buildings" means the construction standards adopted by the commission (after consideration of any recommendations from the rules development committee) which govern the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The construction standards and any amendments thereof shall conform insofar as practicable to model building codes and referenced standards generally accepted and in use throughout the United States.

ARTICLE III

CREATION OF COMMISSION

The compacting states hereby create the Interstate Industrialized/Modular Buildings Commission, hereinafter called commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE IV

SELECTION OF COMMISSIONERS

The commission shall be selected as follows. As each state becomes a compacting state, one resident shall be appointed as commissioner. The commissioner shall be selected by the governor of the compacting state, being designated from the state agency charged with regulating industrialized/modular buildings or, if such state agency does not exist, being designated from among those building officials with the most appropriate responsibilities in the state. The commissioner may designate another official as an alternate to act on behalf of the commissioner at commission meetings which the commissioner is unable to attend.

Each state commissioner shall be appointed, suspended, or removed and shall serve subject to and in accordance with the laws of the state which said commissioner represents; and each vacancy occurring shall be filled in accordance with the laws of the state wherein the vacancy exists.

~~When For every three state commissioners who have been appointed in the manner described, those state commissioners shall select one additional commissioner who shall be a representative of manufacturers of industrial-residential- or commercial-use industrialized/modular buildings. When For every six state commissioners who have been appointed in the manner described, the state commissioners shall select a second one additional commissioner who shall be a representative of consumers of industrialized/modular buildings. With each addition of three state commissioners, the state commissioners shall appoint one additional representative commissioner, alternating between a representative of manufacturers of industrialized/modular buildings and consumers of industrialized/modular buildings. The ratio between state commissioners and representative commissioners shall be three to one. In the event states withdraw from the compact or, for any other reason, the number of state commissioners is reduced, the state commissioners shall remove the last added representative commissioner as necessary to maintain a the ratio of state commissioners to representative commissioners of three to one described herein.~~

Upon a majority vote of the state commissioners, the state commissioners may remove, fill a vacancy created by, or replace any representative commissioner, provided that any replacement is made from the same representative group and ~~a three to one ratio~~ the ratio described herein is maintained. Unless provided otherwise, the representative commissioners have the same authority and responsibility as the state commissioners.

In addition, the commission may have as a member one commissioner representing the United States government if federal law authorizes such representation. Such commissioner shall not vote on matters before the commission. Such commission shall be appointed by the President of the United States, or in such other manner as may be provided by Congress.

ARTICLE V

VOTING

Each commissioner (except the commissioner representing the United States government) shall be entitled to one vote on the commission. A majority of the commissioners shall constitute a quorum for the transaction of business. Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the quorum present and voting.

ARTICLE VI

ORGANIZATION AND MANAGEMENT

The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall also select a secretariat, which shall provide an individual who shall serve as secretary of the commission. The commission shall fix and determine the duties and compensation of the secretariat. The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

The commission shall adopt a seal.

The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations.

The commission shall establish and maintain an office at the same location as the office maintained by the secretariat for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call additional meetings and upon the request of a majority of the commissioners of three or more of the compacting states shall call an additional meeting.

The commission annually shall make the governor and legislature of each compacting state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

ARTICLE VII

COMMITTEES

The commission will establish such committees as it deems necessary, including, but not limited to, the following:

(1) An executive committee which functions when the full commission is not meeting, as provided in the bylaws of the commission. The executive committee will ensure that proper procedures are followed in implementing the commission's programs and in carrying out the activities of the compact. The executive committee shall be elected by vote of the commission. It shall be comprised of at least three and no more than nine commissioners, selected from those commissioners who are representatives of the governor of their respective state the state commissioners and one member of the industry commissioners and one member of the consumer commissioners.

(2) A rules development committee appointed by the commission. The committee shall be consensus-based and consist of not less than seven nor more than 21 members. Committee members will include state building regulatory officials; manufacturers of industrialized/modular buildings; private, third-party inspection agencies; and consumers. This committee may recommend procedures which state and local officials, and other parties, in one state, may utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies. This committee may also recommend construction standards for the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The committee will submit its recommendations to the commission, for the commission's consideration in adopting and amending the uniform administrative procedures and the model rules and regulations for industrialized/modular buildings. The committee may also review the regulatory programs of the compacting states to determine whether those programs are consistent with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings and may make recommendations concerning the states' programs to the commission. In carrying out its functions, the rules committee may conduct public hearings and otherwise solicit public input and comment.

(3) Any other advisory, coordinating or technical committees, membership on which may include private persons, public officials, associations or organizations. Such committees may consider any matter of concern to the commission.

(4) Such additional committees as the commission's bylaws may provide.

ARTICLE VIII

POWER AND AUTHORITY

In addition to the powers conferred elsewhere in this compact, the commission shall have power to:

(1) Collect, analyze and disseminate information relating to industrialized/modular buildings.

(2) Undertake studies of existing laws, codes, rules and regulations, and administrative practices of the states relating to industrialized/modular buildings.

(3) Assist and support committees and organizations which promulgate, maintain and update model codes or recommendations for uniform administrative procedures or model rules and regulations for industrialized/modular buildings.

(4) Adopt and amend uniform administrative procedures and model rules and regulations for industrialized/modular buildings.

(5) Make recommendations to compacting states for the purpose of bringing such states' laws, codes, rules and regulations and administrative practices into conformance with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings, provided that such recommendations shall be made to the appropriate state agency with due consideration for the desirability of uniformity while also giving appropriate consideration to special circumstances which may justify variations necessary to meet unique local conditions.

(6) Assist and support the compacting states with monitoring of plan review programs and inspection programs, which will assure that the compacting states have the benefit of uniform industrialized/modular building plan review and inspection programs.

(7) Assist and support organizations which train state and local government and other program personnel in the use of uniform industrialized/modular building plan review and inspection programs.

(8) Encourage and promote coordination of state regulatory action relating to manufacturers, public or private inspection programs.

(9) Create and sell labels to be affixed to industrialized/modular building units, constructed in or regulated by compacting states, where such labels will evidence compliance with the model rules and regulations for industrialized/modular buildings, enforced in accordance with the uniform administrative procedures. The commission may use receipts from the sale of labels to help defray the operating expenses of the commission.

(10) Assist and support compacting states' investigations into and resolutions of consumer complaints which relate to industrialized/modular buildings constructed in one compacting state and sited in another compacting state.

(11) Borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, association, person, firm or corporation.

(12) Accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

(13) Establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(14) Enter into contracts and agreements, including but not limited to, interim reciprocal agreements with noncompacting states.

ARTICLE IX

FINANCE

The commission shall submit to the governor or designated officer or officers of each compacting state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the compacting states. The total amount of appropriations requested under any such budget shall be apportioned among the compacting states as follows: one-half in equal shares; one-fourth among the compacting states in accordance with the ratio of their populations to the total population of the compacting states, based on the last decadal federal census; and one-fourth among the compacting states in accordance with the ratio of industrialized/modular building units manufactured in each state to the total of all units manufactured in all of the compacting states.

The commission shall not pledge the credit of any compacting state. The commission may meet any of its obligations in whole or in part with funds available to it by donations, grants, or sale of labels: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it by donations, grants or sale of labels, the commission shall not incur any obligation prior to the allotment of funds by the compacting states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the compacting states and any person authorized by the commission.

Nothing contained in this article shall be construed to prevent commission compliance relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE X

ENTRY INTO FORCE AND WITHDRAWAL

This compact shall enter into force when enacted into law by any three states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all compacting states whenever there is a new enactment of the compact.

Any compacting state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a compacting state prior to the time of such withdrawal.

ARTICLE XI

RECIPROCITY

If the commission determines that the standards for industrialized/modular buildings prescribed by statute, rule or regulation of compacting state are at least equal to the commission's model rules and regulations for industrialized/modular buildings, and that such state standards are enforced by the compacting state in accordance with the uniform administrative procedures, industrialized/modular buildings approved by such a compacting state shall be deemed to have been approved by all the compacting states for placement in those states in accordance with procedures prescribed by the commission.

ARTICLE XII

EFFECT ON OTHER LAWS AND JURISDICTION

Nothing in this compact shall be construed to:

(1) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction pursuant to this compact, is expressly conferred upon another agency or body.

(2) Supersede or limit the jurisdiction of any court of the United States.

ARTICLE XIII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 15. [MANUFACTURED HOUSING STUDY; STATE ADMINISTRATION AND REGULATION.]

The commissioner of administration shall study the current state and local oversight of manufactured housing and manufactured home parks, the regulation of manufactured housing and manufactured home parks, and the statewide enforcement of state laws on manufactured housing and manufactured home parks. Based on the findings, the commissioner shall recommend to the legislature by January 10, 1995, a plan to consolidate administrative responsibilities, regulatory duties, and enforcement of regulations for manufactured housing and manufactured home parks. In conducting the study, the commissioner shall consult with other state agencies, manufactured home park

residents, associations representing manufactured home park residents, manufactured home park owners, associations representing park owners, local governments, and associations representing local governments. State agencies shall cooperate with the commissioner in conducting the study and developing the recommendations. State agencies shall provide any information necessary to complete the study as required under this section. The study shall include:

(1) an inventory of the responsibilities for manufactured homes by agency and level of government including, but not limited to, manufactured home construction and installation standards, licensing of parks, brokers, dealers, and installers, manufactured home park standards, emergency weather procedures, other public safety concerns, consumer protection, and sales of manufactured housing;

(2) an assessment of delegated powers, and the effect, if any, of delegation on statewide standards and statewide application of manufactured housing laws;

(3) an inventory of the existing powers of state agencies and local government units to fulfill their administrative or regulatory responsibility for manufactured homes and manufactured home parks, including authority to inspect housing, parks, and severe weather shelters with an assessment of the effect, if any, of delegated powers;

(4) an assessment of current enforcement practices to achieve public health and safety goals; and

(5) an evaluation of how accessible and understandable the current system of administration and regulation is for residents of manufactured homes, park owners, local governments, and state and local officials.

The proposal must present a plan to coordinate the administration, regulation, and enforcement of laws on manufactured housing and manufactured home parks so that the services are delivered in a way that increases public safety and confidence, increases administrative efficiency, reduces costs, eliminates duplication of services, promotes access for residents and park owners, increases clarity in the system, and promotes accountability.

Sec. 16. Minnesota Statutes 1992, section 62J.05, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] (a) [NUMBER.] The Minnesota health care commission consists of ~~25~~ 26 members, as specified in this subdivision. A member may designate a representative to act as a member of the commission in the member's absence. The governor and legislature shall coordinate appointments under this subdivision to ensure gender balance and ensure that geographic areas of the state are represented in proportion to their population.

(b) [HEALTH PLAN COMPANIES.] The commission includes four members representing health plan companies, including one member appointed by the Minnesota Council of Health Maintenance Organizations, one member appointed by the Insurance Federation of Minnesota, one member appointed by Blue Cross and Blue Shield of Minnesota, and one member appointed by the governor.

(c) [HEALTH CARE PROVIDERS.] The commission includes ~~six~~ seven members representing health care providers, including one member appointed by the Minnesota Hospital Association, one member appointed by the Minnesota Medical Association, one member appointed by the Minnesota Nurses' Association, one licensed pharmacist appointed by the Minnesota Pharmacists Association, one rural physician appointed by the governor, and two members appointed by the governor to represent providers other than hospitals, physicians, ~~and nurses, and pharmacists.~~

(d) [EMPLOYERS.] The commission includes four members representing employers, including (1) two members appointed by the Minnesota Chamber of Commerce, including one self-insured employer and one small employer; and (2) two members appointed by the governor.

(e) [CONSUMERS.] The commission includes five consumer members, including three members appointed by the governor, one of whom must represent persons over age 65; one appointed under the rules of the senate; and one appointed under the rules of the house of representatives.

(f) [EMPLOYEE UNIONS.] The commission includes three representatives of labor unions, including two appointed by the AFL-CIO Minnesota and one appointed by the governor to represent other unions.

(g) [STATE AGENCIES.] The commission includes the commissioners of commerce, employee relations, and human services.

(h) [CHAIR.] The governor shall designate the chair of the commission from among the governor's appointees.

Sec. 17. [144.394] [CHILDREN AND SECONDHAND SMOKE; MASS MEDIA PROGRAM.]

The commissioner shall conduct a long-term mass media program to educate the public on the effects of secondhand smoke on children. The program must include, but is not limited to, the creation and use of television and radio media messages. The mass media program must be designed to last at least five years.

Sec. 18. Minnesota Statutes 1992, section 144.801, is amended by adding a subdivision to read:

Subd. 11. [FIRST RESPONDER.] "First responder" means an individual who is certified by the commissioner to perform, at a minimum, basic emergency skills before the arrival of a licensed ambulance service, and is

(1) a member of an organized service recognized by a local political subdivision whose primary responsibility is to respond to medical emergencies to provide initial medical care before the arrival of a licensed ambulance service; or

(2) a member of an organized industrial medical first response team.

Sec. 19. Minnesota Statutes 1992, section 144.804, subdivision 1, is amended to read:

Subdivision 1. [DRIVERS AND ATTENDANTS.] No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current emergency care course certificate authorized by rules adopted by the commissioner of health according to chapter 14. Until August 1, 1994 1996, a licensee may substitute a person currently certified by the American Red Cross in advanced first aid and emergency care or a person who has successfully completed the United States Department of Transportation first responder curriculum, and who has also been trained to use basic life support equipment as required by rules adopted by the commissioner under section 144.804, subdivision 3, for one of the persons on a basic ambulance, provided that person will function as the driver while transporting a patient. The commissioner may grant a variance to allow a licensed ambulance service to use attendants certified by the American Red Cross in advanced first aid and emergency care and, until August 1, 1996, to use attendants who have successfully completed the United States Department of Transportation first responder curriculum, and who have been trained to use basic life support equipment as required by rules adopted by the commissioner under subdivision 3, in order to ensure 24-hour emergency ambulance coverage. The commissioner shall study the roles and responsibilities of first responder units and report the findings by January 1, 1991. This study shall address at a minimum:

- (1) education and training;
- (2) appropriate equipment and its use;
- (3) medical direction and supervision; and
- (4) supervisory and regulatory requirements.

Sec. 20. [145.91] [WOMEN'S HEALTH CENTER.]

Subdivision 1. [ESTABLISHED.] The commissioner of health shall establish a women's health center. The center shall promote and improve the health status of women of all ages and shall provide a focal point for women's health advocacy, research, and dissemination of information. The center shall be responsible for investigating women's health needs, creating a statewide coalition on women's health, developing a resource inventory of services and support systems available for women, convening conferences on women's health, assuring effective dissemination of current research results, and other activities that promote the health status of women of all ages.

Subd. 2. [WOMEN'S HEALTH CENTER ADVISORY COUNCIL.] (a) The women's health center advisory council is created and is composed of 14 members. The advisory council consists of:

- (1) four public members appointed by the governor;
- (2) two nurses licensed under chapter 148 appointed by the governor;
- (3) one biochemical research scientist and one physician licensed under chapter 147, appointed by the chief physician of the Mayo Clinic;

(4) one biochemical research scientist and one physician licensed under chapter 147, appointed by the vice president for health affairs of the University of Minnesota;

(5) two health providers from rural Minnesota appointed by the governor;

(6) one state representative appointed by the speaker of the house of representatives; and

(7) one state senator, appointed by the senate subcommittee on committees of the committee on rules and administration.

(b) The advisory council is established and administered under section 15.059. The advisory council shall advise the women's health center on all of the center's activities undertaken under subdivision 1.

Sec. 21. [145.951] [CHILDREN HELPED IN LONG-TERM DEVELOPMENT.]

The commissioner of health shall recommend to the legislature a plan for statewide implementation of a volunteer mentor home visiting program for the prevention of child abuse. This plan shall outline necessary state and private partnerships, home visiting program standards, mechanisms for reaching families for whom the program would be beneficial, volunteer screening, training, and ongoing support criteria, coordination of activities between home visiting programs, possible data systems and evaluation designs, as well as the fiscal impact for statewide implementation.

In developing recommendations for this program, the commissioner shall propose methods to ensure local administration of the program and coordination with local agencies in health, human services, and education, and careful screening and training of volunteers to provide program services. Training must prepare volunteers to:

(1) identify signs of abuse or other indications that a child may be at risk of abuse;

(2) help families develop communications skills;

(3) teach and reinforce healthy discipline techniques;

(4) provide other support a family needs to cope with stresses that increase the risk of abuse; and

(5) refer the family to other appropriate social services.

The commissioner's plan shall also include procedures whereby the local agency will provide ongoing support, supervision, and training for all volunteers. Training must be culturally appropriate and community-based and must incorporate input from parents who will be using the mentor services. The commissioner's plan shall be presented to the legislature no later than February 15, 1995, to be considered in the biennial budget plan for the department of health.

Sec. 22. Minnesota Statutes 1992, section 145A.14, is amended by adding a subdivision to read:

Subd. 5. [COORDINATION OF CHILDHOOD SCREENINGS; GRANTS.] (a) The commissioner of health shall award grants to community health boards to establish or operate programs that centralize and coordinate service delivery for childhood screenings, including those screenings required by the early childhood screening program, the early and periodic screening and treatment program, and the head start program.

(b) Grants must be awarded, using a request for proposal system, to community health boards with programs designed to:

(1) coordinate and contract with school districts, social service agencies, public health agencies, head start programs, and health providers to provide centralized delivery of all required childhood screenings;

(2) eliminate unnecessary duplication of childhood screenings;

(3) establish a centralized record keeping system;

(4) achieve increased childhood screening participation;

(5) foster early intervention to achieve specific public health goals, including, but not limited to, increased immunization rates; and

(6) fully access all available sources for funding of childhood screenings.

(c) Grant recipients must report to the commissioner of health within 45 days of the end of each year grant award period on the expenditure of the grant money and progress toward achieving the objectives under paragraph (b).

Sec. 23. [148.631] [PURPOSE.]

It is in the public interest to ensure that acupuncture practitioners meet the generally accepted standards of competence in the profession. The purpose of sections 148.632 to 148.637 is to limit the practice of acupuncture to those persons who meet standards of competence.

Sec. 24. [148.632] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 148.631 to 148.637.

Subd. 2. [ACUPUNCTURE PRACTICE.] "Acupuncture practice" means a system of health care using Oriental medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin, and the use of other biophysical methods of acupuncture point stimulation, including, but not limited to, the use of moxibustion, Oriental massage techniques, electrical stimulation, laser stimulation, herbal therapies, dietary guidelines, breathing techniques, and exercise on the basis of Oriental medical principles. The object of the system is to maintain or restore health, improve physiological function, and relieve pain.

Subd. 3. [ACUPUNCTURE NEEDLE.] "Acupuncture needle" means a needle designed exclusively for acupuncture purposes. It has a solid core, with a tapered point, and is approximately 28-36 gauge in thickness.

Subd. 4. [ACUPUNCTURE POINTS.] "Acupuncture points" means specific anatomically described locations as defined by the National Commission for the Certification of Acupuncturists (NCCA) recognized acupuncture reference texts. The locations are particularly effective in influencing the body's function and health when stimulated according to Oriental theory and practice.

Subd. 5. [ACUPUNCTURE PRACTITIONER.] "Acupuncture practitioner" means a person certified to practice acupuncture as set forth under section 148.633.

Subd. 6. [ADVISORY COUNCIL.] "Advisory council" means the advisory council for acupuncture, established in section 148.634.

Subd. 7. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 8. [DIPLOMATE IN ACUPUNCTURE.] "Diplomate in acupuncture" means a person is certified by the NCCA as having met the standards of competence established by the NCCA, subscribes to the NCCA code of ethics, and has a current and active NCCA certification.

Current and active NCCA certification indicates successful completion of continued professional development and specified eligibility and academic requirements.

Subd. 9. [ELECTRICAL STIMULATION.] "Electrical stimulation" means a method of stimulating acupuncture points by the use of very low amperage electrical current. Electrical stimulation may be used by attachment of a device to an acupuncture needle or may be used transcutaneously without penetrating the skin.

Subd. 10. [MOXIBUSTION.] "Moxibustion" means the use of artemisia vulgaris alone or in combination with other herbs as a warming agent to affect acupuncture points.

Subd. 11. [NATIONAL COMMISSION FOR THE CERTIFICATION OF ACUPUNCTURISTS.] "NCCA" means the National Commission for the Certification of Acupuncturists, a nonprofit corporation organized under section 501(c)(6) of the Internal Revenue Code for scientific, educational, and testing purposes, including:

(1) establishing standards of competence for safe and effective practice of acupuncture and Oriental medicine;

(2) evaluating applicants' qualifications in relation to these established standards through the establishment and administration of national board examinations;

(3) certifying practitioners who are found to meet these standards; and

(4) acting as a consultant to state agencies in regulating, certifying, and licensing practitioners of acupuncture and Oriental medicine.

Subd. 12. [ORIENTAL MEDICINE.] "Oriental medicine" means the system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual. It implements the theory through specialized methods of analyzing the energy status of the body and treating the body with acupuncture and other related modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

Sec. 25. [148.633] [CERTIFICATION.]

Subdivision 1. [CERTIFICATION REQUIRED.] Except as provided under subdivision 2, it is unlawful for any person to engage in the practice of acupuncture after September 1, 1995, without a valid certification. Each certified acupuncture practitioner shall conspicuously display the certification in the place of practice.

Subd. 2. [EXCEPTIONS.] (a) The following persons may practice acupuncture within the scope of their practice without certification:

(1) physicians licensed under chapter 147;

(2) osteopaths licensed under chapter 147; and

(3) chiropractors licensed under chapter 148.

(b) A person who is (1) studying in a formal course of study or tutorial intern program approved by the advisory council if the acupuncture practice is limited to studying and providing an intern program supervised by a certified acupuncturist; or (2) a visiting acupuncture expert practicing acupuncture within an instructional setting for the sole purpose of teaching at a school registered with the Minnesota higher education coordinating board, may practice without a certificate for a period of one year, with two one-year extensions permitted.

Subd. 3. [QUALIFICATIONS.] An applicant must:

(1) be at least 21 years of age;

(2) have current and active certification as a diplomate in acupuncture by the NCCA by passing the NCCA examination or being certified by the NCCA credential documentation review, or have within the first two years of enactment of this law qualified for certification by meeting the following criteria:

(i) have an equivalent status from another country established by documentation of graduation from an acupuncture program of at least 1,350 hours at a school on the California acupuncture committee's list of approved foreign schools; and

(ii) has engaged in acupuncture practice for at least two years within the four years prior to application at a rate of a minimum of 500 treatments per year, which must be verifiable by patient records maintained by the applicant;

(3) provide documentation of successful completion of an approved clean needle technique course; and

(4) meet any other requirements established by the commissioner.

Subd. 4. [CERTIFICATION EXPIRATION.] Certifications issued under this section shall expire:

(1) as determined by the commissioner; or

(2) when the certificant is decertified by the NCCA.

Subd. 5. [CERTIFICATION RENEWAL.] (a) [RENEWAL REQUIREMENTS.] To renew a certification an applicant must:

(1) annually complete a renewal application on a form provided by the commissioner;

(2) submit the annual renewal fee;

(3) provide documentation of current and active NCCA certification, or in the case of those certified under the criteria for foreign acupuncture school graduates, meet the then current NCCA requirements for recertification; and

(4) submit any additional information requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

(b) [PENALTY FEE.] An application submitted after the renewal deadline date must be accompanied by a penalty fee as established under section 148.637, subdivision 3.

(c) [CERTIFICATION RENEWAL NOTICE.] Certification renewal shall be on an annual basis or as determined by the commissioner. At least 30 days before the certification renewal date, the commissioner shall send out a renewal notice to the last known address of the certificant. The notice shall include a renewal application and a notice of fees required for renewal. If the certificant does not receive the renewal notice, the certificant is still required to make the deadline for renewal to qualify for continuous certification status.

(d) [RENEWAL DEADLINE.] The renewal application and fee must be postmarked on or before July 31 on the year of renewal or as determined by the commissioner.

Subd. 6. [CERTIFICATE BY RECIPROCITY.] The commissioner shall issue an acupuncture certification to a person who holds a current license or certificate as an acupuncturist from another jurisdiction if the commissioner determines that the standards for certification or licensure in the other jurisdiction meet or exceed the requirements for certification in Minnesota.

Subd. 7. [INACTIVE STATUS.] (a) A certification may be placed in inactive status upon application to the commissioner and upon payment of an inactive status fee equal to one-half the annual renewal fee.

(b) An inactive certification may be reactivated by the certification holder upon application to the commissioner. The application must include:

(1) evidence of current active NCCA certification;

(2) evidence of the certificate holder's payment of an inactive status fee; and

(3) an annual renewal fee.

Subd. 8. [APPLICATION FOR CERTIFICATION.] (a) An applicant for certification must:

(1) submit a completed application for certification on forms provided by the commissioner. The application must include the applicant's name, business address and phone number, home address and phone number, and a certified copy of a current NCCA certification. The commissioner may ask the applicant to provide additional information necessary to clarify information submitted in the application;

(2) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(3) submit with the application all fees required; and

(4) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this state or any state in which the applicant has engaged in the practice of acupuncture.

(b) The commissioner may investigate information provided by an applicant to determine whether the information is accurate and complete. The commissioner shall notify an applicant of action taken on the application and of the reasons for denying certification if certification is denied.

Subd. 9. [USE OF TITLE.] Only a person certified under this section shall use the title "acupuncturist" or the initials "C.A." and be allowed to advertise and represent themselves as such.

Sec. 26. [148.634] [ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] An advisory council for acupuncture is created within the department of health. The advisory council shall consist of five members appointed by the commissioner. Each member shall serve a term of three years. Three members shall be certified acupuncture practitioners as defined under section 148.632; one member shall be a licensed physician or osteopath who also practices acupuncture; and one member shall be a member of the public who has received acupuncture from a diplomate of acupuncture.

Subd. 2. [INITIAL ADVISORY COUNCIL APPOINTED.] (a) The four members of the advisory council required by subdivision 1 to be acupuncture practitioners, who are appointed to the initial advisory council, need not be certified under section 148.633 but must satisfy the qualifications for certification provided in section 148.633, subdivision 3, and must have been engaged in acupuncture practice a minimum of three years.

(b) One member of the initial advisory council appointed shall have an initial term of one year, two members an initial term of two years, and two members an initial term of three years.

Subd. 3. [ADMINISTRATION; COMPENSATION; REMOVAL; QUORUM.] The advisory council is established and administered under section 15.059. Notwithstanding section 15.059, subdivision 5, the council shall not expire.

Subd. 4. [DUTIES.] The advisory council shall:

(1) advise the commissioner on issuance, renewal, revocation for cause, or placement of probationary restrictions on certifications to practice acupuncture;

(2) advise the commissioner on issues related to receiving, investigating, conducting hearings, and imposing disciplinary action in relation to complaints against acupuncture practitioners;

(3) maintain a register of acupuncture practitioners certified under section 148.633;

(4) maintain a record of all advisory council actions; and

(5) perform other duties authorized for advisory councils under chapter 214, as directed by the commissioner.

Sec. 27. [148.635] [PROFESSIONAL CONDUCT.]

Subdivision 1. [PRACTICE STANDARDS.] (a) Before a treatment of a patient, an acupuncture practitioner certified under section 148.633 shall ask whether the patient has been examined by a licensed physician or other professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness or injury, and shall review the diagnosis as reported.

(b) An acupuncture practitioner must use sterilized equipment that meets the standards of the national Centers for Disease Control.

(c) An acupuncture practitioner shall comply with all applicable state and municipal requirements regarding public health.

(d) An acupuncture practitioner shall compile and maintain patient records. Data maintained on an acupuncture patient by an acupuncture practitioner is subject to section 144.335.

Subd. 2. [GROUNDS FOR SANCTIONS OR DENIAL OF CERTIFICATION.] The commissioner may discipline an acupuncture practitioner or deny an application for certification under procedures in subdivision 3 upon evidence of conduct prohibited by one or more of the following:

(1) violates any provision of sections 148.632 to 148.637 or other statutes or rules that relate to the practice of acupuncture;

(2) intentionally furnishes false, misleading, or incompetent information to the commissioner, the advisory council, or to the public;

(3) refuses to allow the commissioner to conduct inspections at reasonable times or refuses to cooperate with any investigation conducted by the commissioner or a representative of the commissioner, or fails to provide information within 30 days in response to a written request of the commissioner or representative of the commissioner;

(4) engages in unethical conduct, which includes conduct likely to deceive, defraud, or harm the public;

(5) demonstrates a willful or careless disregard for the health, safety, or welfare of a patient;

(6) aids or abets persons practicing acupuncture without certification, except as allowed in section 148.633, subdivision 2;

(7) is habitually intemperate or addicted to the use of alcohol or habit-forming drugs that impair the ability to practice acupuncture safely;

(8) engages in sexual conduct with a patient or in conduct that may reasonably be interpreted by the patient as sexual, or in verbal behavior that is seductive or sexually demeaning to a patient; or

(9) decertification by NCCA.

Subd. 3. [PROCEDURE FOR SANCTIONS OR DENIAL OF CERTIFICATION.] The commissioner shall refuse to issue or renew a certificate to an acupuncture practitioner who fails to satisfy the requirements for certification under sections 148.632 to 148.637. The commissioner may suspend, revoke, or impose probationary conditions on the certification of an acupuncture practitioner whom the commissioner determines has violated the standards of subdivision 1 or 2 or the rules promulgated by the commissioner. The commissioner shall establish a procedure for reinstating a certificate after a period of suspension. As a condition of reinstatement the commissioner may impose disciplinary or corrective measures.

Subd. 4. [PENALTY.] (a) A person who knowingly violates sections 148.632 to 148.637 is guilty of a misdemeanor.

(b) The commissioner or a county attorney may bring an action in the district court where the violation occurred to restrain a person from violating sections 148.632 to 148.637.

(c) The remedies in this section are in addition to other remedies or penalties provided by law.

Sec. 28. [148.636] [NONDISCRIMINATION.]

Nothing in sections 148.632 to 148.637 shall be interpreted as discriminating against, nor shall the commissioner discriminate against any person by reason of nationality, language facility, race, religion, sex or sexual preference, physical disability, except where a disability might interfere with the competent practice of acupuncture, or age, except for the minimum requirement established in section 148.633.

Sec. 29. [148.637] [FEES.]

Subdivision 1. [FIRST-TIME CERTIFICATION AND APPLICANTS FOR CERTIFICATION RENEWAL.] The commissioner shall prorate the certification fee for first-time certificants and applicants for certification renewal according to the number of months that have elapsed between the date certification is issued and the date the certificate must be renewed.

Subd. 2. [ANNUAL CERTIFICATION FEE.] The fee for initial certification and annual certification renewal is \$783.

Subd. 3. [PENALTY FEE FOR LATE RENEWALS.] The penalty fee for late submission of a renewal application shall be ten percent of the annual certification fee.

Sec. 30. Minnesota Statutes 1993 Supplement, section 153A.14, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE OF CERTIFICATE.] The commissioner shall issue a certificate to each dispenser of hearing instruments who applies under subdivision 1 if the commissioner determines that the applicant is in compliance with this chapter, has passed an examination administered by the commissioner, and has paid the fee set by the commissioner. Audiologists who are registered by the commissioner of health may be issued a certificate without participating in the examination process. A certificate must be renewed by November 1 of each year. If the

commissioner finds that a registered audiologist has performed the services of a certified hearing instrument dispenser in an incompetent or negligent manner, the commissioner may require that the audiologist pass an examination before renewing a certificate.

Sec. 31. [EFFECTIVE DATE.]

Section 14 is effective upon ratification by all signatory states to the interstate compact on industrialized/modular buildings. Section 20 is effective January 1, 1995.

Sections 23 to 29 are effective the day following final enactment.

ARTICLE 6

DEPARTMENT OF JOBS AND TRAINING;
MINNESOTA HOUSING FINANCE AGENCY

Section 1. [APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this article, to be available for the fiscal years indicated for each purpose. The figures "1994" and "1995" where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994, or June 30, 1995, respectively. Where a dollar amount appears in parentheses, it means a reduction in appropriation.

Sec. 2. [UNCODIFIED LANGUAGE.]

All uncodified language in this article expires on June 30, 1995, unless a different expiration is specified.

Sec. 3. [FUNDING SOURCE.]

All language in this article designating an appropriation refers to a general fund appropriation unless a different fund is specifically referenced.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ -0-	\$ 1,105,000	\$ 1,105,000
TOTAL	\$ -0-	\$ 1,105,000	\$ 1,105,000

APPROPRIATIONS
Available for the Year
Ending June 30

1994	1995
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Sec. 4. JOBS AND TRAINING

Total Appropriation	-0-	675,000
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This appropriation is added to the appropriation in Laws 1993, chapter 369, section 5.

(a) Opportunities Industrialization Centers

Of this appropriation, \$125,000 is appropriated from the general fund to the commissioner of jobs and training for fiscal year 1995 for an increase to the state grant for opportunities industrialization centers under Minnesota Statutes, sections 268.60 to 268.66. Of this appropriation, \$58,299 must be used for three grants of \$19,433 each

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

for the Twin Cities, the American Indian, and the Ramsey county opportunities industrialization center; \$20,000 for two grants of \$10,000 each to the Anishinabe and the Fond Du Lac opportunities industrialization centers; \$10,000 for a start-up grant for new opportunities industrialization center development; \$25,000 for a grant for the Bemidji area opportunities industrialization center; and \$11,701 for state council administration. This appropriation does not cancel but is available until expended.

(b) Displaced Homemaker Program

Of this appropriation, \$300,000 is appropriated from the general fund to the commissioner of jobs and training for fiscal year 1995 for the purposes of the displaced homemaker program under Minnesota Statutes, section 268.96.

(c) Employment Services for Persons With Mental Illness

Of this appropriation, \$50,000 is appropriated from the general fund to the commissioner of jobs and training for fiscal year 1995 for the grants under Minnesota Statutes, section 268A.13, and the development of a statewide plan for establishing a statewide system to reimburse providers for employment support services for persons with mental illness.

(d) Supported Employment

Of this appropriation, \$200,000 is to the commissioner of jobs and training for fiscal year 1995 for the purposes of the extended employment program within the division of rehabilitation services. All of this appropriation must be used to fund direct services to persons with severe disabilities.

Sec. 5. HOUSING FINANCE AGENCY

-0-

430,000

This appropriation is added to the appropriation in Laws 1993, chapter 369, section 6.

(a) Blighted Housing

Of this appropriation, \$400,000 is appropriated from the general fund to the commissioner of the housing finance agency for fiscal year 1995 for the community rehabilitation fund account created pursuant to Minnesota Statutes, section 462A.206. Notwithstanding the requirements of Minnesota Statutes, section 462A.206, subdivision 3, the commissioner must use the appropriation to make grants to cities for projects that meet the following criteria:

(1) will acquire, remove, or rehabilitate large multiunit residential blighted housing located in a redeveloped project area established under Minnesota Statutes, section 469.002, subdivision 12. For purposes of this section, "large" means a building or complex of buildings containing at least 80 residential units;

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

(2) will stabilize the tax capacity of the neighborhood in which the project is located;

(3) will provide housing opportunities for persons and households of income levels determined by the governing body of the city to be needed within the city; and

(4) will be located in a city that has implemented a program to acquire, demolish, or rehabilitate multiunit residential housing within three years of the effective date of this section.

"City" has the meaning given it in Minnesota Statutes, section 462A.03, subdivision 21. The commissioner must award grants under this appropriation by September 1, 1994.

(b) Septic Systems Treatment Program

Of this appropriation, \$30,000 for fiscal year 1995 is added to the appropriation in Laws 1993, chapter 369, section 6, subdivision 1, and is to administer a septic systems treatment program. This appropriation is contingent upon passage of enabling legislation to provide financial assistance for cleanup of nonpoint source water pollution.

Sec. 6. Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] The requirements of subdivision 2 do not apply to state contracts of the department of jobs and training distributing state and federal funds for the purpose of subcontracting the provision of program services to eligible recipients. For these contracts, the commissioner of jobs and training is authorized to directly enter into state contracts and encumber available funds. For contracts distributing state or federal funds pursuant to the federal Economic Dislocation and Worker Adjustment Assistance Act, United States Code, title 29, section 1651 et seq.; or Minnesota Statutes, sections 268.977, 268.9771, 268.978, 268.9781, and 268.9782. ~~For these contracts, the commissioner of jobs and training is authorized to directly enter into state contracts with approval of the governor's job training council and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner of jobs and training shall adopt internal procedures to administer and monitor funds distributed under these contracts.~~

Sec. 7. Minnesota Statutes 1993 Supplement, section 239.785, subdivision 2, is amended to read:

Subd. 2. [DUE DATES FOR FILING OF RETURNS AND PAYMENT.] The fee must be remitted monthly on a form prescribed by the commissioner of revenue for deposit in the general fund liquefied petroleum gas account established in subdivision 6. The fee must be paid and the return filed on or before the 23rd day of each month following the month in which the liquefied petroleum gas was delivered or received.

Sec. 8. Minnesota Statutes 1993 Supplement, section 239.785, is amended by adding a subdivision to read:

Subd. 6. [LIQUEFIED PETROLEUM GAS ACCOUNT.] A liquefied petroleum gas account in the special revenue fund is created in the state treasury. Fees and penalties collected under this section must be deposited in the state treasury and credited to the liquefied petroleum gas account. Money in that account, including interest earned, is appropriated to the commissioner of jobs and training to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

Sec. 9. Laws 1993, chapter 369, section 11, is amended to read:

Sec. 11. PUBLIC SERVICE

Subdivision 1. Total Appropriation

9,090,000

8,950,000

8,730,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Telecommunications

730,000

752,000

Subd. 3. Weights and Measures

2,948,000

2,845,000

Subd. 4. Information and Operations Management

1,540,000

1,440,000

\$84,000 the first year is for an electronic imaging system. This appropriation must not be allotted until the commissioner certifies that all of the information policy office requirements for this project have been met or will be met. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Subd. 5. Energy

3,872,000

~~3,913,000~~3,693,000

\$588,000 the first year and \$588,000 the second year are for transfer to the energy and conservation account established in Minnesota Statutes, section 216B.241, subdivision 2a, for programs administered by the commissioner of jobs and training to improve the energy efficiency of residential oil-fired heating plants in low-income households, and when necessary, to provide weatherization services to the homes.

\$220,000 the first year and ~~\$220,000 the second year~~ are is for transfer to the energy and conservation account established by Minnesota Statutes, section 216B.241, subdivision 2a, for programs administered by the commissioner of jobs and training to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes.

Of this appropriation, \$284,000 in the first year and \$326,000 in the second year are for alternative energy engineering activities. In employing persons to perform these activities, the department shall first offer any positions to persons previously employed by the department of public service during fiscal year 1993 in that capacity. No part of this appropriation may be used for outside consulting.
* (The preceding paragraph beginning "OP" was vetoed by the governor.)

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

Subd. 6. Rental Energy Loan and Rebate Program Appropriation

All money, including interest and loan repayments, remaining from the Exxon Oil overcharge money appropriated to the commissioner of public service by Laws 1988, chapter 686, article 1, section 38, that was allocated to the Minnesota housing finance agency is reappropriated to the commissioner for the purposes of this subdivision and is available until spent.

\$1,600,000 is for a contract with an appropriate nonprofit organization, without public bidding, to provide revolving loan funds for a rental energy loan program in metropolitan counties as defined in Minnesota Statutes, section 473.121, subdivision 4. The program is to be marketed and delivered in coordination with other energy services.

The balance is for any purpose consistent with the state energy conservation program.

Sec. 10. [268.56] [MINNESOTA YOUTH PROGRAM; DEFINITIONS.]

For the purposes of sections 268.56 and 268.561, the terms defined in this section have the meanings given them.

Subdivision 1. [COMMISSIONER.] "Commissioner" means the commissioner of jobs and training.

Subd. 2. [ELIGIBLE APPLICANT.] "Eligible applicant" means an individual who is:

(1) between the ages of 14 and 21;

(2) economically disadvantaged; and

(3) an at-risk youth who may be classified as a family of one for purposes of eligibility determination. The following individuals are considered at risk:

(a) a pregnant or parenting youth;

(b) a youth with limited English proficiency;

(c) a potential or actual school dropout;

(d) a youth in an offender or diversion program;

(e) a public assistance recipient or a recipient of group home services;

(f) a youth with disabilities including learning disabilities;

(g) a chemically dependent youth or children of drug or alcohol abusers;

(h) a homeless or runaway youth;

(i) a youth with basic skills deficiency;

(j) a youth with an educational attainment of one or more levels below grade level appropriate to age; or

(k) a foster child.

Subd. 3. [EMPLOYER.] "Employer" means a private or public employer.

Sec. 11. [268.561] [MINNESOTA YOUTH PROGRAM.]

Subdivision 1. [PURPOSE.] The Minnesota youth program is established to:

- (1) improve the employability of low-income youth through exposure to public or private sector work;
- (2) enhance the basic educational skills of youth;
- (3) encourage the completion of high school or equivalency;
- (4) assist youth to enter employment, school-to-work transition programs, the military, or post-secondary education or training;
- (5) enhance the citizenship skills of youth through community service and service learning; and
- (6) provide educational, career, and life skills counseling.

Subd. 2. [WAGE RATE.] The rate of pay for Minnesota youth program positions with public, private nonprofit, and private for-profit employers is the minimum wage. Employers are encouraged to use their own funds to increase the participants' hourly wage rates. Youths designated as supervisors may be paid at a higher level to be determined by the local contractor.

Subd. 3. [CONTRACT ADMINISTRATION.] Special consideration will be given to local contractors with experience in administering youth employment and training programs and those who have demonstrated efforts to coordinate state and federal youth programs locally.

Subd. 4. [ALLOCATION FORMULA.] Seventy percent of funds must be allocated based on the county's share of economically disadvantaged youth. The remaining 30 percent must be allocated based on the county's share of population ages 14 to 21.

Subd. 5. [ALLOWABLE COST CATEGORIES.] Of the total allocation, up to 15 percent may be used for administrative purposes and the remaining 85 percent may be used for a combination of training and participant support activities.

Subd. 6. [REPORTS.] Each entity shall report to the commissioner on a quarterly basis in a format to be determined by the commissioner.

Data collected on individuals under this subdivision are private data on individuals as defined in section 13.02, subdivision 12, except that summary data may be provided under section 13.05, subdivision 7.

Subd. 7. [PART-TIME EMPLOYMENT.] Wages and subsidies under this section may be paid for part-time employment.

Subd. 8. [LAYOFFS; WORKER REDUCTIONS.] An employer may not lay off, terminate, or reduce the working hours of an employee for the purpose of hiring an individual with funds provided by this section. An employer may not hire an individual with funds available under this section if any other individual is laid off from the same or a substantially equivalent job.

Subd. 9. [RULES.] The commissioner may adopt rules to implement this section.

Sec. 12. [268A.13] [EMPLOYMENT SUPPORT SERVICES FOR PERSONS WITH MENTAL ILLNESS.]

The commissioner of jobs and training, in cooperation with the commissioner of human services, shall develop a statewide program of grants to provide services for persons with mental illness in supported employment. Projects funded under this section must: (1) assist persons with mental illness in obtaining and retaining employment; (2) emphasize individual community placements for clients; (3) ensure interagency collaboration at the local level between vocational rehabilitation field offices, county service agencies, community support programs operating under the authority of section 245.4712, and community rehabilitation providers, in assisting clients; and (4) involve clients in the planning, development, oversight, and delivery of support services. Project funds may not be used to provide services in segregated settings such as long-term employment or work activity programs as defined in section 268A.01.

The commissioner of jobs and training, in consultation with the commissioner of human services, shall develop a request for proposals which is consistent with the requirements of this section and which specifies the types of services that must be provided by grantees. Projects shall be funded for state fiscal year 1995 and priority for funding shall be given to organizations with experience in developing innovative employment support services for persons with mental illness. Each applicant for funds under this section shall submit an evaluation protocol as part of the grant application.

Sec. 13. Laws 1993, chapter 369, section 5, subdivision 4, is amended to read:

Subd. 4. Community Services

27,579,000

25,678,000

The money appropriated for the youth wage subsidy program for the second year of the biennium must be used for programs authorized under Minnesota Statutes, sections 268.31 to 268.36.

\$880,000 is appropriated from the general fund to the commissioner of jobs and training for operating costs of transitional housing programs under Minnesota Statutes, section 268.38. Of this appropriation, \$440,000 is for the first year and \$440,000 is for the second year.

\$4,200,000 for the first year and \$5,550,000 for the second year is appropriated from the general fund to the commissioner of the department of jobs and training for Minnesota economic opportunity grants to community action agencies. This appropriation is to replace federal funds that are no longer available to community action agencies because of new federal restrictions on the authority to transfer block grant money from the federal Low-Income Home Energy Assistance program to the federal Community Services Block grant.

For the biennium ending June 30, 1995, the commissioner shall transfer to the low-income home weatherization program at least five percent of money received under the low-income home energy assistance block grant in each year of the biennium and shall spend all of the transferred money during the year of the transfer or the year following the transfer. Up to 1.63 percent of the transferred money may be used by the commissioner for administrative purposes.

For the biennium ending June 30, 1995, no more than 1.63 percent of money remaining under the low-income home energy assistance program after transfers to the weatherization program may be used by the commissioner for administrative purposes.

The state appropriation for the temporary emergency food assistance program may be used to meet the federal match requirements.

Of the money appropriated for the summer youth employment programs for fiscal year 1994, \$750,000 is immediately available. Any remaining balance of the immediately available money is available for the year in which it is appropriated. If the appropriation for either year of the biennium is insufficient, money may be transferred from the appropriation for the other year.

Notwithstanding Minnesota Statutes, section 268.022, subdivision 2, the commissioner of finance shall transfer to the general fund from the dedicated fund \$3,054,000 in the first year and \$2,303,000 in the second year of the money collected through the special assessment established in Minnesota Statutes, section 268.022, subdivision 1.

Of this appropriation, \$5,554,000 the first year and \$2,303,000 the second year are for summer youth employment programs.

Of this appropriation, \$100,000 is to train and certify community action agency weatherization programs to comply with the requirements of Minnesota Statutes, section 144.878, subdivision 5.

* (The preceding sentence starting "Of" was vetoed by the governor.) Of this appropriation, \$400,000 is to be used for swab teams with priority to be given to those swab teams in greater Minnesota which are affiliated with community action agencies and to those swab teams in cities of the first class which are affiliated with community action agencies or neighborhood-based nonprofit organizations. 3.75 percent of the allocation may be used for administrative costs. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Of this appropriation, \$1,200,000 is for the food shelf program.

Of this appropriation, \$400,000 is for youth employment and for housing for the homeless through the YOUTHBUILD program.

Of the appropriation for the Minnesota economic opportunity grant, the commissioner may use up to nine percent each year for state operations.

Of the appropriation for Head Start, the commissioner of the department of jobs and training may use up to two percent each year for state operations.

Sec. 14. [645.443] [HEAD START AND SCHOOL BUS DRIVER DAY.]

The second Monday in January is designated Head Start and School Bus Driver Day in recognition of the responsibilities borne and the dedication demonstrated by Minnesota's Head Start and other school bus drivers for the safe delivery of our school children. The governor may take any action necessary to promote and encourage the observance of Head Start and School Bus Driver Day. The public schools may offer instruction and programs honoring and fostering appreciation and respect for Minnesota Head Start and school bus drivers.

Sec. 15. [PLAN FOR A STATEWIDE REIMBURSEMENT SYSTEM.]

The commissioner of jobs and training, in cooperation with the commissioner of human services, shall develop a detailed plan for establishing a statewide system to reimburse providers for employment support services for persons with mental illness. The plan must include the following: (1) protocols for certifying eligible providers; (2) standards for determining client eligibility for the service; (3) a list of reimbursable services with the proposed reimbursement level for each service; and (4) a description of the systems, including necessary computer systems, that will be used by the state agency for payment of reimbursement to eligible providers. The plan must also include projected total biennial costs for the new reimbursement system, recommendations on the nature of appeal rights which shall be provided to clients and providers, and recommendations on the necessity for agency rulemaking prior to implementation of the new reimbursement system.

Sec. 16. [REPEALER.]

Minnesota Statutes 1992, sections 268.32; 268.551; and 268.552, are repealed.

Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700, are repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 10, 11, 13, and 16 are effective the day following final enactment.

ARTICLE 7

DEPARTMENT OF VETERANS AFFAIRS;
DEPARTMENT OF HUMAN RIGHTS

Section 1. [APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this article, to be available for the fiscal years indicated for each purpose. The figures "1994" and "1995" where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994, or June 30, 1995, respectively. Where a dollar amount appears in parentheses, it means a reduction of an appropriation.

Sec. 2. [UNCODIFIED LANGUAGE.]

All uncodified language in this article expires on June 30, 1995, unless a different expiration is specified.

Sec. 3. [FUNDING SOURCE.]

All language in this article designating an appropriation refers to a general fund appropriation unless a different fund is specifically referenced.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ -0-	\$ 851,000	\$ 851,000
State Government Special Revenue	-0-	251,000	251,000
Total	\$ -0-	\$ 1,102,000	\$ 1,102,000

APPROPRIATIONS
Available for the Year
Ending June 30

1994	1995
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Sec. 4. VETERANS AFFAIRS

\$ -0-	\$ 852,000
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This appropriation is added to the appropriation in Laws 1993, chapter 192, section 23.

(a) County Veterans Services Officers

Of this appropriation, \$150,000 is to the commissioner of veterans affairs for fiscal year 1995 for the funding of county veterans services officers.

(b) Soldiers Assistance Fund

Of this appropriation, \$200,000 is to the commissioner of veterans affairs for fiscal year 1995 for the purpose of the state soldier's assistance program.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

(c) Veterans' Cemetery

Of this appropriation, \$250,000 is appropriated from the general fund to the department of veterans affairs for fiscal year 1995 to be placed in the veterans' cemetery development and maintenance account of the special revenue fund of the state treasury for use in the development, operation, and maintenance of the state veterans' cemetery established in Minnesota Statutes, section 197.236. This amount is available until expended.

Of this appropriation, \$1,000 is appropriated from the general fund to the department of veterans affairs for fiscal year 1995 to be placed in the veterans' cemetery trust account of the special revenue fund of the state treasury where it shall remain permanently as principal for use as specified in Minnesota Statutes, section 197.236, subdivision 6.

Sec. 5. COMMISSIONER OF HUMAN RIGHTS

-0-

250,000

This appropriation is added to the appropriation in Laws 1993, chapter 192, section 21.

Of this appropriation, \$250,000 for fiscal year 1995 is added to the appropriation in Laws 1993, chapter 192, section 21, and is to enhance information systems and to implement the strategic information plan submitted to the information policy office.

Sec. 6. [197.236] [VETERANS' CEMETERY.]

Subdivision 1. [ADVISORY COUNCIL; PURPOSE.] The veterans' cemetery advisory council is established for the purpose of managing the fundraising for the veterans' cemetery trust account established in subdivision 7. The council consists of seven members appointed by and serving at the pleasure of the governor. Members serve without per diem and without reimbursement for expenses. The council and the terms of members expire December 31, 1996.

Subd. 2. [MEMBERSHIP.] Members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work. At least two members must be veterans. At least three, but no more than four of the members must be residents of the metropolitan area, as defined in section 473.121, subdivision 2. No more than four of the members may be of the same gender.

Subd. 3. [OPERATION AND MAINTENANCE.] The commissioner of veterans affairs shall supervise and control the veterans' cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery, must be included in the department's budget.

Subd. 4. [ACQUISITION OF PROPERTY.] By August 1, 1994, or as soon thereafter as practicable, the department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans' cemetery by the Minnesota state veterans' cemetery association. Prior to the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.

Subd. 5. [RULES.] If practicable, the commissioner shall require that upright granite markers be used to mark all gravesites.

Subd. 6. [PERMANENT DEVELOPMENT AND MAINTENANCE ACCOUNT.] A veterans' cemetery development and maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans' cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. This account must be used for the development, operation, maintenance, and improvement of the cemetery. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants for the development and operation of the cemetery.

Subd. 7. [PERMANENT TRUST ACCOUNT.] A veterans' cemetery trust account is established in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans' cemetery development and maintenance account.

Subd. 8. [ELIGIBILITY FOR BURIAL.] The following persons are eligible for burial in the state veterans' cemetery:

(1) a veteran who has been discharged, under other than dishonorable conditions, from the armed forces of the United States;

(2) a person who has completed qualified service for retirement from, or died in the line of duty for, the Minnesota national guard or any Minnesota reserve component of the United States military forces; and

(3) the spouse or dependent child of a person in clause (1) or (2).

Subd. 9. [BURIAL FEES.] The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of eligible veterans, members of the national guard, or military reservists, except that funds available from the social security or veterans burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.

Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.

Subd. 10. [ALLOCATION OF PLOTS.] A person, or survivor of a person, eligible for interment in the state veterans' cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the national guard, or military reservist.

Sec. 7. [REPEALER.]

Minnesota Statutes 1992, section 197.235, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 6 and 7 are effective July 1, 1994.

ARTICLE 8

HEALTH DEPARTMENT TECHNICAL

Section 1. Minnesota Statutes 1992, section 126A.02, subdivision 2, is amended to read:

Subd. 2. [BOARD MEMBERS.] A ~~17-member~~ 18-member board shall advise the director. The board is made up of the commissioners of the department of natural resources; the pollution control agency; the department of agriculture; the department of education; the department of health; the director of the office of strategic and

long-range planning; the chair of the board of water and soil resources; the executive director of the higher education coordinating board; the executive secretary of the board of teaching; the director of the extension service; and eight citizen members representing diverse interests appointed by the governor. The governor shall appoint one citizen member from each congressional district. The citizen members are subject to section 15.0575. Two of the citizen members appointed by the governor must be licensed teachers currently teaching in the K-12 system. The governor shall annually designate a member to serve as chair for the next year.

Sec. 2. Minnesota Statutes 1992, section 144.0723, subdivision 1, is amended to read:

Subdivision 1. [CLIENT REIMBURSEMENT CLASSIFICATIONS.] The commissioner of health shall establish ~~reimbursement~~ classifications based upon the assessment of each client in intermediate care facilities for the mentally retarded conducted after December 31, 1988, under section 256B.501, subdivision 3g, ~~or under rules established by the commissioner of human services under section 256B.501, subdivision 3j.~~ The reimbursement classifications established by the commissioner must conform to the rules established by the commissioner of human services to set payment rates for intermediate care facilities for the mentally retarded beginning on or after October 1, 1990 1995.

Sec. 3. Minnesota Statutes 1992, section 144.0723, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF CLIENT REIMBURSEMENT CLASSIFICATION.] The commissioner of health shall notify each client and intermediate care facility for the mentally retarded in which the client resides of the reimbursement ~~classification~~ classifications established under subdivision 1 for each client residing in the facility. The notice must inform the client intermediate care facility for the mentally retarded of the classification classifications that was assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the commissioner, and the opportunity to request a reconsideration of the classification any classifications assigned. The notice of classification must be sent by first-class mail. ~~The individual client notices may be sent to the client's intermediate care facility for the mentally retarded for distribution to the client. The facility must distribute the notice to the client's case manager and to the client or to the client's representative. This notice must be distributed within three working days after the facility receives the notices from the department. For the purposes of this section, "representative" includes the client's legal representative as defined in Minnesota Rules, part 9525.0015, subpart 18, the person authorized to pay the client's facility expenses, or any other individual designated by the client.~~

Sec. 4. Minnesota Statutes 1992, section 144.0723, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR RECONSIDERATION.] ~~The client, client's representative, or the intermediate care facility~~ for the mentally retarded may request that the commissioner reconsider the assigned classification. The request for reconsideration must be submitted in writing to the commissioner within 30 days after the receipt of the notice of client classification. The request for reconsideration must include the name of the client, the name and address of the facility in which the client resides, the reasons for the reconsideration, the requested classification changes, and documentation supporting the requested classification. The documentation accompanying the reconsideration request is limited to documentation establishing that the needs of the client and services provided to the client at the time of the assessment resulting in the disputed classification justify a change of classification.

Sec. 5. Minnesota Statutes 1992, section 144.0723, subdivision 4, is amended to read:

Subd. 4. [ACCESS TO INFORMATION.] Annually, at the interdisciplinary team meeting, the intermediate care facility for the mentally retarded shall inform the client or the client's representative and case manager of the client's most recent classification as determined by the department of health. Upon written request, the intermediate care facility for the mentally retarded must give the client's case manager, the client, or the client's representative a copy of the assessment form and the other documentation that was given to the department to support the assessment findings. ~~The facility shall also provide access to and a copy of other information from the client's record that has been requested by or on behalf of the client to support a client's reconsideration request. A copy of any requested material must be provided within three working days after the facility receives a written request for the information. If the facility fails to provide the material within this time, it is subject to the issuance of a correction order and penalty assessment. Notwithstanding this section, any order issued by the commissioner under this subdivision must require that the facility immediately comply with the request for information and that as of the date the order is issued, the facility shall forfeit to the state a \$100 fine the first day of noncompliance, and an increase in the \$100 fine by \$50 increments for each day the noncompliance continues.~~

Sec. 6. Minnesota Statutes 1992, section 144.0723, subdivision 6, is amended to read:

Subd. 6. [RECONSIDERATION.] The commissioner's reconsideration must be made by individuals not involved in reviewing the assessment that established the disputed classification. The reconsideration must be based upon the initial assessment and upon the information provided to the commissioner under ~~subdivisions~~ subdivision 3 and 5. If necessary for evaluating the reconsideration request, the commissioner may conduct on-site reviews. At the commissioner's discretion, the commissioner may review the ~~reimbursement~~ classifications assigned to all clients in the facility. Within 15 working days after receiving the request for reconsideration, the commissioner shall affirm or modify the original client classification. The original classification must be modified if the commissioner determines that the assessment resulting in the classification did not accurately reflect the status of the client at the time of the assessment. ~~The client and the intermediate care facility for the mentally retarded shall be notified within five working days after the decision is made.~~ The commissioner's decision under this subdivision is the final administrative decision of the agency.

Sec. 7. [144.1222] [PUBLIC POOLS.]

The commissioner of health shall be responsible for the promulgation of rules and the enforcement of standards relating to the operation, maintenance, design, installation, and construction of public pools and facilities related to them. The commissioner shall promulgate rules governing the collection of fees pursuant to section 144.122 to cover the cost of pool construction plan review, monitoring, and inspections.

Sec. 8. Minnesota Statutes 1992, section 144.414, subdivision 3, is amended to read:

Subd. 3. [HEALTH CARE FACILITIES AND CLINICS.] (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a nursing home, boarding care facility, or licensed residential facility, except as allowed in this subdivision.

(b) Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.

(c) Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program to minimize exposure of nonsmokers to smoke.

Sec. 9. Minnesota Statutes 1992, section 144.417, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417, except as provided for in section 144.414.

~~The state commissioner of health may, upon request, waive the provisions of sections 144.411 to 144.417 if the commissioner determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.~~

Sec. 10. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 21, is amended to read:

Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident.~~ This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who

may seek to communicate with the patient or resident. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. This right is limited where medically inadvisable, as documented by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.

Sec. 11. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 26, is amended to read:

Subd. 26. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.~~ To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility.

Sec. 12. Minnesota Statutes 1993 Supplement, section 144.872, subdivision 4, is amended to read:

Subd. 4. [LEAD CLEANUP EQUIPMENT AND MATERIAL GRANTS.] (a) Within the limits of available state or federal appropriations, funds shall be made available under a grant program to nonprofit community-based organizations in areas at high risk for toxic lead exposure. Grantees shall use the money to purchase lead cleanup equipment and to pay for training for staff and volunteers for lead abatement certification. Grantees may work with licensed lead abatement contractors and certified trainers sponsors of approved training courses in order to receive training necessary for certification under section 144.876, subdivision 1. Lead cleanup equipment shall include: high efficiency particle accumulator and wet vacuum cleaners, drop cloths, secure containers, respirators, scrapers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil.

(b) Upon certification, the grantee's staff and volunteers may make equipment and educational materials available to residents and property owners and instruct them on the proper use. Equipment shall be made available to low-income households on a priority basis at no fee, and other households on a sliding fee scale. Equipment shall not be made available to any person, ~~licensed lead abatement contractor, or certified trainer~~ who charges or intends to charge a fee for services performed using equipment or materials purchased by a nonprofit community-based organization through a grant obtained under this subdivision.

Sec. 13. Minnesota Statutes 1993 Supplement, section 144.873, subdivision 1, is amended to read:

Subdivision 1. [REPORT REQUIRED.] Medical laboratories performing blood lead analyses must report to the commissioner finger stick and venipuncture blood lead results and the method used to obtain these results. Boards of health must report to the commissioner the results of analyses from residential samples of paint, soil, dust, and drinking water. The commissioner shall require the type of blood sample tested and the date of the test, and the current address and birthdate of the patient, the gender and race of the patient, and other related information from medical laboratories and boards of health as may be needed to monitor and evaluate blood lead levels in the public. Clinic staff and physicians who collect blood samples for lead analyses must provide the information in this subdivision to the medical laboratory performing the analyses. If a clinic or physician sends a blood lead test to a medical laboratory outside of Minnesota, that clinic or physician must meet the reporting requirements under this subdivision.

Sec. 14. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 1, is amended to read:

Subdivision 1. [RESIDENCE ASSESSMENT.] (a) A board of health must conduct ~~a timely an~~ an assessment of a residence and all common areas, ~~if the residence is located in a building with two or more residential units, within five working days of~~ within ten working days of receiving notification that the criteria in this subdivision have been met, as confirmed by lead analysis of a venous blood sample, to determine sources of lead exposure if:

(1) a pregnant woman in the residence is identified as having a blood lead level of at least ten micrograms of lead per deciliter of whole blood;

(2) a child in the residence is identified as having a blood lead level at or above 20 micrograms per deciliter; or

(3) a child in the residence is identified as having a blood lead level that persists in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification. In a building with two or more residential units, a board of health must inspect the individual unit in which the conditions of this subdivision are met and must also inspect all common areas in the building. Assessments must be conducted by a board of health regardless of the availability of state or federal appropriations for assessments.

(b) Within the limits of available state and federal appropriations, a board of health shall also conduct home assessments for children whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. A board of health may assess a residence even if none of the three criteria in this subdivision are met.

(c) If a child regularly spends several hours at one or more other sites such as another residence, or a residential or commercial child care facility, the board of health must also assess the other sites. The board of health shall have one additional day to complete the assessment for each additional site.

(d) Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment.

(e) The board of health must conduct the residential assessment according to rules adopted by the commissioner under section 144.878. A board of health must have residence assessments performed by lead inspectors licensed by the commissioner according to rules adopted under section 144.878. A board of health may observe the performance of lead abatement in progress and may enforce the provisions of sections 144.871 to 144.879 under section 144.878.1. The staff complement of the department of health shall be increased by two full-time equivalent positions who shall be lead inspectors.

Sec. 15. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 3a, is amended to read:

Subd. 3a. [SWAB TEAM SERVICES.] After issuing abatement orders for a residence of a child or pregnant women with elevated blood lead levels, the commissioner or a board of health must send a swab team ~~within five working days~~ within ten working days to the residence to perform swab team services as defined in section 144.871, subdivision 9. If the commissioner or board of health provides swab team services after an assessment, but before the issuance of an abatement order, swab team services do not need to be repeated after the issuance of an abatement order. Swab team services are not considered completed until the reassessment required under subdivision 6 shows no violation of one or more of the standards under section 144.878, subdivision 2. If assessments and abatement orders are conducted at times when weather or soil conditions do not permit the assessment or abatement of lead in soil, the residences shall have their soil assessed and abated, if necessary, at the first opportunity that weather and soil conditions allow.

Sec. 16. Minnesota Statutes 1993 Supplement, section 144.8771, subdivision 2, is amended to read:

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

(1) the fee set by the commissioner; and

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

(b) The fee required by this subdivision is waived for an employee of ~~a board of health~~ the federal, state, or local government within Minnesota.

Sec. 17. Minnesota Statutes 1992, section 144.878, is amended by adding a subdivision to read:

Subd. 2b. [PRIORITIES FOR RESPONSE ACTION.] The commissioner of health must establish, by publication in the State Register, a priority list of census tracts at high risk for toxic lead exposure for primary prevention response actions. In establishing the list, the commissioner shall award points under this subdivision to each census tract on

which information is available. The priority for primary prevention response actions in census tracts at high risk for toxic lead exposure shall be based on the cumulative points awarded to each census tract. A greater number of points means a higher priority. If a tie occurs in the number of points, priority shall be given to the census tract with the higher percentage of population with blood lead levels greater than ten micrograms of lead per deciliter. All local governmental units and boards of health shall follow the priorities under this subdivision. The commissioner shall revise and update the priority list at least every five years. Points shall be awarded to each census tract for each criteria, considered independently, as described in section 144.871, subdivision 7a. Points shall be awarded as follows:

(a) In a census tract where at least 20 children have been screened in the last five years, one point shall be awarded for each five percent of children who were under six years old at the time they were screened for lead in blood and whose blood lead level exceeds ten micrograms of lead per deciliter. An additional point shall be awarded if one percent of the children had blood levels greater than 20 micrograms per deciliter of blood. Two points shall be awarded to a census tract, where the blood lead screening has been inadequate, that is contiguous with a census tract where more than ten percent of the children under six years of age have blood lead levels exceeding ten micrograms per deciliter.

(b) One point shall be awarded for every five percent of housing that is defined as dilapidated or deteriorated by the planning department or similar agency of the city in which the housing is located. Where data is available by neighborhood or section within a city, the percent of dilapidated or deteriorated housing shall apply equally to each census tract within the neighborhood or section.

(c) One point shall be awarded for every 100 parts per million of lead soil, based on the median soil lead values of foundation soil samples, calculated on 100 parts per million intervals, or fraction thereof. For the cities of St. Paul and Minneapolis, the commissioner shall use the June 1988 census tract version of the houseside map entitled "Distribution of Household Lead Content of Soil Dust in the Twin Cities," prepared by the Center for Urban and Regional Affairs. Where the map displays a census tract that is crossed by two or more intervals, the commissioner shall make a reasoned determination of the median foundation soil lead value for that tract. Values for census tracts may be updated by surveying the tract according to the procedures under Minnesota Rules, part 4761.0400, subpart 8.

Sec. 18. Minnesota Statutes 1993 Supplement, section 144.99, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of chapters 103I and 157 and sections 115.71 to 115.82; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.491; 144.495; 144.71 to 144.76; 144.871 to 144.878; 144.992; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 19. Minnesota Statutes 1993 Supplement, section 144.99, subdivision 6, is amended to read:

Subd. 6. [CEASE AND DESIST.] The commissioner, or an employee of the department designated by the commissioner, may issue an order to cease an activity covered by subdivision 1 if continuation of the activity would result in an immediate risk to public health. An order issued under this paragraph is effective for a maximum of 72 hours. In conjunction with the issuance of the cease and desist order, the commissioner may post a tag to cease use of or cease continuation of the activity until the cease and desist order is lifted and the tag is removed by the commissioner. The commissioner must seek an injunction or take other administrative action authorized by law to restrain activities for a period beyond 72 hours. The issuance of a cease and desist order does not preclude the commissioner from pursuing any other enforcement action available to the commissioner.

Sec. 20. Minnesota Statutes 1993 Supplement, section 157.08, is amended to read:

157.08 [LINENS, OTHER FURNISHINGS, PROSECUTION.]

All hotels and motels in this state shall hereafter provide each bedroom with at least two clean towels daily for each guest and provide the main public washroom with clean individual towels. Individual towels shall not be less than nine inches wide and 13 inches long after being washed. This shall not prohibit the use of other acceptable hand drying devices.

All hotels, motels, lodging houses and resorts where linen is provided, hereafter shall provide each bed, bunk, cot, or sleeping place for the use of guests with pillowslips and under and top sheets; each sheet shall be not less than 99 inches long nor less than 24 inches wider than the mattress. A sheet shall not be used which measures less than 90 inches in length after being laundered; these sheets and pillowslips to be made of materials acceptable to the state commissioner of health, and all sheets and pillowslips, after being used by one guest, must be laundered in a manner acceptable to the commissioner before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel, motel, resort, or lodging house in this state must be kept clean. No bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts, shall be used which are worn out or unfit for further use.

Effective measures shall be taken to eliminate any vermin infestation in any establishment licensed under this chapter. All rugs and carpets in all sleeping rooms shall be kept in good repair and maintained in a clean condition.

All tables, table linens, chairs, and other furniture, all hangings, draperies, curtains, carpets, and floors in all lodging houses, resorts, hotels, restaurants, boarding houses, or places of refreshment, shall be kept in good repair and in a clean and sanitary condition.

~~The county attorney of each county in this state shall, upon complaint on oath of the commissioner, or a duly authorized deputy, prosecute to termination before any court of competent jurisdiction, in the name of the state, a proper action or proceeding against any person or persons violating the provisions of this chapter or rules of the state commissioner of health.~~

Sec. 21. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 3, is amended to read:

Subd. 3. [VISITORS AND PHONE CALLS.] Subject to the general rules of the treatment facility, a patient has the right to receive visitors and make phone calls. The head of the treatment facility may restrict visits and phone calls on determining that the medical welfare of the patient requires it. Any limitation imposed on the exercise of the patient's visitation and phone call rights and the reason for it shall be made a part of the clinical record of the patient. ~~Upon admission to a facility, a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.~~ To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility.

Sec. 22. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 4, is amended to read:

Subd. 4. [SPECIAL VISITATION; RELIGION.] A patient has the right to meet with or call a personal physician, spiritual advisor, and counsel at all reasonable times. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.~~ To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. The patient has the right to continue the practice of religion.

Sec. 23. Minnesota Statutes 1993 Supplement, section 326.71, subdivision 4, is amended to read:

Subd. 4. [ASBESTOS-RELATED WORK.] "Asbestos-related work" means the enclosure, repair, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds 260 lineal feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or a total of 35 cubic feet of friable asbestos-containing material ~~on or off~~ all facility components in one

facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, repair, removal, or encapsulation of greater than ten but less than 260 lineal feet of friable asbestos-containing material on pipes or ducts or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components. This provision excludes asbestos-containing vinyl floor tiles and sheeting under 160 square feet. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, encapsulation, or repair operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

Sec. 24. Minnesota Statutes 1993 Supplement, section 326.75, subdivision 3, is amended to read:

Subd. 3. [PERMIT FEE.] One Five calendar day days before beginning asbestos-related work, a person shall pay a project permit fee to the commissioner equal to one percent of the total costs of the asbestos-related work. For asbestos-related work performed in single or multifamily residences, of greater than ten but less than 260 linear feet of asbestos-containing material on pipes, or greater than six but less than 160 square feet of asbestos-containing material on other facility components, a person shall pay a project permit fee of \$35 to the commissioner.

Sec. 25. [OPTIONS REGARDING DISCHARGE OF NURSING HOME RESIDENTS FOR NONPAYMENT.]

The commissioner of health shall submit to the legislature by February 15, 1995, options for amending Minnesota Statutes, section 144A.135, regarding discharge hearings for nursing home residents for nonpayment by a resident or responsible party. The options must take into consideration:

- (1) a method for a shorter appeal process in nonpayment cases;
- (2) a mechanism for addressing problems of financial exploitation of vulnerable adults;
- (3) steps facilities should take to obtain payment prior to issuing a discharge notice;
- (4) provision of services for residents facing discharge for nonpayment; and
- (5) the feasibility of establishing an emergency fund to pay for services on a short-term basis when a discharge for nonpayment has been issued.

Sec. 26. [TICK-BORNE DISEASE REPORT.]

The commissioner, after consulting with representatives of local health departments, the lyme disease coalition of Minnesota, other affected state agencies, the tourist industry, medical providers, and health plans, shall report to the legislature by December 15, 1994, a description of the scope and magnitude of tick-borne diseases in Minnesota, the appropriateness of current definitions of lyme disease used in Minnesota, propose measures to provide public and provider education to reduce the incidence of new tick-borne disease infections, and recommend mechanisms to fund increased tick and disease surveillance and prevention activities.

Sec. 27. [REPEALER.]

Minnesota Statutes 1992, section 144.0723, subdivision 5, is repealed. Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09, are repealed.

Laws 1993, chapter 286, section 11; and Laws 1993, First Special Session chapter 1, article 9, section 49, are repealed."

Renumber the sections in sequence and correct internal references

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, jobs and training, housing finance, veterans affairs, human rights, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 16A.124,

subdivisions 1, 2, 3, 4, 5, and 6; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 144.0721, by adding a subdivision; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.801, by adding a subdivision; 144.804, subdivision 1; 144.878, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 145A.14, by adding a subdivision; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 62A.045; 144.551, subdivision 1; 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 153A.14, subdivision 2; 157.08; 239.785, subdivision 2, and by adding a subdivision; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 253B.03, subdivisions 3 and 4; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; and 626.556, subdivision 11; Laws 1993, chapter 369, sections 5, subdivision 4; and 11; proposing coding for new law in Minnesota Statutes, chapters 137; 144; 145; 148; 197; 245; 246; 252; 253; 256; 268; 268A; and 645; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 197.235; 252.275, subdivisions 4a and 10; 256.969, subdivision 24; 256B.501, subdivisions 3d, 3e, and 3f; 268.32; 268.551; and 268.552; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; and Laws 1993, First Special Session chapter 1, article 9, section 49; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3193 and 3210 were read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Greenfield moved that the rule therein be suspended and an urgency be declared so that H. F. No. 3210 be given its third reading and be placed upon its final passage. The motion prevailed.

Greenfield moved that the Rules of the House be so far suspended that H. F. No. 3210 be given its third reading and be placed upon its final passage. The motion prevailed.

Gruenes moved to amend H. F. No. 3210, the first engrossment, as follows:

Page 147, after line 10, insert:

"Sec. 90. [256B.201] [NOTIFICATION BY COUNTY OF FINANCIAL RESPONSIBILITY.]

When an individual receives services in a facility licensed by the department of health as a nursing facility, boarding care facility, supervised living facility, board and lodging facility, or board and lodging facility with special services, the individual's county of financial responsibility shall provide written notice to the county in which services are provided whether the county of financial responsibility will pay for the cost of those services. If the county of financial responsibility does not provide such written notice within 30 days of notification that services have been provided, it shall be responsible to pay for the cost of services provided to the individual during the first 90 days that the individual is a resident in the facility."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kelley moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 47, after line 14, insert:

"Sec. 4. Minnesota Statutes 1992, section 144A.46, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] The following individuals or organizations are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed as a registered nurse under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

(3) a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

(4) a person who is registered under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(5) a provider that is licensed by the commissioner of human services to provide semi-independent living services under Minnesota Rules, parts 9525.0500 to 9525.0660 when providing home care services to a person with a developmental disability;

(6) a provider that is licensed by the commissioner of human services to provide home- and community-based services under Minnesota Rules, parts 9525.2000 to 9525.2140 when providing home care services to a person with a developmental disability; or

(7) a person or organization that provides only home management services, if the person or organization is registered under section 144A.43, subdivision 3; or

(8) a person who is licensed as a social worker under sections 148B.18 to 148B.28 and who provides social work services in the home independently and not through any contractual or employment relationship with a home care provider or other organization.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights."

Page 61, after line 21, insert:

"Sec. 14. Minnesota Statutes 1992, section 148B.23, subdivision 1, is amended to read:

Subdivision 1. [EXEMPTION FROM EXAMINATION.] (a) For two years 12 months from July 1, 1987 1994, the board shall issue a license without examination to an applicant who practiced social work, as defined by section 148B.18, subdivision 11, in a hospital or a nursing home licensed under chapters 144 and 144A. The applicant must have practiced social work in a hospital or a nursing home licensed under chapters 144 and 144A at some time between July 1, 1984 and July 1, 1995, and the applicant must meet the qualifications for the requested level of licensure as follows:

(1) for a licensed social worker, if the board determines that the applicant has received a baccalaureate degree from an accredited program of social work, or that the applicant has at least a baccalaureate degree from an a nationally or regionally accredited college or university and two years in full-time employment or 4,000 hours of experience in the supervised practice of social work within the five years before July 1, 1989, or within a longer time period as specified by the board;

(2) for a licensed graduate social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline related to social work, as approved by the board, from a nationally or regionally accredited college or university;

(3) for a licensed independent social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline related to social work, as approved by the board, from a nationally or regionally accredited college or university; and, after receiving the degree, has practiced social work for at least two years in full-time employment or for 4,000 hours of part-time employment under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline related to social work, as approved by the board, from a nationally or regionally accredited college or university; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment or for 4,000 hours of part-time employment under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

~~(b) During the period beginning August 1, 1991, and ending September 30, 1991, the board shall issue a license without examination to an applicant who was licensed as a school social worker by the board of teaching between July 1, 1987, and July 1, 1989. To qualify for a license under this paragraph, the applicant must:~~

~~(1) provide evidence, as determined by the board, of meeting all other licensure requirements under paragraph (a);~~

~~(2) provide evidence, as determined by the board, of practicing social work between July 1, 1987, and July 1, 1989, at the level of licensure being applied for;~~

~~(3) provide verification, on a form provided by the board, that the license held with the board of teaching was in good standing while licensed under their jurisdiction; and~~

~~(4) provide a completed application, including all information required in this paragraph, by September 30, 1991.~~

~~(c) The board shall allow an applicant who became licensed as a school social worker by the board of teaching between July 1, 1989, and July 1, 1990, to take the social work licensure examination and, upon passing the examination, to receive a license. To qualify for a license under this paragraph, the applicant must:~~

~~(1) take and pass one of the next two regularly scheduled social work licensure examinations administered after June 5, 1991;~~

~~(2) provide verification, on a form provided by the board, that the license held with the board of teaching is in good standing; and~~

~~(3) provide a completed application, including all information required in this paragraph, by the board's examination application deadline for the February 1992 licensure examination.~~

Sec. 15. Minnesota Statutes 1992, section 148B.23, subdivision 2, is amended to read:

Subd. 2. [OTHER REQUIREMENTS.] An applicant licensed under this section must also agree to:

(1) engage in social work practice only under the applicable supervision requirements provided in section 148B.21 for each category of licensees, except that the supervised social work experience which an applicant licensed as a licensed social worker must demonstrate may have been obtained before initial licensure, provided that the supervision was obtained after receiving the degree required for licensure; and

(2) conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board by rule.

Sec. 16. Minnesota Statutes 1992, section 148B.27, subdivision 2, is amended to read:

Subd. 2. [USE OF TITLES.] After the board adopts rules, no individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid license issued under sections 148B.18 to 148B.28. City, county, and state agency social workers who are not licensed under sections 148B.18 to 148B.28 may use the title city agency social worker or county agency social worker or state agency social worker. ~~Hospital social workers who are not licensed under sections 148B.18 to 148B.28 may use the title hospital social worker while acting within the scope of their employment.~~

Sec. 17. Minnesota Statutes 1992, section 148B.27, is amended by adding a subdivision to read:

Subd. 2b. [USE OF HOSPITAL SOCIAL WORKER TITLE.] Individuals employed as social workers on June 30, 1995, by a hospital licensed under chapter 144 who do not qualify for licensure under section 148B.21 or 148B.23, subdivision 1, may use the title "hospital social worker" for as long as they continue to be employed by the hospital by which they are employed on June 30, 1995. Individuals covered by this subdivision may not use the title "social worker" or "hospital social worker" in Minnesota in another hospital or in another setting for which licensure is required after June 30, 1995, unless licensed under section 148B.21.

Sec. 18. Minnesota Statutes 1992, section 148B.60, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.] "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.28; the board of marriage and family therapy under sections 148B.29 to 148B.39; or another licensing board if the person is practicing within the scope of the license; or members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

~~(1) hospital and nursing home social workers exempt from licensure by the board of social work under section 148B.28, subdivision 6, including hospital and nursing home social workers acting within the scope of their employment by the hospital or nursing home;~~

~~(2) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;~~

~~(3) (2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and~~

~~(4) (3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4."~~

Page 198, after line 35, insert:

"Sec. 137. [STUDY.]

The board of social work, in consultation with the Minnesota Hospital Association, shall review the effects of social worker licensure on rural hospitals and report its findings to the house health and human services committee and the senate health care committee by January 1, 1996.

Sec. 138. [REPEALER.]

Minnesota Statutes 1992, sections 148B.23, subdivision 1a; and 148B.28, subdivision 6, are repealed effective July 1, 1995."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Greenfield moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Article 3, page 194, line 5, delete "article" and insert "section"

Article 3, page 198, after line 35, insert:

"Subd. 14. The amendment in section 100 to Minnesota Statutes, section 256B.501, subdivision 3, creating clause (7) in paragraph (e), is effective the day after final enactment. Sections 104 and 105 are effective October 1, 1994. However, if any required federal approval has not been received before that date, the amendments made by sections 104 and 105 may not be implemented until federal approval is received."

The motion prevailed and the amendment was adopted.

Tompkins moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 232, line 12, after "one" insert "female"

A roll call was requested and properly seconded.

The question was taken on the Tompkins amendment and the roll was called. There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bettermann	Girard	Johnson, R.	Lindner	Onnen	Smith	Van Engen
Clark	Goodno	Johnson, V.	Lynch	Ozment	Stanis	Vellenga
Dauids	Gruenes	Knickerbocker	Macklin	Pauly	Steensma	Vickerman
Dehler	Gutknecht	Knight	Molnau	Pelowski	Sviggum	Waltman
Dempsey	Hasskamp	Koppendrayner	Morrison	Perlt	Swenson	Weaver
Erhardt	Haukoos	Krinkie	Neary	Peterson	Tompkins	Worke
Finseth	Holsten	Leppik	Ness	Rhodes	Trimble	Workman
Frerichs	Hugoson	Limmer	Olson, M.	Seagren	Van Dellen	

Those who voted in the negative were:

Abrams	Commers	Hausman	Kinkel	McGuire	Ostrom	Skoglund
Anderson, R.	Cooper	Huntley	Klinzing	Milbert	Pawlenty	Solberg
Asch	Dauner	Jacobs	Krueger	Mosel	Pugh	Tomassoni
Battaglia	Dawkins	Jaros	Lasley	Munger	Reding	Tunheim
Bauerly	Delmont	Jefferson	Lieder	Murphy	Rest	Wagenius
Beard	Dorn	Jernings	Long	Nelson	Rice	Wejzman
Bergson	Evans	Johnson, A.	Lourey	Olson, E.	Rodosovich	Wenzel
Bertram	Farrell	Kahn	Luther	Opatz	Rukavina	Winter
Bishop	Garcia	Kalis	Mahon	Orenstein	Sarna	Wolf
Brown, K.	Greenfield	Kelley	Mariani	Orfield	Sekhon	Spk. Anderson, I.
Carlson	Greiling	Kelso	McCollum	Osthoff	Simoneau	

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

The Speaker called Bauerly to the Chair.

Pugh moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 151, after line 21, insert:

"Sec. 91. Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 2r, is amended to read:

Subd. 2r. [PAYMENT RESTRICTIONS ON LEAVE DAYS.] Effective July 1, 1993, the commissioner shall limit payment for leave days in a nursing facility to 79 percent of that nursing facility's total payment rate for the involved resident. Effective July 1, 1994, the commissioner shall determine eligibility for payment of hospital or therapeutic leave days by using 80 percent as the minimum occupancy requirement for a nursing facility that:

(1) was in existence on and has not relocated its total facility since July 1, 1994;

(2) has below 95 percent occupancy; and

(3) is located within a six mile radius of a nursing facility formed as a result of the transfer of 117 nursing home beds to a former hospital site authorized by section 144A.071, subdivision 4a."

Page 151, after line 32, insert:

"Sec. 93. Minnesota Statutes 1992, section 256B.431, subdivision 3f, is amended to read:

Subd. 3f. [PROPERTY COSTS AFTER JULY 1, 1988.] (a) [INVESTMENT PER BED LIMIT.] For the rate year beginning July 1, 1988, the replacement-cost-new per bed limit must be \$32,571 per licensed bed in multiple bedrooms and \$48,857 per licensed bed in a single bedroom. For the rate year beginning July 1, 1989, the replacement-cost-new per bed limit for a single bedroom must be \$49,907 adjusted according to Minnesota Rules, part 9549.0060, subpart 4, item A, subitem (1). Beginning January 1, 1990, the replacement-cost-new per bed limits must be adjusted annually as specified in Minnesota Rules, part 9549.0060, subpart 4, item A, subitem (1). Beginning January 1, 1991, the replacement-cost-new per bed limits will be adjusted annually as specified in Minnesota Rules, part 9549.0060, subpart 4, item A, subitem (1), except that the index utilized will be the Bureau of the Census: Composite fixed-weighted price index as published in the Survey of Current Business.

(b) [RENTAL FACTOR.] For the rate year beginning July 1, 1988, the commissioner shall increase the rental factor as established in Minnesota Rules, part 9549.0060, subpart 8, item A, by 6.2 percent rounded to the nearest 100th percent for the purpose of reimbursing nursing facilities for soft costs and entrepreneurial profits not included in the cost valuation services used by the state's contracted appraisers. For rate years beginning on or after July 1, 1989, the rental factor is the amount determined under this paragraph for the rate year beginning July 1, 1988.

(c) [OCCUPANCY FACTOR.] For rate years beginning on or after July 1, 1988, in order to determine property-related payment rates under Minnesota Rules, part 9549.0060, for all nursing facilities except those whose average length of stay in a skilled level of care within a nursing facility is 180 days or less, the commissioner shall

use 95 percent of capacity days. For a nursing facility whose average length of stay in a skilled level of care within a nursing facility is 180 days or less, the commissioner shall use the greater of resident days or 80 percent of capacity days but in no event shall the divisor exceed 95 percent of capacity days. For rate years beginning on or after July 1, 1994, the commissioner shall use the greater of resident days or 80 percent of capacity days, without allowing the divisor to exceed 95 percent of capacity days, in order to determine property related payment rates under Minnesota Rules, part 9549.0060, for a nursing facility that:

(1) was in existence on and has not relocated its total facility since July 1, 1994;

(2) has below 95 percent occupancy; and

(3) is located within a six mile radius of a nursing facility formed as a result of the transfer of 117 nursing home beds to a former hospital site authorized by section 144A.071, subdivision 4a.

(d) [EQUIPMENT ALLOWANCE.] For rate years beginning on July 1, 1988, and July 1, 1989, the commissioner shall add ten cents per resident per day to each nursing facility's property-related payment rate. The ten-cent property-related payment rate increase is not cumulative from rate year to rate year. For the rate year beginning July 1, 1990, the commissioner shall increase each nursing facility's equipment allowance as established in Minnesota Rules, part 9549.0060, subpart 10, by ten cents per resident per day. For rate years beginning on or after July 1, 1991, the adjusted equipment allowance must be adjusted annually for inflation as in Minnesota Rules, part 9549.0060, subpart 10, item E. For the rate period beginning October 1, 1992, the equipment allowance for each nursing facility shall be increased by 28 percent. For rate years beginning after June 30, 1993, the allowance must be adjusted annually for inflation.

(e) [POST CHAPTER 199 RELATED-ORGANIZATION DEBTS AND INTEREST EXPENSE.] For rate years beginning on or after July 1, 1990, Minnesota Rules, part 9549.0060, subpart 5, item E, shall not apply to outstanding related organization debt incurred prior to May 23, 1983, provided that the debt was an allowable debt under Minnesota Rules, parts 9510.0010 to 9510.0480, the debt is subject to repayment through annual principal payments, and the nursing facility demonstrates to the commissioner's satisfaction that the interest rate on the debt was less than market interest rates for similar arms-length transactions at the time the debt was incurred. If the debt was incurred due to a sale between family members, the nursing facility must also demonstrate that the seller no longer participates in the management or operation of the nursing facility. Debts meeting the conditions of this paragraph are subject to all other provisions of Minnesota Rules, parts 9549.0010 to 9549.0080.

(f) [BUILDING CAPITAL ALLOWANCE FOR NURSING FACILITIES WITH OPERATING LEASES.] For rate years beginning on or after July 1, 1990, a nursing facility with operating lease costs incurred for the nursing facility's buildings shall receive its building capital allowance computed in accordance with Minnesota Rules, part 9549.0060, subpart 8."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Macklin moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 18, after line 11, insert:

"Sec. 10. Minnesota Statutes 1992, section 256F.09, is amended to read:

256F.09 [GRANTS FOR CHILDREN'S ~~SAFETY CENTERS~~ SUPERVISED VISITATION FACILITIES.]

Subdivision 1. [PURPOSE.] The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental organizations, to use existing local facilities as pilot children's ~~safety centers supervised visitation facilities~~. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating children's ~~safety~~

~~centers supervised visitation facilities~~ to reduce children's vulnerability to violence and trauma related to family visitation, where there has been a history of domestic violence or abuse within the family. At least one of the pilot projects shall be located in the seven-county metropolitan area and at least one of the projects shall be located outside the seven-county metropolitan area, and the commissioner shall award the grants to provide the greatest possible number of ~~safety-centers children's supervised visitation facilities~~ and to locate them to provide for the broadest possible geographic distribution of the ~~centers facilities~~ throughout the state.

Each children's ~~safety-center~~ visitation facility must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The ~~centers facilities~~ must be available for use by district courts who may order visitation to occur at a ~~safety-center supervised visitation facility~~. The ~~centers facilities~~ may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for visitation at a neutral site. Each ~~center facility~~ must provide sufficient security to ensure a safe visitation environment for children and their parents. A grantee must demonstrate the ability to provide a local match, which may include in-kind contributions.

Subd. 2. [PRIORITIES.] In awarding grants under the program, the commissioner shall give priority to:

- (1) areas of the state where no children's ~~safety-center supervised visitation facility~~ or similar facility exists;
- (2) applicants who demonstrate that private funding for the ~~center facility~~ is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

Subd. 3. [ADDITIONAL SERVICES.] Each ~~center supervised visitation facility~~ may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse.

Subd. 4. [REPORT.] The commissioner shall evaluate the operation of the pilot children's ~~safety-centers supervised visitation facilities~~ and report to the legislature by February 1, 1994, with recommendations.

Subd. 5. [ADMINISTRATION.] In administering the grants authorized by this section, the commissioner shall ensure that the term "children's supervised visitation facility" is used in all applications, publicity releases, requests for proposals and other materials of like nature.

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Sviggum and Finseth moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 18, after line 11, insert:

"Sec. 10. [256D.066] [GENERAL ASSISTANCE AND WORK READINESS PAYMENTS.]

Notwithstanding other provisions of sections 256D.01 to 256D.21 otherwise eligible applicants without children must have resided in this state for at least 60 consecutive days before applying for work readiness or general assistance benefits. This requirement does not apply if the person resides in this state and meets any of the following conditions:

- (1) The person was born in this state.
- (2) The person has, in the past, resided in this state for at least 365 consecutive days.

(3) The person came to this state to join a close relative who has resided in this state for at least 180 days before the arrival of the person. For purposes of this section, "close relative" means the person's parent, grandparent, brother, sister, spouse or child.

(4) The person came to this state to accept a bona fide offer of employment and the person was eligible to accept the employment.

A county agency may waive this requirement in cases of medical emergency or where unusual misfortune or hardship would result from denial of assistance. All waivers under this section shall be reported to the commissioner within 30 days."

Page 41, after line 7, insert:

"Sec. 39. [REPEALER; GENERAL ASSISTANCE FOR NEW RESIDENTS.]

Minnesota Statutes 1992, section 256D.065, is repealed."

Renumber sections in this article

A roll call was requested and properly seconded.

The question was taken on the Sviggum and Finseth amendment and the roll was called. There were 97 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Huntley	Limmer	Nelson	Peterson	Tompkins
Asch	Dempsey	Jacobs	Lindner	Ness	Pugh	Tunheim
Bauerly	Dorn	Jennings	Long	Olson, E.	Reding	Van Dellen
Bergson	Erhardt	Johnson, R.	Luther	Olson, K.	Rest	Van Engen
Bertram	Finseth	Johnson, V.	Lynch	Olson, M.	Rhodes	Vickerman
Bettermann	Frerichs	Kalis	Macklin	Onnen	Rice	Waltman
Bishop	Girard	Kinkel	Mahon	Opatz	Sarna	Weaver
Brown, C.	Goodno	Klinzing	McCollum	Osthoff	Seagren	Wenzel
Carlson	Gruenes	Knickerbocker	McGuire	Ostrom	Smith	Winter
Carruthers	Gutknecht	Knight	Milbert	Ozment	Solberg	Wolf
Commers	Hasskamp	Koppendrayner	Molnau	Pauly	Stanius	Worke
Cooper	Haukoos	Krinkie	Morrison	Pawlenty	Steensma	Workman
Dauner	Holsten	Leppik	Mosel	Pelowski	Sviggum	Spk. Anderson, I.
Davids	Hugoson	Lieder	Murphy	Perlt	Swenson	

Those who voted in the negative were:

Anderson, R.	Dawkins	Greiling	Kahn	Lourey	Orfield	Tomassoni
Battaglia	Evans	Hausman	Kelley	Mariani	Rodosovich	Trimble
Beard	Farrell	Jaros	Kelso	Munger	Sekhon	Vellenga
Brown, K.	Garcia	Jefferson	Krueger	Neary	Simoneau	Wagenius
Clark	Greenfield	Johnson, A.	Lasley	Orenstein	Skoglund	Wejcman

The motion prevailed and the amendment was adopted.

Carruthers moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 41, line 32, after "law" insert ", except as otherwise provided in clause (vi)"

Page 42, line 9, delete everything after "one" and insert "percentage point on July 1 of each even-numbered year, beginning on July 1, 1994, until July 1, 1998, for a total increase of three percentage points"

Page 42, line 10, delete everything before the semicolon

Page 42, line 15, after the semicolon, insert "and"

Page 43, line 18, after "(iv)" insert "or that is described in clause (vi);" and delete the period

Page 43, after line 18, insert:

"(vi) health maintenance organizations may increase premium rates for contracts governed by section 1833 or 1876 of the federal Social Security Act, United States Code, title 42, section 1395 et seq., and for other contracts governed by federal law, on January 1 without complying with clause (iv) and without the prior approval of the commissioner of health. A rate increase permitted under this clause is not final until approved by the commissioner of health and is subject to all requirements and procedures required under this subdivision, except as expressly exempted in this subdivision. If the commissioner of health later disapproves all or part of a proposed rate increase that went into effect under this clause, the health maintenance organization shall promptly refund the excess premiums to the enrollees with interest at five percent per year."

The motion prevailed and the amendment was adopted.

Onnen moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 41, line 21, after the headnote, insert "(a)"

Page 42, delete lines 7 to 10

Page 42, line 11, delete "(4)" and insert "(3)"

Page 42, line 15, delete the semicolon and insert a period

Page 42, delete lines 16 to 36, and insert:

"(b) No coverage regulated under paragraph (a) shall be issued or renewed to a Minnesota resident unless it provides an open enrollment period during the month of January of each year. During the open enrollment period, a covered person must be allowed to move from any coverage regulated under paragraph (a) to any other coverage regulated under paragraph (a), whether the new coverage is with the same health carrier or a different health carrier, on a guaranteed issue basis and without any new preexisting limitation, exclusion, or exclusionary rider, except that a covered person need not be allowed to:

(1) move from coverage that does not include prescription drugs to coverage that does include prescription drugs;

(2) move to coverage that is closed to new enrollment; or

(3) move from coverage, or between coverages, provided by the Minnesota comprehensive health association."

Page 43, delete lines 1 to 18

Page 197, line 21, before "Section" insert "Paragraph (a) of"

Page 197, line 23, after the period, insert "Paragraph (b) of section 1 is effective January 1, 1995."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Onnen amendment and the roll was called. There were 18 yeas and 112 nays as follows:

Those who voted in the affirmative were:

Abrams	Kalis	Lindner	Olson, K.	Stanis	Van Engen
Bettermann	Krinkie	Lynch	Olson, M.	Sviggum	Waltman
Girard	Limmer	Ness	Onnen	Swenson	Winter

Those who voted in the negative were:

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

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

Van Engen and Bettermann moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 4, after line 63, insert:

"[RESPITE CARE FOR DEVELOPMENTALLY DISABLED PERSONS.] Of this appropriation, \$75,000 is appropriated to the commissioner of human services for the fiscal year ending June 30, 1995, for the purpose of hiring one FTE staff person to assist counties in finding appropriate respite care services for persons with developmental disabilities who have been screened under section 256B.092 as needing these services."

Page 211, delete lines 51 to 55

Page 212, delete lines 1 to 15

Reletter the paragraphs in section 4 of Article 5

Adjust the totals in Articles 1 and 5

The question was taken on the Van Engen and Bettermann amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Hugoson	Macklin	Ozment	Swenson	Worke
Bettermann	Girard	Knickerbocker	Molnau	Pauly	Tompkins	Workman
Commers	Goodno	Koppendrayner	Morrison	Pawlenty	Van Dellen	
Davids	Gruenes	Krinkie	Ness	Rhodes	Van Engen	
Dehler	Gutknecht	Leppik	Olson, M.	Seagren	Vickerman	
Dempsey	Hasskamp	Limmer	Onnen	Smith	Waltman	
Erhardt	Haukoos	Lindner	Opatz	Steensma	Weaver	
Finseth	Holsten	Lynch	Osthoff	Sviggum	Wolf	

Those who voted in the negative were:

Anderson, R.	Bauerly	Bertram	Carlson	Cooper	Delmont	Farrell
Asch	Beard	Brown, C.	Carruthers	Dauner	Dorn	Garcia
Battaglia	Bergson	Brown, K.	Clark	Dawkins	Evans	Greenfield

Greiling	Johnson, V.	Lasley	Milbert	Orfield	Rodosovich	Trimble
Hausman	Kahn	Lieder	Mosel	Ostrom	Rukavina	Tunheim
Huntley	Kalis	Long	Munger	Pelowski	Sarna	Vellenga
Jacobs	Kelley	Lourey	Murphy	Perlt	Sekhon	Wagenius
Jaros	Kelso	Luther	Neary	Peterson	Simoneau	Wejcman
Jefferson	Kinkel	Mahon	Nelson	Pugh	Skoglund	Wenzel
Jennings	Klinzing	Mariani	Olson, E.	Reding	Solberg	Winter
Johnson, A.	Knight	McCollum	Olson, K.	Rest	Stanis	Spk. Anderson, I.
Johnson, R.	Krueger	McGuire	Orenstein	Rice	Tomassoni	

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

Asch moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 61, after line 21, insert:

"Sec. 13. Minnesota Statutes 1993 Supplement, section 147.02, subdivision 1, is amended to read:

Subdivision 1. [UNITED STATES OR CANADIAN MEDICAL SCHOOL GRADUATES.] The board shall issue a license to practice medicine to a person who meets the requirements in paragraphs (a) to (h).

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an examination as described in paragraph (1) or (2).

(1) The applicant must have passed a comprehensive examination for initial licensure prepared and graded by the National Board of Medical Examiners or the Federation of State Medical Boards. The board shall by rule determine what constitutes a passing score in the examination.

(2) The applicant taking the United States Medical Licensing Examination (USMLE) must have passed steps one, two, and three within a seven-year period. This seven-year period begins when the applicant first passes either step one or two, as applicable. The applicant must pass each of steps one, two, and three with passing scores as recommended by the USMLE program within three attempts. The applicant taking combinations of Federation of State Medical Boards, National Board of Medical Examiners, and USMLE may be accepted only if the combination is approved by the board as comparable to existing comparable examination sequences and all examinations are completed prior to the year 2000.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization.

(e) The applicant shall make arrangements with the executive director to appear in person before the board or its designated representative to show that the applicant satisfies the requirements of this section. The board may establish as internal operating procedures the procedures or requirements for the applicant's personal presentation.

(f) The applicant shall pay a fee established by the board by rule. The fee may not be refunded. Upon application or notice of license renewal, the board must provide notice to the applicant and to the person whose license is scheduled to be issued or renewed of any additional fees, surcharges, or other costs which the person is obligated to pay as a condition of licensure. The notice must:

(1) state the dollar amount of the additional costs;

(2) clearly identify to the applicant the payment schedule of additional costs; and

(3) advise the applicant of the right to apply to be excused from the surcharge if a waiver is granted under section 256.9657, subdivision 1b, or relinquish the license to practice medicine in lieu of future payment if applicable.

(g) The applicant must not be under license suspension or revocation by the licensing board of the another state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(h) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions and limitations the board considers appropriate.

Sec. 14. Minnesota Statutes 1993 Supplement, section 147.037, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] The board shall issue a license to practice medicine to any person who satisfies the requirements in paragraphs (a) to (g).

(a) The applicant shall satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (e), (f), (g), and (h).

(b) The applicant shall present evidence satisfactory to the board that the applicant is a graduate of a medical or osteopathic school approved by the board as equivalent to accredited United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation, or other relevant data.

(c) The applicant shall present evidence satisfactory to the board that the applicant has been awarded a certificate by the educational council for foreign medical graduates, and the applicant has a working ability in the English language sufficient to communicate with patients and physicians and to engage in the practice of medicine.

(d) The applicant shall present evidence satisfactory to the board of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization. This requirement does not apply (1) to an applicant who is admitted as a permanent immigrant to the United States as a person of exceptional ability in the sciences or (2) to an applicant issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability or as an outstanding professor or researcher provided that a person under clause (1) or (2) is admitted pursuant to rules of the United States Department of Labor and has completed one year of the graduate, clinical medical training required by this paragraph.

(e) The applicant must:

(1) within ten years prior to application have passed an examination prepared and graded by the Federation of State Medical Boards, the United States Medical Licensing Examination program, or the Medical Council of Canada; or

(2) have a current license from the equivalent licensing agency in another state or Canada; and

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better within three attempts; or

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, or of the Royal College of Physicians and Surgeons of Canada.

(f) The applicant must not be under license suspension or revocation by the licensing board of the another state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(g) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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

Frerichs moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 245, delete lines 32 to 60

Page 246, delete lines 1 to 12, and insert:

"(a) Accessibility Grants and Loans

Of this appropriation, \$400,000 is appropriated from the general fund to the commissioner of the housing finance agency for fiscal year 1995 for housing rehabilitation grants and loans under section 462A.05, subdivision 15a to retrofit housing to improve its accessibility for handicapped occupants."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Frerichs amendment and the roll was called. There were 51 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Holsten	Leppik	Ness	Stanisus	Wolf
Bettermann	Finseth	Hugoson	Limmer	Olson, M.	Sviggum	Worke
Brown, K.	Frerichs	Johnson, R.	Lindner	Pauly	Swenson	Workman
Commers	Girard	Johnson, V.	Lynch	Pawlenty	Tompkins	
Cooper	Goodno	Knickerbocker	Macklin	Peterson	Van Dellen	
Dauids	Gruenes	Knight	Molnau	Rhodes	Van Engen	
Dehler	Hasskamp	Koppendrayner	Morrison	Seagren	Waltman	
Dempsey	Haukoos	Krinkie	Mosel	Smith	Weaver	

Those who voted in the negative were:

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

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

Sviggum moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 3, delete lines 29 to 41

Correct the subdivision and section totals and the summaries by fund accordingly

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

Seagren moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 38, line 3, after the second comma, insert "representatives of religious organizations,"

The motion prevailed and the amendment was adopted.

Haukoos moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 7, after line 14, insert:

"[GRANTS FOR PROGRAMS FOR BATTERED WOMEN.] Of this appropriation, \$200,000 is appropriated to the commissioner of human services for the fiscal year ending June 30, 1995, to be transferred to the commissioner of corrections, to be added to the appropriation for grants for programs for battered women under sections 611A.31 to 611A.36."

Page 213, delete lines 58 to 61

Page 214, delete lines 1 to 5

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Haukoos amendment and the roll was called. There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Hugoson	Leppik	Olson, M.	Seagren	Waltman
Bergson	Erhardt	Johnson, R.	Limmer	Onnen	Smith	Weaver
Bettermann	Finseth	Johnson, V.	Lindner	Ostrom	Stanis	Wenzel
Bishop	Frerichs	Kelso	Lynch	Ozment	Sviggum	Winter
Brown, C.	Girard	Knickerbocker	Macklin	Pauly	Swenson	Wolf
Commers	Gruenes	Knight	Molnau	Pawlenty	Tompkins	Worke
Davids	Gutknecht	Koppendrayner	Morrison	Pelowski	Van Dellen	Workman
Dehler	Haukoos	Krinkie	Ness	Peterson	Van Engen	
Dempsey	Holsten	Krueger	Olson, K.	Rhodes	Vickerman	

Those who voted in the negative were:

Anderson, R.	Bertram	Cooper	Farrell	Hasskamp	Jefferson	Kelley
Asch	Brown, K.	Dauner	Garcia	Hausman	Jennings	Kinkel
Battaglia	Carlson	Dawkins	Goodno	Huntley	Johnson, A.	Lieder
Bauerly	Carruthers	Delmont	Greenfield	Jacobs	Kahn	Long
Beard	Clark	Evans	Greiling	Jaros	Kalis	Lourey

Luther	Milbert	Nelson	Osthoff	Rodosovich	Solberg	Vellenga
Mahon	Mosel	Olson, E.	Perlt	Rukavina	Steensma	Wagenius
Mariani	Munger	Opatz	Pugh	Sekhon	Tomassoni	Wejcman
McCollum	Murphy	Orenstein	Reding	Simoneau	Trimble	Spk. Anderson, I
McGuire	Neary	Orfield	Rest	Skoglund	Tunheim	

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

Olson, K., moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 4, after line 17, insert:

"[CHILD SUPPORT; COLLECTION CHARGES.] The difference between the monthly gross amount collected by a public agency for child support and the monthly net amount received by the recipient must not be more than ten percent of the monthly gross amount."

The motion prevailed and the amendment was adopted.

Opatz, Bergson and Kahn moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 240, line 10, delete everything after the period

Page 240, delete line 11

The motion prevailed and the amendment was adopted.

Asch, Bertram, Davids and Gruenes moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 1, delete lines 6 to 10 of the Carruthers amendment, and insert:

Page 42, line 8, delete everything after "62A.36" and insert a semicolon

Page 42, delete lines 9 and 10

Page 1, after line 29 of the Carruthers amendment, insert:

Page 197, after line 4, insert:

"Sec. 130. [STUDY OF LOSS RATIOS: MEDICARE RELATED COVERAGE.]

The commissioner of commerce and the commissioner of health shall jointly study the loss ratios experienced with respect to all coverages regulated under Minnesota Statutes, section 62A.36, subdivision 1. The commissioners shall determine, using sound actuarial analysis, the effects of increasing the minimum loss ratios for those coverages by one percentage point per year for seven years. The commissioners shall jointly report their findings, analysis, and conclusions to the legislature, in compliance with Minnesota Statutes, section 3.195, no later than December 15, 1994. The commissioners shall conduct the entire study jointly and attempt to arrive at and report unified consistent findings, analysis, and conclusions; the commissioners shall not study separately only the coverages that each commissioner respectively regulates."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Clark moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 212, line 17, after the comma, insert "a total of"

Page 212, line 19, before "lead" insert "the"

Page 212, line 20, before the period, insert "specified in this paragraph"

Page 212, line 20, delete everything after the period

Page 212, delete lines 21 to 29

Page 212, line 30, delete everything before "\$225,000"

Page 212, line 43, after the period, insert:

"At least \$40,000 must be used for safe housing grants under Minnesota Statutes, section 144.872, subdivision 3. At least \$35,000 must be used for lead cleanup equipment grants under Minnesota Statutes, section 144.872, subdivision 4, with no individual grant to exceed \$5,000. The grants under Minnesota Statutes, section 144.872, subdivisions 3 and 4 must be awarded to achieve geographically diverse distribution, and with priority given to communities at high risk for toxic lead exposure. The remaining appropriation must be used for proactive lead education under Minnesota Statutes, section 144.872, subdivision 1, and to subsidize the cost of the lead abatement training as required under Minnesota Statutes, section 144.876, subdivision 1, and rules adopted under Minnesota Statutes, section 144.878, subdivision 5. The commissioner shall give preference for subsidies provided through this appropriation to training small business owners and employees of nonprofit organizations."

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 213, after line 37, insert:

"(o) The commissioner of health shall study the effect of establishing a policy in support of and encouragement of infant breast feeding by removing any subsidy for formula except when necessary for health purposes and establishing a monetary subsidy for mothers who nurse their infants. The commissioner shall report the results of the study to the legislature by January 15, 1995."

Orenstein and Farrell moved to amend the Kahn amendment to H. F. No. 3210, the first engrossment, as amended, as follows:

Page 1, line 5, delete "the effect of"

Page 1, line 7, delete "by removing" and insert "including"

Page 1, delete lines 8 and 9

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

The question recurred on the Kahn amendment, as amended, to H. F. No. 3210, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Abrams and Skoglund moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 37, delete lines 17 to 26

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sviggum moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 212, delete lines 56 to 62

Reduce the appropriations by \$50,000 and correct the subdivision and section totals and the summaries by fund accordingly

Renumber the remaining paragraphs

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

Wenzel; Koppendrayner; Anderson, I., and Anderson, R., moved to amend H. F. No. 3210, the first engrossment, as amended, as follows:

Page 258, delete lines 8 to 18, and insert:

"Subd. 8. [ELIGIBILITY.] Any person who is eligible for burial in a national veterans' cemetery is eligible for burial in the state veterans' cemetery."

The motion prevailed and the amendment was adopted.

H. F. No. 3210, A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, jobs and training, housing finance, veterans affairs, human rights, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 16A.124, subdivisions 1, 2, 3, 4, 5, and 6; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 144.0721, by adding a subdivision; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.801, by adding a subdivision; 144.804, subdivision 1; 144.878, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 144A.46, subdivision 2; 145A.14, by adding a subdivision; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; 148B.60, subdivision 3; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c, 3f, and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256F.09; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement,

sections 16B.06, subdivision 2a; 62A.045; 144.551, subdivision 1; 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 153A.14, subdivision 2; 157.08; 239.785, subdivision 2, and by adding a subdivision; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 253B.03, subdivisions 3 and 4; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 2r, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; and 626.556, subdivision 11; Laws 1993, chapter 369, sections 5, subdivision 4; and 11; proposing coding for new law in Minnesota Statutes, chapters 137; 144; 145; 148; 197; 245; 246; 252; 253; 256; 256B; 256D; 268; 268A; and 645; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 148B.23, subdivision 1a; 148B.28, subdivision 6; 197.235; 252.275, subdivisions 4a and 10; 256.969, subdivision 24; 256B.501, subdivisions 3d, 3e, and 3f; 256D.065; 268.32; 268.551; and 268.552; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; and Laws 1993, First Special Session chapter 1, article 9, section 49; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

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 110 yeas and 23 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Frerichs	Hugoson	Krinkie	Stanis	Van Engen
Bettermann	Girard	Johnson, V.	Limmer	Sviggum	Waltman
Commeyers	Haukoos	Knight	Lindner	Swenson	Workman
Davids	Holsten	Koppendrayner	Molnau	Van Dellen	

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

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Rest from the Committee on Taxes to which was referred:

H. F. No. 3041, A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 423A.02, subdivision 1; 423B.01, subdivision 9; 423B.15, subdivision 3; 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; Laws 1989, chapter 319, article 9, section 7, subdivisions 1, as amended, and 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

Reported the same back with the following amendments:

Page 2, line 4, after "\$4,305,000" delete the comma

Page 2, line 5, delete the new language

Page 3, delete lines 1 to 16

Page 4, line 7, after the period, insert "If this second one-half of excess investment income is greater than the combined total state amortization aid and supplementary amortization aid otherwise payable to the city of Minneapolis for the police relief association after the statutory reduction under section 423A.02, subdivision 1, paragraph (c), then the balance shall be applied as a reduction to the city's minimum obligation to the fund for the following calendar year. The commissioner of revenue shall certify to the city of Minneapolis and the relief association the amount of any reduction to be applied to the city's minimum obligation, and this information must be incorporated in the next actuarial valuation of the fund for determination of the subsequent calendar year contribution requirement."

Page 32, after line 19, insert:

"Subd. 2. [EXAMINATION AND DISCLOSURE OF LOAN TERMS.] Before making a final decision to acquire the basketball and hockey arena, the commission must obtain and examine all the terms, conditions, covenants, and other provisions of any loan agreements between the owners of the arena and third parties that provided financing secured by mortgages on or other security interests in the basketball and hockey arena. These terms specifically include any agreements that require a professional team affiliated with the owner to lease or use the arena or that restrict or limit the authority of the team owners or affiliates to relocate the team. The commission shall make the terms of the agreements available for public inspection."

Page 32, line 20, delete "2" and insert "3"

Page 33, line 29, delete "3" and insert "4"

Page 45, line 24, after "year." insert "If this second one-half of excess investment income for the Minneapolis fire department relief association is greater than the combined total state amortization aid and supplementary amortization aid otherwise payable to the city of Minneapolis for the relief association after the statutory reduction under section 423A.02, subdivision 1, paragraph (c), then the balance shall be applied as a reduction to the city's minimum obligation to the fund for the following calendar year. The commissioner of revenue shall certify to the city of Minneapolis and the relief association the amount of any reduction to be applied to the city's minimum obligation, and this information must be incorporated in the next actuarial valuation of the fund for determination of the subsequent calendar year contribution requirement."

Page 47, line 5, before "This" insert "(a)"

Page 47, after line 7, insert:

"(b) In no event may the reduction in the amortization state aid maximum in section 1 cause a reduction in the amortization state aid or the supplementary amortization state aid paid or payable to any municipality other than the city of Minneapolis."

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.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Greenfield and Rukavina introduced:

H. F. No. 3220, A bill for an act relating to taxation; increasing the rate of tax on the income of certain individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the revenue from the rate increase to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, subdivisions 2c and 2d; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.52, as amended; and 295.55, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.51, subdivision 1; 295.53; 295.54; 295.57; 295.58; 295.582; and 295.59.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson and Anderson, I., introduced:

H. F. No. 3221, A bill for an act relating to motor fuels; ethanol development and production; tax credits; trunk highway bonding authority; amending Minnesota Statutes 1992, sections 41A.09, subdivisions 2 and 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 524, A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

H. F. No. 2360, A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1416, A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2.

H. F. No. 1909, A bill for an act relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1659, A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2299, A bill for an act relating to retirement; the Duluth joint police and firefighters consolidation account; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association; amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2433, A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2666, A bill for an act relating to local government; prohibiting the adoption of certain zoning ordinances by municipalities, counties, and towns; amending Minnesota Statutes 1992, sections 394.25, by adding a subdivision; and 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 366.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 3053, A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1094, A bill for an act relating to insurance; regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota joint underwriting association, and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with certain unauthorized multiple employer welfare arrangements; making various technical changes; appropriating money; amending Minnesota Statutes 1992, sections 13.71, by adding subdivisions; 45.024, subdivision 2; 59A.12, by adding a subdivision; 60A.02, by adding a subdivision; 60A.03, subdivisions 5 and 6; 60A.052, subdivision 2; 60A.082; 60A.085; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.206, subdivision 3; 60A.21, subdivision 2; 60A.36, by adding a subdivision; 60C.22; 60K.06; 60K.14, subdivision 4; 60K.19, subdivision 5; 61A.02, subdivision 2; 61A.031; 61A.04; 61A.07; 61A.071; 61A.073; 61A.074, subdivision 1; 61A.08; 61A.09, subdivision 1; 61A.092, by adding a subdivision; 61A.12, subdivision 1; 61A.282, subdivision 2; 62A.047; 62A.148; 62A.153; 62A.43, subdivision 4; 62E.19, subdivision 1; 62H.01; 62I.02; 62I.03; 62I.07; 62I.13, subdivisions 1 and 2; 62I.20; 65A.01, subdivision 1; 65A.29, subdivision 7; 65B.49, subdivision 3; 72A.20, subdivision 29, and by adding a subdivision; 72A.201, subdivision 9; 72A.41, subdivision 1; 72B.03, subdivision 1; 72B.04, subdivision 2; 176.181, subdivision 2; and 340A.409, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 45; 61A; 62A; and 62H; repealing Minnesota Statutes 1992, sections 70A.06, subdivision 5; 72A.45; and 72B.07; Minnesota Rules, parts 2780.4800; 2783.0010; 2783.0020; 2783.0030; 2783.0040; 2783.0050; 2783.0060; 2783.0070; 2783.0080; 2783.0090; and 2783.0100.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1914, A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2248, A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1766, A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

Ms. Reichgott Junge, Messrs. Betzold and Knutson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1766. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1662, A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

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

Ms. Piper; Messrs. Cohen, Betzold, Knutson and Ms. Robertson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Wejcman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1662. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2882, A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

PATRICK E. FLAHAVEN, Secretary of the Senate

Olson, E., moved that the House refuse to concur in the Senate amendments to H. F. No. 2882, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 2500, 2210, 2232, 2617, 1735 and 2577.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2500, A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

The bill was read for the first time.

Trimble moved that S. F. No. 2500 and H. F. No. 3022, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2210, A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

The bill was read for the first time.

McGuire moved that S. F. No. 2210 and H. F. No. 2296, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2232, A bill for an act relating to counties; providing for the filling by appointment of certain offices in counties previously elective; providing for conforming changes; amending Minnesota Statutes 1992, sections 375A.10, subdivision 2; and 375A.12, subdivision 2.

The bill was read for the first time.

McGuire moved that S. F. No. 2232 and H. F. No. 2645, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2617, A bill for an act relating to transportation; establishing and providing for appointments to an advisory council on major transportation projects.

The bill was read for the first time and referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

S. F. No. 1735, A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

The bill was read for the first time.

Wejcman moved that S. F. No. 1735 and H. F. No. 2176, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2577, A bill for an act relating to the human rights act; expanding and clarifying scope of business discrimination protections; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 8a.

The bill was read for the first time and referred to the Committee on Judiciary.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2710:

Kahn, Krueger and Krinkie.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2882:

Olson, E.; Lieder and Tunheim.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of S. F. No. 2913.

S. F. No. 2913 was reported to the House.

Solberg moved to amend S. F. No. 2913 as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES

Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this article, the sums set forth in the columns designated "1994 and 1995 APPROPRIATION CHANGE" are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this article and are to be added to or reduced from appropriations for the fiscal years ending June 30, 1994 and June 30, 1995, in Laws 1993, chapter 172, or another named law. Amounts to be reduced are designated by parentheses.

APPROPRIATION CHANGE

1994

1995

Sec. 2. POLLUTION CONTROL

\$ -0-

\$ 2,499,000

\$1,970,000 is appropriated in fiscal year 1995, for feedlot compliance and local assistance. Of this amount, \$1,000,000 is for grants to counties that have delegated county feedlot programs.

Grants for county administration of the feedlot permit program are to be administered by the board of water and soil resources in accordance with Minnesota Statutes, section 103B.3369, in cooperation with the pollution control agency. Grants must be matched with a combination of local cash or in-kind contributions. Counties receiving these grants shall submit an annual report to the pollution control agency regarding activities conducted under the grant, expenditure made and local match contributions. First priority for funding shall be given to counties that have requested and received delegation from the pollution control agency for processing of animal feedlot permit applications under Minnesota Statutes, section 116.07, subdivision 7. Delegated counties shall be eligible to receive a grant based on either of the following formulas:

$\$5,000 + (\text{number of farms with livestock or poultry as reported in the 1992 Census of Agriculture, published by the United States Department of Commerce}) \times \5 ; or

$\$5,000 + (\text{number of feedlots with greater than 10 animal units as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the "Feedlot Inventory Guidebook" published by the board of water and soil resources, dated June 1991}) \times \15 .

To receive the additional funding that is based on the county feedlot inventory, the county shall submit a copy of the inventory to the board of water and soil resources.

Any remaining money shall be distributed by the board of water and soil resources to counties on a competitive basis through the challenge grant process for the conducting of feedlot inventories, development of delegated county feedlot programs, and for information and education or technical assistance efforts to reduce feedlot related pollution hazards.

APPROPRIATION CHANGE
1994 1995

\$300,000 is appropriated in fiscal year 1995, for administrative support for nonpoint source pollution activities, including storm water assistance, individual septic tank systems, and partnerships with local entities to abate nonpoint source pollution.

The city of Morton need not repay money advanced to the city under the municipal litigation loan pilot project established in Laws 1988, chapter 686, article 1, section 69.

\$75,000 is appropriated for the fiscal year ending June 30, 1995, to continue the citizens lake-monitoring program and the electronic lakes bulletin board.

\$154,000 is appropriated in fiscal year 1995 to the city of Eagle Lake to pay for an interceptor connection to the wastewater treatment plant in the city of Mankato. This appropriation is available until expended.

Sec. 3. NATURAL RESOURCES

Subdivision 1. Total Appropriation Change

(2,080,000)

(663,000)

Summary by Fund

General	-0-	2,544,000
Game and Fish	(2,080,000)	(3,207,000)

The unallotment by the commissioner, as presented to the legislature in the commissioner's March 14, 1994, correspondence; to the game and fish fund appropriation for fiscal year 1994 is void.

Subd. 2. Water Resources Management

-0-

145,000

\$50,000 is appropriated in fiscal year 1995 to the commissioner of natural resources for a grant to the southwest regional development commission to pay for the activities described in clause (1), items (i) to (iv).

The governor or an agency designated by the governor may enter into negotiations with appropriate officials and agencies of the United States for purposes of obtaining financial support for the construction of the proposed Lewis and Clark rural water system in southwestern Minnesota.

The governor or designated agency shall cooperate with local project sponsors of the Lewis and Clark rural water system to coordinate state water policy issues and respond to proposals to establish federal financial participation. Local sponsors shall contribute funds in combination with the state in order to match funds provided by the United States. The state cost share shall not exceed 50 percent of the total nonfederal match required for Minnesota project features. The amount contributed by the state of Minnesota for project construction shall be subject to the express appropriation of the legislature.

(1) The southwest regional development commission shall submit a work program for approval by the commissioner before spending any money appropriated by this subdivision. The work program

APPROPRIATION CHANGE
1994 1995

shall indicate the activities to be undertaken by the Lewis and Clark rural water system and the four participating Minnesota systems in the following areas:

(i) water conservation activities including leak detection, water use restrictions, water pricing policies, and public education;

(ii) groundwater protection activities, including public education programs and technical assistance provided to local water systems;

(iii) reporting and coordination of water exploration activity with the Minnesota geological survey and the department of natural resources;

(iv) evaluation of constructed or restored wetlands options to address wastewater disposal and interbasin transfer issues at the city of Worthington. The options to be evaluated shall, at a minimum, include establishment of constructed or restored wetlands in the Okabena-Ocheda and Middle Des Moines watershed districts.

(2) An annual progress report on the work program elements shall be prepared by the southwest regional development commission in cooperation with the Lewis and Clark rural water system and the participating Minnesota systems and shall be submitted to the commissioner of natural resources and the legislative water commission by February 15 each year.

\$35,000 is appropriated in fiscal year 1995 for reimbursement of the cost of emergency flood damage repairs to the dike on the Root river in Houston county.

\$60,000 is appropriated in fiscal year 1995 under Minnesota Statutes, section 103G.701, to the commissioner of natural resources for a grant, requiring no local match, to Morrison county for improving water flow along the easterly shoreline of the Mississippi river near Highway 10 in Morrison county, notwithstanding Minnesota Statutes, section 103G.701, subdivision 4.

The commissioner of natural resources shall conduct a study of dams on waters of the state. The study must investigate the type and number of impoundments that exist, their condition, and their probable future life span. The study also must examine dam issues and make recommendations for policies regarding Minnesota dams, including renovation versus removal, the impact on the ecology of the waterway, any need for additional construction, and the potential for hydropower or drinking water supplies. The commissioner must report back to the house and senate environment committees by February 15, 1995.

Subd. 3. Forest Management

-0-

75,000

\$75,000 is appropriated to the commissioner of natural resources from the general fund to plan and begin restoration and enhancement of Oak Forest and Oak Savannah natural communities in St. Paul's Mounds Park and Battle Creek regional park.

Subd. 4. Parks and Recreation

-0-

618,000

Subd. 5. Trails and Waterways

(25,000)

1,050,000

APPROPRIATION CHANGE 1994 1995

Summary by Fund

General	-0-	1,075,000
Game and Fish	(25,000)	(25,000)

\$1,000,000 is appropriated in fiscal year 1995 from the general fund for grant-in-aid snowmobile trail maintenance and construction during the fiscal year ending June 30, 1995; \$750,000 for grant-in-aid snowmobile trail maintenance; and \$250,000 for snowmobile trail construction. This amount shall not be considered a base increase for fiscal year 1996.

\$75,000 is appropriated in fiscal year 1995 for completion of the shore and pier fishing project on the Mississippi River in South St. Paul.

Subd. 6. Fish and Wildlife Management

(1,812,000)

(1,881,000)

Summary by Fund

General	-0-	493,000
Game and Fish	(1,812,000)	(2,374,000)

\$96,000 is appropriated in fiscal year 1995 for forest and prairie ecologists, to provide research, inventory, and analysis services necessary in the natural heritage program of the department of natural resources.

\$200,000 is appropriated in fiscal year 1995 to accelerate the county biological survey program to enter more counties in order to assess their rare and endangered plants, animals, and natural communities in a timely fashion.

\$17,000 is appropriated in fiscal year 1995 for purchase of an airboat at Lac qui Parle WMA.

\$874,000 in 1994 and \$874,000 in 1995 are reduced from the game and fish fund appropriation for in lieu payments.

\$180,000 is appropriated in fiscal year 1995 for field resource ecologists. These positions shall work with local units of government to aid in protecting rare and endangered natural areas where development pressure and resource use is high. They also shall interpret county biological survey data for local units.

Subd. 7. Operations Support

(243,000)

(670,000)

Summary by Fund

General	-0-	138,000
Game and Fish	(243,000)	(808,000)

\$100,000 is appropriated in fiscal year 1995 for transfer to the environmental quality board. The money is for the implementation of recommendations in support of Minnesota's environment based on sustainable human and economic development.

\$38,000 is appropriated in fiscal year 1995 to the commissioner of natural resources to pay Marshall county road reimbursement costs under Laws 1993, chapter 172, section 89, and Minnesota Statutes, section 84A.32, subdivision 1, paragraph (d).

APPROPRIATION CHANGE

1994

1995

Sec. 4. BOARD OF SOIL AND WATER RESOURCES

-0-

1,280,000

Of this amount, \$1,100,000 is for local implementation of the state revolving fund, which provides grants to soil and water conservation districts (SWCDs). The SWCDs must use the grants to hire staff to assist landowners to implement a variety of conservation practices.

Whenever feasible, the best management practices program shall encourage the use of planting native trees, shrubs, and grasses whenever creation of filter strips, ponding areas, and other planted areas is part of the plan.

Sec. 5. AGRICULTURE

-0-

3,406,000

\$1,050,000 is appropriated in fiscal year 1995 and is added to the appropriation in Laws 1993, chapter 172, section 7. The appropriation in subdivision 2 of section 7 is increased by \$425,000 and the appropriation in subdivision 4 of section 7 is increased by \$625,000 to provide assistance to feedlot operators, and to implement best management practices for animal waste and sound nutrient management practices. Of the amount added to the appropriation in subdivision 4 of section 7, \$150,000 is for grants.

\$200,000 is appropriated in fiscal year 1995 and is for the administrative costs of implementing a rural and agriculture loan program for water quality improvement practices.

\$2,000,000 is appropriated in fiscal year 1995 for use by the rural finance authority for purposes of assisting in the finance of ethanol production facilities in Minnesota. This appropriation shall be transferred to the ethanol production facilities account in the special revenue fund.

Notwithstanding Minnesota Statutes, section 41A.09, subdivision 3, and Laws 1993, chapter 172, section 7, subdivision 3, the total payments from the ethanol development account to all producers may not exceed \$14,800,000 for the biennium ending June 30, 1995.

\$56,000 is appropriated in fiscal year 1995 for support of legal challenges to discriminatory aspects of the federal milk market order system. Some or all of this amount may be used at the commissioner's discretion as a contribution to the costs of initiating or continuing court challenges in cooperation with Minnesota or regional dairy organizations.

\$100,000 is appropriated for fiscal year 1995 for use in the enforcement and management of the recombinant bovine growth hormone labeling program under Minnesota Statutes, section 32.75.

The department of agriculture and the department of natural resources shall jointly conduct an assessment and report recommendations on developing an integrated pest management program for urban areas. The department shall submit its report to the environment and natural resources finance division of the senate and the environment and natural resources finance committee of the house of representatives by February 15, 1995.

APPROPRIATION CHANGE
1994 1995

The department of agriculture shall involve technical colleges and other institutions of higher learning in the planning process for the manure-testing program and shall assess the feasibility of including their current or potentially updated laboratories in the future testing program and also study potential curricula for training technicians in the future.

Sec. 6. OFFICE OF STRATEGIC AND LONG RANGE PLANNING

-0-

250,000

This appropriation from the general fund to the director of the office of strategic and long range planning for the fiscal year ending June 30, 1995. The money is to be used for a grant to the Northern Counties Land Use Coordinating Board, a joint powers board formed pursuant to Minnesota Statutes, section 471.59, contingent on the board receiving \$125,000 in local matching funds. The grant is to be used for developing a coordinated planning process and comprehensive land use plans pursuant to policy goals in the National Environmental Policy Act, United States Code, title 42, section 4331. The planning process must, in addition to those goals, be designed to:

- (1) sustain development of environmental and natural resources based on sound scientific principles;
- (2) achieve social balance concurrent with ecological integrity, including harmonious coexistence of all life forms;
- (3) enhance viable economic conditions throughout the region; and
- (4) provide for broad public input through an open process and cooperation with all stakeholders within and outside of the region.

Sec. 7. CITIZEN'S COUNCIL ON VOYAGEURS NATIONAL PARK

-0-

60,000

Sec. 8. OFFICE OF WASTE MANAGEMENT

-0-

70,000

\$70,000 is appropriated in fiscal year 1995 for the purposes of conducting the annual solid waste composition studies.

Sec. 9. MINNESOTA RESOURCES

2,750,000

Summary by Fund

Minnesota Future Resources Fund
1,404,000

Minnesota Environment and Natural Resources Trust Fund
1,346,000

The following amounts are appropriated from the Minnesota future resources fund and the Minnesota environment and natural resources trust fund. The appropriations are available immediately following enactment and are otherwise subject to the provisions of Laws 1993, chapter 172, section 14.

State Park Betterment

404,000

This amount is added to the appropriation contained in Laws 1993, chapter 172, section 14, subdivision 10, paragraph (a).

APPROPRIATION CHANGE
1994 1995

Lake Minnetonka Water Access Acquisition

1,000,000

This amount is added to the appropriation contained in Laws 1993, chapter 172, section 14, subdivision 10, paragraph (n).

Trail Linkages, Metropolitan Regional Network

638,000

This amount is added to the appropriation contained in Laws 1993, chapter 172, section 14, subdivision 10, paragraph (c).

State Trail Development

708,000

This appropriation is from the trust fund to the commissioner of natural resources for state trail development and rehabilitation.

Sec. 10. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 6a. [AGRICULTURE BEST MANAGEMENT PRACTICES LOAN PROGRAM.] Data collected by the commissioner on applicants or borrowers for the agriculture best management practices loan program are governed by section 17.117.

Sec. 11. [17.117] [AGRICULTURE BEST MANAGEMENT PRACTICES LOAN PROGRAM.]

Subdivision 1. [PURPOSE.] The purpose of the agriculture best management practices loan program is to provide low- or no-interest financing to farmers, agriculture supply businesses, and rural landowners for the implementation of agriculture best management practices.

Subd. 2. [AUTHORITY.] The commissioner shall establish a program to work with local units of government, federal authorities, lending institutions, and other appropriate organizations to provide loans to landowners and businesses for facilities, fixtures, equipment, or other sustainable practices that prevent or mitigate sources of nonpoint source water pollution. The commissioner shall establish pilot projects effective until January 1, 1996, for implementing the program. The commissioner shall adopt emergency and permanent rules to implement the pilot projects and the program. The rules shall contain, but not be limited to, application procedures, eligibility criteria, conditions of the loan, and repayment procedures.

Subd. 3. [APPROPRIATION.] Funds from the water pollution control revolving fund in section 446A.07 provided by the public facilities authority shall be appropriated to the commissioner for the establishment of this program.

Subd. 4. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Applicant" means a county or the designee of the county applying on behalf of a county. Applicant may mean a soil and water conservation district or an organization formed for the joint exercise of power.

(c) "Authority" means the Minnesota public facilities authority as established in section 446A.03.

(d) "Best management practices" has the meaning given in sections 103F.711, subdivision 3, and 103H.151, subdivision 2.

(e) "Borrower" means an individual farmer, an agriculture supply business, or rural landowner applying for a low-interest loan.

(f) "Chair" means the chair of the board of water and soil resources or the designee of the chair.

(g) "Commissioner" means the commissioner of agriculture or the designee of the commissioner.

(h) "Comprehensive water management plan" means a state approved and locally adopted plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or 103D.405.

(i) "County allocation request" means a loan allocation request from an applicant to implement agriculturally related best management practices defined in paragraph (d).

(j) "Lender agreement" means an agreement entered into between the commissioner and a local lender. The agreement will contain terms and conditions of the loan that will include, but need not be limited to, general loan provisions, loan management requirements, application of payments, loan term limits, allowable expenses, and fee limitations.

(k) "Local government unit" means a county, soil and water conservation district, or an organization formed for the joint exercise of powers under section 471.59.

(l) "Local lender" means a local government unit as defined in paragraph (k), a state or federally chartered bank, a savings and loan association, or Farm Credit Services.

(m) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

Subd. 5. [USES OF FUNDS.] Use of funds under this section must be in compliance with the federal Water Pollution Control Act, section 446A.07, and eligible activities listed in the intended use plan authorized in section 446A.07, subdivision 4.

Subd. 6. [APPLICATION.] (a) The commissioner must prescribe forms and establish an application process for applicants to apply for a county allocation request. The application must include but need not be limited to: (1) the geographic area served; (2) the type and estimated cost of activities or projects for which they are seeking a loan allocation; (3) a ranking of proposed activities or projects; and (4) the designation of the local lender and lending practices the applicant intends to use to issue the loans to the borrowers.

(b) In an area of the state where a county allocation request has not been requested or has been rejected, application forms must be available for a borrower to apply directly to the commissioner for a loan under this program.

(c) If a county allocation request is rejected, the applicant must be notified in writing as to the reasons for the rejection and given 30 days to submit a revised application. The revised application shall be reviewed according to the same procedure used to review the initial application.

Subd. 7. [PAYMENTS.] Payments made from the water pollution control revolving fund must be made in accordance with applicable state and federal laws and rules governing the payments.

Subd. 8. [APPLICANT; BORROWERS.] (a) A county may submit a county allocation request as defined in subdivision 4, paragraph (i). A county or a group of counties may designate another local government unit as defined in subdivision 4, paragraph (k), to submit a county allocation request.

(b) If a county does not submit a county allocation request, and does not designate another local government unit, a soil and water conservation district may submit a county allocation request. In all instances, there may be only one request from a county. The applicant must coordinate and submit requests on behalf of other units of government within the geographic jurisdiction of the applicant.

(c) Borrowers may apply directly to the commissioner if the commissioner does not receive or approve a county allocation request from the county, designated local government unit, or soil and water conservation district in which the proposed activities would be carried out.

Subd. 9. [REVIEW AND RANKING OF ALLOCATION REQUESTS.] (a) The commissioner shall chair the subcommittee established in section 103F.761 for purposes of reviewing and ranking county allocation requests. The rankings must be in order of priority and shall provide financial assistance within the limits of the funds available. In carrying out the review and ranking, the subcommittee must consist of, at a minimum, the chair, representatives of the pollution control agency, United States Department of Agriculture Agricultural Stabilization and Conservation Service, United States Department of Agriculture Soil Conservation Service, Association of Minnesota Counties, and other agencies or associations as the commissioner, the chair, and agency determine are appropriate. The review and ranking shall take into consideration other related state or federal programs.

(b) The subcommittee shall use the criteria listed below in carrying out the review and ranking:

(1) whether the proposed activities are identified in a comprehensive water management plan as priorities;

- (2) the potential that the proposed activities have for improving or protecting surface and groundwater quality;
- (3) the extent that the proposed activities support areawide or multijurisdictional approaches to protecting water quality based on defined watershed;
- (4) whether the activities are needed for compliance with existing water related laws or rules;
- (5) whether the proposed activities demonstrate participation, coordination, and cooperation between local units of government and other public agencies;
- (6) whether there is coordination with other public and private funding sources and programs; and
- (7) whether there are off-site public benefits such as preventing downstream degradation and siltation.

Subd. 10. [BORROWER ELIGIBILITY; TERMS; REPAYMENT.] (a) Local lenders shall use the following criteria in addition to other criteria they deem necessary in determining the eligibility of borrowers for loans:

- (1) whether the activity is certified by a local unit of government as meeting priority needs identified in a comprehensive water management plan and is in compliance with accepted standards, specifications, or criteria;
- (2) whether the activity is certified as eligible under Environmental Protection Agency or other applicable guidelines; and
- (3) whether the repayment is assured from the borrower.

(b) Local lenders shall set the terms and conditions of loans. In all instances, local lenders must provide for sufficient collateral or protection for the loan principal. They are responsible for collecting repayments by borrowers. For direct loans, the borrower must provide sufficient collateral and repay the loan according to a mutually prearranged schedule with the commissioner.

(c) A local lender is responsible for repaying the principal of a loan to the commissioner. The terms of repayment will be identified in the lender agreement. If defaults occur, it is the responsibility of the local lender to obtain repayment from the borrower.

Subd. 11. [DATA PRIVACY.] The following data on applicants or borrowers collected by the commissioner under this section, are private for data on individuals as provided in section 13.02, subdivision 12, or nonpublic for data not on individuals as provided in section 13.02, subdivision 9: financial information, including, but not limited to, credit reports, financial statements, tax returns and net worth calculations received or prepared by the commissioner.

Subd. 12. [ESTABLISHMENT OF ACCOUNT.] The authority shall establish an account called the agriculture best management practices revolving fund to provide loans and other forms of financial assistance authorized under section 446A.07. The fund must be credited with repayments.

Subd. 13. [FEES; LOAN SERVICES.] Origination fees charged directly to borrowers by local lenders upon executing a loan shall not exceed one-half of one percent of the loan amount. Servicing fees assessed to loan repayments must not exceed two percent interest on outstanding principal amounts if the local lender is a local government unit, or three percent interest on outstanding principal amounts if the local lender is a state or federally chartered bank, savings and loan association, or an entity of Farm Credit Services.

Subd. 14. [REPORT.] (a) The commissioner and chair shall prepare and submit a report to the legislative water commission by October 15, 1994, and October 15, 1995. thereafter, the report shall be submitted by October 15 of each odd-numbered year.

(b) The report shall include, but need not be limited to, matters such as loan allocations and uses, the extent to which the financial assistance is helping implement local water planning priorities, the integration or coordination that has occurred with related programs, and other matters deemed pertinent to the implementation of the program.

Sec. 12. [17.118] [FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.]

(a) The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management.

(b) The committee must include representation from beef, dairy, pork, turkey, chicken, and egg producer organizations. The committee shall not exceed 15 members, but must include representatives from at least three environmental organizations not associated with production agriculture, eight livestock producers, and four experts in soil and water science, nutrient management, and animal husbandry. No more than eight members may be of one gender. In addition, the department of agriculture, the pollution control agency, the board of water and soil resources, the United States Department of Agriculture Soil Conservation Service, and the United States Department of Agriculture Agricultural Stabilization and Conservation Service shall serve on the committee as ex officio nonvoting members.

(c) The advisory committee shall be chaired by a member of the committee selected by the committee. The department and the agency shall provide staff support to the committee.

(d) The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the development of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.

(e) The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.

(f) The advisory committee shall advise the commissioners on other matters as deemed appropriate.

(g) Nongovernment members of the advisory committee shall not receive per diem but may receive reimbursement for actual expenses, in accordance with section 15.059, subdivision 6. The advisory committee expires on June 30, 1997.

Sec. 13. Minnesota Statutes 1992, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATION; APPROPRIATION.] The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouse operator, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account, including interest earned on the account, is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.

Sec. 14. Minnesota Statutes 1992, sections 32.103, is amended to read:

32.103 [INSPECTION OF DAIRIES.]

(a) At times the commissioner determines proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk, and shall require the correction of all insanitary conditions and practices found. The commissioner shall inspect for evidence of use of rBGH in violation of section 32.75, by producers providing affidavits of nontreatment under that section and shall verify the physical separation of milk and dairy products from non-rBGH-treated cows if required by section 32.75.

(b) A refusal or physical threat that prevents the completion of an inspection or neglect to obey a lawful direction of the commissioner or the commissioner's agent given while carrying out this section may result in the suspension of the offender's permit or certification. The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.

Sec. 15. [32.75] [RECOMBINANT BOVINE GROWTH HORMONE LABELING.]

Subdivision 1. [DEFINITION.] For purposes of this section and sections 32.103, 151.01, and 151.15, "recombinant bovine growth hormone" or "rBGH" means a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques, described alternately as recombinant bovine somatotropin, or rBST.

Subd. 2. [LABELING.] (a) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, which have been processed and handled pursuant to the requirements of this section, may be labeled: "Milk in this product is from cows not treated with rBGH." Labeling of dairy products under this section which are offered for sale within this state may also include an indication that the milk used is "farmer certified rBGH-free." Products offered for wholesale or retail sale in this state need not contain any further label information relative to the use of rBGH in milk production.

(b) The label described in paragraph (a) may appear on the principal display panel, as defined in section 31.01, subdivision 22, of a packaged product, be conspicuously attached to the container of a bulk product, or appear in any advertisement, as defined in section 31.01, subdivision 26, for a product, including displays or placards posted in retail stores.

Subd. 3. [AFFIDAVIT; RECORDS.] (a) A dairy plant purchasing milk or cream to be used in products labeled pursuant to subdivision 2 shall require an affidavit from producers supplying such milk. This affidavit must be signed by the producer or authorized representative and state that cows providing the supplied milk have not and will not be treated with rBGH, without advanced written notice of at least 30 days to the dairy plant. This affidavit must further state that the producer has taken measures necessary to keep fully separate non-rBGH-treated cows, and milk or cream received from such cows, as required by subdivision 4. A dairy plant may require the producer providing an affidavit to notify the dairy plant in writing up to 90 days in advance of the use of rBGH in milk production.

(b) Dairy plants shall keep original affidavits on file for a period of not less than two years after receiving written notice from the producer of anticipated rBGH use, as provided in paragraph (a). These affidavits and corresponding records must be made available for inspection by the commissioner. Dairy plants supplying milk or cream to a processor or manufacturer of a product to be labeled pursuant to subdivision 2, for use in that product, shall supply a certification to that processor or manufacturer stating that producers of the supplied milk or cream have executed and delivered affidavits pursuant to paragraph (a).

Subd. 4. [SEPARATION OF NONTREATED COWS AND MILK.] (a) All milk or cream from non-rBGH-treated cows used in manufacturing or processing of products labeled pursuant to subdivision 2, or milk or cream supplied by a producer under an affidavit pursuant to subdivision 3, must be kept fully separate from any other milk or cream through all stages of storage, transportation, and processing until the milk or resulting dairy products are in final packaged form in a properly labeled container. Records of the separation must be kept by the dairy plant and product processor or manufacturer at all stages and made available to the commissioner for inspection.

(b) When providing milk or cream under an affidavit pursuant to subdivision 3, producers shall, at all times, physically segregate all non-rBGH-treated cows from rBGH-treated cows and provide separate milking facilities and storage containers for milk or cream received from non-rBGH-treated cows.

Sec. 16. Minnesota Statutes 1993 Supplement, section 84.872, is amended to read:

84.872 [YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.]

Subdivision 1. [RESTRICTIONS ON OPERATION.] 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, public easements, 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, public easements, and waters under the jurisdiction of the commissioner if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

Subd. 2. [OWNER DUTIES.] It is unlawful for any person who is the owner or in lawful control of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Subd. 3. [REPORTING CONVICTIONS; SUSPENSIONS.] 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~~ this 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. 17. Minnesota Statutes 1992, section 85.015, subdivision 1, is amended to read:

Subdivision 1. [ACQUISITION.] (a) The commissioner of natural resources shall establish, develop, maintain, and operate the trails designated in this section. Each trail shall have the purposes assigned to it in this section. The commissioner of natural resources may acquire lands by gift or purchase, in fee or easement, for the trail and facilities related to the trail.

(b) Notwithstanding the offering to public entities, referral to executive council, public sale and related notice and publication requirements of sections 94.09 to 94.165, the commissioner of natural resources, in the name of the state, may sell surplus lands not needed for trail purposes at private sale to adjoining property owners and leaseholders. The conveyance must be by quitclaim in a form approved by the attorney general for a consideration not less than the appraised value.

Sec. 18. Minnesota Statutes 1992, section 94.09, subdivision 5, is amended to read:

Subd. 5. On or before November 15 of each even numbered year the commissioner of administration shall report to the governor and the legislature for the two-year period immediately preceding the following:

(a) The lands which state departments and agencies have certified as no longer needed.

(b) The lands which have been determined to be no longer needed for state purposes, regarding which the executive council has been formally notified.

(c) The lands which have been publicly sold.

(d) The trail lands which have been privately sold to adjoining property owners and leaseholders under section 85.015, subdivision 1, paragraph (b).

Sec. 19. Minnesota Statutes 1992, section 97A.061, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The commissioner shall annually make a payment ~~from the game and fish fund~~ to each county having public hunting areas and game refuges, and money is annually appropriated for the payment from the general fund. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

Sec. 20. Minnesota Statutes 1993 Supplement, section 97A.061, subdivision 3, is amended to read:

Subd. 3. [GOOSE MANAGEMENT CROPLANDS.] (a) The commissioner shall make a payment on July 1 of each year ~~from the game and fish fund,~~ to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes, and money is annually appropriated for the payment from the general fund. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19.

Sec. 21. Minnesota Statutes 1992, section 97A.165, is amended to read:

97A.165 [SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.]

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections 94.16, 97A.151, subdivision 4, and 97A.157, subdivision 4, is annually appropriated for that purpose ~~in a ratio of 20 percent from the game and fish fund and 80 percent from the general fund.~~

Sec. 22. Minnesota Statutes 1992, section 97A.441, subdivision 6, is amended to read:

Subd. 6. [TAKING DEER; DISABLED VETERANS.] A person authorized to issue licenses must issue, without a fee, a license to take deer or small game with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Sec. 23. Minnesota Statutes 1992, section 97A.485, subdivision 8, is amended to read:

Subd. 8. [REDEMPTION OF UNSOLD LICENSES.] The commissioner must redeem unsold licenses submitted within the redemption time prescribed by the commissioner. Licenses that are not submitted for redemption within the prescribed time are considered to have been sold and the auditor or county to whom the licenses were furnished are accountable for them. A county auditor must refund the license fees prepaid by the auditor's subagent for unsold licenses submitted within a time period established by the commissioner. Unsold resident and nonresident 24-hour angling licenses held by a subagent must not be returned prior to the end of the license year.

Sec. 24. Minnesota Statutes 1993 Supplement, section 97B.071, is amended to read:

97B.071 [BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange, except that the commissioner may, by rule, prescribe an alternative color for persons qualifying under the Religious Freedom Restoration Act of 1993 (Public Law Number 103-141). Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

This section is effective for the 1994 firearms deer season and subsequent firearms deer seasons. The commissioner of natural resources shall, by way of public service announcements and other means, inform the public of the provisions of this section.

Sec. 25. Minnesota Statutes 1992, section 97B.601, subdivision 4, is amended to read:

Subd. 4. [EXCEPTION TO LICENSE REQUIREMENTS.] (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take turkey without a small game license.

(f) A disabled veteran, as provided in section 97A.441, subdivision 6, may take small game without a small game license.

Sec. 26. Minnesota Statutes 1992, section 103F.725, is amended by adding a subdivision to read:

Subd. 1a. [FINANCIAL ASSISTANCE; LOANS.] (a) Funds from the water pollution control revolving fund in section 446A.07 provided by the public facilities authority shall be appropriated to the commissioner for the establishment of a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the public facilities authority.

(e) The repayment must be deposited in the water pollution control revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

Sec. 27. Minnesota Statutes 1992, section 103F.745, is amended to read:

103F.745 [RULES.]

(a) The agency shall adopt rules necessary to implement sections 103F.701 to 103F.761. The rules shall contain at a minimum:

- (1) procedures to be followed by local units of government in applying for technical or financial assistance or both;
- (2) conditions for the administration of assistance;
- (3) procedures for the development, evaluation, and implementation of best management practices;
- (4) requirements for a diagnostic study and implementation plan;
- (5) criteria for the evaluation and approval of a diagnostic study and implementation plan;
- (6) criteria for the evaluation of best management practices;
- (7) criteria for the ranking of projects in order of priority for assistance;
- (8) criteria for defining and evaluating eligible costs and cost-sharing by local units of government applying for assistance; and
- (9) other matters as the agency and the commissioner find necessary for the proper administration of sections 103F.701 to 103F.761, including any rules determined by the commissioner to be necessary for the implementation of federal programs to control nonpoint source water pollution.

(b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria established by rule for the clean water partnership grants program shall guide requirements and administrative procedures for the loan program until January 1, 1996, or the effective date of the administrative rules for the clean water partnership loan program, whichever occurs first.

Sec. 28. Minnesota Statutes 1992, section 103F.761, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The project coordination team shall advise the agency in preparation of rules, evaluate projects, and recommend to the commissioner those projects that the team believes should receive financial or technical assistance or both from the agency. After approval of assistance for a project by the agency, the team shall review project activities and assist in the coordination of the state program with other state and federal resource management programs.

(b) For state agencies or departments receiving funding under section 446A.07, subdivision 6, the project coordination team shall provide guidance for the allocation of water pollution control fund nonpoint source pollution funding with consideration to statewide environmental priorities including priorities for types of projects and geographic or watershed priorities. A subcommittee of the project coordination team will be formed for each of the separate funding areas under section 446A.07, subdivision 6, and shall be chaired by the appropriate lead state agency or department. Each subcommittee shall evaluate and rank projects within its area with consideration given to the guidance provided by the project coordination team.

Sec. 29. Minnesota Statutes 1992, section 115A.5501, subdivision 2, is amended to read:

Subd. 2. [MEASUREMENT; PROCEDURES.] To measure the overall percentage of packaging in the statewide solid waste stream, the ~~commissioner~~ director and the chair of the metropolitan council, in consultation with the ~~director~~ commissioner, shall each conduct an annual ~~four-season~~ solid waste composition study in the nonmetropolitan and metropolitan areas respectively or shall develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

~~Beginning in 1993,~~ The chair of the council shall submit the results from the metropolitan area to the ~~commissioner~~ director by ~~March~~ May 1 of each year. The ~~commissioner~~ director shall average the nonmetropolitan and metropolitan results and submit the statewide percentage, along with a statistically reliable margin of error, to the ~~director~~ by April 1 of each year. ~~The director shall report the information to the legislative commission on waste management by July 1 of each year.~~

Sec. 30. Minnesota Statutes 1992, section 116.182, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section governs the commissioner's certification of applications for projects seeking financial assistance under section 103F.725, subdivision 1a, 446A.07, or 446A.071.

Sec. 31. Minnesota Statutes 1992, section 116.182, subdivision 3, is amended to read:

Subd. 3. [PROJECT REVIEW.] The commissioner shall review a municipality's proposed project ~~and financial assistance application~~ to determine whether ~~they meet~~ it meets the criteria in this section and the rules adopted under this section. The review must include a determination of the essential project components for wastewater treatment projects.

Sec. 32. Minnesota Statutes 1992, section 116.182, subdivision 4, is amended to read:

Subd. 4. [CERTIFICATION OF APPROVED PROJECTS.] The commissioner shall certify to the authority each approved ~~application project~~, including for wastewater treatment projects a statement of the essential project components and associated costs.

Sec. 33. Minnesota Statutes 1992, section 116.182, subdivision 5, is amended to read:

Subd. 5. [RULES.] The agency shall adopt rules for the administration of the financial assistance program. For wastewater treatment projects, the rules must include:

- (1) application requirements;
- (2) criteria for the ranking of projects in order of priority based on factors including the type of project and the degree of environmental impact, and scenic and wild river standards; and
- (3) criteria for determining essential project components.

Sec. 34. Minnesota Statutes 1992, section 116G.15, is amended to read:

116G.15 [MISSISSIPPI RIVER CRITICAL AREA.]

The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi river critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.

The results of an environmental impact statement prepared under chapter 116D and completed after the effective date of this section for a proposed project that is located in the Mississippi river critical area must be reported to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate for legislative review of the proposed project and alternatives to the project prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph must list alternatives to the project that are environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives.

Sec. 35. Minnesota Statutes 1993 Supplement, section 116P.11, is amended to read:

116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the commission consists of the interest earnings generated from the trust fund. Interest earnings generated from the trust fund shall equal the amount of interest on debt securities and dividends on equity securities. Gains and losses arising from the sale of securities shall be apportioned as follows:

(1) if the sale of securities results in a net gain during a fiscal year, the gain shall be apportioned in equal installments over the next ten fiscal years to offset net losses in those years. If any portion of an installment is not needed to recover subsequent losses identified in paragraph (b), it shall be added to the principal of the fund; and

(2) if the sale of securities results in a net loss during a fiscal year, the net loss shall be recovered from the gains in paragraph (a) apportioned to that fiscal year. If such gains are insufficient, any remaining net loss shall be recovered from interest and dividend income in equal installments over the following ten fiscal years.

(b) For funding projects through fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year 1993;

(3) for the 1993-1995 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1994 and 1995, to be expended only for capital investments in parks and trails; and

(4) for the 1995-1997 biennium, up to ~~ten~~ 25 percent of the revenue deposited in the fund in fiscal year 1996.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.

Sec. 36. Minnesota Statutes 1992, section 151.01, subdivision 28, is amended to read:

Subd. 28. [VETERINARY LEGEND DRUG.] "Veterinary legend drug" means ~~biosynthetic bovine somatotropin (BST) until June 12, 1992, or~~ a drug that is required by federal law to bear the following statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

Sec. 37. Minnesota Statutes 1992, section 151.15, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED PERSONS; VETERINARY LEGEND DRUGS.] It shall be unlawful for any person other than a licensed veterinarian or pharmacist to compound or dispense veterinary legend drugs except as provided in this chapter. ~~Until June 12, 1992, a veterinarian or veterinarian's assistant may use biosynthetic bovine somatotropin (BST) for medical or research purposes only. Biosynthetic bovine somatotropin (BST) may not be dispensed to, used by, or administered by a person who is not a licensed veterinarian or a veterinarian's assistant under the veterinarian's supervision.~~

Sec. 38. Minnesota Statutes 1992, section 151.25, is amended to read:

151.25 [REGISTRATION OF MANUFACTURERS; FEE; PROHIBITIONS.]

The board shall require and provide for the annual registration of every person engaged in manufacturing drugs, medicines, chemicals, or poisons for medicinal purposes, now or hereafter doing business with accounts in this state. Upon a payment of a fee as set by the board, the board shall issue a registration certificate in such form as it may prescribe to such manufacturer. Such registration certificate shall be displayed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the date set by the board. It shall be unlawful for any person to manufacture drugs, medicines, chemicals, or poisons for medicinal purposes unless such a certificate has been issued to the person by the board. It shall be unlawful for any person engaged in the manufacture of drugs, medicines, chemicals, or poisons for medicinal purposes, or the person's agent, to sell legend drugs ~~or biosynthetic bovine somatotropin (BST) until June 12, 1992,~~ to other than a pharmacy, except as provided in this chapter.

Sec. 39. Minnesota Statutes 1992, section 446A.02, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For the purposes of ~~sections 446A.01 to 446A.09~~ this chapter, the terms in this section have the meanings given them.

Sec. 40. Minnesota Statutes 1992, section 446A.02, is amended by adding a subdivision to read:

Subd. 1a. [AGENCY.] "Agency" means the Minnesota pollution control agency.

Sec. 41. Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Minnesota public facilities authority consists of the commissioner of trade and economic development, the commissioner of finance, the commissioner of the pollution control agency, ~~the commissioner of the department of agriculture, and three additional members appointed by the governor from the general public with the advice and consent of the senate~~ the commissioner of the department of health.

Sec. 42. Minnesota Statutes 1992, section 446A.03, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP TERMS; DELEGATION.] The membership terms, compensation, removal, and filling of vacancies of public members of the authority are as provided in section 15.0575. In addition to any powers or authority to delegate that members have as commissioners, they may delegate their responsibilities as members of the authority for reviewing and approving financing of eligible projects that have been certified to the authority to the commissioner of the department of trade and economic development.

Sec. 43. Minnesota Statutes 1992, section 446A.07, subdivision 4, is amended to read:

Subd. 4. [INTENDED USE PLAN.] The pollution control agency shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment and storm water projects and all other eligible activities to be funded during the fiscal year. Information regarding eligible activities must be submitted to the agency by the appropriate state agency or department within 30 days of written notification by the agency. The agency may not submit the plan until it has received the review and comment of the authority or until 30 days have elapsed since the plan was submitted to the authority, whichever occurs first.

Sec. 44. Minnesota Statutes 1992, section 446A.07, subdivision 6, is amended to read:

Subd. 6. [AWARD AND TERMS OF LOANS.] The authority shall award loans to those municipalities and other entities certified by the agency: or shall provide funding for the appropriate state agency or department to make loans for eligible activities certified by the agency provided the use of funds and the terms and conditions of the loans must be in conformance with the Federal Water Pollution Control Act, this section, and rules of the agency, and authority adopted under this section.

Sec. 45. Minnesota Statutes 1992, section 446A.07, subdivision 8, is amended to read:

Subd. 8. [OTHER USES OF REVOLVING FUND.] The water pollution control revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

(1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;

(2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loan guarantees, loans, or set-aside for similar revolving funds established by a governmental unit other than state agencies, or state agencies under sections 17.117, 103F.725, subdivision 1a, 116J.403, 116J.617, and 462A.05;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the agency of administering the fund and conducting activities required under the Federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act.

Amounts spent under clause (6) may not exceed the amount allowed under the Federal Water Pollution Control Act.

Sec. 46. Minnesota Statutes 1992, section 446A.07, subdivision 9, is amended to read:

Subd. 9. [PAYMENTS.] Payments from the fund must be made in accordance with the applicable state and federal law governing the payments, except that with the exception of payments made under sections 17.117, 103F.725, subdivision 1a, 116J.403, 116J.617, and 462A.05, no payment for a project may be made to a governmental unit until and unless the authority has determined the total estimated cost of the project and ascertained that financing of the project is assured by:

(1) a loan authorized by state law or the appropriation of proceeds of bonds or other money of the governmental unit to a fund for the construction of the project; and

(2) an irrevocable undertaking, by resolution of the governing body of the governmental unit, to use all money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or the proceeds of additional bonds to be issued by the governmental unit.

Sec. 47. Minnesota Statutes 1992, section 446A.07, subdivision 11, is amended to read:

Subd. 11. [RULES OF THE AGENCY.] The agency shall adopt rules relating to the procedure for preparation of the annual intended use plan and other matters that the agency considers necessary for proper loan administration. Eligible activities are those required under the federal Water Pollution Control Act of 1987, as amended.

Sec. 48. Minnesota Statutes 1992, section 446A.071, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF THE PROGRAM.] (a) The authority shall establish the wastewater infrastructure funding program to provide supplemental assistance, as provided in rules of the authority, to municipalities that receive loans or other assistance from the water pollution control revolving fund under section 446A.07 for wastewater treatment projects excluding storm water projects.

(b) The authority may secure funds for the wastewater infrastructure funding program through state appropriations; any source identified in section 446A.04 which may be designated by the authority for the purposes of this section; and any federal funding appropriated by Congress that may be used for the purposes of this section.

(c) The authority may set aside up to ten percent of the money appropriated to the wastewater infrastructure funding program for wastewater projects that are necessary to accommodate economic development projects.

Sec. 49. [446A.081] [DRINKING WATER REVOLVING FUND.]

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

(b) "Act" means the federal Drinking Water Infrastructure Financing Act.

(c) "Department" means the department of health.

Subd. 2. [ESTABLISHMENT OF FUND.] The authority shall establish a drinking water revolving fund to provide loans and other forms of financial assistance authorized by the act, as determined by the authority under the rules adopted under this section for the purposes and eligible costs authorized under the act. The fund must be credited with repayments. The act requires that the fund corpus must be managed so as to be available in perpetuity for the financing of drinking water systems in the state. At a minimum, 15 percent of the funds received each federal fiscal year shall be available solely for providing loans to public water systems which regularly serve fewer than 10,000 individuals.

Subd. 3. [STATE FUNDS.] A state matching fund is established to be used in compliance with federal matching requirements specified in the act.

Subd. 4. [CAPITALIZATION GRANT AGREEMENT.] The authority shall enter into an agreement with the administrator of the United States Environmental Protection Agency to receive capitalization grants for the fund. The authority and the department may exercise the powers necessary to comply with the requirements specified in the agreement.

Subd. 5. [INTENDED USE PLAN.] The authority shall annually prepare and submit to the United States Environmental Protection Agency an intended use plan. The plan must identify the intended uses of the amounts available to the drinking water revolving loan fund. The department shall provide a prioritized list of drinking water projects and other eligible activities to be considered for funding by the authority. The plan may be amended by the authority and include additional eligible projects proposed by the department.

Subd. 6. [APPLICATIONS.] Applications by municipalities, privately owned public water systems, and eligible entities identified in the annual intended use plan for loans from the fund must be made to the authority on the forms prescribed by the rules of the authority and the rules of the department adopted under this section. The authority shall forward the application to the department within ten days of receipt. The department shall approve those applications that appear to meet the criteria in the act, this section, and the rules of the department or the authority.

Subd. 7. [AWARD AND TERMS OF LOANS.] The authority shall award loans to those municipalities, privately owned public water systems, and other eligible entities approved by the department, provided that the applicant is able to comply with the terms and conditions of the authority loan, which must be in conformance with the act, this section, and the rules of the authority adopted under this section.

Subd. 8. [LOAN CONDITIONS.] (a) When making loans from the drinking water revolving fund, the authority shall comply with the conditions of the act, including the criteria in paragraphs (b) to (e).

(b) Loans must be made at or below market interest rates, including zero interest loans, for terms not to exceed 20 years.

(c) The annual principal and interest payments must begin no later than one year after completion of the project. Loans must be amortized no later than 20 years after project completion.

(d) A loan recipient must identify and establish a dedicated source of revenue for repayment of the loan, and provide for a source of revenue to properly operate, maintain, and repair the water system.

(e) The fund must be credited with all payments of principal and interest on all loans, except the costs as permitted under section 446A.04, subdivision 5, paragraph (a).

Subd. 9. [OTHER USES OF FUND.] The drinking water revolving loan fund may be used as provided in the act, including the following uses:

(1) to buy or refinance the debt obligations, at or below market rates, of public water systems for drinking water systems, where such debt was incurred after the date of enactment of the act, for the purposes of construction of the necessary improvements to comply with the national primary drinking water regulations under the federal Safe Drinking Water Act;

(2) to purchase or guarantee insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loans or loan guarantees for similar revolving funds established by a governmental unit or state agency;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the department for conducting activities as authorized and required under the act up to the limits authorized under the act.

Subd. 10. [PAYMENTS.] Payments from the fund to borrowers must be in accordance with the applicable state and federal laws governing such payments, except no payment for a project may be made to a borrower until and unless the authority has determined that the total estimated cost of the project and the financing of the project are assured by:

(1) a loan authorized by state law or appropriation of proceeds of bonds or other money of the borrower to a fund for the construction of the project; and

(2) an irrevocable undertaking, by resolution of the governing body of the borrower, to use all money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the borrower.

Subd. 11. [RULES OF THE AUTHORITY.] The commissioner of trade and economic development shall adopt rules containing the procedures for the administration of the authority's duties as provided by this section that include: setting of interest rates, which shall take into account the financial need of the applicant; the amount of project financing to be provided; the collateral required for public drinking water systems and for privately owned public water systems; dedicated sources of revenue or income streams to ensure repayment of loans; and the requirements to ensure proper operation, maintenance, and repair of the water systems financed by the authority.

Subd. 12. [RULES OF THE DEPARTMENT.] The department shall adopt rules relating to the procedures for administration of the department's duties under the act and this section. The department and the commissioner of the department of trade and economic development may adopt a single set of rules for the program.

Sec. 50. Minnesota Statutes 1992, section 446A.11, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] In implementing the purposes and the programs transferred to the authority by section 446A.10, subdivision 2 described in this chapter, the authority has the powers in this section.

Sec. 51. Minnesota Statutes 1992, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. [BONDING AUTHORITY.] The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but not including the making of grants. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this section at any time may not exceed \$250,000,000 \$350,000,000.

Sec. 52. Minnesota Statutes 1992, section 446A.15, subdivision 6, is amended to read:

Subd. 6. [CERTIFICATION AND BUDGET REQUEST.] To assure the payment of the principal of and interest on bonds of the authority issued prior to January 1, 1994, and the continued maintenance of all debt service reserve funds created and established for that payment, the authority shall annually determine and certify to the governor, on or before December 1, the following amounts:

(1) the amount then needed to restore each debt service reserve fund securing in whole or in part the payment of principal of and interest on bonds of the authority issued prior to January 1, 1994, to the minimum amount required by the resolution or indenture establishing the fund, but not exceeding the maximum amount of principal and interest to become due and payable in any later year on all bonds issued prior to January 1, 1994, that are then outstanding and secured by the fund; and

(2) the amount determined by the authority to be needed in the immediately ensuing fiscal year, with other funds pledged and estimated to be received during that year, for the payment of the principal and interest due and payable in that year on all then outstanding bonds secured by a debt service reserve fund securing in whole or in part the payment of principal of and interest on bonds of the authority issued prior to January 1, 1994, the amount of which is then less than the minimum amount agreed, but not exceeding the maximum amount of principal and interest to become due and payable in the immediately ensuing fiscal year on bonds prior to January 1, 1994.

The governor shall include in the proposed biennial budget for the following fiscal year, or in a supplemental budget if the biennial budget has previously been approved, the amounts certified by the authority in accordance with this subdivision.

Sec. 53. [WINONA COUNTY SOLID WASTE GRANT OR LOAN FORGIVEN.]

Notwithstanding Minnesota Statutes 1992, section 115A.54, subdivision 3, the awarding resolution, or the agreement between Winona county and the state acting through the office of waste management, formerly the waste management board, Winona county need not repay the outstanding balance of the grant or loan made to it under Minnesota Statutes, section 115A.54, subdivision 2.

Sec. 54. [ST. LOUIS COUNTY WASTE LOANS.]

Any outstanding St. Louis county obligations for grants and loans for construction or operation of the Babbitt waste tire facility under Minnesota Statutes 1986, section 116M.07, or Minnesota Statutes, section 115A.54, subdivision 2a, or 298.22, are canceled and need not be repaid.

Sec. 55. [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; METAL PROCESSING IN CRITICAL AREA.]

Until completion of environmental impact statement that is found adequate under Minnesota Statutes, chapter 116D for any proposed project for which final permits have not been issued by the effective date of this section, a state or local agency may not issue a permit for construction or operation of a metal materials processing project that:

(1) would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes 1992, section 116G.15; and

(2) would have a processing capacity in excess of 20,000 tons per month.

The pollution control agency is the responsible government unit for preparation of an environmental impact statement required under this section.

Sec. 56. [OVERHEAD POWER LINE RELOCATION.]

An electric public utility company having overhead electric power lines within Indian Mounds Park in the city of Saint Paul must remove the support structures and remove, relocate, or bury the power lines. Power line support structures located within the protective fences must be removed by October 1, 1994. The remainder of the support structures and power lines must be removed, relocated, or buried by October 1, 1995.

Sec. 57. [REPEALER.]

Minnesota Statutes 1992, section 446A.08, is repealed.

Sec. 58. [EFFECTIVE DATE.]

Sections 1 to 57 are effective the day following final enactment.

ARTICLE 2

COMMUNITY DEVELOPMENT

Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this article, the sums set forth in the columns designated "fiscal year 1994" and "fiscal year 1995" are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this article and are added to appropriations for the fiscal years ending June 30, 1994 and June 30, 1995, in Laws 1993, chapter 369, or another named law.

SUMMARY BY FUND

	1994	1995
General Fund	\$ 656,000	\$ 1,752,000
Special Revenue Fund	-0-	4,000
Workers' Compensation Fund	-0-	50,000
TOTAL	\$ 656,000	\$ 1,806,000

 APPROPRIATIONS
 Available for the Year
 Ending June 30

1994	1995
Sec. 2. TRADE AND ECONOMIC DEVELOPMENT	\$ 1,164,000

SUMMARY BY FUND

General Fund	\$ 500,000	\$ 1,160,000
Special Revenue Fund	-0-	4,000
(a) Minnesota Film Board		40,000

This appropriation is added to the appropriation in Laws 1993, chapter 369, section 2, subdivision 4, for the Minnesota film board. This appropriation is available only upon receipt by the board of \$1 in matching money or in-kind contributions from nonstate sources for every \$3 provided by this appropriation.

(b) Community Development

The \$6,000,000 to be transferred under the appropriation in Laws 1993, chapter 369, section 2, subdivision 2, in fiscal year 1994 to the regional revolving loan fund account in the special revenue fund is to be transferred instead to the rural rehabilitation account in the special revenue fund.

(c) Job Skills Partnership	500,000	500,000
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These appropriations are added to the appropriations made in Laws 1993, chapter 369, section 2, subdivision 5. The additions are to be added to the \$1,088,000 each year for the job skills partnership grants and the purpose for both the original \$1,088,000 each year and the additional \$500,000 each year is for the job skills partnership program under Minnesota Statutes, chapter 116L.

(d) Study of Women-owned Businesses		35,000
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This appropriation is for a study, to be conducted in consultation with the commissioner of commerce, of the status of women-owned business in Minnesota. The commissioner shall:

- (1) identify and compile information on trends in women business ownership and trends in the size of women-owned businesses;
- (2) identify the distribution of women-owned businesses by industry and the demographic profile of women business owners;

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(3) identify the current and prospective needs of women-owned businesses for all types of credit and capital, including start-up capital, expansion capital, and working capital, considering the number and type of women-owned businesses and the rate of formation of women-owned businesses;

(4) identify and document the availability of all types of credit and financing for women-owned businesses;

(5) describe any barriers that exist that limit access to capital and credit by women-owned businesses;

(6) examine and document the use of publicly funded capital subsidy programs by women-owned businesses, including business loan and grant programs, interest subsidy programs, and loan insurance and loan guarantee programs;

(7) evaluate the effectiveness of the Community Reinvestment Act in Minnesota as one method of addressing the credit needs of women-owned businesses;

(8) compare the relative access to credit of women-owned businesses in Minnesota and women-owned businesses in other states or regions;

(9) provide recommendations to improve, as necessary, access to credit by, and the availability of credit for, women-owned businesses;

(10) identify the level of participation by women-owned businesses in state procurement programs; and

(11) identify methods of assisting women-owned business in other states.

The commissioner shall use the most current and reliable information available, including information the commissioner obtains through a survey of Minnesota's women-owned corporations, partnerships, limited liability companies, and sole proprietorships. Any state agency with information or expertise required for the study shall cooperate by supplying data or assistance as requested by the commissioner. The commissioner shall prepare a report summarizing the findings and recommendations including preliminary recommendations for addressing the barriers based on the study and the identification of assistance provided in other states and present it to the legislature by January 30, 1995.

(e) North Metro Business Retention and Development Commission

-0-

50,000

This appropriation is added to the grant authorized in Laws 1993, chapter 369, section 2, subdivision 5, for the North Metro Business Retention and Development Commission, and is for the purpose of including the cities of New Brighton and Mounds View in the pilot project. This grant is available only on a demonstration of a dollar-for-dollar cash match from the commission.

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(f) Capital Access Program

-0-

500,000

This appropriation is for use in the department's capital access program. The commissioner shall place this appropriation in a separate account to be known as the agricultural product processing account. The commissioner shall transfer money in this account as needed to fund separate reserve fund accounts established with lenders to cover any losses sustained by those lenders who (1) enroll in the capital access program, and (2) make loans to farmers to finance the purchase of stock in a cooperative that proposes to construct and operate an agricultural product processing facility that is located in Minnesota and costs over \$1,000,000. Money in the agricultural product processing account reverts to the general fund on July 1, 1997, if not needed by the commissioner to fund separate reserve accounts established with lenders.

(g) International Protocol

35,000

This appropriation is for the international protocol function.

Sec. 3. LABOR INTERPRETIVE CENTER

45,000

190,000

These general fund appropriations for operational expenditures are in addition to the appropriations transferred in Laws 1993, chapter 369, section 26.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

The commissioner of administration shall manage and control the land acquired pursuant to Laws 1987, chapter 400, section 61, until funds are appropriated and construction is authorized by the legislature to begin on the labor interpretive center.

Sec. 4. MINNESOTA TECHNOLOGY INCORPORATED

-0-

250,000

This appropriation is added to the appropriation for transfer from the general fund to the Minnesota Technology, Inc. fund in Laws 1993, chapter 369, section 3, and is for state match for the first year of a federal grant for a defense conversion consortium.

Sec. 5. WORLD TRADE CENTER CORPORATION

111,000

-0-

This appropriation is for the purpose of retiring the debt of the world trade center corporation, and is available until spent.

Sec. 6. LABOR AND INDUSTRY

-0-

74.000

SUMMARY BY FUND

General Fund

\$ -0-

\$ 24,000

Workers' Compensation Special fund

-0-

50.000

(a) OSHA supplement fund

50,000

This appropriation is from the special compensation fund and is added to the appropriation in Laws 1993, chapter 369, section 9, subdivision 3.

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(b) Enforcement of Record Review		24,000
This appropriation is from the general fund, and is for enforcement of employee rights to review personnel records.		
Sec. 7. COMMERCE	-0-	8,000
This appropriation is for a study, in consultation with the attorney general, of the pawnbroker industry in Minnesota. The commissioner shall study:		
(1) current licensing and regulation of pawnbrokers by political subdivisions, the effectiveness of that licensing, and the need, if any, for licensing and regulation by the state; and		
(2) rates of interest or fees charged on pawnbroker loans in Minnesota and other states, and whether the state should establish a maximum rate of interest or fee for such loans.		
The commissioner shall report findings, conclusions, and recommendations of the study to the legislature by December 1, 1994.		
Sec. 8. PUBLIC SERVICE	-0-	(220,000)
This reduction is to the appropriation in Laws 1993, chapter 369, section 11, subdivision 5, for transfer to the energy and conservation account under Minnesota Statutes, section 216B.241, subdivision 2a, for programs administered by the commissioner of jobs and training to improve the energy efficiency of residential LP gas heating equipment in low-income households, and when necessary, to provide weatherization services to the homes.		
Sec. 9. MINNESOTA HISTORICAL SOCIETY	-0-	175,000
(a) Archaeology		75,000
This appropriation is for the state archaeology function and purpose.		
(b) Museum of the National Guard		25,000
This appropriation is for a contribution from the state to the Museum of the National Guard in Washington D.C.		
(c) Grand Meadow Chert Quarry		35,000
This appropriation is for a grant to the Mower county historical society for acquisition of the historic Grand Meadow chert quarry.		
(d) Minnesota Transportation Museum		10,000
This appropriation is for restoration of a president's conference committee street car, and must be matched on a one-for-one basis from private sources, including in-kind contributions.		

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(e) St. Anthony Falls Area

60,000

Of this appropriation, \$35,000 is for a grant to the Minneapolis parks and recreation board, to be used by the board as a grant to further develop the great river road project in the central Mississippi riverfront park. A grant made by the board from this appropriation is not subject to the matching requirements of Minnesota Statutes, section 138.766. Of this appropriation, \$25,000 is for a grant to the St. Anthony Falls heritage board for board operating costs.

(f) Hinckley Fire Museum

10,000

This appropriation is for a grant to the Pine county historical society for renovation of the Hinckley fire museum.

(g) Kee Theatre

10,000

This appropriation is for a grant for the restoration of the Kee theatre in Kiester.

(h) Cloquet-Moose Lake Forest Fire Center

(50,000)

The appropriation in Laws 1993, chapter 369, section 12, subdivision 6, paragraph (g), is canceled.

Sec. 10. BOARD OF THE ARTS

-0-

125,000

This appropriation is for a grant to the city of Minneapolis for capital improvements to the Hennepin center for the arts. The city may give this money as a grant to the governing body of the Hennepin center for the arts.

Sec. 11. COUNCIL ON AFFAIRS OF SPANISH SPEAKING PEOPLE

-0-

10,000

This appropriation is for (1) making the position of the council's ombudsperson for families a full-time position, and (2) statewide outreach.

Sec. 12. COUNCIL ON BLACK MINNESOTANS

-0-

10,000

This appropriation is for (1) making the position of the council's ombudsperson for families a full-time position, and (2) statewide outreach.

Sec. 13. COUNCIL ON ASIAN-PACIFIC MINNESOTANS

-0-

10,000

This appropriation is for (1) making the position of the council's ombudsperson for families a full-time position, and (2) statewide outreach.

Sec. 14. INDIAN AFFAIRS COUNCIL

-0-

10,000

This appropriation is for (1) making the position of the council's ombudsperson for families a full-time position, and (2) statewide outreach.

Sec. 15. [MICRO BUSINESS LOANS.]

The commissioner of trade and economic development shall evaluate ways to encourage micro business loans for small start-up businesses. The commissioner shall report to the legislature as part of the biennial budget process on ways to meet the capital needs of small start-up businesses, including proposed measures of the effectiveness of these loans.

Sec. 16. [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; METAL PROCESSING IN CRITICAL AREA.]

Until completion of an environmental impact statement that is found adequate under Minnesota Statutes, chapter 116D, a state or local agency may not issue a permit for construction or operation of a metal materials processing project that:

(1) would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes 1992, section 116G.15; and

(2) would have a processing capacity in excess of 20,000 tons per month.

The pollution control agency is the responsible government unit for preparation of an environmental impact statement required under this section.

Sec. 17. Minnesota Statutes 1993 Supplement, section 16B.08, subdivision 7, is amended to read:

Subd. 7. [SPECIFIC PURCHASES.] (a) The following may be purchased without regard to the competitive bidding requirements of this chapter:

(1) merchandise for resale at state park refectories or facility operations;

(2) farm and garden products, which may be sold at the prevailing market price on the date of the sale;

(3) meat for other state institutions from the technical college maintained at Pipestone by independent school district No. 583; and

(4) products and services from the Minnesota correctional facilities.

(b) Supplies, materials, equipment, and utility services for use by a community-based residential facility operated by the commissioner of human services may be purchased or rented without regard to the competitive bidding requirements of this chapter.

(c) Supplies, materials, or equipment to be used in the operation of a hospital licensed under sections 144.50 to 144.56 that are purchased under a shared service purchasing arrangement whereby more than one hospital purchases supplies, materials, or equipment with one or more other hospitals, either through one of the hospitals or through another entity, may be purchased without regard to the competitive bidding requirements of this chapter if the following conditions are met:

(1) the hospital's governing authority authorizes the arrangement;

(2) the shared services purchasing program purchases items available from more than one source on the basis of competitive bids or competitive quotations of prices; and

(3) the arrangement authorizes the hospital's governing authority or its representatives to review the purchasing procedures to determine compliance with these requirements.

(d) Supplies, materials, equipment, and utility services to be used or purchased by the iron range resources and rehabilitation board are subject to the competitive bidding requirements of this chapter only as described in section 298.2211, subdivision 3a.

Sec. 18. Minnesota Statutes 1993 Supplement, section 44A.025, is amended to read:

44A.025 [DUTIES.]

The board shall:

- (1) promote and market the Minnesota world trade center corporation;
- (2) sponsor conferences or other promotional events in the conference and service center;
- (3) adopt bylaws governing operation of the corporation by November 1, 1987;
- (4) conduct public relations, marketing, and liaison activities between the corporation, the Minnesota trade office, and the international business community;
- (5) establish and maintain an office in the Minnesota world trade center; and
- (6) not duplicate programs or services provided by the ~~commissioner of trade and economic development, the Minnesota trade division, or the commissioner of agriculture; and~~
- (7) enter into administrative, programming, and service partnerships with the commissioner of trade and economic development.

Sec. 19. Minnesota Statutes 1992, section 44A.0311, is amended to read:

44A.0311 [WORLD TRADE CENTER CORPORATION ACCOUNT.]

The world trade center corporation account is in the special revenue fund. All money received by the corporation, including money generated from the use of the conference and service center, ~~except money generated from the use of the center by the Minnesota trade division and by the sale of the assets or ownership of the corporation under section 44A.12,~~ must be deposited in the account. Money in the account including interest earned is appropriated to the board and must be used exclusively for corporation purposes. Any money remaining in the account after sale of the assets or ownership of the corporation under section 44A.12 shall revert to the general fund.

Sec. 20. Minnesota Statutes 1992, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

- (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;
- (2) for filing annual statements, \$15;
- (3) for each annual certificate of authority, \$15;
- (4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

- (1) for filing certified copy of certificate of articles of incorporation, \$100;
- (2) for filing annual statement, \$225;
- (3) for filing certified copy of amendment to certificate or articles of incorporation, \$100;
- (4) for filing bylaws, \$75 or amendments thereto, \$75;
- (5) for each company's certificate of authority, \$575, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$25;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, \$575;

~~(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;~~

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued, provided that the fee shall not exceed \$13,000 per year for any company. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

~~(6)~~ (5) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

~~(7) for issuing an initial license to an individual agent, \$30 per license, for issuing an initial agent's license to a partnership or corporation, \$100, and for issuing an amendment (variable annuity) to a license, \$50, and for renewal of amendment, \$25;~~

(8) (6) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

~~(9) for renewing an individual agent's license, \$30 per year per license, and for renewing a license issued to a corporation or partnership, \$60 per year;~~

(10) for issuing and renewing a surplus lines agent's license, \$250;

(11) for issuing duplicate licenses, \$10;

~~(12) for issuing licensing histories, \$20;~~

~~(13)~~ (7) for filing forms and rates, \$50 per filing;

(14) (8) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 21. Minnesota Statutes 1992, section 60A.19, subdivision 4, is amended to read:

Subd. 4. [FEES SERVICE OF PROCESS.] ~~The commissioner shall be entitled to charge and receive a fee prescribed by section 60A.14, subdivision 1, paragraph (c), clause (4), for each notice, proof of loss, summons, or other process served under the provisions of this subdivision and subdivision 3, to be paid by the persons serving the same. The service of process authorized by this section shall be made in compliance with section 45.028, subdivision 2.~~

Sec. 22. Minnesota Statutes 1993 Supplement, section 60A.198, subdivision 3, is amended to read:

Subd. 3. [PROCEDURE FOR OBTAINING LICENSE.] A person licensed as an agent in this state pursuant to other law may obtain a surplus lines license by doing the following:

(a) filing an application in the form and with the information the commissioner may reasonably require to determine the ability of the applicant to act in accordance with sections 60A.195 to 60A.209;

(b) maintaining an agent's license in this state;

(c) delivering to the commissioner a financial guarantee bond from a surety acceptable to the commissioner for the greater of the following:

(1) \$5,000; or

(2) the largest semiannual surplus lines premium tax liability incurred by the applicant in the immediately preceding five years; and

(d) agreeing to file with the commissioner of revenue no later than February 15 and August 15 annually, a sworn statement of the charges for insurance procured or placed and the amounts returned on the insurance canceled under the license for the preceding six-month period ending December 31 and June 30 respectively, and at the time of the filing of this statement, paying the commissioner a tax on premiums equal to three percent of the total written premiums less cancellations;

(e) ~~annually~~ paying a fee as prescribed by section ~~60A.14~~ 60K.06, subdivision ~~1~~ 2, paragraph (e) ~~(a)~~, clause ~~(4)~~ (4); and

(f) paying penalties imposed under section 289A.60, subdivision 1, as it relates to withholding and sales or use taxes, if the tax due under clause (d) is not timely paid.

Sec. 23. Minnesota Statutes 1992, section 60A.21, subdivision 2, is amended to read:

Subd. 2. [SERVICE OF PROCESS UPON UNAUTHORIZED INSURER.] (1) Any of the following acts in this state effected by mail or otherwise by an unauthorized foreign or alien insurer: (a) the issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein; (b) the solicitation of applications for such contracts; (c) the collection of premiums, membership fees, assessments, or other considerations for such contracts; or (d) any other transaction of insurance business, is equivalent to and shall constitute an appointment by such insurer of the commissioner of commerce and the commissioner's successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

(2) Such service of process shall be made in compliance with section 45.028, subdivision 2 ~~and the payment of a filing fee as prescribed by section 60A.14, subdivision 1, paragraph (e), clause (4).~~

(3) Service of process in any such action, suit, or proceeding shall in addition to the manner provided in clause (2) of this subdivision be valid if served upon any person within this state who, in this state on behalf of such insurer, is: (a) soliciting insurance, or (b) making, issuing, or delivering any contract of insurance, or (c) collecting or receiving any premium, membership fee, assessment, or other consideration for insurance; and if a copy of such process is sent within ten days thereafter by certified mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant and the defendant's receipt, or the receipt issued by the post office with which the letter is certified showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the administrator of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

(4) No plaintiff or complainant shall be entitled to a judgment by default under this subdivision until the expiration of 30 days from the date of the filing of the affidavit of compliance.

(5) Nothing in this subdivision contained shall limit or abridge the right to serve any process, notice, or demand upon any insurer in any other manner now or hereafter permitted by law.

(6) The provisions of this section shall not apply to surplus line insurance lawfully effectuated under Minnesota law, or to reinsurance, nor to any action or proceeding against an unauthorized insurer arising out of:

(a) Wet marine and transportation insurance;

(b) Insurance on or with respect to subjects located, resident, or to be performed wholly outside this state, or on or with respect to vehicles or aircraft owned and principally garaged outside this state;

(c) Insurance on property or operations of railroads engaged in interstate commerce; or

(d) Insurance on aircraft or cargo of such aircraft, or against liability, other than employer's liability, arising out of the ownership, maintenance, or use of such aircraft, where the policy or contract contains a provision designating the commissioner as its attorney for the acceptance of service of lawful process in any action or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such policy, or where the insurer enters a general appearance in any such action.

Sec. 24. Minnesota Statutes 1992, section 60K.03, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] An application for a license to act as an insurance agent shall be made to the commissioner by the person who seeks to be licensed. The application for license shall be accompanied by a written appointment from an admitted insurer authorizing the applicant to act as its agent under one or both classes of license. The insurer must also submit its check payable to the state treasurer for the amount of the appointment fee prescribed by section 60A.14, subdivision 1, paragraph (c), clause (9) (6), at the time the agent becomes licensed. The application and appointment must be on forms prescribed by the commissioner.

If the applicant is a natural person, no license shall be issued until that natural person has become qualified.

If the applicant is a partnership or corporation, no license shall be issued until at least one natural person who is a partner, director, officer, stockholder, or employee shall be licensed as an insurance agent.

Sec. 25. Minnesota Statutes 1992, section 60K.03, subdivision 5, is amended to read:

Subd. 5. [SUBSEQUENT APPOINTMENTS.] A person who holds a valid agent's license from this state may solicit applications for insurance on behalf of an admitted insurer with which the licensee does not have a valid appointment on file with the commissioner; provided that the licensee has permission from the insurer to solicit insurance on its behalf and, provided further, that the insurer upon receipt of the application for insurance submits a written notice of appointment to the commissioner accompanied by its check payable to the state treasurer in the amount of the appointment fee prescribed by section 60A.14, subdivision 1, paragraph (c), clause (9) (6). The notice of appointment must be on a form prescribed by the commissioner.

Sec. 26. Minnesota Statutes 1992, section 60K.03, subdivision 6, is amended to read:

Subd. 6. [AMENDMENT OF LICENSE.] An application to the commissioner to amend a license to reflect a change of name, or to include an additional class of license, or for any other reason, shall be on forms provided by the commissioner and shall be accompanied by the applicant's surrendered license and a check payable to the state treasurer for the amount of fee specified in section 60A.14 60K.06, subdivision 1 2, paragraph (e) (a).

An applicant who surrenders an insurance license pursuant to this subdivision retains licensed status until an amended license is received.

Sec. 27. Minnesota Statutes 1992, section 60K.06, is amended to read:

60K.06 [RENEWAL FEE FEES.]

Subdivision 1. [RENEWAL FEES.] (a) Each agent licensed pursuant to section 60K.03 shall ~~annually~~ pay in accordance with the procedure adopted by the commissioner a renewal fee as prescribed by ~~section 60A.14, subdivision 1, paragraph (e), clause (10) 2.~~

(b) Every agent, corporation, limited liability company, and partnership renewal license expires on October 31 of the year for which period a license is issued is valid for a period of 24 months. The commissioner may stagger the implementation of the 24-month licensing program so that approximately one-half of the licenses will expire on October 31 of each even-numbered year and the other half on October 31 of each odd-numbered year. Those licensees who will receive a 12-month license on November 1, 1994, because of the staggered implementation schedule, will pay for the license a fee reduced by an amount equal to one-half the fee for renewal of the license.

(c) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are approved for renewal and may continue to transact business whether or not the renewed license has been received on or before November 1. Applications for renewal of a license are timely filed if received by the commissioner on or before October 15 of the year due, on forms duly executed and accompanied by appropriate fees. An application mailed is considered timely filed if addressed to the commissioner, with proper postage, and postmarked by October 15.

~~(d) The commissioner may issue licenses for agents, corporations, or partnerships for a three-year period. If three-year licenses are issued, the fee is three times the annual license fee.~~

Subd. 2. [LICENSING FEES.] (a) In addition to the fees and charges provided for examinations, each agent licensed pursuant to section 60K.03 shall pay to the commissioner:

- (1) a fee of \$60 per license for an initial license issued to an individual agent, and a fee of \$60 for each renewal;
- (2) a fee of \$160 for an initial license issued to a partnership, limited liability company, or corporation, and a fee of \$120 for each renewal;
- (3) a fee of \$75 for an initial amendment (variable annuity) to a license, and a fee of \$50 for each renewal;
- (4) a fee of \$500 for an initial surplus lines agent's license, and a fee of \$500 for each renewal;
- (5) for issuing a duplicate license, \$10; and
- (6) for issuing licensing histories, \$20.

(b) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are approved for renewal and may continue to transact business whether or not the renewed license has been received on or before November 1 of the renewal year. Applications for renewal of a license are timely filed if received by the commissioner on or before the 15th day preceding the license renewal date of the applicant on forms duly executed and accompanied by appropriate fees. An application mailed is considered timely filed if addressed to the commissioner, with proper postage, and postmarked on or before the 15th day preceding the licensing renewal date of the applicant.

(c) Initial licenses issued under this section must be valid for a period not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on October 31 of the expiration year assigned by the commissioner.

(d) All fees shall be retained by the commissioner and are nonreturnable, except that an overpayment of any fee must be refunded upon proper application.

Subd. 3. [INITIAL LICENSE EXPIRATION; FEE REDUCTION.] If an initial license issued under subdivision 2, paragraph (a), expires less than 12 months after issuance, the license fee must be reduced by an amount equal to one-half the fee for a renewal of the license.

Sec. 28. Minnesota Statutes 1992, section 60K.19, subdivision 8, is amended to read:

Subd. 8. [MINIMUM EDUCATION REQUIREMENT.] Each person subject to this section shall complete annually a minimum of 45 30 credit hours of courses accredited by the commissioner during each 24-month licensing period after the expiration of his or her initial licensing period. At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period. Any person whose initial licensing period extends more than six months shall complete 15 hours of courses accredited by the commissioner during the initial license period. Any person teaching or lecturing at an accredited course qualifies for 1-1/2 times the number of credit hours that would be granted to a person completing the accredited course. No more than 7-1/2 15 credit hours per year licensing period may be credited to a person for courses sponsored by, offered by, or affiliated with an insurance company or its agents. Continuing education must be earned no later than September 30 of the renewal year. Courses sponsored by, offered by, or affiliated with an insurance company or agent may restrict its students to agents of the company or agency.

Sec. 29. Minnesota Statutes 1992, section 82.20, subdivision 7, is amended to read:

Subd. 7. [EFFECTIVE DATE OF LICENSE.] Every license issued Licenses renewed pursuant to this chapter shall expire on the June 30 next following the issuance of said license. are valid for a period of 24 months. New licenses issued during a 24-month licensing period will expire on June 30 of the expiration year assigned to the license. Implementation of the 24-month licensing program must be staggered so that approximately one-half of the licenses will expire on June 30 of each even-numbered year and the other one-half on June 30 of each odd-numbered year. Those licensees who will receive a 12-month license on July 1, 1995, because of the staggered implementation schedule will pay for the license a fee reduced by an amount equal to one-half the fee for renewal of the license.

Sec. 30. Minnesota Statutes 1992, section 82.20, subdivision 8, is amended to read:

Subd. 8. [RENEWALS.] (a) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are deemed to have been approved for renewal and may continue to transact business either as a real estate broker, salesperson, or closing agent whether or not the renewed license has been received on or before July 1 of the renewal year. Application for renewal of a license shall be deemed to have been timely filed if received by the commissioner by, or mailed with proper postage and postmarked by, June 15 ~~in each of the renewal year~~. Applications for renewal shall be deemed properly filed if made upon forms duly executed and sworn to, accompanied by fees prescribed by this chapter and contain any information which the commissioner may require.

(b) Persons who have failed to make a timely application for renewal of a license and who have not received the renewal license as of July 1 of the renewal year, shall be unlicensed until such time as the license has been issued by the commissioner and is received.

Sec. 31. Minnesota Statutes 1993 Supplement, section 82.21, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] The following fees shall be paid to the commissioner:

(a) A fee of ~~\$100 per year~~ \$150 for each initial individual broker's license, and a fee of ~~\$50 per year~~ \$100 for each renewal thereof;

(b) A fee of ~~\$50 per year~~ \$70 for each initial salesperson's license, and a fee of ~~\$20 per year~~ \$40 for each renewal thereof;

(c) A fee of ~~\$55 per year~~ \$85 for each initial real estate closing agent license, and a fee of ~~\$30 per year~~ \$60 for each renewal thereof;

(d) A fee of ~~\$100 per year~~ \$150 for each initial corporate, limited liability company, or partnership license, and a fee of ~~\$50 per year~~ \$100 for each renewal thereof;

(e) A fee of ~~\$40 per year~~ for payment to the education, research and recovery fund in accordance with section 82.34;

(f) A fee of \$20 for each transfer;

(g) A fee of \$50 for a corporation, limited liability company, or partnership name change;

(h) A fee of \$10 for an agent name change;

(i) A fee of \$20 for a license history;

(j) A fee of \$10 for a duplicate license;

(k) A fee of \$50 for license reinstatement;

(l) A fee of \$20 for reactivating a corporate, limited liability company, or partnership license without land;

(m) A fee of \$100 for course coordinator approval; and

(n) A fee of \$20 for each hour or fraction of one hour of course approval sought.

Sec. 32. Minnesota Statutes 1992, section 82.21, is amended by adding a subdivision to read:

Subd. 4. [INITIAL LICENSE EXPIRATION; FEE REDUCTION.] If an initial license issued under subdivision 1, paragraph (a), (b), (c), or (d) expires less than 12 months after issuance, the license fee shall be reduced by an amount equal to one-half the fee for a renewal of the license.

Sec. 33. Minnesota Statutes 1993 Supplement, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours

of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules, and of which two hours must consist of training in laws and regulations on agency representation and disclosure, before filing an application for the license. Every salesperson shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.

(b) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(c) An applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules. The course must have been completed within six months prior to the date of application for the broker's license.

(d) An applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 34. Minnesota Statutes 1993 Supplement, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After their first renewal date, all real estate salespersons and all real estate brokers shall be required to successfully complete ~~15~~ 30 hours of real estate continuing education, either as a student or a lecturer, in courses of study approved by the commissioner, ~~each year after their initial annual renewal date or after the expiration of their currently assigned three year continuing education due date during each 24-month license period.~~ At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period. Salespersons and brokers whose initial license period extends more than 12 months are required to complete 15 hours of real estate continuing education during the initial license period. All salespersons and brokers shall report continuing education on an annual basis ~~must be earned no later than May 31 of the renewal year.~~ Hours in excess of 15 earned in any one year may be carried forward to the following year. Those licensees who will receive a 12-month license on July 1, 1995, because of the staggered implementation schedule must complete 15 hours of real estate continuing education as a requirement for renewal on July 1, 1996.

(b) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision.

(c) Any program approved by Minnesota continuing legal education shall be approved by the commissioner of commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

(d) As part of the continuing education requirements of this section, the commissioner shall require that all real estate brokers and salespersons receive:

(1) at least two hours of training ~~every year~~ during each license period in courses in laws or regulations on agency representation and disclosure; and

(2) at least two hours of training ~~every even-numbered year~~ during each license period in courses in state and federal fair housing laws, regulations, and rules, or other antidiscrimination laws.

Clause (1) does not apply to real estate salespersons and real estate brokers engaged solely in the commercial real estate business who file with the commissioner a verification of this status ~~on an annual basis no later than May 31 as part of the annual report along with the continuing education report required~~ under paragraph (a).

Sec. 35. Minnesota Statutes 1993 Supplement, section 82.34, subdivision 3, is amended to read:

Subd. 3. [FEE FOR REAL ESTATE FUND.] Each real estate broker, real estate salesperson, and real estate closing agent entitled under this chapter to renew a license shall pay in addition to the appropriate renewal fee a further fee of ~~\$25 per year~~ \$50 per licensing period which shall be credited to the real estate education, research, and recovery fund. Any person who receives an initial license shall pay ~~the fee of \$50~~, in addition to all other fees payable, a fee of \$75 if the license expires more than 12 months after issuance, \$50 if the license expires less than 12 months after issuance.

Sec. 36. Minnesota Statutes 1992, section 82B.08, subdivision 4, is amended to read:

Subd. 4. [EFFECTIVE DATE OF LICENSE.] ~~A license~~ Initial licenses issued under this chapter ~~expires on the August 31 next following the issuance of the license~~ are valid for a period not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on August 31 of the expiration year assigned by the commissioner.

Sec. 37. Minnesota Statutes 1992, section 82B.08, subdivision 5, is amended to read:

Subd. 5. [RENEWALS.] (a) Licenses renewed under this chapter are valid for a period of 24 months. Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are considered to have been approved for renewal and may continue to transact business as a real estate appraiser whether or not the renewed license has been received on or before September 1 of the renewal year. Application for renewal of a license is considered to have been timely filed if received by the commissioner by, or mailed with proper postage and postmarked by, August 1 in each of the renewal year. Applications for renewal are considered properly filed if made upon forms duly executed and sworn to, accompanied by fees prescribed by this chapter and containing information the commissioner requires.

(b) Persons who have failed to make a timely application for renewal of a license and who have not received the renewal license as of September 1 of the renewal year are unlicensed until the time the license has been issued by the commissioner and is received.

Sec. 38. Minnesota Statutes 1992, section 82B.09, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] The following fees must be paid to the commissioner:

(1) ~~a fee of \$100 for each initial individual real estate appraiser's license;~~ \$150 if the license expires more than 12 months after issuance, \$100 if the license expires less than 12 months after issuance; and a fee of ~~\$50~~ \$100 for each annual renewal;

(2) a fee of \$10 for a change in personal name or trade name or personal address or business location;

(3) a fee of \$10 for a license history;

(4) a fee of \$25 for a duplicate license;

(5) a fee of \$100 for appraiser course coordinator approval; and

(6) a fee of \$10 for each hour or fraction of one hour of course approval sought.

Sec. 39. Minnesota Statutes 1992, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. [LICENSE RENEWALS.] A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least ~~45~~ 30 classroom hours per year, of instruction in courses or seminars that have received the approval of the commissioner. If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported.

Sec. 40. Minnesota Statutes 1992, section 83.25, is amended to read:

83.25 [LICENSE REQUIRED.]

Subdivision 1. No person shall offer or sell in this state any interest in subdivided lands without having obtained:

(1) a license under chapter 82; and

(2) an additional license to offer or dispose of subdivided lands. This license may be obtained by submitting an application in writing to the commissioner upon forms prepared and furnished by the commissioner. Each application shall be signed and sworn to by the applicant and accompanied by a license fee of \$10 per year. The commissioner may also require an additional examination for this license.

Subd. 2. Every license issued pursuant to this section ~~expires on June 30 following the date of issuance. It may~~ must be renewed, transferred, suspended, revoked or denied in the same manner as provided in chapter 82 for licenses issued pursuant to that chapter.

Subd. 3. This section does not apply to persons offering or disposing of interests in subdivided lands which are registered as securities pursuant to chapter 80A.

Sec. 41. Minnesota Statutes 1993 Supplement, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSABLE COSTS.] (a) The board shall provide partial reimbursement to eligible responsible persons for reimbursable costs incurred after June 4, 1987.

(b) The following costs are reimbursable for purposes of this section:

(1) corrective action costs incurred by the responsible person and documented in a form prescribed by the board, except the costs related to the physical removal of a tank;

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury ~~or~~ property damage, or corrective action costs incurred by a third party caused by a release if ~~where~~ the responsible person's liability for the costs has been established by a court order ~~or a~~ consent decree, or a court-approved stipulation of settlement approved before the effective date of this section for which the responsible party has assigned its rights to reimbursement under this section to a third-party claimant; and

(3) up to 180 days worth of interest costs, incurred after May 25, 1991, associated with the financing of corrective action. Interest costs are not eligible for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the financing contract was executed.

(c) A cost for liability to a third party is incurred by the responsible person when an order or consent decree establishing the liability is entered. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

Sec. 42. Minnesota Statutes 1993 Supplement, section 116J.966, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

(1) locate, develop, and promote international markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at domestic and international trade shows;

(4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign direct investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services; and

(11) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09;

(12) enter into administrative, programming, and service partnerships with the Minnesota world trade center; and

(13) market trade-related materials to businesses and organizations, and the proceeds of which must be placed in a special revolving account and are appropriated to the commissioner to prepare and distribute trade-related materials.

(b) The programs and activities of the commissioner of trade and economic development and the Minnesota trade division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota world trade center corporation.

(c) The commissioner shall notify the chairs of the senate finance and house appropriations committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

Sec. 43. Minnesota Statutes 1992, section 138.01, subdivision 1, is amended to read:

Subdivision 1. ~~For the purposes of Laws 1925, chapter 426, the Minnesota state historical society shall be construed to be an agency of the state government.~~ All appropriations made to the Minnesota historical society shall be subject to the charter of the Minnesota historical society of 1849 and as amended in 1856.

Sec. 44. Minnesota Statutes 1992, section 138.34, is amended to read:

138.34 [ADMINISTRATION OF THE ACT.]

The ~~Minnesota historical society~~ state archaeologist shall act as the ~~agency agent~~ of the state to administer and enforce the provisions of sections 138.31 to 138.42. Some enforcement provisions are shared with the ~~state archaeologist society~~.

Sec. 45. Minnesota Statutes 1992, section 138.35, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The state archaeologist shall be a professional archaeologist who is meets the United States secretary of the interior's professional qualification standards in Code of Federal Regulations, title 36, part 61, appendix A. The state archaeologist shall be paid a salary comparable to salaries paid to state employees in the classified service. The state archaeologist may not be employed by the Minnesota historical society and. The state archaeologist shall be appointed by the board of the Minnesota historical society in consultation with the Indian affairs council for a four-year term.

Sec. 46. Minnesota Statutes 1992, section 138.38, is amended to read:

138.38 [REPORTS OF STATE ARCHAEOLOGIST.]

The state archaeologist shall consult with and keep the Indian affairs council and the director of the historical society informed as to significant field archaeology, projected or in progress, and as to significant discoveries made. Annually, and also upon leaving office, the state archaeologist shall file with the Indian affairs council and the director of the historical society a full report of the office's activities including a summary of the activities of licensees, from the effective date hereof or from the date of the last full report of the state archaeologist.

Sec. 47. Minnesota Statutes 1992, section 138.40, subdivision 3, is amended to read:

Subd. 3. When significant archaeological or historic sites are known or suspected to exist on public lands or waters, the agency or department controlling said lands or waters shall submit construction or development plans to the state archaeologist and the director of the society for review prior to the time bids are advertised. The state archaeologist and the society shall promptly review such plans and make recommendations for the preservation of archaeological or historic sites which may be endangered by construction or development activities. When archaeological or historic sites are related to Indian history or religion, the state archaeologist shall submit the plans to the Indian affairs council must be afforded the opportunity to for the council's review and recommend action.

Sec. 48. Minnesota Statutes 1993 Supplement, section 138.763, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is a St. Anthony Falls heritage board consisting of 17 19 members with the director of the Minnesota historical society as chair. The members include the mayor, the chair of the Hennepin county board of commissioners or the chair's designee, the president of the Minneapolis park and recreation board or the president's designee, the superintendent of the park board, two members each from the house of representatives appointed by the speaker, the senate appointed by the rules committee, the city council, the Hennepin county board, and the park board, and one each from the preservation commission, the preservation office, Hennepin county historical society, and the society.

Sec. 49. Minnesota Statutes 1992, section 138.94, is amended by adding a subdivision to read:

Subd. 3. [CONTRACTUAL SERVICES.] The society may contract with existing state departments and agencies or other entities for materials and services as may be necessary for the history center.

Sec. 50. Minnesota Statutes 1992, section 154.11, subdivision 1, is amended to read:

Subdivision 1. [EXAMINATION OF NONRESIDENTS.] A person who meets all of the requirements for licensure in this chapter and either has a license, certificate of registration, or an equivalent as a practicing barber or instructor of barbering from another state or country which in the discretion of the board has substantially the same requirements for licensing or registering barbers and instructors of barbering as required by this chapter or can prove by sworn affidavits practice as a barber or instructor of barbering in another state or country for at least five years immediately prior to making application in this state, shall, upon payment of the required fee, be called by the board for issued a certificate of registration without examination to determine fitness to receive a certificate of registration to practice barbering or to instruct in barbering, provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.

Sec. 51. Minnesota Statutes 1992, section 154.12, is amended to read:

154.12 [EXAMINATION OF NONRESIDENT APPRENTICES.]

A person who meets all of the requirements for licensure in this chapter who has a license, a certificate of registration, or their equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by this chapter shall, upon payment of the required fee, be called by the board for issued a certificate of registration without examination to determine fitness to receive a certificate of registration as an apprentice. A person failing to pass the required examination must conform to the requirements of section 154.06 before being permitted to take another examination, provided that the other state or country grants the same privileges to holders of Minnesota certificates of registration.

Sec. 52. [154.161] [REGISTRATION; ISSUANCE, REVOCATION, SUSPENSION, DENIAL.]

Subdivision 1. [PROCEEDINGS.] If the board, or a complaint committee if authorized by the board, has a reasonable basis for believing that a person has engaged in or is about to engage in a violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce, the board or complaint committee may proceed as provided in subdivision 2 or 3. Except as otherwise provided in this section, all hearings must be conducted in accordance with the administrative procedure act.

Subd. 2. [LEGAL ACTIONS.] (a) When necessary to prevent an imminent violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce, the board, or a complaint committee if authorized by the board, may bring an action in the name of the state in the district court of Ramsey county in which jurisdiction

is proper to enjoin the act or practice and to enforce compliance with the statute, rule, or order. On a showing that a person has engaged in or is about to engage in an act or practice that constitutes a violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce, the court shall grant a permanent or temporary injunction, restraining order, or other appropriate relief.

(b) For purposes of injunctive relief under this subdivision, irreparable harm exists when the board shows that a person has engaged in or is about to engage in an act or practice that constitutes violation of a statute, rule or order that the board has adopted or issued or is empowered to enforce.

(c) Injunctive relief granted under paragraph (a) does not relieve an enjoined person from criminal prosecution by a competent authority, or from action by the board under subdivision 3, 4, 5, or 6 with respect to the persons' license, certificate, or application for examination, license, or renewal.

Subd. 3. [CEASE AND DESIST ORDERS.] (a) The board, or compliance committee if authorized by the board, may issue and have served upon an unlicensed person, or a holder of a certificate of registration or a shop registration card, an order requiring the person to cease and desist from an act or practice that constitutes a violation of a statute, rule, or order that the board has adopted or issued or is empowered to enforce. The order must (1) give reasonable notice of the rights of the person named in the order to request a hearing, and (2) state the reasons for the entry of the order. No order may be issued under this subdivision until an investigation of the facts has been conducted under section 214.10.

(b) Service of the order under this subdivision is effective when the order is personally served on the person or counsel of record, or served by certified mail to the most recent address provided to the board for the person or counsel of record.

(c) The board must hold a hearing under this subdivision not later than 30 days after the board receives the request for the hearing, unless otherwise agreed between the board, or compliance committee if authorized by the board, and the person requesting the hearing.

(d) Notwithstanding any rule to the contrary, the administrative law judge must issue a report within 30 days of the close of the contested case hearing. Within 30 days after receiving the report and subsequent exceptions and argument, the board shall issue a further order vacating, modifying, or making permanent the cease and desist order. If no hearing is requested within 30 days of service of the order, the order becomes final and remains in effect until modified or vacated by the board.

Subd. 4. [LICENSE ACTIONS.] (a) With respect to a person who is a holder of or applicant for a licensee or shop registration card under this chapter, the board may by order deny, refuse to renew, suspend, temporarily suspend, or revoke the application, certificate of registration, or shop registration card, censure or reprimand the person, refuse to permit the person to sit for examination, or refuse to release the person's examination grades, if the board finds that such an order is in the public interest and that, based on a preponderance of the evidence presented, the person has:

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

(2) engaged in conduct or acts that are fraudulent, deceptive, or dishonest, whether or not the conduct or acts relate to the practice of barbering, if the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of barbering;

(3) engaged in conduct or acts that constitute malpractice, are negligent, demonstrate incompetence, or are otherwise in violation of the standards in the rules of the board, where the conduct or acts relate to the practice of barbering;

(4) employed fraud or deception in obtaining a certificate of registration, shop registration card, renewal, or reinstatement, or in passing all or a portion of the examination;

(5) had a certificate of registration or shop registration card, right to examine, or other similar authority revoked in another jurisdiction;

(6) failed to meet any requirement for issuance or renewal of the person's certificate of registration or shop registration card;

(7) practiced as a barber while having an infectious or contagious disease;

(8) advertised by means of false or deceptive statements;

(9) demonstrated intoxication or indulgence in the use of drugs, including but not limited to narcotics as defined in section 152.01 or in United States Code, title 26, section 4731, barbiturates, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;

(10) demonstrated unprofessional conduct or practice, or conduct or practice that violates any provision of chapter 186;

(11) permitted an employee or other person under the person's supervision or control to practice as a registered barber, registered apprentice, or registered instructor of barbering unless that person has (i) a current certificate of registration as a registered barber, registered apprentice, or registered instructor of barbering, (ii) a temporary apprentice permit, or (iii) a temporary permit as an instructor of barbering;

(12) practices, offered to practice, or attempted to practice by misrepresentation;

(13) failed to display a certificate of registration as required by section 154.14;

(14) used any room or place of barbering that is also used for any other purpose, or used any room or place of barbering that violates the board's rules governing sanitation;

(15) in the case of a barber, apprentice, or other person working in or in charge of any barber shop, or any person in a barber school engaging in the practice of barbering, failed to use separate and clean towels for each customer or patron, or to discard and launder each towel after being used once;

(16) in the case of a barber or other person in charge of any barber shop or barber school, (i) failed to supply in a sanitary manner clean hot and cold water in quantities necessary to conduct the shop or barbering service for the school, (ii) failed to have water and sewer connections from the shop or barber school with municipal water and sewer systems where they are available for use, or (iii) failed or refused to maintain a receptacle for hot water of a capacity of at least five gallons;

(17) failed to respond to a communication from the board or the attorney general on behalf of the board, refused to permit the board to make an inspection permitted or required by this chapter, or failed to provide the board or the attorney general on behalf of the board with any documents or records they request;

(18) failed promptly to renew a certificate of registration or shop registration card when remaining in practice, pay the required fee, or issue a worthless check;

(19) failed to supervise a registered apprentice or temporary apprentice, or permitted the practice of barbering by a person not registered with the board or not holding a temporary permit;

(20) refused to serve a customer because of race, color, creed, religion, disability, national origin, or sex;

(21) failed to comply with a provision of chapter 141 or a provision of another chapter that relates to barber schools;

(22) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that the board, or complaint committee if authorized by the board, has determined may result or may have resulted in an immediate threat to the public; or

(23) used or displayed a barber pole for the purpose of offering barber services to the public without a shop registration card as required by section 154.01, paragraph (c). For purposes of this chapter "barber pole" means a cylinder or pole with alternating stripes of any combination color, including but not limited to red and white or red, white, and blue, that run diagonally along its length.

(b) In lieu of or in addition to any remedy under paragraph (a), the board may as a condition of continued registration, termination of suspension, reinstatement of registration, examination, or release of examination results, require that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in a manner and by a person or entity that the board determines; or

(2) complete to the board's satisfaction continuing education as the board requires.

(c) Service of an order under this subdivision is effective if the order is served personally on, or is served by certified mail to the most recent address provided to the board by, the licensee, certificate holder, applicant, or counsel of record. The order must state the reason for the entry of the order.

(d) Except as provided in subdivision 5, paragraph (c), all hearings under this subdivision must be conducted in accordance with the administrative procedure act.

Subd. 5. [TEMPORARY SUSPENSION.] (a) When the board, or complaint committee if authorized by the board, issues a temporary suspension order, the suspension provided for in the order is effective on service of a written copy of the order on the licensee, certificate holder, or counsel of record. The order must specify the statute, rule, or order violated by the licensee or certificate holder. The order remains in effect until the board issues a final order in the matter after a hearing, or on agreement between the board and the licensee or certificate holder.

(b) An order under this subdivision may (1) prohibit the licensee or certificate holder from engaging in the practice of barbering in whole or in part, as the facts require, and (2) condition the termination of the suspension on compliance with a statute, rule, or order that the board has adopted or issued or is empowered to enforce. The order must state the reasons for entering the order and must set forth the right to a hearing as provided in this subdivision.

(c) Within ten days after service of an order under this subdivision the licensee or certificate holder may request a hearing in writing. The board must hold a hearing before its own members within five working days of the request for a hearing. The sole issue at such a hearing must be whether there is a reasonable basis to continue, modify, or terminate the temporary suspension. The hearing is not subject to the administrative procedure act. Evidence presented to the board or the licensee or certificate holder may be in affidavit form only. The licensee, certificate holder, or counsel of record may appear for oral argument.

(d) Within five working days after the hearing, the board shall issue its order and, if the order continues the suspension, shall schedule a contested case hearing within 30 days of the issuance of the order. Notwithstanding any rule to the contrary, the administrative law judge shall issue a report within 30 days after the closing of the contested case hearing record. The board shall issue a final order within 30 days of receiving the report.

Subd. 6. [VIOLATIONS; PENALTIES; COSTS.] (a) The board may impose a civil penalty of up to \$2,000 per violation on a person who violates a statute, rule, or order that the board has adopted or issued or is empowered to enforce.

(b) In addition to any penalty under paragraph (a), the board may impose a fee to reimburse the board for all or part of the cost of (1) the proceedings resulting in disciplinary action authorized under this section, (2) the imposition of a civil penalty under paragraph (a), or (3) the issuance of a cease and desist order. The board may impose a fee under this paragraph when the board shows that the position of the person who has violated a statute, rule, or order that the board has adopted or issued or is empowered to enforce is not substantially justified unless special circumstances make such a fee unjust, notwithstanding any rule to the contrary. Costs under this paragraph include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorneys' fees, court reporter costs, witness costs, reproduction of records, board members' compensation, board staff time, and expense incurred by board members and staff.

(c) All hearings under this subdivision must be conducted in accordance with the administrative procedure act.

Subd. 7. [REINSTATEMENT.] The board may reinstate a suspended, revoked, or surrendered certificate of registration or shop registration card, on petition of the former or suspended registrant. The board may in its sole discretion place any conditions on reinstatement of a suspended, revoked, or surrendered certificate of registration or shop registration card that it finds appropriate and necessary to ensure that the purposes of this chapter are met. No certificate of registration or shop registration card may be reinstated until the former registrant has completed at least one-half of the suspension period.

Sec. 53. Minnesota Statutes 1992, section 154.19, is amended to read:

154.19 [VIOLATIONS.]

Subdivision 1. [PROHIBITED ACTS.] Each of the following constitutes a misdemeanor:

(1) The violation of any of the provisions of section 154.01;

(2) Permitting any person in one's employ, supervision, or control to practice as a registered barber or registered apprentice unless that person has a certificate of registration as a registered barber or registered apprentice;

(3) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation;

(4) Practicing or attempting to practice by fraudulent misrepresentation;

(5) The willful failure to display a certificate of registration as required by section 154.14;

(6) The use of any room or place for barbering which is also used for residential or business purposes, except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package, and such commodities as are used and sold in barber shops, and except that shoe-shining and an agency for the reception and delivery of laundry, or either, may be conducted in a barber shop without the same being construed as a violation of this section, unless a substantial partition of ceiling height separates the portion used for residential or business purposes, and where a barber shop is situated in a residence, poolroom, confectionery, store, restaurant, garage, clothing store, liquor store, hardware store, or soft drink parlor, there must be an outside entrance leading into the barber shop independent of any entrance leading into such business establishment, except that this provision as to an outside entrance shall not apply to barber shops in operation at the time of the passage of this chapter and except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by partition of ceiling height;

(7) The failure or refusal of any barber or other person in charge of any barber shop, or any person in barber schools or colleges doing barber service work, to use separate and clean towels for each customer or patron, or to discard and launder each towel after once being used;

(8) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college, in a sanitary manner, or the failure or refusal of any such person to have water and sewer connections from such shop, or barber school or college, with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of not less than five gallons;

(9) Use or display of a barber pole for the purpose of offering barber services to the public without a shop registration card where such a card is required under section 154.01, paragraph (c).

Subd. 2. [PERSONS RESPONSIBLE; PENALTIES.] For the purposes of this chapter, barbers, students, apprentices, or the proprietor or manager of a barber shop, or barber school or barber college, shall be responsible for all violations of the sanitary provisions of this chapter, ~~and~~. If any barber shop, or barber school or barber college, upon inspection, shall be found to be in an unsanitary condition, the person making such inspection shall immediately issue an order to place the barber shop, or barber school, or barber college, in a sanitary condition, in a manner and within a time satisfactory to the board of barber examiners, ~~and~~. For the failure to comply with such order, the board shall immediately file a complaint for the arrest of the persons upon whom the order was issued, ~~and~~. Any licensed barber who shall fail to comply with the rules adopted by the board of barber examiners, with the approval of the state commissioner of health, or ~~the who commits a violation or commission of~~ any of the offenses described in section 154.16, clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), ~~and or of clauses (1), (2), (3), (4), (5), (6), (7), (8), and (9) any~~ provision of this section, shall be fined not less than \$10 or imprisoned for ten days and not more than \$100 or imprisoned for 90 days.

Sec. 54. [181.9641] [ENFORCEMENT.]

The department of labor and industry shall enforce sections 181.960 to 181.964. The department may assess a fine of up to \$5,000 for a violation of sections 181.960 to 181.964.

The fine, together with costs and attorney fees, may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or where the commissioner has an office.

The fine provided by this section is in addition to any other remedy provided by law.

Sec. 55. Minnesota Statutes 1993 Supplement, section 239.785, subdivision 2, is amended to read:

Subd. 2. [DUE DATES FOR FILING OF RETURNS AND PAYMENT.] The fee must be remitted monthly on a form prescribed by the commissioner of revenue for deposit in the general fund liquefied petroleum gas account established in subdivision 6. The fee must be paid and the return filed on or before the 23rd day of each month following the month in which the liquefied petroleum gas was delivered or received.

Sec. 56. Minnesota Statutes 1993 Supplement, section 239.785, is amended by adding a subdivision to read:

Subd. 6. [LIQUEFIED PETROLEUM GAS ACCOUNT.] A liquefied petroleum gas account in the special revenue fund is established in the state treasury. Fees and penalties collected under this section must be deposited in the state treasury and credited to the liquefied petroleum gas account. Money in that account, including interest earned, is appropriated to the commissioner of jobs and training for programs to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes.

Sec. 57. Minnesota Statutes 1993 Supplement, section 257.0755, is amended to read:

257.0755 [OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.]

~~An ombudsperson for families Subdivision 1. [CREATION.] One ombudsperson shall be appointed to operate independently from but under the auspices of in collaboration with each of the following groups: the Indian Affairs Council, the Spanish-Speaking Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. Each of these groups shall select its own ombudsperson subject to final approval by the advisory board established under section 257.0768.~~

Subd. 2. [SELECTION; QUALIFICATIONS.] The ombudsperson for each community shall be selected by the applicable community-specific board established in section 257.0768. Each ombudsperson shall serve serves in the unclassified service at the pleasure of the advisory community-specific board, shall be in the unclassified service, shall and may be removed only for just cause. Each ombudsperson must be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy regarding the protection and placement of children from families of color. In addition, the ombudsperson must be experienced in dealing with communities of color and knowledgeable about the needs of those communities. No individual may serve as ombudsperson while holding any other public office. The ombudsperson shall have the authority to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to children of color.

Subd. 3. [APPROPRIATION.] Money appropriated for each ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, clause (15), is under the control of the office of each ombudsperson for which it is appropriated.

Sec. 58. Minnesota Statutes 1992, section 257.0762, subdivision 2, is amended to read:

Subd. 2. [POWERS.] Each ombudsperson has the authority to investigate decisions, acts, and other matters of an agency, program, or facility providing protection or placement services to children of color. In carrying out this authority and the duties in subdivision 1, each ombudsperson has the power to:

- (1) prescribe the methods by which complaints are to be made, reviewed, and acted upon;
- (2) determine the scope and manner of investigations to be made;
- (3) investigate, upon a complaint or upon personal initiative, any action of any agency;
- (4) request and be given access to any information in the possession of any agency deemed necessary for the discharge of responsibilities. The ombudsperson is authorized to set reasonable deadlines within which an agency must respond to requests for information. Data obtained from any agency under this clause shall retain the classification which it had under section 13.02 and shall be maintained and disseminated by the ombudsperson according to chapter 13;
- (5) examine the records and documents of an agency;
- (6) enter and inspect, during normal business hours, premises within the control of an agency; and

(7) subpoena any agency personnel to appear, testify, or produce documentary or other evidence which the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state. The ombudsperson may compel nonagency individuals to testify or produce evidence according to procedures developed by the advisory board.

Sec. 59. Minnesota Statutes 1992, section 257.0768, is amended to read:

257.0768 [OMBUDSPERSON'S ADVISORY COMMITTEE COMMUNITY-SPECIFIC BOARDS.]

Subdivision 1. [MEMBERSHIP.] ~~The appointment of each ombudsperson is subject to approval by an advisory committee consisting of no more than 17 members. Members of the advisory committee shall be appointed by~~ Four community-specific boards are created. Each board consists of five members. The chair of each of the following groups shall appoint the board for the community represented by the group: the Indian Affairs Council; the Spanish-Speaking Affairs Council; the Council on Black Minnesotans; and the Council on Asian-Pacific Minnesotans. The committee shall provide advice and counsel to each ombudsperson. In making appointments, the chair must consult with other members of the council.

Subd. 2. [COMPENSATION; CHAIR.] Members do not receive compensation but are entitled to receive reimbursement for reasonable and necessary expenses incurred. ~~The members shall designate four rotating chairs to serve annually at the pleasure of the members.~~

Subd. 3. [MEETINGS.] ~~The committee~~ Each board shall meet at least four times a year regularly at the request of ~~its the appointing chair or the ombudspersons~~ ombudsperson.

Subd. 4. [DUTIES.] ~~The committee~~ Each board shall appoint the ombudsperson for its community. Each board shall advise and assist the ombudspersons ombudsperson for its community in selecting matters for attention; developing policies, plans, and programs to carry out the ombudspersons' functions and powers; establishing protocols for working with the communities of color; developing procedures for the ombudspersons' use of the subpoena power to compel testimony and evidence from nonagency individuals; and making reports and recommendations for changes designed to improve standards of competence, efficiency, justice, and protection of rights. The committee shall function as an advisory body.

Subd. 5. [TERMS, COMPENSATION, REMOVAL, AND EXPIRATION.] The membership terms, compensation, and removal of members of ~~the committee~~ each board and the filling of membership vacancies are governed by section 15.0575.

Subd. 6. [JOINT MEETINGS.] The members of the four community-specific boards shall meet jointly at least four times each year to advise the ombudspersons on overall policies, plans, protocols, and programs for the office.

Sec. 60. Minnesota Statutes 1992, section 298.2211, is amended by adding a subdivision to read:

Subd. 3a. [CONTRACTS AND PURCHASES.] Contracts entered into and purchases made by the board are subject to the competitive bidding requirements of chapter 16B, except that bids must be first advertised within the tax relief areas as defined in section 273.134. If the commissioner finds that an acceptable bidder or contractor cannot be found in the tax relief area, the commissioner may ask the board for permission to advertise for bids as otherwise provided in chapter 16B. This subdivision is effective for contracts entered into and purchases made after the effective date of this subdivision.

Sec. 61. Minnesota Statutes 1992, section 345.47, subdivision 4, is amended to read:

Subd. 4. [TITLE TO PROPERTY.] The purchaser at any sale conducted by the commissioner pursuant to sections 345.31 to 345.60 ~~and the Minnesota historical society under subdivision 5~~ shall receive title to the property purchased or selected, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The commissioner shall execute all documents necessary to complete the transfer of title.

Sec. 62. [TRANSITION.]

(a) Any member of the advisory committee existing under Minnesota Statutes, section 257.0768, before the effective date of section 59 who attended at least one-half of the committee's meetings during calendar year 1993 must be appointed a member of the applicable community-specific board created under section 59.

(b) The appointing authority for each community-specific board shall designate an initial term length for each appointee, including appointees required under paragraph (a), to achieve staggered terms to the greatest extent possible.

Sec. 63. [REPEALER.]

Minnesota Statutes 1992, sections 154.16; and 154.165, are repealed.

Sec. 64. [EFFECTIVE DATE.]

Section 41 is effective the day following final enactment and applies to claims brought after June 4, 1987. Sections 20 to 28 are effective September 1, 1994, and apply to licenses that become effective on or after November 1, 1994. Sections 29 to 35 are effective May 1, 1995, and apply to licenses that become effective on or after July 1, 1995. Sections 36 to 39 are effective July 1, 1994, and apply to licenses that become effective on or after September 1, 1994. Section 40 is effective May 1, 1995, and applies to licenses that become effective on or after July 1, 1995. Section 16 is effective the day following final enactment and applies to any proposed project for which final permits have not been issued by that date.

Any provisions appropriating money for fiscal year 1994 are effective the day following final enactment.

ARTICLE 3

TRANSPORTATION

Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this article, the sums set forth in the columns designated "fiscal year 1994" and "fiscal year 1995" are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this act and are added to appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 266, or another named law.

SUMMARY BY FUND

	1994	1995
General Fund	\$ 15,000	\$ 16,453,000
Special Revenue Fund	-0-	5,250,000
Highway User Tax Distribution Fund	-0-	200,000
Trunk Highway Fund	(408,000)	24,025,000
TOTAL	\$ (393,000)	\$ 45,928,000

APPROPRIATIONS
Available for the Year
Ending June 30

	1994	1995
Sec. 2. TRANSPORTATION	\$ -0-	\$ 27,450,000

SUMMARY BY FUND

General Fund	-0-	3,750,000
Trunk Highway Fund	-0-	23,500,000
Highway User Tax Distribution Fund	-0-	200,000
(a) Greater Minnesota Transit		2,970,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 3, clause (a), and is for greater Minnesota transit assistance. Of this appropriation \$970,000 is for grants to transit systems for fleet replacement.

The unspent balance of the appropriation for fiscal year 1994 in Laws 1993, chapter 266, section 2, subdivision 3, paragraph (a), on June 30, 1994, is added to this appropriation.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

The appropriation for fiscal year 1995 is not intended to increase the appropriation base for the 1996-1997 biennium.

(b) Transit Administration

100,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 3, clause (b), and is for transit administration.

The appropriation for fiscal year 1995 is not intended to increase the appropriation base for the 1996-1997 biennium.

(c) High Speed Rail Corridor Master Plan

630,000

This appropriation is to develop a corridor master plan for high speed rail between Minneapolis-St. Paul and Milwaukee. Expenditure of this appropriation is contingent upon participation by the state of Wisconsin and the United States Department of Transportation.

(d) Rochester Transportation Study

50,000

This appropriation is to provide funds to match, on a dollar-for-dollar basis, local or private funds for the following studies:

(1) A study shall be conducted on the feasibility of developing an integrated manufacturing and just-in-time freight shipping facility at the Rochester airport. The commissioner of transportation shall contract with the city of Rochester to conduct the study. The study must be completed by February 1, 1995. The commissioner shall submit a copy of the study report to the legislature, the metropolitan council, and the metropolitan airports commission.

(2) A study shall be conducted on the economic benefits to Rochester and southeast Minnesota from high-speed rail, in conjunction with phase II of the high-speed rail study. The commissioner shall report to the legislature on the study by February 1, 1995.

(e) State Road Construction

15,000,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 7, clause (a), and is for state road construction. This appropriation is from the trunk highway fund.

(f) Road Operations and Program Delivery

8,500,000

This appropriation is for filling vacant positions in field service maintenance, inspection, support, and project design positions, to maximize project design work by department employees. This appropriation is from the trunk highway fund.

(g) Highway Tax System Study

200,000

This appropriation is for (1) the study of a mileage-based highway user tax system, and (2) the road pricing study, and is available until spent. This appropriation is from the highway user tax distribution fund.

APPROPRIATIONS
Available for the Year
Ending June 30

	1994	1995
Sec. 3. REGIONAL TRANSIT BOARD	-0-	12,540,000
(a) Regular Route Transit		7,450,000
Of this appropriation \$6,500,000 is for metropolitan transit commission regular route operations and \$950,000 is for other regular route transit.		
(b) Metro Mobility		2,750,000
(c) Community-based, Rural, and Small-urban Transit Systems		1,250,000
(d) Fund Balance		1,090,000

This appropriation is for restoration of the regional transit board fund balance.

The appropriation for fiscal year 1995 is not intended to increase the appropriation base for the 1996-1997 biennium.

Sec. 4. PUBLIC SAFETY	(393,000)	5,938,000
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SUMMARY BY FUND

General Fund	15,000	163,000
Special Revenue Fund		5,250,000
Trunk Highway Fund	(408,000)	525,000
(a) Emergency Management	15,000	59,000

These appropriations are added to the appropriations in Laws 1993, chapter 266, section 5, subdivision 7, and are to pay 50 percent of the costs of three regional office support positions.

(b) State Patrol	(408,000)	5,775,000
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These appropriations are changes to the appropriations in Laws 1993, chapter 266, section 5, subdivision 3. A reduction of \$408,000 the first year is for radio communication consolidation and an increase of \$525,000 the second year is to maintain full staffing at the ten state patrol communication centers. These appropriations are from the trunk highway fund.

Of this appropriation \$5,250,000 is from the state patrol motor vehicle account in the transportation services fund for purchasing motor vehicles used by state troopers.

(c) Driver and Vehicle Services		54,000
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This appropriation is a one-time appropriation to implement a title registration fee change.

(d) Parent self-help		50,000
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The commissioner shall spend this appropriation as a grant to a nonprofit statewide child abuse prevention organization whose primary focus is parent self-help and support.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

Sec. 5. FUND MIX; STATE ROAD CONSTRUCTION

After review and approval by the commissioner of finance, the commissioner of transportation shall report quarterly to the senate finance committee chair and the house ways and means committee chair on the estimated mix of state trunk highway funds and federal funds in the appropriation for state road construction.

Sec. 6. [COUNTY STATE-AID SYSTEM; ROUTES ADDED.]

Notwithstanding any other law, the commissioner of transportation shall add the following highways to the county state-aid highway system:

(1) United States forest road No. 2171, in Beltrami county from the south county line to its intersection with United States forest road No. 2167, and in Cass county from the north county line to its intersection with Cass county state-aid highway No. 10;

(2) United States forest road No. 2167, in Beltrami county from its junction with United States forest road No. 2171 to the east county line, and in Cass county from the west county line to a point eight miles northeast of its intersection with marked trunk highway No. 2;

(3) Aitkin county highway No. 69, from its intersection with marked trunk highway No. 169 to its intersection with Aitkin county state-aid highway No. 10 in Palisade;

(4) Morrison county highway No. 224, from its intersection with Morrison county state-aid highway No. 52 to its intersection with Morrison county state-aid highway No. 26.

Sec. 7. [COMMISSIONER OF TRANSPORTATION; STUDY; REPORT.]

Subdivision 1. [HIGHWAY USER REVENUE SYSTEM STUDY.] The commissioner of transportation shall conduct a study of the desirability and feasibility of replacing, by January 1, 2001, the present highway user taxes on motor fuel and motor vehicle licenses with a highway user revenue system based on a charge on each vehicle based on the number of miles traveled by that vehicle in each year, as recorded by the automatic mileage recorder required in section 17. The study must include:

(1) an analysis of the possible benefits of such a system, including ease of collection, tax fairness, reduction of tax evasion, and effects on vehicles powered by alternative fuels;

(2) an analysis of the possible costs of such a system, including costs of installing and maintaining a mileage monitoring system, cost of collection compared to costs of collection for existing highway user taxes, and costs to the various classes of vehicles;

(3) an analysis of the feasibility of extending this revenue-collection system to nonresident vehicles;

(4) an evaluation of the state of technology for on-vehicle automated mileage recorders and mileage-recorder sensors, and the probable state of that technology on January 1, 2000;

(5) an analysis of the impact on commercial vehicle users, including those operating in interstate commerce;

(6) an analysis of such a system from the standpoint of the motorist, including a discussion of ease of payment, freedom of travel, tax fairness, and issues of privacy and data confidentiality;

(7) an analysis of the feasibility and desirability of utilizing such a system in implementing a road pricing policy in the metropolitan area; and

(8) a recommendation as to (i) whether the requirement contained in section 17 should be allowed to go into effect on January 1, 2000, and (ii) whether legislation should be enacted to replace the existing highway user tax system with one based on recorded mileage.

If the report recommends that legislation described in clause (8), item (ii), should be enacted, the report must contain draft legislation to accomplish this purpose.

The commissioner shall submit to the governor and legislature a preliminary report covering the above subjects not later than January 15, 1996, and a final report not later than January 15, 1998.

Subd. 2. [ROAD PRICING STUDY.] The commissioner of transportation, in cooperation with other agencies and institutions, shall conduct a study to determine the scope of and to analyze the potential for implementation of road pricing options. This study will utilize the results of the road pricing conceptual planning study completed by the metropolitan council in March 1994, which identified road pricing objectives, options, and evaluation criteria.

The study will include, but is not limited to:

- (1) an evaluation of public acceptance and understanding of alternative road pricing options;
- (2) initiation of the public participation process, including focus group discussions with affected stakeholders;
- (3) a detailed analysis, evaluation, and quantification of the impacts of various road pricing options;
- (4) a financial analysis of each road pricing option, including the implementation costs, user costs, and revenue estimates;
- (5) selection of specific road pricing options for future demonstration and testing in the metropolitan area or statewide; and
- (6) a detailed study design, schedule, and cost estimate for a draft environmental impact statement meeting appropriate state and federal requirements.

The commissioner shall submit a written report of the results of the study to the legislature no later than January 15, 1996.

Sec. 8. [TOWN BRIDGE EXPENDITURE.]

Notwithstanding any law or rule to the contrary, the commissioner of transportation shall spend \$50,000 from money appropriated to the commissioner and allocated to the town bridge account under Minnesota Statutes, section 161.082, subdivision 2a, for a grant to the town of Eden Lake in Stearns county for construction of a bridge or culvert on Cyrilla Beach road in the town.

Sec. 9. Minnesota Statutes 1992, section 161.14, is amended by adding a subdivision to read:

Subd. 29. [JERRY HAAF MEMORIAL DRIVE.] That portion of trunk highway marked No. 55 between its intersections with Lake street and 46th street in the city of Minneapolis is designated the "Jerry Haaf Memorial Drive." The commissioner of transportation shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs.

Sec. 10. Minnesota Statutes 1992, section 162.02, subdivision 6, is amended to read:

Subd. 6. [SYSTEM TO INCLUDE CERTAIN ROADS.] The system shall include: (1) all roads and extensions thereof which were designated on June 30, 1957, as state-aid roads, and which were on June 30, 1957, under the jurisdiction of the counties, and shall include (2) all roads which were designated on June 30, 1957, as state-aid parkways; provided, that, and (3) all roads added to the system by law. With the consent and approval of the commissioner, any roads county road made a part of the county state-aid highway system by the provision of this subdivision may be abandoned, changed, or revoked by the county board having jurisdiction over such roads the road.

Sec. 11. Minnesota Statutes 1992, section 162.06, subdivision 3, is amended to read:

Subd. 3. [DISASTER ACCOUNT.] After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money as is necessary to provide for the calendar year equal to one percent of the remaining money in the county state-aid highway fund to provide for a disaster account of \$300,000; provided that the total amount of money in the disaster account shall never exceed one percent of the total sums to

be apportioned to the counties. This sum shall be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship. Any county desiring aid by reason of such disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of three county engineers and three county commissioners from counties two representatives of the counties, who must be either a county engineer or member of a county board, from counties other than the requesting county, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the county from the disaster account shall be made by the commissioner. Upon determining to aid any such county the commissioner shall certify to the commissioner of finance the amount of the aid, and the commissioner of finance shall thereupon issue a warrant in that amount payable to the county treasurer of the county. Money so paid shall be expended on the county state-aid highway system in accordance with the rules of the commissioner.

Sec. 12. Minnesota Statutes 1992, section 162.06, subdivision 4, is amended to read:

Subd. 4. [RESEARCH ACCOUNT.] (a) Each year the screening board, provided for in section 162.07, subdivision 5, may recommend to the commissioner a sum of money that the commissioner shall set aside from the county state-aid highway fund and credit to a research account. The amount so recommended and set aside shall not exceed one-quarter one-half of one percent of the preceding year's apportionment sum.

(b) Any money so set aside shall be used by the commissioner for the purpose of:

(a) (1) conducting research for improving the design, construction, maintenance and environmental compatibility of state-aid highways and appurtenances;

(b) (2) constructing research elements and reconstructing or replacing research elements that fail; and

(c) (3) conducting programs for implementing and monitoring research results.

(c) Any balance remaining in the research account at the end of each year from the sum set aside for the year immediately previous, shall be transferred to the county state-aid highway fund.

Sec. 13. Minnesota Statutes 1992, section 162.12, subdivision 3, is amended to read:

Subd. 3. [DISASTER ACCOUNT.] After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account shall never exceed five percent of the total sums to be apportioned to the statutory and home rule charter cities having a population of 5,000 or more. The disaster account shall be used to provide aid to any such city encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, and resulting in an undue and burdensome financial hardship. Any such city desiring aid by reason of such disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of three engineers and three members of the governing bodies two representatives of the cities, who must be either a city engineer or member of the governing body of a city, from cities other than the requesting city, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner. Final determination of the amount of aid, if any, to be paid to the city from the disaster account shall be made by the commissioner. Upon determining to aid the city, the commissioner shall certify to the commissioner of finance the amount of aid, and the commissioner of finance shall thereupon issue a warrant in that amount payable to the fiscal officer of the city. Money so paid shall be expended on the municipal state-aid street system in accordance with rules of the commissioner.

Sec. 14. Minnesota Statutes 1992, section 162.12, subdivision 4, is amended to read:

Subd. 4. [RESEARCH ACCOUNT.] (a) Each year the screening board, provided for in section 162.13, subdivision 3, may recommend to the commissioner a sum of money that the commissioner shall set aside from the municipal state-aid street fund and credit to a research account. The amount so recommended and set aside shall not exceed one-quarter one-half of one percent of the preceding year's apportionment sum.

(b) Any money so set aside shall be used by the commissioner for the purpose of:

(a) (1) conducting research for improving the design, construction, maintenance and environmental compatibility of municipal state-aid streets and appurtenances;

(b) (2) constructing research elements and reconstructing or replacing research elements that fail; and

(e) (3) conducting programs for implementing and monitoring research results.

(c) Any balance remaining in the research account at the end of each year from the sum set aside for the year immediately previous, shall be transferred to the municipal state-aid street fund.

Sec. 15. Minnesota Statutes 1992, section 168A.29, subdivision 1, is amended to read:

Subdivision 1. [AMOUNTS.] (a) The department shall be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, the sum of \$2;

(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, the sum of \$2;

(3) for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of \$2;

(4) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1;

(5) for issuing a duplicate certificate of title, the sum of \$4.

(b) In addition to each of the fees required under paragraph (a), the department shall be paid:

(1) from July 1, 1994, to June 30, 1997, \$3.50; but then

(2) after June 30, 1997, \$1.

The additional fee collected under this paragraph must be deposited in the transportation services fund and credited to the state patrol motor vehicle account established in section 299D.10.

Sec. 16. Minnesota Statutes 1992, section 169.06, is amended by adding a subdivision to read:

Subd. 5a. [TRAFFIC CONTROL SIGNALS; OVERRIDE SYSTEM.] All electronic traffic control signals installed by a road authority on and after January 1, 1995, must be prewired to facilitate a later addition of a system that allows the operator of an authorized emergency vehicle to activate a green traffic signal for the vehicle.

Sec. 17. [169.745] [MILEAGE RECORDING EQUIPMENT REQUIRED.]

(a) A motor vehicle that (1) is required to be registered in Minnesota, or is exempt from registration under section 168.012, and (2) is sold in Minnesota on or after January 1, 2000, must be equipped with an automatic mileage recorder that meets standards prescribed by the commissioner of transportation.

(b) The automatic mileage recorder must:

(1) accurately record all miles traveled by the vehicle;

(2) display the mileage traveled within the vehicle in a manner easily read by the driver of the vehicle; and

(3) be capable of being read by sensors that are maintained by the commissioner of transportation.

This section does not apply to a motor vehicle sold in Minnesota and permanently removed from the state within ten days of the sale.

Sec. 18. [299D.10] [STATE PATROL MOTOR VEHICLE ACCOUNT.]

The state patrol motor vehicle account is created in the transportation services fund, consisting of the fees collected under section 168A.29, subdivision 1, paragraph (b).

Sec. 19. Minnesota Statutes 1992, section 360.305, subdivision 4, is amended to read:

Subd. 4. (1) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, these costs are referred to as project costs, in connection with which the assistance of the state is sought.

(2) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (a) the project costs,
- (b) acquisition costs of the land and clear zones, "acquisition costs."

Where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum.

(3) The commissioner may pay the total cost of radio and navigational aids.

(4) Notwithstanding clause (2), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(5) Notwithstanding clause (2), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this clause exceed five percent of the amount appropriated for construction grants.

(6) To receive aid under this section for acquisition costs the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public for a period of 20 years after the date that the state funds are received by the municipality. The agreement may contain other conditions as the commissioner deems reasonable.

(7) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design. The commissioner may transfer up to \$4,100,000 from the state airports fund to the hangar construction revolving account.

(8) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in clause (6).

(9) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971.

Sec. 20. [EFFECTIVE DATE.]

This article is effective July 1, 1994, except that any provisions appropriating money for fiscal year 1994 are effective the day following final enactment.

ARTICLE 4

STATE GOVERNMENT

Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this article, the sums set forth in the columns designated "fiscal year 1994" and "fiscal year 1995" are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this article and are added to appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 192, or another named law.

SUMMARY BY FUND

	1994	1995
General Fund	\$ 35,000	\$ 19,333,000

APPROPRIATIONS
Available for the Year
Ending June 30

	1994	1995
Sec. 2. LEGISLATURE	\$	\$ 200,000

This amount is for the legislative auditor to conduct a best practices review.

Sec. 3. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING		823,000
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\$563,000 is added to the appropriation in Laws 1993, chapter 192, section 14, and is to support the state's contribution and final payment to the Great Lakes protection fund.

\$100,000 is for the purpose of maintaining a computerized database of the results of groundwater quality monitoring required in Minnesota Statutes, section 103H.175.

\$150,000 is for a study by the environmental quality board of the option of including the University of Minnesota heating system in a thermal network that would include one or more of the existing thermal network energy systems in Minneapolis and St. Paul.

\$10,000 is for a study by the environmental quality board of the issue of environmental justice as defined by the United States Environmental Protection Agency and as described in Executive Order No. 12898, issued February 11, 1994. The board shall make recommendations by January 1, 1995, to the environment and natural resources committees of the senate and house of representatives.

Sec. 4. ADMINISTRATION	5,000	2,995,000
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\$400,000 is added to the appropriation in Laws 1993, chapter 192, section 15, subdivision 7, and is to support activities related to the information access council created in Minnesota Statutes, section 15.95.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

\$25,000 is for transfer to the University of Minnesota, for purposes of convening a planning group related to an information and telecommunications institute. The planning group shall develop and submit to the state government finance divisions in the house of representatives and the senate by December 1, 1994, a legislative proposal for establishing the institute. The proposal must be developed in consultation with other post-secondary education institutions, entities that provide telecommunication and information services for elementary and secondary educational institutions, libraries, Minnesota Technology, Inc., the department of trade and economic development, telephone companies and telecommunication carriers, potential users of improved telecommunications technology, and other interested persons. The report must include at least: a proposed structure for the institute, including its physical location; proposed membership in the institute; proposed scope of authorities and responsibilities of the institute; and proposed financing for the institute.

\$25,000 is for the central Minnesota STARS region to install and administer a regional telecommunications pilot project to validate the STARS telecommunications regions' development study findings; to replicate the creation of a regional telecommunications network statewide as set forth in Laws 1992, chapter 513, article 4, section 13; and to develop a master plan for regional telecommunications. The funds must be matched in-kind or monetarily dollar-for-dollar by the region. This appropriation is available until June 30, 1995.

The master plan must include a technology assessment that compares the function, performance, benefits, and costs of available telecommunications technologies, including full and fractional DS1 narrowband communications, DS3 wideband communications, and AM and FM video on fiber optics. The master plan should review regional requirements for telecommunications and make recommendations on the standardization of telecommunications architecture in relation to the technology assessment. The master plan must establish a policy for participation in a regional communications system.

Selection of participants must be based on geographical proximity and natural connections within the general regional areas surrounding St. Cloud, Willmar, and Brainerd. Participants must be by those entities in the following categories: education, state and local governments, and other public service entities including, but not limited to, libraries, courts and criminal justice agencies, health and human services agencies, community and economic development organizations, and cultural and nonprofit organizations or institutions.

Participants shall demonstrate collaboration with one or more other entities in making their connections to the regional system.

Participants in the pilot project and master plan must be represented on a regional advisory organization and together determine the design of the pilot and future master plan of regional telecommunications systems.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

\$5,000 the first year is for KSMQ-TV to conduct an engineering study for the placement of a remote transmitter in a portion of southeastern Minnesota. Any amount not spent in the first year is available in the second year.

The department of administration shall transfer \$33,000 each year from the general fund appropriation made in Laws 1993, chapter 192, section 15, subdivision 3, to the house of representatives for technology and telecommunications improvements.

\$100,000 of the money appropriated in section 5 for the statewide systems project is for transfer to the information policy office for an evaluation of the statewide systems project, to be conducted by an entity not associated with the project, selected by the information policy office. The evaluation must consider the project from the point of view of the highest benefit to the state, and must make a progress report of its conclusions to the chairs of the house of representatives and senate state government finance divisions by January 15, 1995. Money previously appropriated to the information policy office may be used for this evaluation.

\$2,000,000 is appropriated from the general fund to the intertechnologies revolving fund. The intertechnologies revolving fund must use this money to repay the loan made to the fund in 1993.

During the biennium ending June 30, 1995, the intertechnologies revolving fund must reduce the rate that it charges state agencies for long distance telephone service from 17 cents per minute to no more than 15 cents per minute. During the biennium ending June 30, 1995, the intertechnologies revolving fund must reduce the rate charged to state agencies for data and video services by ten percent from the amount in effect on the day before the effective date of this section.

\$545,000 is to the intergovernmental information systems advisory council for the local government financial reporting system.

Sec. 5. FINANCE

30,000

14,445,000

\$14,200,000 the second year is added to the appropriation in Laws 1993, chapter 192, section 17, subdivision 3, and is for the statewide systems project to redesign and implement the new statewide accounting, payroll, procurement, human resource, and information access systems. This appropriation is nonrecurring and is available until spent.

\$30,000 the first year and \$245,000 the second year are for the statewide performance and outcomes monitoring system to facilitate the compliance with Laws 1993, chapter 192, section 40.

Sec. 6. DEPARTMENT OF EMPLOYEE RELATIONS

70,000

\$3,500,000 the second year is transferred from the insurance trust fund created in Minnesota Statutes, section 43A.316, subdivision 9, to the general fund.

\$20,000 the second year is to assist the task force established in section 56.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

\$50,000 the second year is for the study required in section 58.

The commissioner of employee relations must conduct a study of the compensation policies of the Minnesota state high school league. The league must provide all information requested by the commissioner for the study. The study must evaluate all forms of compensation, including salaries, health insurance, pensions, and other benefits provided to staff. The report must be provided to the education committees of the house of representatives and the senate and to the governmental operations and gambling committee of the house and the governmental operations and reform committee of the senate by February 15, 1995.

Sec. 7. AMATEUR SPORTS COMMISSION

300,000

This amount is to be used to make a grant to the Minnesota Chippewa tribe to help offset the costs of promoting and hosting the 1995 Indigenous Games. The appropriation is available until June 30, 1995, but the grant may not be made unless matched by an equal amount from nonpublic sources.

Sec. 8. BOARD OF GOVERNMENT INNOVATION AND COOPERATION

500,000

This appropriation is to implement and administer board grant programs in fiscal year 1995.

Sec. 9. CANCELLATIONS

(a) The contribution account under Minnesota Statutes, sections 355.04 and 355.06, administered by the commissioner of employee relations is eliminated through repeal, and the commissioner of finance is directed under Minnesota Statutes, section 16A.62, to transfer and cancel to the general fund any remaining balance in the FICA clearing account. The amount to be canceled is estimated to be \$354,000.

(b) The commissioner of finance must cancel \$68,042 to the general fund or any unliquidated balance in the TRA prior year account previously maintained for satisfying the state obligation under Laws 1985, First Special Session chapter 12, article 11, section 19, which is repealed.

(c) The balance in the account administered by the commissioner of employee relations related to the career executive service program under Minnesota Statutes, section 43A.21, subdivision 5, which has been repealed, shall cancel to the general fund. The amount to cancel in fiscal year 1994 is \$32,709.

(d) The amount appropriated for fiscal year 1995 in Laws 1993, chapter 192, section 32, for police and fire amortization aid is reduced by \$1,250,000. This reduction comes from amounts otherwise payable as amortization and as supplemental amortization aid to the city of Minneapolis, and is due to excess investment earnings by the Minneapolis police and fire relief associations. This reduction is in addition to any other reduction that may be enacted by the 1994 legislature.

Sec. 10. Minnesota Statutes 1992, section 3.97, subdivision 11, is amended to read:

Subd. 11. "Audit" as used in this subdivision means a financial audit, a program evaluation, a best practices review, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual's identity would remain private, or the legislative auditor reasonably believes that the subject would not have provided the data. The definitions of terms provided in section 13.02 apply for purposes of this subdivision.

Sec. 11. Minnesota Statutes 1992, section 3.971, is amended by adding a subdivision to read:

Subd. 4. (a) To perform best practices reviews, the legislative auditor through the program evaluation division shall examine the procedures and practices used to deliver local government services, including municipalities and counties, determine the methods of local government service delivery, identify variations in cost and effectiveness, and identify practices to save money or provide more effective service delivery. The legislative auditor shall recommend to local governments, service delivery methods and practices to improve the cost-effectiveness of services and shall coordinate efforts under this section with the board of government innovation and cooperation.

(b) The commission shall identify local government services to be reviewed with advice from an advisory council whose membership shall consist of:

- (1) three representatives from the Association of Minnesota Counties;
 - (2) three representatives from the League of Minnesota Cities; and
 - (3) two representatives from the Association of Metropolitan Municipalities.
- (c) This subdivision expires June 30, 1999.

Sec. 12. Minnesota Statutes 1992, section 13.67, is amended to read:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

- (a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;
- (b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process;
- (c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies;
- (d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, ~~and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (e), until the plan is submitted to the legislative commission on employee relations; and~~
- (e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan or the public employees insurance plan as defined in chapter 43A, and survey information collected from employees and employers participating in these plans, except when the department determines that release of the data will not be detrimental to the plan.

Sec. 13. Minnesota Statutes 1993 Supplement, section 15.91, is amended to read:

15.91 [PERFORMANCE REPORTING FOR AGENCIES OF STATE GOVERNMENT.]

Subdivision 1. [DEFINITION.] For purposes of sections 15.90 to 15.92, "agency" means a department or agency, as designated in section 15.01 and the pollution control agency.

Subd. 2. [PERFORMANCE REPORTS.] (a) Each agency shall develop a performance report for ~~its operations~~ the major programs that it provides or administers. The report shall include each of the following items or an explanation of why an item does not apply to the agency or its individual programs:

- (1) a statement of the mission, goals, and objectives of the agency including those set forth in statute;
- (2) ~~measures and goals~~ of the output and outcome of the agency program;
- (3) ~~identification of priority and other service populations, or other service measures, served by the programs~~ under current law and how those populations are expected to change within the period of the report;
- (4) plans for how outcome information can be used as an incentive for improving state programs and program outcomes;
- (5) requests for statutory flexibility needed to reach outcome goals;
- (6) ~~explanation of proposals and cost estimates for collecting new outcome information that could be available with new data collection systems; and~~
- (7) other information that may be required to explain the past and projected performance of state programs.

The ~~goals~~ objectives required under clause (1): (i) must be simple declarative statements of intent; (ii) should carry benchmarks for accomplishment; and (iii) should be specific enough so citizens can measure progress year to year.

(b) Each agency shall issue a ~~draft report by November 1, 1993,~~ a first annual report by September 1, 1994, and annual updated reports no later than September 1 of each year beginning in 1995. A report must cover a period of four years previous and two years in the future from the date that it is required to be issued, including previous forecasts versus actual measures.

(c) Each agency shall send a copy of each report issued to the governor, the speaker of the house of representatives, the president of the senate, the legislative commission on planning and fiscal policy, the legislative auditor, the commissioner of finance, and two copies to the legislative reference library.

(d) The legislative auditor shall review the drafts and give comments to agencies and the legislature before September 1, 1994, and shall review and give comments on annual reports on a rotating biennial schedule.

(e) State agency reports shall be compiled as required in this paragraph. The commissioner of finance, in consultation with the commissioner of administration, the legislative commission on planning and fiscal policy, and the finance committees and divisions of the house of representatives and senate, shall:

- (1) develop forms and instructions and coordinate training for the use of the agencies in the preparation of their reports;
- (2) work with individual agencies to determine acceptable measures of staff workload, unit costs, output, and outcome for use in reports; and
- (3) request any needed additional information concerning any agency report submitted.

Each agency shall include citizens, agency clients, consumer and advocacy groups, worker participation committees, managers, elected officials, and contractors in its planning.

Sec. 14. [PURPOSE.]

The purposes of sections 15.95 and 15.96 are to establish a process:

- (1) for improving public access to government information and data, and therefore for improving the democratic process, through the use of information technology; and
- (2) for helping government become more efficient, effective, and responsive to the public through the use of information technology.

Sec. 15. [15.95] [GOVERNMENT INFORMATION ACCESS COUNCIL.]

Subdivision 1. [MEMBERSHIP.] The government information access council consists of the following members:

- (1) all Minnesota residents who are members of the president's national information infrastructure advisory group;
- (2) two commissioners of state agencies, appointed by the governor;
- (3) one person appointed by the University of Minnesota board of regents;
- (4) one person appointed by the higher education board;
- (5) one representative of public television, appointed by the Minnesota public television association;
- (6) one representative aligned with the Minnesota equal access network, appointed by the board of the network;
- (7) one member appointed by the telephone company providing access to the largest number of customers within the state;
- (8) one corporate executive from a company that is a member of the Minnesota business partnership, selected by the partnership;
- (9) one representative of the citizens league, appointed by the league;
- (10) one member of the intergovernmental information systems advisory council, appointed by the council;
- (11) one member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the senate committee on rules and administration; one member of the house of representatives, appointed by the minority leader; and one member of the senate, appointed by the minority leader;
- (12) one member of American Federation of State, County, and Municipal Employees, council 6, appointed by the executive board of council 6;
- (13) one member of the joint media committee, appointed by the committee;
- (14) one member representing each of the following groups, appointed by the members of the council appointed under clauses (1) to (13): unions representing communications workers, telephone companies, the cable television industry, and librarians who manage government information; and
- (15) up to four additional members, who can contribute unique perspectives related to information policy from the private sector, appointed by the members of the council appointed under clauses (1) to (14).

Subd. 2. [TERMS; COMPENSATION.] Members serve at the pleasure of the appointing authority. Members receive compensation and expense reimbursement as provided by section 15.059, subdivision 3.

Subd. 3. [CHAIR; MEETINGS.] The governor shall designate the chair of the council from among its members. The chair shall schedule meetings at least quarterly. The chair must report any council recommendations or actions to the legislature, the governor, and affected state agencies, as appropriate, within one week of making the recommendation or taking the action.

Subd. 4. [EXECUTIVE COMMITTEE; WORK GROUPS.] (a) The council must establish and appoint an executive committee. The executive committee consists of the following members of the council: one person who is a member of the president's national information infrastructure advisory group, the University of Minnesota representative, the higher education board representative, the telephone company representative appointed under subdivision 1, clause (7), the Minnesota business partnership representative, the librarian representative, one citizen representative, and two other members of the council, designated by the council. The executive committee must meet at least monthly. It must recommend organization of other committees or work groups. The executive committee must develop agenda items for the full council.

(b) The council may establish other committees or work groups. Each committee or work group may include up to two persons who are not members of the council.

Subd. 5. [DUTIES.] The primary mission of the council is to develop principles to assist elected officials and other government decision-makers in providing citizens with greater and more efficient access to government information, both directly and through private businesses. In developing these principles, the council must consider:

(1) the most effective and efficient means to make information available to the public in a manner that is designed primarily from the perspective of the citizen;

(2) how to provide the greatest possible public access that is demand driven to the widest possible array of public government data and information maintained by state or local governments, including open access through libraries, schools, nonprofit organizations, businesses, and homes;

(3) what information should be made available free of charge directly from government agencies;

(4) what information should be sold, either by government agencies or through private businesses, and what factors should determine the prices that government should charge to citizens for providing information directly, and to businesses who will resell information;

(5) how government can encourage private businesses to foster the creation of new private business endeavors by making digital information available for the purpose of distributing enhanced government information services to citizens;

(6) what changes need to be made in governmental operations to assure that more government information is readily available to citizens, whether provided directly by government agencies or provided through private businesses;

(7) whether digital information should be made available on an exclusive or nonexclusive basis, and how different types of information should be treated differently for this purpose;

(8) how the state and other governmental units can protect their intellectual property rights, while making government data available to the public as required in chapter 13;

(9) what technological changes governmental agencies need to make to facilitate electronic provision of governmental information, either directly to citizens, or to private businesses who will distribute the information; and

(10) how to avoid duplicating services available from private providers, except as necessary to achieve goals set in subdivision 7.

Subd. 6. [OTHER DUTIES.] (a) The council shall:

(1) coordinate statewide efforts by units of state and local government to plan for and develop a system for providing the data and services in the manner envisioned by this section;

(2) make recommendations that facilitate coordination and assistance of demonstration projects;

(3) advise units of state and local government on provision of government data to citizens and businesses; and

(4) explore ways and means to improve citizen and business access to public data, including implementation of technological improvements.

(b) In fulfilling its duties under this subdivision, the council shall seek advice from the general public, government units, system users, professional associations, libraries, academic groups, and other institutions and individuals with knowledge of and interest in such areas as networking, electronic mail, public information data access, advanced telecommunications, and electronic transfer and storage of information.

Subd. 7. [ACCESS TO DATA.] The legislature determines that the greatest possible access to certain government information and data is essential to allow citizens to participate fully in a democratic system of government. The principles that the council develops must assure that certain information and data, including, but not limited to the following, will be provided free of charge or for a nominal cost associated with reproducing the information or data:

- (1) directories of government services and institutions;
- (2) legislative and rulemaking information, including public information newsletters, bill text and summaries, bill status information, rule status information, meeting schedules, and the text of statutes and rules;
- (3) official documents, releases, speeches, and other public information issued by the governor's office and constitutional officers; and
- (4) the text of other government documents and publications that the council determines are important to public understanding of government activities.

The council, on a continuing basis, shall identify and take action to ensure that identified government data are available free of charge, or for a nominal cost associated with reproducing the data.

Subd. 8. [INFORMATION INSTITUTE.] The council shall also advise the legislature on issues relating to an information institute to deal with major public policy issues involving access to government information and to foster the development of private sector information industries.

Subd. 9. [APPROVAL OF STATE AGENCY INITIATIVES.] No state agency may implement a new initiative for providing electronic access to state government information unless the initiative is reviewed by the council and approved by the information policy office.

Subd. 10. [CAPITAL INVESTMENT.] No state agency may propose or implement a capital investment plan for a state office building unless:

- (1) the agency has developed a plan for increasing telecommuting by employees who would normally work in the building, or the agency has prepared a statement describing why such a plan is not practicable; and
- (2) the plan or statement has been reviewed by the council and approved by the information policy office.

Subd. 11. [SUPPORT.] The information policy office shall provide staff and other support services to the council.

Sec. 16. [15.96] [DUTIES OF OTHER GROUPS.]

(a) The groups in paragraphs (b) to (g) shall work with the government information access council in accomplishing its mission.

(b) The information policy office shall provide technical assistance to the council, and shall oversee state agency efforts to implement projects and programs in accordance with principles adopted by the council.

(c) The University of Minnesota shall continuously assess best practices and conduct other research to keep Minnesota in a leadership role in the area of access to and distribution of government information.

(d) The public utilities commission shall address changes needed in the regulatory environment to facilitate access to and distribution of government information.

(e) The governor, through the state's Washington, D.C. office, shall monitor recommendations of national advisory groups, monitor legal and regulatory developments at the federal level, and review grant proposals made by Minnesota governmental entities to federal agencies.

(f) The departments of trade and economic development and education shall immediately initiate efforts to provide greater access to and distribution of their information working through the council as envisioned by section 15.95.

(g) The department of revenue shall study how tax policy might be used to facilitate entry onto the information highway.

Sec. 17. [15.98] [INDOOR ICE FACILITIES.]

Every indoor ice arena operated by a political subdivision, a state agency, the University of Minnesota, or a state higher education institution must provide the same amount of prime ice time at the same price to groups of females as is provided to groups of males. This requirement does not apply if all requests for ice time at an arena from groups of females can be met without providing the same amount of time to groups of females as is provided to groups of males. A covered arena may not discriminate on the basis of gender in assigning particular ice time to groups. Any group that generates revenue as a result of attendance at arena events must not be included in determining equity under this section.

Sec. 18. Minnesota Statutes 1992, section 16A.124, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER SUPERVISION.] The commissioner shall ~~exercise constant supervision over~~ monitor state agencies to insure the prompt payment of vendor obligations.

Sec. 19. Minnesota Statutes 1992, section 16A.127, as amended by Laws 1993, First Special Session chapter 2, article 3, section 2, is amended to read:

16A.127 [INDIRECT COSTS.]

Subdivision 1. [STATEWIDE AND AGENCY INDIRECT COSTS.] (a) ~~As used in this section and in section 16A.128, "statewide indirect costs" means all operating costs incurred by the treasurer and all agencies any state agency attributable to providing general support services to any other state agency except as prohibited by federal law. These operating costs include their proportionate share of costs incurred by the legislative and judicial branches.~~

(b) As used in this section, "agency indirect costs" means all general support costs within the any agency that are ~~not~~ cannot be directly charged to any agency ~~programs~~ program.

(c) For purposes of this section, "agency" means any entity receiving general support services.

Subd. 2. [STATEWIDE PLAN.] The commissioner shall annually prepare a plan ~~showing the kind identifying the sources and amount amounts~~ of each executive agency's statewide indirect costs for the current fiscal year. The commissioner shall ~~report~~ submit the plan to the cognizant federal agency for approval, and provide copies to the governor and the legislature.

Subd. 3. [GENERAL REIMBURSEMENT.] (a) ~~Under the plan, Unless indirect cost recoveries are specifically appropriated in law, agencies are obligated to reimburse the general fund for all statewide indirect costs, and that portion of agency indirect costs attributable to recoveries of general fund expenditures. However, the commissioner may, for reasons of sound financial management, waive the reimbursement under this subdivision for certain nongeneral fund activities.~~

(b) The commissioner shall ~~make and record~~ the reimbursement to the general fund of the statewide and agency indirect costs attributable to an executive agency's nongeneral fund receipts activities for the last fiscal year. ~~Unless the commissioner determines that agency indirect cost receipts are a reimbursement for general fund expenditures, the All nonfederal agency indirect cost receipts are appropriated to the agency to pay administrative expenses, unless they are determined to be a reimbursement of general fund expenditures. However, the commissioner may, for reasons of sound financial management, waive the reimbursement under this subdivision for certain nongeneral fund receipts. The commissioner shall report all waivers in the next statewide indirect cost plan.~~

(b) Subd. 3a. [APPROPRIATION.] There is annually appropriated from all direct appropriated nongeneral funds an amount sufficient to reimburse the general fund for both statewide indirect costs, and any agency indirect costs attributable to general fund expenditures.

Subd. 4. [FEDERAL PROPOSALS.] ~~An executive agency's application~~ Agency applications for federal money shall include necessary submissions to get recover both statewide and agency indirect ~~cost money costs~~. The indirect cost submission must have the prior approval of the commissioner. ~~An agency indirect cost submission plan is unnecessary if the executive agency convinces the commissioner determines that the submission is not economical costs incurred in preparing and maintaining it exceed the benefit received by the state. If less than the entire agency proposal is federally approved, the commissioner may accept reimbursement of less than all of the federal receipts. If no federal funds are approved for indirect costs, the agency must document that fact to the commissioner.~~

Subd. 5. [FEDERAL SHARE REIMBURSEMENT.] ~~The executive agency~~ Agencies shall reimburse the general fund for all federal money received ~~for as a recovery of statewide indirect costs. Unless the commissioner determines that agency indirect cost receipts are a reimbursement for general fund expenditures, the receipts are appropriated to the agency to pay administrative expenses. If less than the entire executive agency proposal is federally approved, the commissioner may accept reimbursement of less than all of the federal receipts. If no federal funds are approved for indirect costs, the executive agency must document that fact to the commissioner. All federal agency indirect cost receipts are appropriated to the agency to pay administrative expenses, unless they are determined to be a reimbursement of general fund expenditures.~~

Subd. 6. [REQUIRED INFORMATION.] ~~An executive agency~~ Agencies must supply the information required by the commissioner, as needed, to carry out the provisions of this section.

Subd. 7. [AUDIT FEES.] The legislative auditor may recommend waiver, and the legislative audit commission may waive all or part of a fee for an audit. A state audited executive agency whose funds are not administered by the treasurer must transfer to the general fund the amount of the cost of the audit attributable to the executive agency's nongeneral fund receipts.

Subd. 8. [EXEMPTION EXEMPTIONS.] (a) No statewide or agency indirect cost liability shall be accrued to any program, appropriation, or account that is specifically exempted from the liability in federal or state law, or if the commissioner determines the funds to be held in trust, or to be a pass through, workshop, or seminar account. Accounts receiving proceeds from bond issues, and those accounts whose funds are determined by the commissioner to originate from the general fund, are also exempt from this section.

(b) Except for the costs of the legislative auditor to conduct financial audits of federal funds, this section does not apply to the community college board, state university board, or the state board of technical colleges. Indirect-cost Receipts attributable to financial audits conducted by the legislative auditor of federal funds administered by these post-secondary education boards shall be deposited in the general fund.

(b) ~~Except for federal funds, this section does not apply to the department of natural resources for agency indirect costs.~~

Subd. 9. [WAIVER PROVISION FOR NATURAL RESOURCES.] (a) The department of natural resources is exempt from recovering agency indirect costs except where federal funds are involved.

(b) The commissioner of natural resources need not bill the federal government, other states, or Canadian provinces for the indirect costs of providing emergency fire fighting services, and need not reimburse the general fund for those indirect costs, if the commissioner determines that the emergency fire fighting is in the best interest of the state. The commissioner of natural resources need not bill another state or Canadian province for the indirect costs of providing emergency fire fighting services, and need not reimburse the general fund for those indirect costs, if the other state or Canadian province agrees not to bill the state of Minnesota for the indirect costs of emergency fire fighting services provided by the other state if the waiver is reciprocated.

Sec. 20. Minnesota Statutes 1992, section 16A.15, subdivision 3, is amended to read:

Subd. 3. [ALLOTMENT AND ENCUMBRANCE.] (a) A payment may not be made without prior obligation. An obligation may not be incurred against any fund, allotment, or appropriation unless the commissioner has certified a sufficient unencumbered balance or the accounting system shows sufficient allotment or encumbrance balance in the fund, allotment, or appropriation to meet it. The commissioner shall determine when the accounting system may be used to incur obligations without the commissioner's certification of a sufficient unencumbered balance. An expenditure or obligation authorized or incurred in violation of this chapter is invalid and ineligible for payment until made valid. A payment made in violation of this chapter is illegal. An employee authorizing or making the payment, or taking part in it, and a person receiving any part of the payment, are jointly and severally liable to the state for

the amount paid or received. If an employee knowingly incurs an obligation or authorizes or makes an expenditure in violation of this chapter or takes part in the violation, the violation is just cause for the employee's removal by the appointing authority or by the governor if an appointing authority other than the governor fails to do so. In the latter case, the governor shall give notice of the violation and an opportunity to be heard on it to the employee and to the appointing authority. A claim presented against an appropriation without prior allotment or encumbrance may be made valid on investigation, review, and approval by the commissioner, if the services, materials, or supplies to be paid for were actually furnished in good faith without collusion and without intent to defraud. The commissioner may then draw a warrant to pay the claim just as properly allotted and encumbered claims are paid.

(b) The commissioner may approve payment for materials and supplies in excess of the obligation amount when increases are authorized by section 16B.07, subdivision 2.

(c) To minimize potential construction delay claims, an agency with a project funded by a building appropriation may allow a contractor to proceed with supplemental work within the limits of the appropriation before money is encumbered. Under this circumstance, the agency may requisition funds and allow contractors to expeditiously proceed with a construction sequence. While the contractor is proceeding, the agency shall immediately act to encumber the required funds.

Sec. 21. Minnesota Statutes 1993 Supplement, section 16A.152, subdivision 1, is amended to read:

Subdivision 1. [BUDGET RESERVE AND CASH FLOW ACCOUNT ESTABLISHED.] (a) A budget reserve and cash flow account is created in the general fund in the state treasury. The commissioner of finance shall restrict part or all of the balance before reserves in the general fund as may be necessary to fund the budget reserve and cash flow account as provided by law from time to time.

(b) The commissioner of finance shall transfer the amount necessary to bring the total amount of the budget reserve and cash flow account, including any existing balance in the account on June 30, 1993 1994, to \$360,000,000 \$370,000,000. The amounts restricted shall remain in the account until drawn down under subdivision 1 or increased under subdivision 2.

Sec. 22. Minnesota Statutes 1992, section 16B.01, subdivision 4, is amended to read:

Subd. 4. [STATE CONTRACT.] "State contract" means any written instrument or electronic document containing the elements of offer, acceptance and consideration to which a state agency is a party.

Sec. 23. Minnesota Statutes 1992, section 16B.05, subdivision 2, is amended to read:

Subd. 2. [FACSIMILE SIGNATURES AND ELECTRONIC APPROVALS.] When authorized by the commissioner, facsimile signatures and electronic approvals may be used by personnel of the department of administration in accordance with the commissioner's delegated authority and instructions, copies of which shall be filed with the commissioner of finance, state treasurer, and the secretary of state. A facsimile signature or electronic approval, when used in accordance with the commissioner's delegated authority and instructions, is as effective as an original signature.

Sec. 24. Minnesota Statutes 1992, section 16B.06, subdivision 1, is amended to read:

Subdivision 1. [DUTIES OF COMMISSIONER.] (a) [CONTRACT MANAGEMENT.] The commissioner shall perform all contract management and review functions for state contracts, except those functions performed by the contracting agency, and the attorney general, or the commissioner of finance. All agencies shall fully cooperate with the commissioner in the management and review of state contracts. A delegation of the commissioner's duties under this section to the head of an agency or a designated subordinate must be filed with the secretary of state and may not, except with respect to delegations within the department of administration, exceed two years in duration.

(b) [PURCHASING.] The commissioner shall purchase, rent, or otherwise provide for the furnishing of all supplies, materials, equipment, and utility services. The commissioner may lease, rent, or sell supplies, equipment, and services to agencies. The commissioner shall purchase from the state correctional institutions, the University of Minnesota, and other state institutions all articles manufactured by them which are usable by the state. All purchase orders must be made on a form prepared in a format prescribed by the attorney general.

Sec. 25. Minnesota Statutes 1992, section 16B.06, subdivision 2, is amended to read:

Subd. 2. [VALIDITY OF STATE CONTRACTS.] (a) A state contract or lease is not valid and the state is not bound by it until:

(1) it has first been executed by the head of the agency or a delegate which is a party to the contract and;

(2) it has been approved in writing by the commissioner or a delegate, under this section;

(3) it has been approved by the attorney general or a delegate as to form and execution; and by the commissioner of finance or a delegate who shall determine that the appropriation and

(4) the account system shows an allotment have been encumbered or encumbrance balance for the full amount of the contract liability.

(b) Paragraph (a), clause (2), does not apply to contracts between state agencies or contracts awarding grants.

(c) The head of the agency may delegate the execution of specific contracts or specific types of contracts to a deputy or assistant head designated subordinate within the agency if the delegation has been approved by the commissioner of administration and filed with the secretary of state. A The fully executed copy of every contract or lease extending for a term longer than one year must be filed with the commissioner of finance kept on file at the contracting agency.

Sec. 26. Minnesota Statutes 1992, section 16B.32, is amended by adding a subdivision to read:

Subd. 3. [GIFTS.] The commissioner may accept gifts for energy efficiency improvements in state-owned and wholly-leased buildings. Energy cost savings from these improvements, up to the cost of these improvements, shall be deposited in a special revenue fund established in the state treasury. Money in the special revenue fund is appropriated annually to the commissioner to implement further energy efficiency improvements in state-owned or wholly-leased buildings.

Sec. 27. [16B.467] [ELECTRONIC PERMITTING AND LICENSING.]

The commissioner of administration shall develop and implement a system under which people seeking state permits or licenses that can be issued immediately upon payment of a fee can obtain these permits and licenses through electronic access to the appropriate state agencies. Before being implemented, the system must be reviewed by the government information access council and approved by the information policy office.

Sec. 28. [16B.615] [RESTROOM FACILITIES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "place of public accommodation" means a publicly or privately owned sports or entertainment area, stadium, theater, community or convention hall, special event center, amusement facility, or special event center in a public park, that is designed for occupancy by 200 or more people.

Subd. 2. [APPLICATION.] This section applies only to a place of public accommodation for which construction, or alterations exceeding 50 percent of the estimated replacement value of the existing facility, begins after the effective date of this section.

Subd. 3. [RATIO.] In a place of public accommodation subject to this section, the ratio of water closets for women to the total of water closets and urinals provided for men must be at least three to two, unless there are two or fewer fixtures for men.

Subd. 4. [RULES.] The commissioner of administration shall adopt rules to implement this section. The rules may provide for a greater ratio of women's to men's facilities for certain types of occupancies than is required in subdivision 3, and may apply the required ratios to categories of occupancies other than those defined as places of public accommodation under subdivision 1.

Sec. 29. Minnesota Statutes 1992, section 43A.316, subdivision 9, is amended to read:

Subd. 9. [INSURANCE TRUST FUND.] The insurance trust fund in the state treasury consists of deposits of the premiums received from employers participating in the plan and transfers before July 1, 1994, from the public employees insurance reserve excess contributions holding account established by section 353.65, subdivision 7. All

money in the fund is appropriated to the commissioner to pay insurance premiums, approved claims, refunds, administrative costs, and other related service costs. Premiums paid by employers to the fund are exempt from the tax imposed by sections 60A.15 and 60A.198. The commissioner shall reserve an amount of money to cover the estimated costs of claims incurred but unpaid. The state board of investment shall invest the money according to section 11A.24. Investment income and losses attributable to the fund must be credited to the fund.

Sec. 30. Minnesota Statutes 1992, section 43A.37, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATION ACCURACY OF PAYROLL.] ~~Neither the commissioner of finance nor any other fiscal officer of this state may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor may the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid bears the certificate of the commissioner that the persons named in the payroll register~~ The appointing authority shall ensure that all employees have been appointed as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed by law. The appointing authority shall certify ensure that all employees named in the payroll register are performing service as required by law. This provision does not apply to positions defined in section 43A.08, subdivision 1, clauses (8), (9), (10), and (12). Employees to whom this subdivision does not apply may be paid on the state's payroll system, and the appointing authority or fiscal officer submitting their payroll register is responsible for the accuracy and legality of the payments.

Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Sec. 31. Minnesota Statutes 1992, section 69.031, subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, on receiving the fire state aid, shall within 30 days after receipt transmit it to the treasurer of the duly incorporated firefighters' relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in section 424A.08 and shall be disbursed only for the purposes and in the manner set forth in that section.

(2) The municipal treasurer, upon receipt of the police state aid, shall disburse the police state aid in the following manner:

(a) For a municipality in which a local police relief association exists and all peace officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all peace officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall be deposited in the ~~public employees insurance reserve~~ excess contributions holding account of the public employees retirement association; or

(c) For a municipality other than a city of the first class with a population of more than 300,000 in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in clause (a), to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full-time peace officers, as defined in section 69.011, subdivision 1, clause (g).

For a city of the first class with a population of more than 300,000, in addition, the city may elect to allot the appropriate portion of the total police state aid to apply toward the employer contribution of the city to the public employees police and fire fund based on the covered salary of police officers covered by the fund each payroll period and to transmit the balance to the police relief association.

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall be deposited in the public employees insurance reserve excess contributions holding account of the public employees retirement association.

(4) The designated metropolitan airports commission official, upon receipt of the police state aid for the metropolitan airports commission, shall apply the total police state aid toward the commission's employer contribution to the Minneapolis employees retirement fund under section 422A.101, subdivision 2a.

Sec. 32. Minnesota Statutes 1992, section 116G.15, is amended to read:

116G.15 [MISSISSIPPI RIVER CRITICAL AREA.]

The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi river critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.

The results of an environmental impact statement prepared under chapter 116D for a proposed project that is located in the Mississippi river critical area must be reported to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate for legislative review of the proposed project and alternatives to the project prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph must list alternatives to the project that are environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives.

Sec. 33. [128C.09] [SALARY LIMIT.]

The maximum salary of the executive director of the Minnesota state high school league may not exceed the maximum of the salary range for the executive director of the Minnesota state retirement system as provided in section 15A.081, subdivision 1.

Sec. 34. Minnesota Statutes 1992, section 129D.14, subdivision 5, is amended to read:

Subd. 5. [STATE COMMUNITY SERVICE BLOCK GRANTS.] (a) The commissioner shall determine eligibility for block grants and the allocation of block grant money on the basis of audited financial records of the station to receive the block grant funds for the station's fiscal year preceding the year in which the grant is made, as well as on the basis of the other requirements set forth in this section. The commissioner shall annually distribute block grants equally to all stations that comply with the eligibility requirements and for which a licensee applies for a block grant. The commissioner may promulgate rules to implement this section. For this purpose the commissioner may promulgate emergency rules pursuant to sections 14.29 to 14.36. An applicant's share of the grant money shall be based on:

~~(1) The amount received in the preceding year by the station to which the grant would be distributed in private nontax generated contributions from sources within the state; no contributions made for the purpose of capital expenditures shall be counted; and~~

~~(2) The dollar value in the preceding year of contributions of volunteer time to station operations, provided that the volunteer time was not used for the purpose of raising money for the station. Volunteer time shall be valued at the federal minimum wage per hour. A station's total allocation for volunteer time shall not exceed 20 percent of its total grant pursuant to this section.~~

~~(b) The commissioner shall match every verified contribution dollar under paragraph (a), clause (1) and volunteer time dollar, as calculated under paragraph (a), clause (2), with two state dollars for each eligible applicant until the station to which the grant is distributed has received \$10,000 in grant money under this section, and thereafter grant money shall be distributed on a dollar for dollar basis until the total amount appropriated for that year has been distributed equally among all stations. A station may receive state matching money only until the station's total verified contribution and volunteer time has been matched or the amount of the grant received equals one third of the station's total operating income for the previous fiscal year.~~

(e) (b) A station may use grant money under this section for any radio station expenses.

Sec. 35. Minnesota Statutes 1993 Supplement, section 144C.03, subdivision 2, is amended to read:

Subd. 2. [TRUST ACCOUNT.] (a) There is established in the general fund an ambulance service personnel longevity award and incentive trust account and an ambulance service personnel longevity award and incentive suspense account.

(b) The trust account must be credited with:

(1) general fund appropriations for that purpose;

(2) transfers from the ambulance service personnel longevity award and incentive suspense account; and

(3) investment earnings on those accumulated proceeds. The assets and income of the trust account must be held and managed by the commissioner of finance and the state board of investment for the benefit of the state of Minnesota and its general creditors.

(c) The suspense account must be credited with transfers from the excess contributions holding account established in section 353.65, subdivision 7, any per-year-of-service allocation under section 144C.07, subdivision 2, paragraph (c), that was not made for an individual, and investment earnings on those accumulated proceeds. The suspense account must be managed by the commissioner of finance and the state board of investment. From the suspense account to the trust account there must be transferred to the ambulance service personnel longevity award and incentive trust account, as the suspense account balance permits, the following amounts:

(1) an amount equal to any general fund appropriation to the ambulance service personnel longevity award and incentive trust account for that fiscal year; and

(2) an amount equal to the percentage of the remaining balance in the account after the deduction of the amount under clause (1), as specified for the applicable fiscal year:

<u>Fiscal year</u>	<u>Percentage</u>
<u>1995</u>	<u>20</u>
<u>1996</u>	<u>40</u>
<u>1997</u>	<u>50</u>
<u>1998</u>	<u>60</u>
<u>1999</u>	<u>70</u>
<u>2000</u>	<u>80</u>
<u>2001</u>	<u>90</u>
<u>2002 and thereafter</u>	<u>100</u>

Sec. 36. Minnesota Statutes 1993 Supplement, section 144C.07, subdivision 2, is amended to read:

Subd. 2. [POTENTIAL ALLOCATIONS.] (a) On September 1, annually, the commissioner of health or the commissioner's designee under section 144C.01, subdivision 2, shall determine the amount of the allocation of the prior year's accumulation to each qualified ambulance service person. The prior year's net investment gain or loss under paragraph (b) must be allocated and that year's general fund appropriation, plus any transfer from the suspense account under section 144C.03, subdivision 2, and after deduction of administrative expenses, also must be allocated.

(b) The difference in the market value of the assets of the ambulance service personnel longevity award and incentive trust account as of the immediately previous June 30 and the June 30 occurring 12 months earlier must be reported on or before August 15 by the state board of investment. The market value gain or loss must be expressed as a percentage of the total potential award accumulations as of the immediately previous June 30, and that positive or negative percentage must be applied to increase or decrease the recorded potential award accumulation of each qualified ambulance service person.

(c) The appropriation for this purpose, after deduction of administrative expenses, must be divided by the total number of additional ambulance service personnel years of service recognized since the last allocation or 1,000 years of service, whichever is greater. If the allocation is based on the 1,000 years of service, any allocation not made for a qualified ambulance service person must be credited to the suspense account under section 144C.03, subdivision 2. A qualified ambulance service person must be credited with a year of service if the person is certified by the chief administrative officer of the ambulance service as having rendered active ambulance service during the 12 months ending as of the immediately previous June 30. If the person has rendered prior active ambulance service, the person must be additionally credited with one-fifth of a year of service for each year of active ambulance service rendered before June 30, 1993, but not to exceed in any year one additional year of service or to exceed in total five years of prior service. Prior active ambulance service means employment by or the provision of service to a licensed ambulance service before June 30, 1993, as determined by the person's current ambulance service based on records provided by the person that were contemporaneous to the service. The prior ambulance service must be reported on or before August 15 to the commissioner of health in an affidavit from the chief administrative officer of the ambulance service.

Sec. 37. Minnesota Statutes 1992, section 326.12, subdivision 3, is amended to read:

Subd. 3. [CERTIFIED SIGNATURE.] Each plan, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared ~~and submitted to a building official~~ by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, or certified interior designer ~~shall be required to~~ must bear ~~only~~ the signature of the licensed or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed under sections 326.02 to 326.15, by the person's license number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to documents of an intraoffice or intracompany nature.

Sec. 38. Minnesota Statutes 1992, section 353.65, subdivision 7, is amended to read:

Subd. 7. [EXCESS CONTRIBUTIONS HOLDING ACCOUNT.] ~~(a) The public employees insurance reserve excess contributions~~ holding account is established in the public employees retirement association. Excess contributions established by section 69.031, subdivision 5, paragraphs (2), clauses (b) and (c), and (3) must be deposited in the account. These contributions and all investment earnings associated with them must be regularly transferred ~~to the insurance trust fund established by section 43A.316, subdivision 9 as provided in paragraph (b).~~

(b) From the amount of the excess contributions and associated investment earnings:

(1) \$1,000,000 must be transferred annually to the ambulance service personnel longevity award and incentive suspense account established by section 144C.03, subdivision 2; and

(2) any remaining balance must be transferred to the general fund.

Sec. 39. Minnesota Statutes 1992, section 354.06, subdivision 1, is amended to read:

Subdivision 1. The management of the fund is vested in a board of eight trustees known as the board of trustees of the teachers retirement fund. It is composed of the following persons: the commissioner of education, ~~the commissioner of finance~~ a representative of the Minnesota school boards association, the commissioner of commerce, four members of the fund elected by the members of the fund, and one retiree elected by the retirees of the fund. The five elected members of the board of trustees must be chosen by mail ballot in a manner fixed by the board of trustees of the fund. In every odd-numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. In every odd-numbered year one retiree of the fund must be elected to the board of trustees for a term of two years commencing on the first of July next succeeding the election. The filing of candidacy for a retiree election must include a petition of endorsement signed by at least ten retirees of the fund. Each election must be completed by June first of each succeeding odd-numbered year. In the case of elective members, any vacancy must be filled by appointment by the

remainder of the board, and the appointee shall serve until the members or retirees of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by the vacancy. No member or retiree may be appointed by the board, or elected by the members of the fund as a trustee, if the person is not a member or retiree of the fund in good standing at the time of the appointment or election.

Sec. 40. Minnesota Statutes 1993 Supplement, section 465.795, subdivision 7, is amended to read:

Subd. 7. [SCOPE.] As used in sections 465.795 to 465.799 and sections ~~465.80~~ 465.801 to 465.87, the terms defined in this section have the meanings given them.

Sec. 41. Minnesota Statutes 1993 Supplement, section 465.796, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF BOARD.] The board shall:

(1) accept applications from local government units for waivers of administrative rules and temporary, limited exemptions from enforcement of procedural requirements in state law as provided in section 465.797, and determine whether to approve, modify, or reject the application;

(2) accept applications for grants to local government units and related organizations proposing to design models or plans for innovative service delivery and management as provided in section 465.798 and determine whether to approve, modify, or reject the application;

(3) accept applications from local government units for financial assistance to enable them to plan for cooperative efforts as provided in section 465.799, and determine whether to approve, modify, or reject the application;

(4) accept applications from eligible local government units for service-sharing grants as provided in section ~~465.80~~ 465.801, and determine whether to approve, modify, or reject the application;

(5) accept applications from counties, cities, and towns proposing to combine under sections 465.81 to 465.87, and determine whether to approve or disapprove the application; and

(6) make recommendations to the legislature regarding the elimination of state mandates that inhibit local government efficiency, innovation, and cooperation.

The board may purchase services from the metropolitan council in reviewing requests for waivers and grant applications.

Sec. 42. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) Except as provided in paragraph (b), a local government unit may request the board of government innovation and cooperation to grant a waiver from one or more administrative rules or a temporary, limited exemption from enforcement of state procedural laws governing delivery of services by the local government unit. Two or more local government units may submit a joint application for a waiver or exemption under this section if they propose to cooperate in providing a service or program that is subject to the rule or law. Before submitting an application to the board, the governing body of the local government unit must approve the waiver or exemption request by resolution at a meeting required to be public under section 471.705. A local government unit or two or more units acting jointly may apply for a waiver or exemption on behalf of a nonprofit organization providing services to clients whose costs are paid by the unit or units. A waiver or exemption granted to one or more local units of government on behalf of a nonprofit organization under this section applies to services provided to all the organization's clients.

(b) A school district that is granted a variance from rules of the state board of education under section 121.11, subdivision 12, need not apply to the board for a waiver of those rules under this section. A school district may not seek a waiver of rules under this section if the state board of education has authority to grant a variance to the rules under section 121.11, subdivision 12. This paragraph does not preclude a school district from being included in a cooperative effort with another local government unit under this section.

Sec. 43. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] A local government unit requesting a waiver of a rule or exemption from enforcement of a law under this section shall present a written application to the board. The application must include:

- (1) identification of the service or program at issue;
- (2) identification of the administrative rule or the law imposing a procedural requirement with respect to which the waiver or exemption is sought; and
- (3) a description of the improved service outcome sought, including an explanation of the effect of the waiver or exemption in accomplishing that outcome;
- (4) ~~a description of the means by which the attainment of the outcome will be measured; and~~
- (5) ~~if the waiver or exemption is proposed by a single local government unit, a description of the consideration given to intergovernmental cooperation in providing this service, and an explanation of why the local government unit has elected to proceed independently.~~

A copy of the application must be provided by the requesting local government unit to the exclusive representative of its employees as certified under section 179A.12 to represent employees who provide the service or program affected by the requested waiver or exemption.

Sec. 44. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 3, is amended to read:

Subd. 3. [REVIEW PROCESS.] ~~(a) Upon receipt of an application from a local government unit, the board shall review the application. The board shall dismiss or request modification of an application within 60 days of its receipt if it finds that (1) the application does not meet the requirements of subdivision 2, or (2) the application should not be granted because it clearly proposes a waiver of rules or exemption from enforcement of laws that would result in due process violations, violations of federal law or the state or federal constitution, or the loss of services to people who are entitled to them.~~

(b) The board shall determine whether a law from which an exemption for enforcement is sought is a procedural law, specifying how a local government unit is to achieve an outcome, rather than a substantive law prescribing the outcome or otherwise establishing policy. In making its determination, the board shall consider whether the law specifies such requirements as:

- (1) who must deliver a service;
- (2) where the service must be delivered;
- (3) to whom and in what form reports regarding the service must be made; and
- (4) how long or how often the service must be made available to a given recipient.

(c) If the commissioner of finance, the commissioner of administration, or the state auditor has jurisdiction over a rule or law affected by an application, the chief administrative law judge, as soon as practicable after receipt of the application, shall designate a third administrative law judge to serve as a member of the board in place of that official while the board is deciding whether to grant the waiver or exemption.

(d) If the application is submitted by a local government unit in the metropolitan area or the unit requests a waiver of a rule or temporary, limited exemptions from enforcement of a procedural law over which the metropolitan council or a metropolitan agency has jurisdiction, the board shall also transmit a copy of the application to the council for review and comment. The council shall report its comments to the board within 60 days of the date the application was transmitted to the council. The council may point out any resources or technical assistance it may be able to provide a local government submitting a request under this section. ~~If it does not dismiss~~

(e) Within 15 days after receipt of the application, the board shall transmit a copy of it to the commissioner of each agency having jurisdiction over a rule or law from which a waiver or exemption is sought. The agency may mail a notice that it has received an application for a waiver or exemption to all persons who have registered with the agency under section 14.14, subdivision 1a, identifying the rule or law from which a waiver or exemption is requested. If no agency has jurisdiction over the rule or law, the board shall transmit a copy of the application to the attorney general. ~~If the commissioner of finance, the commissioner of administration, or the state auditor has jurisdiction over the rule or law, the chief administrative law judge shall appoint a second administrative law judge to serve as a member of the board in the place of that official for purposes of determining whether to grant the waiver or~~

~~exemption.~~ The agency shall inform the board of its agreement with or objection to and grounds for objection to the waiver or exemption request within 60 days of the date when the application was transmitted to it. An agency's failure to do so is considered agreement to the waiver or exemption. The board shall decide whether to grant a waiver or exemption at its next regularly scheduled meeting following its receipt of an agency's response or the end of the 60-day response period. If consideration of an application is not concluded at that meeting, the matter may be carried over to the next meeting of the board. Interested persons may submit written comments to the board on the waiver or exemption request within 60 days of the board's receipt of up to the time of its vote on the application. ~~If the agency fails to inform the board of its conclusion with respect to the application within 60 days of its receipt, the agency is deemed to have agreed to the waiver or exemption.~~

(f) If the exclusive representative of the affected employees of the requesting local government unit objects to the waiver or exemption request it may inform the board of the objection to and the grounds for the objection to the waiver or exemption request within 60 days of the receipt of the application.

Sec. 45. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 4, is amended to read:

Subd. 4. [HEARING.] If the agency or the exclusive representative does not agree with the waiver or exemption request, the board shall set a date for a hearing on the application, ~~which may be no earlier than 90 days after the date when the application was transmitted to the agency.~~ The hearing must be conducted informally at a meeting of the board. Persons representing the local government unit shall present their case for the waiver or exemption, and persons representing the agency shall explain the agency's objection to it. Members of the board may request additional information from either party. The board may also request, either before or at the hearing, information or comments from representatives of business, labor, local governments, state agencies, consultants, and members of the public. If necessary, the hearing may be continued at a subsequent board meeting. A waiver or exemption must be granted by a vote of a majority of the board members. The board may modify the terms of the waiver or exemption request in arriving at the agreement required under subdivision 5.

Sec. 46. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 5, is amended to read:

Subd. 5. [CONDITIONS OF AGREEMENTS.] If the board grants a request for a waiver or exemption, the board and the local government unit shall enter into an agreement providing for the delivery of the service or program that is the subject of the application. The agreement must specify desired outcomes and the means of measurement by which the board will determine whether the outcomes specified in the agreement have been met. The agreement must specify the duration of the waiver or exemption, which may be for no less than two years and no more than four years, subject to renewal if both parties agree. The board may reconsider or renegotiate the agreement if the rule or law affected by the waiver or exemption is amended or repealed during the term of the original agreement. A waiver of a rule under this section has the effect of a variance granted by an agency under section 14.05, subdivision 4. A local unit of government that is granted an exemption from enforcement of a procedural requirement in state law under this section is exempt from that law for the duration of the exemption. The board may require periodic reports from the local government unit, or conduct investigations of the service or program.

Sec. 47. Minnesota Statutes 1993 Supplement, section 465.798, is amended to read:

465.798 [SERVICE BUDGET MANAGEMENT MODEL GRANTS.]

One or more local units of governments, an association of local governments, the metropolitan council, ~~or an organization a local unit of government acting in conjunction with a local unit of government~~ an organization, or an organization established by two or more local units of government under a joint powers agreement may apply to the board of government innovation and management for a grant to be used to develop models for innovative service budget management. A copy of the application must be provided by the units to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

Proposed models may provide options to local governments, neighborhood or community organizations, or individuals for managing budgets for service delivery. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the model was not completed or implemented according to the terms of the grant agreement, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under the scoring system in section 465.802. The amount of a grant under this section shall may not exceed \$50,000.

Sec. 48. Minnesota Statutes 1993 Supplement, section 465.799, is amended to read:

465.799 [COOPERATION PLANNING GRANTS.]

Two or more local government units; an association of local governments; a local unit of government acting in conjunction with the metropolitan council or an organization; or an organization formed by two or more local units of government under a joint powers agreement may apply to the board of government innovation and cooperation for a grant to be used to develop a plan for intergovernmental cooperation in providing services. The grant application must include the following information:

- (1) the identity of the local government units proposing to enter into the planning process;
- (2) a description of the services to be studied and the outcomes sought from the cooperative venture; and
- (3) a description of the proposed planning process, including an estimate of its costs, identification of the individuals or entities who will participate in the planning process, and an explanation of the need for a grant to the extent that the cost cannot be paid out of the existing resources of the local government unit. A copy of the application must be submitted by the applicants to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

The plan may include model contracts or agreements to be used to implement the plan. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the grantee has failed to implement the plan, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under the scoring system in section 465.802. The amount of a grant under this section shall may not exceed \$50,000.

Sec. 49. [465.801] [SERVICE SHARING GRANTS.]

Two or more local units of government; an association of local governments; a local unit of government acting in conjunction with the metropolitan council or an organization; or an organization established by two or more local units of government under a joint powers agreement may apply to the board of government innovation and cooperation for a grant to be used to meet the start-up costs of providing shared services or functions. Agreements solely to make joint purchases are not sufficient to qualify under this section. A copy of the application must be provided by the applicants to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

The proposal must include plans fully to integrate a service or function provided by two or more local government units. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the grantee has failed to implement the plan, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under the scoring system in section 465.802. The amount of a grant under this section may not exceed \$100,000.

Sec. 50. [465.802] [SCORING SYSTEM.]

In deciding whether to award a grant under section 465.798, 465.799, or 465.801, the board shall use the following scoring system:

- (1) Up to 15 points shall be awarded to reflect the extent to which the application demonstrates creative thinking, careful planning, cooperation, involvement of the clients of the affected service, and commitment to assume risk.
- (2) Up to 20 points shall be awarded to reflect the extent to which the proposed project is likely to improve the quality of the service and to have benefits for other local governments.
- (3) Up to 15 points shall be awarded to reflect the extent to which the application's budget provides sufficient detail, maximizes the use of state funds, documents the need for financial assistance, commits to local financial support, and limits expenditures to essential activities.
- (4) Up to 20 points shall be awarded to reflect the extent to which the application reflects the statutory goal of the grant program.

(5) Up to 15 points shall be awarded to reflect the merit of the proposed project and the extent to which it warrants the state's financial participation.

(6) Up to five points shall be awarded to reflect the cost/benefit ratio projected for the proposed project.

(7) Up to five points shall be awarded to reflect the number of government units participating in the proposal.

(8) Up to five points shall be awarded to reflect the minimum length of time the application commits to implementation.

Sec. 51. Minnesota Statutes 1992, section 574.26, is amended to read:

574.26 [CONTRACTORS' BONDS.]

Except as provided in sections 574.263 and 574.264 or if the amount of the contract is ~~\$10,000~~ \$25,000 or less, a contract with the state, or with any municipal corporation or other public board or body thereof, for the doing of any public work, is not valid unless the contractor shall give bond to the state or other body contracted with, for the use of the obligee, the state and of all persons doing work or furnishing skill, tools, machinery, or materials or insurance premiums or equipment or supplies for any camp maintained for the feeding or keeping of workers and animals engaged under, or for the purpose of, such contract, conditioned for the payment, as they become due, of all just claims for such work, tools, machinery, skill, materials, insurance premiums, equipment, taxes incurred under section 290.92 or chapter 297A, and supplies for the completion of the contract in accordance with its terms, for saving the obligee harmless from all costs and charges that may accrue on account of the doing of the work specified, and for the enforcing of the terms of the bond if action is brought on the bond, including reasonable attorney's fees, in any case where such action is successfully maintained and for the compliance with the laws appertaining thereto. The penalty of such bond shall be not less than the contract price, and if after the giving of the bond the contract price should for any reason be increased, the obligee may require an additional bond, the penalty of which shall be not less than the amount of such increase, and if such additional bond be not furnished within ten days after such demand, the work on the contract shall cease until such additional bond shall have been furnished. In contracts made by the commissioner of administration or the department of transportation of the state, the penalty of the bond shall be in such amount as the commissioner of administration or the commissioner of transportation may fix, but not less than three-quarters of the contract price.

Sec. 52. Minnesota Statutes 1992, section 574.261, subdivision 1, is amended to read:

Subdivision 1. With the approval of the commissioner of administration and where the amount of the contract is not in excess of ~~\$5,000~~ \$25,000 a person may make a contract with the state for the doing of any public work and in lieu of giving the bond required by section 574.26, submit to the commissioner of administration for deposit with the state treasurer a certified check or cashier's check in the same amount as would be required for a bond as security for protection of the state, including its tax revenues, and for all persons doing work or furnishing skills, tools, machinery, or materials under or for the purpose of executing such contract. Such deposit shall be security for the payment, as they become due, of all just claims for work, skills, tools, machinery, and materials; and for the performance and completion of the contract in accordance with its terms; and as security for all costs and charges that may accrue for the doing of the work specified and compliance with the laws relating thereto.

Sec. 53. Laws 1993, chapter 192, section 17, subdivision 3, is amended to read:

Subd. 3. Accounting Services

19,303,000	12,711,000
<u>19,378,000</u>	<u>12,636,000</u>

~~\$4,640,000~~ \$4,715,000 the first year and ~~\$3,869,000~~ \$3,794,000 the second year are to implement the accounts receivable project. The commissioner of finance may transfer money to the commissioners of human services and revenue and the attorney general. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$10,300,000 the first year and \$4,700,000 the second year are for the statewide systems project. If the appropriation for the statewide systems project in either year is insufficient, the appropriation for the other year is available. The commissioner of finance shall report monthly during the biennium ending June 30, 1995, to the chairs of the senate finance committee and the house of representatives ways and means committee on the expenditure of this appropriation and the progress of the statewide systems project.

\$285,000 is for transfer by August 1, 1993, to the legislative commission on planning and fiscal policy for the purpose of improving legislative access to executive branch budgeting and accounting information. None of the other money appropriated in this section for the statewide systems project may be spent until the transfer to the legislative commission on planning and fiscal policy has occurred.

The budgeting and accounting portions of the statewide systems project must be designed so that all public data in these systems are available to the legislature at the time the data are available to executive branch agencies.

The commissioner of finance, in consultation with affected agencies, shall reengineer work processes in preparation for the new state accounting, purchasing, and personnel systems.

The commissioner shall develop a joint work plan with the department of administration to implement electronic data interchange. The commissioner shall prepare plans for migrating to open systems, and shall develop plans for an automated interface with the local government financial system. The commissioner must submit these plans to the information policy office for review and approval.

Sec. 54. [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; METAL PROCESSING IN CRITICAL AREA.]

Until completion of an environmental impact statement that is found adequate under Minnesota Statutes, chapter 116D, a state or local agency may not issue a permit for construction or operation of a metal materials processing project that:

(1) would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes, section 116G.15; and

(2) would have a processing capacity in excess of 20,000 tons per month.

The environmental quality board shall designate the state agency to be the responsible government unit for preparation of an environmental impact statement required under this section.

Sec. 55. [IMPROVED COORDINATION AND CITIZEN ACCESS.]

(a) The legislative coordinating commission shall make recommendations to improve coordination of public information activities between the house of representatives and the senate. The purpose of these recommendations is to eliminate unnecessary duplication in a manner that will improve citizens' access to public information concerning legislative proceedings.

(b) The commission must consider:

(1) joint mailings of material providing updates on recent house and senate activities and schedules for upcoming meetings;

(2) assuring that house and senate public information offices each have materials produced by the other office, such as meeting schedules, information on bill introductions, and updates on recent activities, so that a citizen seeking information can obtain it in one place;

(3) assuring continued cooperation and coordination of television production and other public outreach activities;

(4) assuring that offices in each legislative body that have contact with the public are expected to and are able to direct citizens to offices and meetings in the other body.

(c) The commission shall make recommendations to the chairs of the governmental operations committees, the chairs of the finance committee divisions having responsibility for the legislature, the speaker of the house, and the majority leader of the senate by November 15, 1994. The recommendations must include the specific topics listed in paragraph (b), and any other topics designed to improve citizen access to the legislature.

Sec. 56. [PUBLIC EMPLOYEES INSURANCE PURCHASING COOPERATIVE TASK FORCE.]

Subdivision 1. [MEMBERSHIP.] The public employees insurance purchasing cooperative task force consists of one member each appointed by and representing:

- (1) the department of employee relations;
- (2) the Minnesota school boards association;
- (3) the league of Minnesota cities;
- (4) the association of Minnesota counties;
- (5) the American federation of state, county, and municipal employees;
- (6) the Minnesota education association;
- (7) the Minnesota federation of teachers;
- (8) the Minnesota state building and construction trades council;
- (9) the Minnesota AFL-CIO;
- (10) the Minnesota teamsters;
- (11) the Minnesota police and peace officers association; and
- (12) the Minnesota professional firefighters.

The appointing authorities are responsible for costs incurred by members.

Subd. 2. [DUTIES.] The task force shall study the feasibility of establishing a cooperative of all public employees, excluding state employees, to purchase hospital, dental, and medical insurance coverage. The task force shall identify costs associated with the establishment and operation of a cooperative, determine accessibility for public employees throughout the state, and develop a plan for implementation. The task force shall submit a report and recommendations to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate by March 1, 1995. The task force expires upon submission of its report and recommendations.

Subd. 3. [DEPARTMENT OF EMPLOYEE RELATIONS.] The commissioner of employee relations shall coordinate the formation of the task force by the organizations listed in subdivision 1, provide administrative and staff support to the task force, and assist in preparing its report and recommendations to the legislature.

Sec. 57. [PILOT PROJECT FOR INFORMATION ON SQUARE FOOTAGE OF PROPERTY.]

The commissioner of revenue shall coordinate a pilot project with the counties of Hennepin and Blue Earth. The primary purpose is to collect, by legal classification of real property, information on the total square footage of land and structures within the respective counties by taxing jurisdiction. The square footage shall be identified separately for land and for structures. The commissioner shall reimburse the county for costs incurred in providing information required under this section to the commissioner.

By February 15, 1995, the commissioner shall provide a report to the tax committee of the house of representatives and the committee on taxes and tax laws of the senate. Besides reporting the basic data, the report shall discuss the feasibility of developing a statewide system of property taxation wherein a property's tax base would be determined by its square footage.

Sec. 58. [STRESS DETECTION, PREVENTION, REDUCTION, AND ACCOMMODATION PROGRAM FEASIBILITY STUDY.]

(a) The commissioner of employee relations shall conduct a feasibility study for the establishment of a program in state government to be known as the Minnesota police officers stress program. This program is intended to provide expertise and resources for the prevention of job-related stress in police work. It must also provide a treatment program for posttraumatic stress as experienced by police officers who are certified and licensed by the police officers standards and training board.

(b) Results of the study required under paragraph (a) must be reported to the chairs of the senate governmental operations and reform committee, the house of representatives governmental operations and gambling committee, the senate finance committee, and the house of representatives ways and means committee by January 5, 1995.

Sec. 59. [STUDY.]

The commissioner of administration shall study and report to the legislature by January 1, 1995, on the best way to increase conveniently accessible and affordable electronic services to citizens, including electronic licensing and permitting of a wide variety of state services. As part of this study, the commissioner shall consider the advisability of using the state lottery computer network as a vehicle for delivering these services.

Sec. 60. [REPEALER.]

Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 355.04; 355.06; and 465.80, subdivision 3, are repealed. Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5, are repealed.

Laws 1985, First Special Session chapter 12, article 11, section 19, is repealed.

Sec. 61. [EFFECTIVE DATE.]

(a) Except as provided in paragraphs (b) to (e), this article is effective on the day following final enactment.

(b) Sections 19, 21, 29, 31, 35, 36, 38, and 39 are effective July 1, 1994.

(c) Section 28, subdivisions 1 to 3, is effective January 1, 1995.

(d) Section 32 is effective the day following final enactment and applies to an environmental impact statement that is completed on or after that date.

(e) Section 54 is effective the day following final enactment and applies to any proposed project for which final permits have not been issued by that date.

ARTICLE 5

DEBT COLLECTION

Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 6a. [CENTRALIZED STATE COLLECTION ENTITY DATA.] Data on debtors received, collected, created, or maintained by the centralized state collection entity are classified under section 16C.08.

Sec. 2. [16B.482] [INTELLECTUAL PROPERTY.]

Prior to executing any contract or license agreement involving intellectual property developed or acquired by the state, a state agency must obtain the approval of the attorney general as to the terms and conditions of the contract or agreement.

Sec. 3. [16C.01] [CITATION AND SCOPE.]

Subdivision 1. [CITATION.] This chapter may be cited as the "Minnesota debt collections act."

Subd. 2. [SCOPE.] The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the referring agency's applicable state or federal law provides for the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure governs the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

Sec. 4. [16C.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [CENTRALIZED STATE COLLECTION ENTITY.] "Centralized state collection entity" means the state agency or division of a state agency established by section 16C.04.

Subd. 3. [DEBT.] "Debt" means an amount that is owing to the state of Minnesota directly, or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state of Minnesota, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment to the state including assignments under sections 256.72 to 256.87, the Social Security Act, or other state or federal law, recovery of costs incurred by the state of Minnesota, or any other source of indebtedness to the state of Minnesota. Debt also includes amounts owed to individuals for which the state or state agency acts in a fiduciary capacity in providing collection services in accordance with the regulations adopted under the Social Security Act at Code of Federal Regulations, title 45, section 302.33, or other state or federal law. Debt also includes an amount owed to a Minnesota judicial court, judicial board or commission, the University of Minnesota, a political subdivision, or the United States for which the centralized state collection entity provides collection services under contract or by operation of law.

Subd. 4. [DEBTOR.] "Debtor" means an individual, corporation, partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, who is liable for a debt or against whom there is a claim for a debt.

Subd. 5. [DIRECTOR.] "Director" means the director of the centralized state collection entity.

Subd. 6. [DEBT QUALIFICATION PLAN.] "Debt qualification plan" means an agreement entered into between a state agency and the centralized state collection entity that defines the terms and conditions by which the centralized state collection entity will provide collection services to the state agency.

Subd. 7. [LICENSEE.] "Licensee" means an individual, corporation, partnership, limited liability company, or other legal entity that is an applicant for a license or is licensed for the conduct of a profession, occupation, trade, or business. In the case of a license transfer, licensee also means both the transferor and the transferee of the license.

Subd. 8. [LICENSING AUTHORITY.] "Licensing authority" means the state, a judicial board or commission, a state agency, or political subdivision with the authority to issue a license for the conduct of a profession, occupation, trade, or business.

Subd. 9. [POLITICAL SUBDIVISION.] "Political subdivision" means a Minnesota county, statutory or home rule charter city, town, school district, metropolitan council, metropolitan agency, or a board or commission of one of those entities.

Subd. 10. [REFERRING AGENCY.] "Referring agency" means a state agency, judicial court, board or commission, the University of Minnesota, the United States, or a political subdivision that has entered into a contract or debt qualification plan with the centralized state collection entity to refer debts to the centralized state collection entity for collection activity.

Subd. 11. [STATE AGENCY.] "State agency" means any state office, officer, board, commission, bureau, division, department, authority, agency, public corporation, or other unit of Minnesota state government.

Sec. 5. [16C.03] [OVERSIGHT OF STATE COLLECTION ACTIVITY.]

Subdivision 1. [RESPONSIBILITY.] The department of finance is responsible for the oversight, reporting, and monitoring of state debt collection.

Subd. 2. [STATE AGENCY REPORTS.] Quarterly each year, state agencies shall report to the commissioner of finance the debts owed to the state agency. The commissioner of finance, with the consultation of the departments of revenue and human services, the centralized state collection entity, and the attorney general, shall establish internal guidelines for the recognition, tracking, reporting, and collection of the debts owed the state. The internal guidelines must include accounting standards, performance measurements, and uniform reporting requirements applicable to all state agencies.

Subd. 3. [STATE AGENCY DEBT QUALIFICATIONS PLANS.] The department of finance shall establish a standardized form agreement for state agency debt qualifications plans. The standardized form must identify the categories of debt owing the state agency to be collected under the terms of the debt qualification plan, provide the procedure for referral of debts from the state agency to the centralized state collection entity, establish the responsibilities for collecting the debts covered by the plan, and establish the responsibility for compromise and settlement of the debt.

Subd. 4. [REPORTS OF THE CENTRALIZED STATE COLLECTION ENTITY.] Quarterly each year, the centralized state collection entity shall report to the department of finance on its progress and rate of collection of debts referred to the centralized state collection entity. The centralized state collection entity shall also report to the referring agency the status of the referred debts in accordance with the terms of the debt qualification plan.

Subd. 5. [REPORT OF THE DEPARTMENT OF FINANCE.] By January 15 of each year, the commissioner of finance shall report on the management of debts owed the state, including performance measurements and progress of the debt collection efforts undertaken by state agencies and the centralized state collection entity. The report must be made to the governor and the chairs of the committee on finance of the senate and the committee on ways and means of the house of representatives.

Sec. 6. [16C.04] [CENTRALIZED STATE COLLECTION ENTITY.]

Subdivision 1. [CREATION.] The centralized state collection entity is part of the department of finance and under the authority of the commissioner of finance. It shall provide services to the state of Minnesota and its state agencies for the purpose of collecting debts owed the state of Minnesota. The centralized state collection entity is not a collection agency as defined by section 332.31, subdivision 3, and is not governed by sections 332.31 to 332.35, 332.37, subdivisions 4, 6, 9, 10, and 12, or 332.38 to 332.45. The commissioner of finance shall enter into a contract with the commissioner of revenue for the department of revenue to provide the collection services of the centralized state collection entity.

Subd. 2. [AGENCY PARTICIPATION.] A state agency may, at its option, refer debts to the centralized state collection entity for collection activity. The ultimate responsibility for the debt, including the reporting of the debt to the department of finance and the decision with regard to the continuing collection and uncollectibility of the debt, remains with the referring state agency.

Subd. 3. [SERVICES.] The centralized state collection entity shall provide collection services for a state agency in accordance with the terms and conditions of a signed debt qualification plan. The centralized state collection entity may also provide collection services for a Minnesota judicial court, judicial board, or judicial commission, the University of Minnesota, the United States, or a political subdivision by operation of law or under a contract entered into with the centralized state collection entity for the collection of debts.

Subd. 4. [AUTHORITY TO CONTRACT.] The centralized state collection entity may contract with credit bureaus, private collection agencies, and other entities as necessary for the collection of debts. The centralized state collection entity may not delegate the powers provided under sections 16C.10 to 16C.20 to any nongovernmental entity.

Sec. 7. [16C.05] [INTEREST AND ADMINISTRATIVE FEES.]

Subdivision 1. [INTEREST.] (a) Unless otherwise provided by contract out of which the debt arises or in state or federal law, simple interest accrues on debts owed the state at the rate provided in paragraph (b) if notice has been given pursuant to this subdivision. Interest begins to accrue on the 30th calendar day following the state agency's first written demand for payment that includes notification to the debtor that interest will begin to accrue on the debt in accordance with this section.

(b) Notwithstanding chapter 334, the commissioner of finance shall set the rate of interest as the rate corresponding with the adjusted prime rate charged by banks, rounded to the nearest full percent. For purposes of this subdivision, the term "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System. The commissioner of finance shall adjust the rate of interest by April 15 of each year, to be effective the following July 1, if the adjusted prime rate charged by banks during the six-month period ending on March 30 of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate then in effect. The determination of the commissioner of finance under this subdivision is not a "rule" and is not subject to chapter 14 or section 16A.1285.

Subd. 2. [ADMINISTRATIVE FEE.] In a collection action or proceeding under this chapter, the state is entitled to recover from the debtor an administrative fee not to exceed 30 percent of the amount of the debt to cover the cost of processing and handling the collection of the debt under this chapter, including attorney fees. The centralized state collection entity has the authority to waive the administrative fee in appropriate circumstances. By June 1 of every year, the director of the centralized state collection entity shall recommend to the commissioner of finance the rate at which the administrative fee should be set. The commissioner of finance shall set the rate of the administrative fee to be effective July 1 of every year, at the rate that will most nearly result in the centralized state collection entity's recovery of its costs for processing and handling the collection of debt under this chapter. The determination of the commissioner of finance under this subdivision is not a "rule" and is not subject to chapter 14 or section 16A.1285.

Subd. 3. [ENFORCEMENT AND COLLECTION.] The interest and administrative fee provided by this section are in addition to the principal debt and are enforceable in accordance with this chapter and other collection remedies. If the centralized state collection entity collects any amount less than the total due, the centralized state collection entity may apply a percentage of the amount collected, calculated at the administrative fee rate, to partially satisfy the administrative fee and shall apply the balance to partially satisfy the debt. If the centralized state collection entity's costs, including attorney fees, are recovered through other methods, the centralized state collection entity may not collect the administrative fee.

Sec. 8. [16C.06] [PRIORITY OF SATISFACTION OF DEBTS.]

(a) If two or more debts owed by the same debtor are submitted to the centralized state collection entity, amounts collected on those debts must be applied as prescribed in this section.

(b) If the money received is collected on a judgment lien under chapter 550, a lien provided by this chapter, a lien provided by chapter 514, a consensual lien or security interest, protection of an interest in property through chapter 570, by collection process provided by chapters 551 and 571, or by any other process by which the centralized state collection entity is enforcing rights in a particular debt, the money must be applied to that particular debt.

(c) If the money is collected in any manner not specified in paragraph (b), the money collected must apply first to the satisfaction of any debts for child support. Any debts other than child support must be satisfied in the order in time in which the centralized state collection entity received the debts from the referring agency.

Sec. 9. [16C.07] [FUNDING; APPROPRIATION.]

All money received by the centralized state collection entity as amounts attributable to recovery of the costs of processing and collection of debt, whether in the form of administrative fees, attorney fees, or other forms of cost recovery, must be credited to the fund for the centralized state collection entity and are appropriated to the centralized state collection entity to fund its collection efforts. Except as provided in the debt qualification plan, the principal debt and interest assessed against the principal debt are not considered amounts attributable to recovery of the costs of processing and collection of debt and are paid with all other amounts attributable to satisfaction of debt to the referring agency in accordance with the terms of the debt qualification plan, the contract with the referring agency or, by operation of law. If an administrative fee is not added to the debt, the costs of collection equal to the administrative fee established by the department of finance may be deducted from the money collected prior to deposit to the fund of obligation.

Sec. 10. [16C.08] [DEBTOR INFORMATION.]

Subdivision 1. [ACCESS TO NOT PUBLIC GOVERNMENT DATA.] Notwithstanding chapter 13 or any other state statute classifying or restricting access of government data, upon request from the centralized state collection entity, state agencies, political subdivisions, and statewide systems shall disseminate not public data to the centralized state collection entity for the sole purpose of collecting debt. Not public data disseminated under this subdivision is limited to financial data of the debtor or data related to the location of the debtor or the assets of the debtor.

Subd. 2. [IMMUNITY.] A person, entity, state agency, political subdivision, or statewide system that releases information to the centralized state collection entity as authorized under this chapter is immune from liability for release of the information.

Subd. 3. [DISCLOSURE OF DATA.] Data received, collected, created, or maintained by the centralized state collection entity for the purpose of collecting debts are classified as private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9. The centralized state collection entity may disclose not public data:

- (1) under section 13.05;
- (2) under court order;
- (3) under a statute specifically authorizing access to the not public data;
- (4) to provide notices required or permitted by statute;
- (5) to an agent of the centralized state collection entity, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to collection of a debt;
- (6) to report names of debtors, amount of debt, date of debt, and agency to whom debt is owed to credit bureaus; and
- (7) when necessary to locate the debtor, locate the assets of the debtor, or to enforce or implement the collection of a debt.

Sec. 11. [16C.09] [NOTICE TO DEBTOR.]

The referring agency shall send notice to the debtor by United States mail or personal delivery at the debtor's last known address at least 20 days before the debt is referred to the centralized state collection entity. The notice must state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter, including the imposition of interest and administrative fees in addition to the principal amount of the debt.

Sec. 12. [16C.10] [DUTIES AND POWERS OF THE CENTRALIZED STATE COLLECTION ENTITY.]

Subdivision 1. [DUTIES.] The centralized state collection entity shall take all reasonable and cost-effective actions to collect debts referred to the centralized state collection entity.

Subd. 2. [POWERS.] (a) In addition to the collection remedies available to creditors in the state and the remedies available under this chapter, the centralized state collection entity, with legal assistance from the attorney general, has the powers listed in this subdivision.

(b) The entity may enforce state judgment liens in accordance with this chapter.

(c) The entity may bring an action to recover debts or for injunctive relief related to the failure to pay the debt in Ramsey county district court or Ramsey county conciliation court, or in accordance with chapter 542 at the discretion of the state. If the debtor, within 20 days of the receipt of service, requests in writing that the court change venue to the county of either the debtor's residence or the county where the cause of action arose, that request shall be granted. There shall be no court filing fees, docketing fees, or release of judgment fees assessed against the state for collection actions filed under this chapter.

(d) The entity may issue subpoenas for the purpose of collecting debts. If an individual or entity to whom the subpoena is directed does not comply with a subpoena, the attorney general may apply to the district court of Ramsey county or the district court where the individual or entity to whom the subpoena is directed is located, at the discretion of the attorney general, for issuance of an order compelling compliance with the subpoena. A person failing to comply with the order is subject to punishment by the court for contempt.

(e) The entity may provide notice to licensing authorities to not issue, transfer, or renew a license of a debtor in accordance with this chapter.

(f) The entity may notify the registrar of motor vehicles of the names of debtors for the purpose of having a judgment lien noted on the certificate of title to a motor vehicle of the debtor in accordance with section 168A.05 and this chapter.

(g) The entity may utilize any statutory authority granted to a referring agency for purposes of collecting debt owed to that referring agency.

Sec. 13. [16C.11] [SETOFFS.]

The centralized state collection entity or a state agency may automatically deduct from any state payment due to the debtor, unless expressly prohibited by law. Notwithstanding section 181.79, the state may deduct from the wages due or earned by a state employee to collect a debt. The state may not deduct from wages due state employees in amounts greater than the percentage of earnings subject to garnishment pursuant to chapter 571.

Sec. 14. [16C.12] [LIENS.]

Subdivision 1. [CREATION OF STATE JUDGMENT LIEN.] Upon obtaining or docketing a judgment for a debt, in any district court of the state, the state has a state judgment lien upon all personal property existing at the time of the judgment and later acquired, within the state, of the debtor. The state judgment lien attaches to all personal property of the debtor located in the state upon the date of entry of judgment or docketing of judgment, whichever is earlier. A lien against all personal property of the debtor within the state may also be created for a judgment obtained by a political subdivision, the United States, a Minnesota judicial court, judicial board or commission, or the University of Minnesota that has been referred to the centralized state collection entity under contract or by operation of law, but only upon the filing of the lien notice provided in subdivision 4. The lien for debts referred to the centralized state collection entity by contract or operation of law may be filed and enforced by the centralized state collection entity in the same manner as provided for state judgment liens in this chapter. The lien for debts referred to the centralized state collection entity has priority as provided for state judgment liens in this section.

Subd. 2. [PRIORITY OF STATE JUDGMENT LIEN.] (a) The state judgment lien imposed by subdivision 1 is perfected as against any good faith purchaser, good faith pledgee, holder of a duly perfected uniform commercial code security interest, or judgment lien creditor whose interest has been duly perfected under applicable provision of state law, when notice of the state judgment lien is filed in the office of the secretary of state as provided in subdivision 4.

(b) The state judgment lien acquired by the state under this section has priority in accordance with the first in time, first in right, filing provision provided in article 9 of the Uniform Commercial Code.

Subd. 3. [NOTICE AND FILING OF STATE JUDGMENT LIEN.] (a) Notices of state judgment liens, state judgment lien releases, and state judgment lien renewals may be filed with the secretary of state by United States mail, in person, or by electronic transmission by the centralized state collection entity into the computerized filing system of the secretary of state authorized under section 336.9-411. For documents filed by mail or in person, the secretary of state shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The secretary of state shall write or mark the filing information on the document that was submitted and return the document to the submitting party. Documents filed electronically must be endorsed and indexed within the computerized filing system.

The notice of state judgment lien filed with the secretary of state must contain the following information, which shall be referred to in this section as the filed information:

- (1) the name and address of the debtor;
- (2) if the debtor is an individual, the debtor's social security number if available, or if the social security number is not available, the debtor's date of birth;
- (3) the identity of the agency to whom the underlying debt is owed;
- (4) the amount of the judgment debt;
- (5) the date of entry of judgment; and
- (6) the county wherein judgment was originally entered and its docket number.

(b) Execution of notices of state judgment liens, or of other notices affecting the state judgment lien provided by this section, may occur by the original or facsimile signature of the director of the centralized state collection entity or a delegate. Execution entitles the state judgment lien notice to be filed, and no other attestation, certification, or acknowledgment is necessary. Transmission of notices under paragraph (a) constitutes execution.

(c) The secretary of state shall make all information concerning the state judgment lien immediately available electronically to each county recorder's office in the state.

(d) All filed information regarding the state judgment lien must be made a part of the computerized filing system of the secretary of state authorized under section 336.9-411, and the information must be accessible through that system.

(e) Each county recorder's office in the state shall make available, free of charge, through the computerized filing system of the secretary of state authorized under section 336.9-411, the filing information for all state judgment liens filed by the centralized state collection entity under paragraph (a). A person may request the state judgment lien information. If the request is made by lien or court docket number, the secretary of state or county recorder shall give a copy of the information filed for that lien or court docket number. The cost for the copy may be no more than the actual cost of making the copies. If the request is made by debtor name, the secretary of state or county recorder shall conduct a search of the statewide computerized government lien database for any state judgment liens naming that debtor. The secretary of state or county recorder shall report all of the filings as of the date and hour of the search by issuing a certificate listing the file number, court docket number, the date and hour of each filing, the social security number if the requester discloses the matching number or the date of birth of the debtor if the debtor is an individual, the identity of the agency to whom the underlying debt is owed, and the amount of the debt. If there are no filings against a particular person against whom a search is requested, the secretary of state or the county recorder shall so certify.

The total fee for conducting the search and preparing a certificate is as allowed in section 336.9-407. The fee includes as many as ten copies. The fee is included in the charge allowed for tax lien searches, and is not separate or in addition to any fee charged for tax lien searches.

Notwithstanding the fees set in this section, a natural person who is the subject of the data must, upon the person's request, be shown the data without charge and, upon request and payment of no more than the actual cost of making the copies, be provided with photocopies of the data.

Surcharge amounts must be collected quarterly by the secretary of state from each county recorder. The secretary of state shall send each county recorder an invoice at the end of each fiscal quarter, and each county recorder shall forward payment to the secretary of state within 30 days of the date of the invoice. The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as part of the search.

The surcharge amounts collected by the secretary of state and received from county recorders must be deposited in the state treasury and credited to the general fund.

(f) The centralized state collection entity is exempt from court filing fees for the filing of a state judgment lien provided by this section and releases thereof.

Subd. 4. [COPY FEES.] In the event that more than one copy of a full or partial release of a lien is requested by any person, including the debtor, a fee of \$25 must be paid to the centralized state collection entity for each duplicate requested.

Subd. 5. [ENFORCEABILITY.] The state judgment lien imposed by this section is enforceable as provided by section 16C.13.

Sec. 15. [16C.13] [ENFORCEMENT OF JUDGMENT LIENS.]

Subdivision 1. [AUTHORITY.] The state judgment lien imposed by section 16C.12, or any judgment lien docketed in any county on behalf of the referring agency, may be enforced by the centralized state collection entity at any time within ten years of entry of judgment or within ten years of renewal of the judgment, as provided in this chapter or in accordance with chapters 270, 550, 551, and 571, at the state's option. The centralized collection entity may enforce the judgment lien by a levy upon all nonexempt personal property and rights to nonexempt personal property of the debtor, including any nonexempt personal property of the debtor in the possession of law enforcement officials. The term levy includes the power of distraint and seizure by any means.

Subd. 2. [OPTIONAL REMEDY.] Any action taken by the centralized state collection entity under this section does not constitute an election by the state to pursue this particular remedy to the exclusion of any other remedy.

Subd. 3. [MANNER OF EXECUTION AND SALE.] In making the levy upon the judgment lien, the centralized state collection entity has all the powers provided in chapter 550 and in any other law for purposes of effecting an execution against property in this state. The sale of property levied upon, and the time and manner of redemption from the sale, is governed by chapter 550 unless otherwise provided in this section. The seal of the court, as provided in section 550.04, is not required.

Subd. 4. [SURRENDER OF PROPERTY SUBJECT TO LEVY.] A person who fails or refuses to surrender without reasonable cause any property or right to property subject to levy under this section, upon demand by the centralized state collection entity, is liable personally to the state in an amount equal to the value of the property or rights not surrendered, but not exceeding the amount of costs caused by the failure to surrender, plus the amount of the judgment for which the levy has been made. Any amount recovered under this subdivision must be credited first against the increased costs caused by such failure to surrender and then to the outstanding amount of the judgment. A financial institution need not surrender funds on deposit until 20 days after service of the levy.

Subd. 5. [PERSON DEFINED.] The term "person," as used in subdivision 4, includes an individual, officer, or employee of a corporation or a member or employee of a partnership or a limited liability company who, as an officer, employee, or member, is under a duty to surrender the property or rights to property or to discharge the obligation. The personal liability imposed by subdivision 4 may, after demand to honor a levy, be assessed by the centralized state collection entity within 60 days of making the demand.

Subd. 6. [EFFECT OF HONORING LEVY.] A person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made who, upon demand by the centralized state collection entity, surrenders the property or rights to property, or who pays the liability set forth in subdivision 4, is discharged from any obligation or liability to the debtor for the payment or collection of the judgment with respect to the property or rights to property so surrendered or paid.

Subd. 7. [LEVY ON APPEARANCE DATE OF SUBPOENA.] No levy may be made on the property of the debtor on the day on which the debtor, or an officer or employee of the debtor, is required to appear in response to a subpoena issued by the centralized state collection entity, unless the director of the centralized state collection entity makes a determination that collection of the judgment is in jeopardy.

Subd. 8. [UNECONOMICAL LEVY.] No levy may be made on property if the amount of the expenses that the director estimates would be incurred by the centralized state collection entity with respect to the levy and sale of the property exceeds the estimated net proceeds of the sale of the property at the anticipated time of levy.

Sec. 16. [16C.14] [SALE OF SEIZED PROPERTY.]

Subdivision 1. [NOTICE OF SEIZURE.] As soon as practicable after seizure of property, notice in writing must be given by the centralized state collection entity to the owner of the property and must be served personally or by certified mail. If the owner cannot be readily located, or has no dwelling or place of business within this state, the notice may be mailed to the last known address. The notice must specify the amount of the judgment and must contain an account of the property seized.

Subd. 2. [NOTICE OF SALE.] (a) As soon as practicable after the seizure of the property, the centralized state collection entity shall give notice of sale of the property to the owner in the manner described in subdivision 1. The notice required by this subdivision may be combined with that in subdivision 1. The notice must be served no less than ten days prior to the sale.

(b) The centralized state collection entity shall also cause public notice of each sale to be made. Notice must be posted not less than ten days before the sale at the post office nearest the place where the seizure is made, and in no fewer than two other public places.

(c) The notice of sale provided in this subdivision must specify the property to be sold and the time, place, manner, and conditions of the sale.

(d) Other methods of giving notice, including advertising, may be used in addition to those required by this subdivision.

Subd. 3. [SALE OF INDIVISIBLE PROPERTY.] If any property subject to levy is not divisible, so as to enable the centralized state collection entity by sale of a part of it to raise the whole amount of the judgment, the whole of the property must be sold, and, upon payment of the judgment and of costs associated with the seizure and sale, the remainder must be returned to the owner.

Subd. 4. [TIME AND PLACE OF SALE.] The time of sale must be after the expiration of the notice periods prescribed in subdivision 2. The place of sale must be within the county in which the property is seized, except by special determination of the centralized state collection entity.

Subd. 5. [MANNER AND CONDITIONS OF SALE.] (a) Before the sale the centralized state collection entity shall determine a minimum price for which the property may be sold. If no person offers for the property at the sale the amount of the minimum price, the property must be declared to be purchased at the minimum price for the state; otherwise the property must be declared to be sold to the highest bidder. In determining the minimum price, the centralized state collection entity shall take into consideration the expense of making the levy and sale. The announcement of the minimum price determined by the centralized state collection entity may be delayed until receipt of the highest bid.

(b) The sale must be conducted by:

(1) public auction, or

(2) public sale under sealed bids.

(c) In the case of seizure of several items of property, the items may be offered separately, in groups, or in the aggregate, and may be sold under whichever method produces the highest aggregate sale price.

(d) Payment in full is required at the time of acceptance of a bid, except that a part of the payment may be deferred by the centralized state collection entity for a period not to exceed 30 days.

(e) If payment in full is required at the time of acceptance of a bid and is not then paid, the centralized state collection entity shall promptly again sell the property in the manner provided in this section. If the conditions of the sale permit part of the payment to be deferred, and if the part deferred is not paid within the prescribed period, then:

(1) suit may be commenced against the purchaser for the purchase price or the part of the purchase price not paid, together with interest at the rate specified in section 549.09 from the date of the sale, and the centralized state collection entity may adjourn the sale from time to time for a period not to exceed 30 days; or

(2) in the discretion of the centralized state collection entity, the sale may be declared by the centralized state collection entity null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in this section.

In the event of a second advertisement and sale under this subdivision, a new purchaser receives the property or rights to property free and clear of any claim or right of the former defaulting purchaser and the amount paid upon the bid price by the defaulting purchaser is forfeited.

Subd. 6. [SALE OF PERISHABLE GOODS.] If the centralized state collection entity determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that the property cannot be kept without great expense, the centralized state collection entity shall appraise the value of the property, and, if the owner of the property can be readily found, the centralized state collection entity shall give the owner notice of the determination of the appraised value of the property. The property must be returned to the owner if, within the time specified in the notice, the owner pays the centralized state collection entity an amount equal to the appraised value. If the appraised amount is not paid, as soon as practicable the centralized state collection entity shall make public sale of the property in accordance with this section.

Subd. 7. [CONTRACTS.] Contracts entered into by the centralized state collection entity for the purpose of acquiring, selling, or preserving property under this section, and the conduct of the sale of the property, are not subject to the competitive bidding, professional and technical services contract, or auction provisions of chapter 16B.

Subd. 8. [APPLICATION OF SALE PROCEEDS.] (a) Any money realized by proceedings under this chapter, whether by seizure, by surrender under section 16C.13, by sale of seized property, or by sale of property redeemed by the state must be applied as follows:

- (1) first, against the administrative fee provided by this chapter, then
- (2) against the remaining amount of the judgment, then
- (3) any remaining amount must be refunded to the persons legally entitled thereto.

Subd. 9. [EQUITABLE OR INJUNCTIVE RELIEF.] At any time before the sale of the levied property and upon at least five business days' written notice to the centralized state collection entity and the attorney general, the debtor or any party with an interest in the property may bring an action in district court for equitable or injunctive relief.

Sec. 17. [16C.15] [RELEASE OF LEVY AND RETURN OF PROPERTY.]

Subdivision 1. [RELEASE OF LEVY.] The centralized state collection entity shall release a levy on all or part of the property or rights to property levied on and shall promptly notify the person on whom the levy was made that the levy has been released if:

- (1) the judgment for which the levy was made is satisfied or has become unenforceable by lapse of time;
- (2) release of the levy will facilitate collection of the judgment;
- (3) the debtor has entered into an agreement with the centralized state collection entity providing for installment payments satisfactory to the centralized state collection entity;
- (4) the levy will jeopardize the status of the state as a secured creditor; or
- (5) the fair market value of the property exceeds the judgment and release of the levy can be made without hindering collection of the judgment.

A release of levy under this subdivision does not prevent a subsequent levy on the property released.

Subd. 2. [RETURN OF PROPERTY.] If the centralized state collection entity determines that property has been wrongfully levied upon, it is lawful for the centralized state collection entity to return within 45 days of the determination:

- (1) the specific property levied upon;
- (2) an amount of money equal to the amount of money levied upon; or
- (3) an amount of money equal to the fair market value of the property. Any person wishing to challenge a levy as wrongful must make a claim to the entity no later than one year following the date of the sale.

Sec. 18. [16C.16] [REDEMPTION OF PROPERTY.]

Subdivision 1. [BEFORE SALE.] A person whose property has been levied upon may pay the judgment amount to the centralized state collection entity at any time before the sale of the property, and, upon payment of the judgment amount, the centralized state collection entity shall restore the property to the person, and all further proceedings in connection with the levy on the property shall cease from the time of payment.

Subd. 2. [RECORD.] When any property is redeemed as provided in this section, the centralized state collection entity shall cause entry of the fact to be made upon the record required by section 16C.17, and the entry is evidence of the redemption.

Sec. 19. [16C.17] [CERTIFICATE AND RECORD OF SALE.]

Subdivision 1. [CERTIFICATE OF SALE.] In the case of property sold as provided in section 16C.14, the centralized state collection entity shall give the purchaser a certificate of sale upon payment in full of the purchase price.

Subd. 2. [EFFECT OF CERTIFICATE.] (a) In all cases of sale of personal property, the certificate of sale given under subdivision 1 is prima facie evidence of the right of the centralized state collection entity to make the sale and conclusive evidence of the regularity of the proceedings in making the sale. The certificate transfers to the purchaser all right, title, and interest of the debtor in and to the property sold.

(b) If the property consists of stocks, the certificate of sale is notice, when received, to any corporation, company, or association, of the transfer, and is authority to the corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same, in place of any original or prior certificate, which is void, whether canceled or not.

(c) If the subject of sale is securities other than stocks, including promissory notes or other evidence of indebtedness, the certificate of sale is a good and valid receipt of the person holding the same, as against any person holding or claiming to hold possession of the securities or other evidence of indebtedness.

(d) If the property consists of a motor vehicle, the certificate of sale is notice, when received, to the registrar of motor vehicles of this state of the transfer, and is authority for the registrar to record the transfer on the books and records in the same manner as if the certificate of title to the motor vehicle was transferred or assigned by the party holding the same, in place of any original or prior certificate, which is void whether canceled or not.

(e) A certificate of sale of personal property given under subdivision 1 discharges the property from all liens, encumbrances, and title over which the judgment lien, with respect to which the levy was made, had priority.

Subd. 3. [INTERNAL RECORDS OF SALE.] The centralized state collection entity shall, for its report to the department of finance, keep a record of all sales of property under section 16C.14. The record must set forth the judgment for which the sale was made, the dates of seizure and sale, the name of the debtor and all proceedings in making the sale, the amount of expenses, the names of purchasers, and the date of the certificate of sale. A copy of the record, or any part of it, certified by the centralized state collection entity is evidence in any court of the truth of the facts stated in the record.

Sec. 20. [16C.18] [WITHHOLDING OF INCOME.]

Subdivision 1. [NOTICE TO EMPLOYER.] Within the period for enforcement of the lien, the centralized state collection entity may give notice to any employer in this state that an employee of that employer owes a debt. The notice must conform substantially to the notice as provided in section 571.75 and may be served by mail upon the employer.

Subd. 2. [NOTICE TO EMPLOYEE.] The centralized state collection entity may not proceed under this section unless it has given notice to the debtor, by mail, at the debtor's last known address, at least 30 days prior to notice to the employer. The notice to the debtor must conform substantially to that required by section 571.72 and must state that if payment is not received, the centralized state collection entity may proceed to require withholding by the employer under this section. The notice must further inform the debtor of wage exemptions contained in section 550.37, subdivision 14. If no notice of exemption is received by the centralized state collection entity within 30 days of sending notice to the debtor, the centralized state collection entity may proceed under this section.

Subd. 3. [WITHHOLDING.] (a) Upon receipt of the notice provided by subdivision 1, the employer shall withhold from compensation due or to become due to the employee the total amount shown by the notice, subject to the provisions of section 571.922. The employer shall continue to withhold each pay period until the notice is released by the centralized state collection entity under section 16C.15. Upon receipt of the notice by the employer under subdivision 1, the claim of the state has priority over any subsequent garnishments or wage assignments except as otherwise provided in section 518.611. The centralized state collection entity may arrange between the employer and the employee for withholding a portion of the total amount due the employee each pay period, until the total amount shown by the notice plus accrued interest and the administrative fee provided by section 16C.05 have been withheld.

The "compensation due" any employee is defined in accordance with section 571.921. The maximum withholding allowed under this section for any one pay period is decreased by any amounts payable under a garnishment action and any amounts covered by any irrevocable and previously effective assignment of wages, with respect to which the employer was served before being served with the notice provided by subdivision 1. The employer shall give notice to the centralized state collection entity of the amounts and the facts relating to such prior garnishments or assignments within ten days after the service of the notice provided in subdivision 1.

(b) If the employee ceases to be employed by the employer before the full amount set forth in the notice provided by subdivision 1, plus accrued interest and the administrative fee, has been withheld, the employer shall immediately notify the centralized state collection entity in writing of the termination date of the employee and the total amount withheld. No employer may discharge any employee because the centralized state collection entity has proceeded under this section. If an employer discharges an employee in violation of the provision, the employee has the same remedy as provided in section 571.927, subdivision 2.

(c) Within ten days after the expiration of each pay period, the employer shall remit to the centralized state collection entity the amount withheld during each pay period under this section. Should any employer, after notice, willfully fail to withhold in accordance with this section, the employer is liable for the total amount set forth in the notice together with accrued interest and the administrative fee. Any amount collected from the employer for failure to withhold must be credited to the employee's account in the following manner: administrative fee, interest, and then debt. Any excess after such application must be refunded to the employer.

(d) The provisions of this section, except those imposing liability on an employer for failure to withhold or remit, apply to cases in which the employer is the United States or an instrumentality of the United States or this state or a political subdivision of the state.

(e) The centralized state collection entity shall refund to the employee excess amounts withheld from the employee under this section.

(f) The collection remedy provided by this section has the same legal effect as if it were a levy made under section 16C.13.

Sec. 21. [16C.19] [CONTINUOUS LEVY.]

Subdivision 1. [AUTHORITY.] The centralized state collection entity may, within the statutory period for enforcement of the lien, give notice to a person, financial institution, political subdivision, or any other third party who owes the debtor money, property, or other indebtedness, to withhold the amount of any debt, including interest and the administrative fee provided by section 16C.05, due from a debtor. The amounts withheld must be transmitted to the centralized state collection entity at the times the centralized state collection entity designates.

Subd. 2. [LEVY CONTINUOUS.] The levy made under subdivision 1 is continuous with respect to a payment as defined in subdivision 4 from the date the notice is received until either the amount due stated on the notice has been withheld or the notice has been released by the centralized state collection entity under section 16C.15, or no further amounts are due from the recipient of the notice to the debtor, whichever occurs first.

Subd. 2a. [RELEASE WHEN NO ASSETS FOUND.] If, upon receipt of the notice of levy and upon diligent search for amounts due the debtor or for assets of the debtor, no amounts due or assets are found, the recipient of the notice shall report that fact in writing within ten days to the entity and shall be released from the levy at the time of the report.

Subd. 3. [AMOUNT WITHHELD.] The amount required to be withheld under this section is the lesser of:

(1) the amount stated on the notice; or

(2) if the debtor is not a natural person, 100 percent of the payment or payments to be made to the debtor, or, if the debtor is an individual, 25 percent of the payment or payments to be made to the debtor.

Subd. 4. [PAYMENTS COVERED.] For purposes of this section, "payments" does not include wages as defined in section 290.92 or funds in a deposit account as defined in section 336.9-105. Payments includes:

(1) payments due for services of independent contractors, dividends, rents, royalties, residuals, patent rights, licensing fees, and mineral or other natural resources rights;

(2) payment or credits under written or oral contracts for services or sales whether denominated as wages, salary, commissions, bonuses, or otherwise, if the payments are not covered by section 16C.18; and

(3) any other periodic payments or credits resulting from an enforceable obligation to the debtor.

Subd. 5. [EFFECT OF DETERMINATION OF STATUS.] A determination of a person's status as an independent contractor under this section does not affect the determination of the person's status for the purposes of any other law or rule.

Sec. 22. [16C.20] [LICENSES.]

Subdivision 1. [NOTICE TO LICENSING AUTHORITY.] The centralized state collection entity may notify any licensing authority that a licensee owes a judgment debt of \$500 or more or judgments debts in the aggregate of \$500 or more. Upon receipt of such notice, the licensing authority may not issue, transfer, or renew a license of the debtor for the conduct of a profession, occupation, trade, or business.

Subd. 2. [NOTICE TO DEBTOR AND HEARING.] (a) Upon notifying a licensing authority under subdivision 1, the centralized state collection entity must mail a copy of the notice to the debtor at the debtor's last known address.

(b) The debtor may request a contested case hearing within 30 days of the date of the notice. The request must be in writing and postmarked by the 30th day. The hearing must be held within 45 days of the date the centralized state collection entity refers the case to the office of administrative hearings. Notwithstanding any law to the contrary, the licensee must be served with 20 days' notice in writing specifying the time and place of the hearing, the amount of unpaid judgment debt, to whom the judgment debt is owed, and the nature of the judgment debt. The notice may be served personally or by mail.

(c) The issues to be considered at the hearing are limited to whether the debtor has made payment, whether the identity of the debtor is mistaken, or whether nonrenewal or nonissuance of the license would exercise an unreasonably severe hardship on the debtor. Financial hardship alone is an insufficient basis for a finding of unreasonably severe hardship. The validity of the underlying debt may not be challenged at the hearing.

Subd. 3. [DEBT CLEARANCE.] A licensing authority that has received a notice from the centralized state collection entity under subdivision 1 may issue, transfer, or renew the license only if the licensing authority has received notification from the centralized state collection entity that the debtor has paid the debt or has entered into an agreement with the centralized state collection entity for satisfactory payment of the debt, or that the centralized state collection entity is no longer pursuing the debt.

Subd. 4. [IDENTIFICATION OF LICENSEES.] Upon written request of the centralized state collection entity, a licensing authority shall provide the centralized state collection entity with a list of all licensees, including the name, address, business name and address, social security number, and business identification number of each licensee. The licensing authority is not required to provide a list of the licensees to the centralized state collection entity more than once each calendar year.

Sec. 23. [16C.21] [UNCOLLECTIBLE DEBTS.]

When a debt is determined by the state agency to be uncollectible, the debt may be written off by the state agency from the state agency's financial accounting records and no longer recognized as an account receivable for financial reporting purposes. A debt is considered to be uncollectible when (1) all reasonable collection efforts have been exhausted, (2) the cost of further collection action will exceed the amount recoverable, (3) the debt is legally without merit or cannot be substantiated by evidence, (4) the debtor cannot be located, (5) the available assets or income, current or anticipated, which may be available for payment of the debt are insufficient, (6) the debt was discharged in bankruptcy, (7) the applicable statute of limitations for collection of the debt has expired, or (8) it is not in the public interest to pursue collection of the debt. The determination of the uncollectibility of a debt must be reported by the state agency along with the basis for that decision as part of its quarterly reports to the department of finance. Determining that the debt is uncollectible does not cancel the legal obligation of the debtor to pay the debt.

Sec. 24. [16C.22] [CASE REVIEWER.]

The centralized state collection entity shall make a case reviewer available to debtors. The reviewer must be available to answer a debtor's questions concerning the collection process and to review the collection activity taken. If the reviewer reasonably believes that the particular action being taken is unreasonable or unfair, the reviewer may make recommendations to the director of the centralized state collection entity in regard to the collection action.

Sec. 25. Minnesota Statutes 1992, section 168A.05, subdivision 2, is amended to read:

Subd. 2. [RECORD OF CERTIFICATES ISSUED.] The department shall maintain a record of all certificates of title issued by it:

- (1) Under a distinctive title number assigned to the vehicle;
- (2) By vehicle identifying number;
- (3) Alphabetically, under the name of the owner.

Such record shall consist of the certificate of title, including the notations of all security interests recorded, assigned, terminated, or released, liens filed by the centralized state collection entity of which the department has notice, of duplicate certificates issued or applied for, and such other information as the department may deem proper.

Sec. 26. Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3, is amended to read:

Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;
- (3) the names and addresses of any secured parties in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate, or as otherwise determined by the department;
- (4) any liens filed by the centralized state collection entity against the owner;
- (5) the title number assigned to the vehicle;
- (6) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;
- (7) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;
- (8) with respect to vehicles subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed"; and
- (9) any other data the department prescribes.

Sec. 27. Minnesota Statutes 1992, section 168A.05, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL PROCESS RELATING TO CERTIFICATE OR VEHICLE.] A certificate of title for a vehicle is not subject to garnishment, attachment, execution, or other judicial process, but this subdivision does not prevent a lawful levy upon the vehicle or the lawful enforcement of an administrative lien or judgment lien filed by the centralized state collection entity.

Sec. 28. Minnesota Statutes 1992, section 168A.05, is amended by adding a subdivision to read:

Subd. 8. [LIENS FILED BY THE CENTRALIZED STATE COLLECTION ENTITY.] If the centralized state collection entity notifies the department that the owner is a debtor for judgment debt pursued by the centralized state collection entity, when title is applied for the department shall enter a lien on the title in the name of the state of Minnesota. The lien on the title is subordinate to any prior security interest perfected in accordance with section 168A.17 and shall otherwise be treated in the same manner as other title liens.

Sec. 29. Minnesota Statutes 1992, section 270A.03, subdivision 2, is amended to read:

Subd. 2. [CLAIMANT AGENCY.] "Claimant agency" means any state agency, as defined by section 14.02, subdivision 2, the regents of the University of Minnesota, any district court of the state, any county, any statutory or home rule charter city presenting a claim for a municipal hospital, a hospital district, any public agency responsible for child support enforcement, and any public agency responsible for the collection of court-ordered restitution, and the centralized state collection entity.

Sec. 30. Minnesota Statutes 1992, section 272.488, subdivision 1, is amended to read:

Subdivision 1. [FILING OF NOTICES WITH COUNTY RECORDERS.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, and refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the county recorder, in a form prescribed by the Internal

Revenue Service, may be filed with the county recorder ~~or the secretary of state~~ by mail, personal delivery, or by electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of state authorized under section 336.9-411. The secretary of state shall act as the agent of the county recorder and shall transmit the notice electronically to the office of the county recorder, ~~if that is the place of filing, in the county or counties shown on the computer entry. The filing officer, whether the county recorder or the secretary of state, shall endorse and index a printout of the notice in the same manner as if the notice had been mailed or delivered.~~ The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 31. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 3. [FILING OF NOTICES WITH SECRETARY OF STATE.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the secretary of state, in a form prescribed by the Internal Revenue Service, may be filed with the secretary of state by mail, personal delivery, or electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of the state authorized under section 336.9-411. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 32. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 4. [ENTRY OF INFORMATION.] For documents filed by mail or in person, the filing officer shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The filing officer must write or mark the filing information on the document that was submitted and return the document to the submitting party.

Sec. 33. Minnesota Statutes 1993 Supplement, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of the statewide computerized uniform commercial code data base for any active financing statements naming a particular debtor. The filing officer shall report the findings as of the date and hour of the search by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party;

(b) photocopies of those original documents on file and located in the office of the filing officer; or

(c) upon request, both the certificate and the photocopies referred to in (b).

The uniform fee for conducting the search and for preparing a certificate ~~shall be~~ is \$15 if the request is in the standard form prescribed by the secretary of state. This uniform fee ~~shall include up to~~ includes as many as ten photocopies of original documents. If the request for information is made on a form other than the standard form prescribed by the secretary of state, the fee ~~shall be~~ is \$20 and ~~shall include up to~~ includes as many as ten photocopies of original documents.

~~Another~~ One other fee, at the same rate, ~~shall must~~ also be charged for conducting a search and preparing a certificate showing both state judgment liens and federal and state tax liens, on file with the filing officer naming a particular debtor.

There ~~shall be~~ is an additional fee of \$1 per a page for each financing statement or tax lien listed on the certificate and for each photocopy prepared in excess of the first ten.

Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be provided with photocopies of the data upon payment of no more than the actual cost of making the copies.

Sec. 34. Minnesota Statutes 1992, section 542.07, is amended to read:

542.07 [ACTIONS BY OR FOR THE STATE.]

Except as otherwise provided by law in particular cases, civil actions for trespass or collection of debts owed the state of Minnesota in which the state of Minnesota is plaintiff, may be begun and tried in such county as the attorney general, or other attorney authorized to bring the same, shall select.

Sec. 35. Minnesota Statutes 1992, section 570.01, is amended to read:

570.01 [ALLOWANCE OF ATTACHMENT.]

As a proceeding ancillary to a civil action for the recovery of money and to any action brought by the attorney general under the authority of section 8.31, subdivision 1, or any other law respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade, the claimant, at the time of commencement of the civil action or at any time thereafter afterward, may have the property of the respondent attached in the manner and in the circumstances prescribed in sections 570.01 to 570.14, as security for the satisfaction of any judgment that the claimant may recover. The order for attachment shall may be issued only by a judge of the court in the county in which the civil action is pending. All property not exempt from execution under the judgment demanded in the civil action may be is subject to attachment.

Sec. 36. Minnesota Statutes 1992, section 570.02, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] An order of attachment which that is intended to provide security for the satisfaction of a judgment may be issued only in the following situations:

(1) when the respondent has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of the respondent's nonexempt property, with intent to delay or defraud the respondent's creditors;

(2) when the respondent has removed, or is about to remove, any of the respondent's nonexempt property from this state, with intent to delay or defraud the respondent's creditors;

(3) when the respondent has converted or is about to convert any of the respondent's nonexempt property into money or credits, for the purpose of placing the property beyond the reach of the respondent's creditors;

(4) when the respondent has committed an intentional fraud giving rise to the claim upon which the civil action is brought; or

(5) when the respondent has committed any act or omission, for which the respondent has been convicted of a felony, giving rise to the claim upon which the civil action is brought; or

(6) when the respondent has violated the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, including but not limited to any of the statutes specifically enumerated in section 8.31, subdivision 1.

Sec. 37. Minnesota Statutes 1992, section 570.025, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] A preliminary attachment order may be issued prior to before the hearing specified in section 570.026 only if the following conditions are met:

(1) the claimant has made a good faith effort to inform the respondent of the application for a preliminary attachment order or that informing the respondent would endanger the ability of the claimant to recover upon a judgment subsequently awarded;

(2) the claimant has demonstrated the probability of success on the merits;

(3) the claimant has demonstrated the existence of one or more of the grounds specified in section 570.02, subdivision 1, clause (1), (2), or (3), or (6); and

(4) due to extraordinary circumstances, the claimant's interests cannot be protected pending a hearing by an appropriate order of the court, other than by directing a prehearing seizure of property.

Sec. 38. [RECOMMENDATION; LOCATION AND RESPONSIBILITIES OF THE CENTRALIZED STATE COLLECTION ENTITY.]

By February 15, 1996, the commissioners of finance, human services, and revenue and the attorney general shall conduct an evaluation and make a recommendation to the legislature regarding the responsibility and location of the centralized state collection agency established by Minnesota Statutes, section 16C.04.

Sec. 39. [INITIAL INTEREST RATE.]

The commissioner of finance shall set the initial interest rate required by Minnesota Statutes, section 16C.05, subdivision 1, by July 1, 1994. The director of the centralized state collection entity shall make the initial recommendation to the commissioner of finance required by Minnesota Statutes, section 16C.05, subdivision 2, by June 1, 1994. The commissioner of finance shall set the administrative fee required by that subdivision by July 1, 1994.

Sec. 40. [REPEALER.]

Minnesota Statutes 1992, sections 10.11, subdivision 1; 10.12; 10.14; 10.15; and 272.488, subdivision 2, are repealed.

Sec. 41. [APPROPRIATION.]

\$161,000 is appropriated to the attorney general from the general fund to provide legal services required by section 2.

\$158,000 is appropriated to the county of Ramsey from the general fund to provide the services required in section 12, subdivision 2, paragraph (c).

Sec. 42. [EFFECTIVE DATE.]

The provisions of sections 1 to 13 and 15 to 41 are effective on July 1, 1994, and apply to the collection of any debt arising before, on, or after that date.

The provisions of section 14 are effective on July 1, 1995."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for agriculture, the environment, natural resources, public administration, community development, transportation, and certain agencies of state government; supplementing, reducing, and transferring earlier appropriations, with certain conditions; regulating certain activities and practices; providing for appointments, penalties, accounts, fees, and reports; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; 3.971, by adding a subdivision; 13.67; 13.99, by adding subdivisions; 16A.124, subdivision 2; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 16B.32, by adding a subdivision; 17B.15, subdivision 1; 32.103; 43A.316, subdivision 9; 43A.37, subdivision 1; 44A.0311; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and 6; 60K.06; 60K.19, subdivision 8; 69.031, subdivision 5; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 85.015, subdivision 1; 94.09, subdivision 5; 97A.061, subdivision 1; 97A.165; 97A.441, subdivision 6; 97A.485, subdivision 8; 97B.601, subdivision 4; 103F.725, by adding a subdivision; 103F.745; 103F.761, subdivision 2; 115A.5501, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 116G.15; 129D.14, subdivision 5; 138.01, subdivision 1; 138.34; 138.35, subdivision 1; 138.38; 138.40, subdivision 3; 138.94, by adding a subdivision; 151.01, subdivision 28; 151.15, subdivision 3; 151.25; 154.11, subdivision 1; 154.12; 154.19; 161.14, by adding a subdivision; 162.02, subdivision 6; 162.06, subdivisions 3 and 4; 162.12, subdivisions 3 and 4; 168A.05, subdivisions 2, 7, and by adding a subdivision; 168A.29, subdivision 1; 169.06, by adding a subdivision; 257.0762, subdivision 2; 257.0768; 270A.03, subdivision 2; 272.488, subdivision 1, and by adding subdivisions; 298.2211, by adding a subdivision; 326.12, subdivision 3; 345.47, subdivision 4; 353.65, subdivision 7; 354.06, subdivision 1; 360.305, subdivision 4; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.15, subdivision 6; 542.07; 570.01; 570.02, subdivision 1; 570.025, subdivision 2; 574.26; and 574.261, subdivision 1; Minnesota Statutes 1993 Supplement, sections 15.91; 16A.152, subdivision 1; 16B.08, subdivision 7; 44A.025; 60A.198, subdivision 3; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 84.872; 97A.061, subdivision 3; 97B.071; 115C.09, subdivision 1; 116J.966, subdivision 1; 116P.11; 138.763, subdivision 1; 144C.03, subdivision 2; 144C.07, subdivision 2; 168A.05, subdivision 3; 239.785, subdivision 2, and by adding a

subdivision; 257.0755; 336.9-407; 446A.03, subdivision 1; 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; 465.799; Laws 1993, chapter 192, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 15; 16B; 17; 32; 128C; 154; 169; 181; 299D; 446A; and 465; proposing coding for new law as chapter 16C; repealing Minnesota Statutes 1992, sections 10.11, subdivision 1; 10.12; 10.14; 10.15; 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 154.16; 154.165; 272.488, subdivision 2; 355.04; 355.06; 446A.08; and 465.80, subdivision 3; Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5; Laws 1985, First Special Session chapter 12, article 11, section 19."

The motion prevailed and the amendment was adopted.

Davids and Olson, E., were excused for the remainder of today's session.

Solberg, Vellenga and Rest moved to amend S. F. No. 2913, as amended, as follows:

Page 147, after line 1, insert:

"Sec. 60. [CONTINGENT LEVY RECOGNITION SHIFT PERCENT INCREASE.]

Notwithstanding Minnesota Statutes, section 121.904, subdivisions 4a and 4e, if the forecast of general fund revenues and expenditures prepared by the commissioner of finance in November 1994 indicates that the budget reserve and cash flow account will not be restored to \$500,000,000 in the current biennium according to Minnesota Statutes, section 16A.152, subdivision 2, the commissioner of finance may direct the commissioner of education to reduce the appropriation in fiscal year 1995 for reduction of the property tax revenue recognition shift by an amount that would restore the budget reserve and cash flow account up to \$500,000,000. However, the property tax revenue recognition shift percent may not be increased above 37.4 percent. If the levy recognition shift percent is increased according to this section, the commissioner of education must notify school districts of the increase within five days of receiving direction to increase the levy recognition shift percent."

Renumber subsequent sections

Correct internal cross references

The motion prevailed and the amendment was adopted.

Rice and Simoneau moved to amend S. F. No. 2913, as amended, as follows:

Page 87, after line 54, insert:

"(h) Work zone safety 25,000

This appropriation is for highway work zone safety management and public education efforts to increase public awareness of highway work zone safety."

Page 96, after line 13, insert:

"Sec. 17. Minnesota Statutes 1992, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. [SPEED ZONING IN WORK ZONES; SURCHARGE; ACCOUNT.] (a) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone.

(b) The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway

work zone speed limit shall not exceed 40 miles per hour. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs designating the beginning and end of the affected work zone. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.

(c) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under paragraph (b) while on a trunk highway, or who violates any other provision of this section or section 169.141 while in a highway work zone on a trunk highway, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25. The surcharge must be deposited in the state treasury and credited to the general fund."

Renumber the remaining sections and correct internal references

Adjust fund totals accordingly

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Krueger moved to amend S. F. No. 2913, as amended, as follows:

Page 130, after line 33, insert:

"(c) If a law is enacted creating a police officer stress reduction program, and money is appropriated for the program, an amount equal to the appropriation must be transferred from the excess contributions holding account to the stress reduction program before money is transferred to the general fund under paragraph (b), clause (2)."

The motion prevailed and the amendment was adopted.

Krueger moved to amend S. F. No. 2913, as amended, as follows:

Page 108, delete lines 25 to 29 and insert:

"(11) one member appointed by the Minnesota AFL-CIO;"

Page 109, line 1, delete everything after the colon

Page 109, line 28, after the first comma, insert "the AFL-CIO representative," and delete "two" and insert "one" and delete "members" and insert "member"

Page 145, after line 7, insert:

"(12) greater Minnesota educational cooperative service units;"

Page 145, line 9, delete "(12)" and insert "(13)"

The motion prevailed and the amendment was adopted.

Peterson moved to amend S. F. No. 2913, as amended, as follows:

Page 11, line 3, after "association," insert "a state or federal credit union"

Page 14, line 19, after "association," insert "a state or federal credit union"

The motion prevailed and the amendment was adopted.

Neary, Osthoff and McCollum moved to amend S. F. No. 2913, as amended, as follows:

Page 96, after line 28, insert:

"Sec. 18. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 46. [YOUTH CHARTER CARRIER.] "Youth charter carrier" means a charter carrier who primarily transports, in passenger vehicles seating not more than 15 persons in addition to the driver, students enrolled in public or private elementary or secondary schools or children under school age, but who provides service under contract to a school or school district only during the months of June through August.

Sec. 19. Minnesota Statutes 1993 Supplement, 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;
- (9) temperature-controlled commodities permits; ~~and~~
- (10) armored carrier permits; and
- (11) youth charter carrier permits.

Sec. 20. Minnesota Statutes 1992, section 221.121, is amended by adding a subdivision to read:

Subd. 6h. [YOUTH CHARTER CARRIER.] (a) A person who desires to hold out or operate as a youth charter carrier shall follow the procedures established in subdivision 1, paragraph (a), other than the requirement for filing letters of support, and specifically request a youth charter carrier permit. The board shall issue the permit upon compliance with the laws and rules relating to it, if the board finds that the petitioner is fit and able to conduct the proposed operations and that the petitioner's vehicles meet the applicable rules of the commissioner prescribed under section 221.031.

(b) Nothing in this subdivision requires a holder of a charter carrier permit to obtain a permit under this subdivision to provide the service described in section 221.011, subdivision 46."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

Jennings was excused between the hours of 6:00 p.m. and 7:30 p.m.

Hugoson moved to amend S. F. No. 2913, as amended, as follows:

Pages 14 and 15, delete section 12

Renummer the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Koppendraye; Haukoos; Hugoson; Girard; Bettermann; Molnau; Johnson, V.; Olson, E., and Dempsey moved to amend S. F. No. 2913, as amended, as follows:

Page 7, delete lines 27 to 31

Correct the subdivision and section totals and the summaries by fund accordingly

Pages 16 to 19, delete sections 14 and 15, and insert:

"Sec. 14. Minnesota Statutes 1992, sections 32.103, is amended to read:

32.103 [INSPECTION OF DAIRIES.]

(a) At times the commissioner determines proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk, and shall require the correction of all insanitary conditions and practices found. During routine inspections or as necessary, the commissioner shall inspect for evidence of use of rBGH in violation of section 32.75, by producers providing affidavits of nontreatment under that section.

(b) A refusal or physical threat that prevents the completion of an inspection or neglect to obey a lawful direction of the commissioner or the commissioner's agent given while carrying out this section may result in the suspension of the offender's permit or certification. The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.

Sec. 15. [32.75] [RECOMBINANT BOVINE GROWTH HORMONE; LABELING.]

Subdivision 1. [DEFINITION.] For purposes of this section and section 32.103, "recombinant bovine growth hormone" or "rBGH" means a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques, described alternately as recombinant bovine somatotropin, or rBST.

Subd. 2. [LABELING.] (a) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, which have been processed and handled pursuant to the requirements of this section, may be labeled: "Milk in this product is from cows not treated with rBGH." Labeling of dairy products under this section which are offered for sale within this state may also include an indication that the milk used is "farmer certified rBGH-free." The label must include the statement: "The federal government has determined that no significant difference has been shown between milk derived from rBGH-treated cows and non-rBGH-treated cows." Products offered for wholesale or retail sale within this state need not contain any further label information relative to the use of rBGH in milk production. A manufacturer or processor of dairy products for interstate or international sale may apply to the commissioner for additional label compliance approval if that product label contains any reference to rBGH.

(b) The label described in paragraph (a) may appear on the principal display panel, as defined in section 31.01, subdivision 22, of a packaged product, be conspicuously attached to the container of a bulk product, or appear in any advertisement, as defined in section 31.01, subdivision 26, for a product, including radio advertisements or displays or placards posted in retail stores.

(c) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, may display a label indicating that the product is produced from cows not treated with rBGH, if the label conforms with labeling requirements of another state for such products.

(d) All labeling or advertising statements relating to rBST must be factually supported. False or misleading statements are prohibited.

Subd. 3. [AFFIDAVIT; RECORDS.] (a) A dairy plant purchasing milk or cream to be used in products labeled pursuant to subdivision 2 shall require an affidavit approved by the commissioner from producers supplying such milk. This affidavit must be signed by the producer or authorized representative and state that all cows used in the producer's dairy operations have not and will not be treated with rBGH, without advanced written notice of at least 30 days to the dairy plant.

(b) Dairy plants shall keep original affidavits on file for a period of not less than two years after receiving written notice from the producer of anticipated rBGH use, as provided in paragraph (a). These affidavits and corresponding records must be made available for inspection by the commissioner. Dairy plants supplying milk or cream to a processor or manufacturer of a product to be labeled pursuant to subdivision 2, for use in that product, shall supply a certification to that processor or manufacturer stating that producers of the supplied milk or cream have executed and delivered affidavits pursuant to paragraph (a).

Subd. 4. [SEPARATION OF NONTREATED COWS AND MILK.] All milk or cream from non-rBGH-treated cows used in manufacturing or processing of products labeled pursuant to subdivision 2, or milk or cream supplied by a producer under an affidavit pursuant to subdivision 3, must be kept fully separate from any other milk or cream through all stages of storage, transportation, and processing until the milk or resulting dairy products are in final packaged form in a properly labeled container. Records of the separation must be kept by the dairy plant and product processor or manufacturer at all stages and made available to the commissioner for inspection."

A roll call was requested and properly seconded.

The question was taken on the Koppendray et al amendment and the roll was called. There were 47 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Holsten	Limmer	Onnen	Stanis	Waltman
Asch	Frerichs	Hugoson	Lindner	Ozment	Sviggum	Weaver
Bauerly	Girard	Johnson, V.	Lynch	Pauly	Swenson	Wolf
Bettermann	Goodno	Knickerbocker	Macklin	Pawlenty	Tompkins	Worke
Bishop	Gruenes	Koppendray	Molnau	Rhodes	Van Dellen	Workman
Commers	Gutknecht	Krinkie	Ness	Seagren	Van Engen	
Dehler	Haukoos	Leppik	Olson, M.	Smith	Vickerman	

Those who voted in the negative were:

Anderson, R.	Cooper	Greenfield	Kahn	Long	Murphy	Peterson
Battaglia	Dauner	Greiling	Kalis	Lourey	Neary	Pugh
Beard	Dawkins	Hasskamp	Kelley	Luther	Nelson	Reding
Bergson	Delmont	Hausman	Kelso	Mahon	Olson, K.	Rest
Bertram	Dorn	Huntley	Kinkel	Mariani	Opatz	Rice
Brown, C.	Erhardt	Jacobs	Klinzing	McCollum	Orenstein	Rodosovich
Brown, K.	Evans	Jaros	Knight	McGuire	Orfield	Rukavina
Carlson	Farrell	Jefferson	Krueger	Milbert	Ostrom	Sarna
Carruthers	Finseth	Johnson, A.	Lasley	Mosel	Pelowski	Sekhon
Clark	Garcia	Johnson, R.	Lieder	Munger	Perlt	Simoneau

Skoglund	Tomassoni	Vellenga	Wenzel
Solberg	Trimble	Wagenius	Winter
Steensma	Tunheim	Wejman	Spk. Anderson, I.

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

Koppendraye; Hugoson; Girard; Molnau; Olson, E.; Bettermann; Johnson, V., and Dempsey moved to amend S. F. No. 2913, as amended, as follows:

Page 7, delete lines 27 to 31

Page 40, after line 13, insert:

"Sec. 57. [RECOVERY OF COSTS.]

Any costs the commissioner of agriculture may incur for legal services, adoption of rules, or other expenses related to implementing sections 14, 15, 37, and 38, and all additional costs associated with increased enforcement under section 14, must be recovered by fees assessed against processors who voluntarily label products under section 15, subdivision 2."

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Koppendraye et al amendment and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Limmer	Ness	Stanisus	Vickerman
Asch	Finseth	Holsten	Lindner	Olson, M.	Sviggum	Waltman
Bettermann	Frerichs	Hugoson	Lynch	Onnen	Swenson	Weaver
Bishop	Girard	Johnson, V.	Macklin	Ozment	Tompkins	Wolf
Commers	Goodno	Knickerbocker	Mahon	Pawlenty	Van Dellen	Worke
Dehler	Gruenes	Koppendraye	Molnau	Seagren	Van Engen	Workman
Dempsey	Gutknecht	Krinkie	Mosel	Smith	Vellenga	

Those who voted in the negative were:

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

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

Krinkie, Kinkel, Kahn and Knickerbocker moved to amend S. F. No. 2913, as amended, as follows:

Page 144, after line 25, insert:

"(d) A television production of House floor proceedings or of other House meetings may not include any graphic or other credit for the Senate or a Senate office."

The motion prevailed and the amendment was adopted.

Krinkie moved to amend S. F. No. 2913, as amended, as follows:

Page 20, after line 26, insert:

"Sec. 18. Minnesota Statutes 1992, section 85.055, is amended by adding a subdivision to read:

Subd. 3. [CIVILIAN CONSERVATION CORPS MEMBERS.] A person who served in the state for the federal civilian conservation corps, established by Congress in 1933, shall be exempt from state park permit fees under this section by sending proof of his or her service to the commissioner of natural resources."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Krinkie amendment and the roll was called. There were 25 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Bettermann	Girard	Johnson, V.	Luther	Opatz	Swenson	Workman
Dempsey	Gutknecht	Koppendrayner	Lynch	Seagren	Tompkins	
Erhardt	Haukoos	Krinkie	Molnau	Starius	Vickerman	
Frerichs	Hugoson	Lindner	Onnen	Steensma	Worke	

Those who voted in the negative were:

Abrams	Cooper	Holsten	Krueger	Murphy	Peterson	Tomassoni
Anderson, R.	Dauner	Huntley	Lasley	Neary	Pugh	Trimble
Asch	Dawkins	Jacobs	Leppik	Nelson	Reding	Tunheim
Battaglia	Dehler	Jaros	Lieder	Ness	Rest	Van Dellen
Bauerly	Delmont	Jefferson	Limmer	Olson, K.	Rhodes	Van Engen
Beard	Dorn	Johnson, A.	Long	Olson, M.	Rice	Vellenga
Bergson	Evans	Johnson, R.	Lourey	Orenstein	Rodosovich	Wagenius
Bertram	Farrell	Kahn	Macklin	Orfield	Rukavina	Waltman
Bishop	Finseth	Kalis	Mahon	Osthoff	Sarna	Weaver
Brown, C.	Garcia	Kelley	Mariani	Ostrom	Sekhon	Wejcman
Brown, K.	Goodno	Kelso	McCollum	Ozment	Simoneau	Wenzel
Carlson	Greiling	Kinkel	McGuire	Pauly	Skoglund	Winter
Carruthers	Gruenes	Klinzing	Milbert	Pawlenty	Smith	Wolf
Clark	Hasskamp	Knickerbocker	Mosel	Pelowski	Solberg	Spk. Anderson, I.
Commers	Hausman	Knight	Munger	Perl	Swiggum	

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

Kelley moved to amend S. F. No. 2913, as amended, as follows:

Page 113, after line 22, insert:

"Sec. 17. [15.97] [INFORMATION AND TELECOMMUNICATIONS INSTITUTE.]

The legislature intends to establish an institute of telecommunications technology applications and education. The institute must be structured as a collaboration between at least the computer science, health science, teacher education, and extension programs at the University of Minnesota, other postsecondary educational institutions in the state, Minnesota Technology, Inc., the department of trade and economic development, libraries, and other institutions and entities that have an interest in applications for and education on telecommunications and information technology. The mission of the institute will be to:

(1) engage in applied research in order to develop applications and methodologies for use of existing and expanded telecommunications and information resources and networks particularly in the areas of provision of health care, education, business, and employment communications and services; and

(2) provide technical assistance, education, and information to current and potential users of telecommunications networks and systems, including at least health care providers, teachers, employers, and employees and to advocate and promote appropriate and efficient use of the networks and systems to improve efficiency and flexibility of the networks and systems and of their users."

Renumber the sections in sequence

Correct internal references

The motion prevailed and the amendment was adopted.

Long and Solberg moved to amend S. F. No. 2913, as amended, as follows:

Page 26, after line 5, insert:

"Sec. 29. Minnesota Statutes 1992, section 115A.055, is amended to read:

115A.055 [OFFICE OF WASTE MANAGEMENT.]

The office of waste management is an agency in the executive branch headed by a director appointed by the governor, with the advice and consent of the senate, to serve in the unclassified service. The director may appoint two assistant directors in the unclassified service and may appoint other employees, as needed, in the classified service. The personnel, powers, or duties of the office may not be transferred under section 16B.37."

Page 39, after line 11, insert:

"Sec. 54. [OFFICE OF WASTE MANAGEMENT; RETURN AND TRANSFER OF RESPONSIBILITIES.]

(a) The personnel, powers, duties, furniture and equipment of the office of waste management transferred from it by reorganization order number 169 under Minnesota Statutes, section 16B.37, are hereby transferred back to it subject to Minnesota Statutes, section 16B.37, subdivision 3.

(b) The solid and hazardous waste management personnel, powers, and duties of the metropolitan council under Minnesota Statutes, chapters 115A and 473, are transferred from the council to the office of waste management subject to Minnesota Statutes, section 16B.37, subdivision 3.

(c) By February 15, 1995, the legislative commission on waste management shall propose legislation to conform existing statutes to the transfer in paragraph (b)."

Page 40, after line 15, insert:

"Sec. 60. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall make the following changes, with appropriate stylistic corrections, in Minnesota Statutes 1994 and subsequent editions of the statutes:

(1) change the words "office of waste management" and "office" to "director" and change "its," when it refers to the office of waste management, to "the director's" in Minnesota Statutes, sections 115A.06, subdivisions 13 and 14; 115A.072; 115A.152; 115A.154; 115A.156; 115A.165; 115A.45; 115A.48; 115A.51; 115A.52; 115A.54, subdivision 3; 115A.541; 115A.55; 115A.551; 115A.552; 115A.553; 115A.557; 115A.58; 115A.59; 115A.63; 115A.64; 115A.66; 115A.71; 115A.72; 115A.84; 115A.86; 115A.9162; 115A.917; 115A.961; 115A.97; and 115A.991;

(2) change the word "reviewing authority" to "director" in Minnesota Statutes, sections 115A.83, subdivision 2; 115A.84, subdivisions 4 and 5; 115A.86, subdivisions 2, 3, and 5; 115A.87; 115A.89; 115A.893, subdivisions 3 and 4;

(3) change the word "its," when it refers to the reviewing authority, to "the director's" in Minnesota Statutes, sections 115A.84, subdivision 4, paragraph (c); and 115A.89, clause (3);

(4) change the word "it" to "the director" in Minnesota Statutes, section 115A.84, subdivision 4, paragraphs (a) and (c);

(5) delete the words "the office or" and delete "acting on behalf of the office" in Minnesota Statutes, section 115A.06, subdivisions 8 to 10;

(6) change the word "board" to "director" in Minnesota Statutes, section 115A.97, subdivision 5; and

(7) delete the word "office" in Minnesota Statutes, section 115A.551, subdivision 7."

Renumber the remaining sections in sequence

A roll call was requested and properly seconded.

Johnson, V.; Pauly and Ozment moved to amend the Long and Solberg amendment to S. F. No. 2913, as amended, as follows:

Page 1, line 12, strike "governor" and insert "commissioner of the pollution control agency"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Finseth	Holsten	Lynch	Olson, M.	Swenson	Worke
Beard	Frerichs	Hugoson	Macklin	Ostrom	Tompkins	Workman
Bettermann	Garcia	Johnson, V.	Mahon	Ozment	Van Dellen	
Bishop	Girard	Knight	Molnau	Pauly	Van Engen	
Commers	Goodno	Koppendrayner	Mosel	Rhodes	Vickerman	
Dehler	Gruenes	Krinkie	Munger	Smith	Waltman	
Dempsey	Gutknecht	Limmer	Ness	Stanisus	Weaver	
Erhardt	Haukoos	Lindner	Olson, K.	Sviggum	Wolf	

Those who voted in the negative were:

Anderson, R.	Bauerly	Brown, C.	Carruthers	Dauner	Dorn	Greenfield
Asch	Bergson	Brown, K.	Clark	Dawkins	Evans	Greiling
Battaglia	Bertram	Carlson	Cooper	Delmont	Farrell	Hasskamp

Hausman	Kelley	Long	Nelson	Peterson	Sekhon	Wagenius
Huntley	Kelso	Lourey	Onnen	Pugh	Simoneau	Wejcman
Jacobs	Kinkel	Luther	Opatz	Reding	Skoglund	Wenzel
Jaros	Klinzing	Mariani	Orenstein	Rest	Solberg	Winter
Jefferson	Knickerbocker	McCollum	Orfield	Rice	Steensma	Spk. Anderson, I.
Johnson, A.	Krueger	McGuire	Osthoff	Rodosovich	Tomassoni	
Johnson, R.	Lasley	Milbert	Pawlenty	Rukavina	Trimble	
Kahn	Leppik	Murphy	Pelowski	Sarna	Tunheim	
Kalis	Lieder	Neary	Perlt	Seagren	Vellenga	

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

The question recurred on the Long and Solberg amendment and the roll was called. There were 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hausman	Knight	Molnau	Pawlenty	Smith
Anderson, R.	Dehler	Holsten	Koppendrayner	Mosel	Pelowski	Solberg
Asch	Delmont	Hugoson	Krueger	Murphy	Perlt	Steensma
Battaglia	Dempsey	Huntley	Lasley	Neary	Peterson	Tomassoni
Bauerly	Dorn	Jacobs	Leppik	Nelson	Pugh	Tompkins
Beard	Erhardt	Jaros	Lieder	Ness	Reding	Trimble
Bergson	Evans	Jefferson	Limmer	Olson, K.	Rest	Tunheim
Bertram	Farrell	Johnson, A.	Long	Olson, M.	Rhodes	Van Engen
Bishop	Finseth	Johnson, R.	Lourey	Onnen	Rice	Vellenga
Brown, C.	Garcia	Kahn	Luther	Opatz	Rodosovich	Vickerman
Brown, K.	Goodno	Kalis	Macklin	Orenstein	Rukavina	Wagenius
Carlson	Greenfield	Kelley	Mahon	Orfield	Sarna	Waltman
Carruthers	Greiling	Kelso	Mariani	Osthoff	Seagren	Wejcman
Clark	Gruenes	Kinkel	McCollum	Ostrom	Sekhon	Wenzel
Cooper	Hasskamp	Klinzing	McGuire	Ozment	Simoneau	Winter
Dauner	Haukoos	Knickerbocker	Milbert	Pauly	Skoglund	Spk. Anderson, I.

Those who voted in the negative were:

Bettermann	Girard	Krinkie	Sviggum	Weaver	Workman
Commers	Gutknecht	Lynch	Swenson	Wolf	
Frerichs	Johnson, V.	Stanius	Van Dellen	Worke	

The motion prevailed and the amendment was adopted.

Hausman was excused between the hours of 6:40 p.m. and 7:30 p.m.

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

Frerichs moved to amend S. F. No. 2913, as amended, as follows:

Page 42, line 55, delete "50,000" and insert "15,000"

Correct the subdivision and section totals and the summaries by fund accordingly

A roll call was requested and properly seconded.

The question was taken on the Frerichs amendment and the roll was called. There were 35 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Goodno	Haukoos	Knickerbocker	Lindner	Mosel
Bettermann	Frerichs	Gruenes	Hugoson	Koppendrayner	Lynch	Olson, M.
Commers	Girard	Gutknecht	Johnson, V.	Krinkie	Molnau	Onnen

Pauly Pawlenty	Seagren Smith	Stanius Sviggum	Swenson Van Dellen	Van Engen Vickerman	Waltman Weaver	Worke Workman
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Those who voted in the negative were:

Anderson, R.	Cooper	Holsten	Krueger	Milbert	Pelowski	Solberg
Asch	Dauner	Huntley	Lasley	Munger	Peterson	Steensma
Battaglia	Dawkins	Jacobs	Leppik	Murphy	Pugh	Tomassoni
Bauerly	Delmont	Jaros	Lieder	Neary	Reding	Tompkins
Beard	Dempsey	Jefferson	Limmer	Nelson	Rest	Trimble
Bergson	Dorn	Johnson, A.	Long	Ness	Rhodes	Tunheim
Bertram	Erhardt	Johnson, R.	Lourey	Olson, K.	Rice	Vellenga
Bishop	Evans	Kahn	Luther	Opatz	Rodosovich	Wagenius
Brown, C.	Farrell	Kalis	Macklin	Orenstein	Rukavina	Wejcman
Brown, K.	Finseth	Kelley	Mahon	Orfield	Sarna	Wenzel
Carlson	Garcia	Kelso	Mariani	Osthoff	Sekhon	Winter
Carruthers	Greenfield	Klinzing	McCollum	Ostrom	Simoneau	Wolf
Clark	Greiling	Knight	McGuire	Ozment	Skoglund	Spk. Anderson, I.

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

Sviggum moved to amend S. F. No. 2913, as amended, as follows:

Page 126, delete lines 6 to 11

Renumber the sections in sequence and correct internal references

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 64 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Bauerly	Girard	Kinkel	Milbert	Ozment	Steensma	Wenzel
Bettermann	Goodno	Knight	Molnau	Pauly	Sviggum	Wolf
Carlson	Gruenes	Koppendrayner	Mosel	Pawlenty	Tomassoni	Worke
Commers	Gutknecht	Krinkie	Murphy	Pelowski	Tompkins	Workman
Dauner	Haukoos	Lasley	Nelson	Pugh	Tunheim	
Dehler	Holsten	Leppik	Ness	Rukavina	Van Dellen	
Dempsey	Hugoson	Lindner	Olson, K.	Seagren	Van Engen	
Dorn	Jefferson	Luther	Olson, M.	Smith	Vickerman	
Erhardt	Johnson, A.	Lynch	Onnen	Solberg	Waltman	
Frerichs	Kalis	Macklin	Osthoff	Stanius	Weaver	

Those who voted in the negative were:

Abrams	Carruthers	Greenfield	Kelley	Mahon	Ostrom	Simoneau
Anderson, R.	Clark	Greiling	Kelso	Mariani	Peterson	Skoglund
Asch	Cooper	Hasskamp	Klinzing	McCollum	Reding	Swenson
Battaglia	Dawkins	Huntley	Knickerbocker	McGuire	Rest	Trimble
Beard	Delmont	Jacobs	Krueger	Munger	Rhodes	Vellenga
Bergson	Evans	Jaros	Lieder	Neary	Rice	Wagenius
Bertram	Farrell	Johnson, R.	Limmer	Opatz	Rodosovich	Wejcman
Brown, C.	Finseth	Johnson, V.	Long	Orenstein	Sarna	Winter
Brown, K.	Garcia	Kahn	Lourey	Orfield	Sekhon	Spk. Anderson, I.

The motion prevailed and the amendment was adopted.

Abrams and Kelley moved to amend S. F. No. 2913, as amended, as follows:

Page 108, delete lines 25 to 29

Page 109, line 3, delete "and"

Page 109, line 4, delete "up to" and ", who can contribute" and after "members" insert "representing diverse communities"

Page 109, delete line 5

Page 109, line 6, delete "private sector"

Page 109, line 7, delete the period and insert a semicolon

Page 109, after line 7, insert:

"(15) one person representing a telecommunication carrier providing interexchange service to the largest number of customers within the state;

(16) one member representing a public utility regulated under chapter 216B, appointed by the governor; and

(17) one member representing nonprofit cable communication access centers serving community populations.

One member of the house of representatives, appointed by the speaker; one member of the senate, appointed by the senate committee on rules and administration; one member of the house of representatives, appointed by the minority leader; and one member of the senate, appointed by the minority leader shall serve as members of the council without votes."

Page 109, line 9, after "authority" insert ", and shall be appointed by September 1, 1994"

Renumber the clauses in sequence

The motion prevailed and the amendment was adopted.

The Speaker called Kahn to the Chair.

Sviggum moved to amend S. F. No. 2913, as amended, as follows:

Pages 47 and 48, delete section 17

Page 84, delete section 60

Renumber the sections in sequence and 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 39 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Hugoson	Limmer	Ness	Sviggum	Weaver
Bettermann	Finseth	Knickerbocker	Lindner	Onnen	Swenson	Worke
Bishop	Frerichs	Knight	Lynch	Osthoff	Van Dellen	Workman
Commers	Girard	Koppendrayar	Macklin	Pawlenty	Van Engen	
Dehler	Gruenes	Krinkie	Molnau	Rhodes	Vickerman	
Dempsey	Haukoos	Leppik	Mosel	Stanius	Waltman	

Those who voted in the negative were:

Anderson, R.	Dauner	Jacobs	Lasley	Nelson	Rest	Trimble
Asch	Dawkins	Jaros	Lieder	Olson, K.	Rice	Tunheim
Battaglia	Delmont	Jefferson	Long	Olson, M.	Rodosovich	Vellenga
Bauerly	Dorn	Johnson, A.	Lourey	Opatz	Rukavina	Wagenius
Beard	Evans	Johnson, R.	Luther	Orenstein	Sarna	Wejzman
Bergson	Farrell	Johnson, V.	Mahon	Orfield	Sekhon	Wenzel
Bertram	Garcia	Kahn	Mariani	Ostrom	Simoneau	Winter
Brown, C.	Goodno	Kalis	McCollum	Ozment	Skoglund	Wolf
Brown, K.	Greenfield	Kelley	McGuire	Pauly	Smith	Spk. Anderson, I.
Carlson	Greiling	Kelso	Milbert	Pelowski	Solberg	
Carruthers	Hasskamp	Kinkel	Munger	Peterson	Steensma	
Clark	Holsten	Klinzing	Murphy	Pugh	Tomassoni	
Cooper	Huntley	Krueger	Neary	Reding	Tompkins	

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

Anderson, I., moved to amend S. F. No. 2913, as amended, as follows:

Page 26, after line 25, insert:

"Sec. 30. Minnesota Statutes 1992, section 116.07, is amended by adding a subdivision to read:

Subd. 11. [PERMITS; LANDFARMING CONTAMINATED SOIL.] If contaminated soil is to be spread on land in a township other than the township or city the soil originated in, the agency shall not issue a permit to spread soil that contains a harmful substance as defined in section 115B.25, subdivision 7a, until the township board of the township in which the soil is to be spread has approved the proposal."

Page 40, line 17, before "Sections" insert "(a)" and delete "57" and insert "58"

Page 40, after line 18, insert:

"(b) Section 30 applies to an application for a permit for land spreading of contaminated soil received by the pollution control agency on or after the effective date of section 30 or that is pending on that date."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dehler, Dempsey, Bertram, Stanius, Frerichs, Davids, Pugh, Knickerbocker and Hasskamp moved to amend S. F. No. 2913, as amended, as follows:

Page 181, after line 13, insert:

"Sec. 39. [STUDY OF FEASIBILITY OF EXPANSION.]

The centralized state collection entity, in consultation with the department of revenue, human services, and the attorney general, shall study the feasibility and economic impact of allowing conciliation court judgment creditors to utilize the collection services of the entity. The study shall include consideration of the necessary administrative fee to ensure that such expansion would be cost-effective for the state. The entity shall report the findings of the study to the chairs of the committee on finance of the senate and the committee on ways and means of the house of representatives by February 1, 1996."

Renumber the sections in sequence and correct internal references

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Sviggum moved to amend S. F. No. 2913, as amended, as follows:

Page 43, delete lines 32 to 34

Adjust totals accordingly

Renumber or reletter 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 41 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abrams	Finseth	Hugoson	Leppik	Olson, M.	Stanius	Vickerman
Bettermann	Girard	Johnson, V.	Limmer	Onnen	Sviggum	Waltman
Bishop	Goodno	Knickerbocker	Lindner	Osthoff	Swenson	Weaver
Commers	Gruenes	Knight	Lynch	Pawlenty	Tompkins	Worke
Dawkins	Gutknecht	Koppendrayner	Macklin	Rhodes	Van Dellen	Workman
Dehler	Holsten	Krinkie	Molnau	Seagren	Van Engen	

Those who voted in the negative were:

Anderson, R.	Dauner	Huntley	Lieder	Nelson	Rice	Vellenga
Asch	Delmont	Jacobs	Long	Ness	Rodosovich	Wagenius
Battaglia	Dempsey	Jaros	Lourey	Olson, K.	Rukavina	Wejzman
Bauerly	Dorn	Jefferson	Luther	Opatz	Sarna	Wenzel
Beard	Erhardt	Johnson, A.	Mahon	Orenstein	Sekhon	Winter
Bergson	Evans	Johnson, R.	Mariani	Orfield	Simoneau	Wolf
Bertram	Farrell	Kalis	McCollum	Ostrom	Skoglund	Spk. Anderson, I.
Brown, C.	Frerichs	Kelley	McGuire	Ozment	Smith	
Brown, K.	Garcia	Kelso	Milbert	Pelowski	Solberg	
Carlson	Greenfield	Kinkel	Mosel	Peterson	Steensma	
Carruthers	Greiling	Klinzing	Munger	Pugh	Tomassoni	
Clark	Hasskamp	Krueger	Murphy	Reding	Trimble	
Cooper	Haukoos	Lasley	Neary	Rest	Tunheim	

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

Neary, Dawkins, Winter, Kelley and Ostrom moved to amend S. F. No. 2913, as amended, as follows:

Pages 145 and 146, delete section 57

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bettermann, Koppendraye, Waltman, Sviggum, Frerichs and Davids moved to amend S. F. No. 2913, as amended, as follows:

Page 87, after line 38, insert:

"Notwithstanding other law to the contrary, prevailing wage requirements for state road construction do not apply to projects funded by this appropriation."

A roll call was requested and properly seconded.

The question was taken on the Bettermann et al amendment and the roll was called. There were 35 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Bettermann	Finseth	Hugoson	Limmer	Olson, M.	Stanis	Vickerman
Commers	Frerichs	Johnson, V.	Lindner	Ornen	Sviggum	Waltman
Dehler	Girard	Knight	Lynch	Pauly	Swenson	Weaver
Dempsey	Gutknecht	Koppendraye	Molnau	Pawlenty	Van Dellen	Worke
Erhardt	Haukoos	Krinkie	Ness	Seagren	Van Engen	Workman

Those who voted in the negative were:

Anderson, R.	Dawkins	Jacobs	Lasley	Murphy	Rest	Trimble
Asch	Delmont	Jaros	Leppik	Neary	Rhodes	Tunheim
Battaglia	Dorn	Jefferson	Lieder	Nelson	Rice	Vellenga
Bauerly	Evans	Jennings	Long	Olson, K.	Rodosovich	Wagenius
Beard	Farrell	Johnson, A.	Lourey	Opatz	Rukavina	Wejzman
Bergson	Garcia	Johnson, R.	Luther	Orenstein	Sarna	Wenzel
Bertram	Goodno	Kahn	Macklin	Orfield	Sekhon	Winter
Brown, C.	Greenfield	Kalis	Mahon	Osthoff	Simoneau	Wolf
Brown, K.	Greiling	Kelley	Mariani	Ostrom	Skoglund	Spk. Anderson, I.
Carlson	Gruenes	Kelso	McCollum	Ozment	Smith	
Carruthers	Hasskamp	Kinkel	McGuire	Pelowski	Solberg	
Clark	Hausman	Klinzing	Milbert	Peterson	Steensma	
Cooper	Holsten	Krickerbocker	Mosel	Pugh	Tomassoni	
Dauner	Huntley	Krueger	Munger	Reding	Tompkins	

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

Knight moved to amend S. F. No. 2913, as amended, as follows:

Page 87, delete lines 39 to 47

Page 87, line 48, delete "(g)" and insert "(f)"

Correct the subdivision and section totals and the summaries by fund accordingly

A roll call was requested and properly seconded.

The question was taken on the Knight amendment and the roll was called. There were 17 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Bettermann	Girard	Hugoson	Krinkie	Seagren	Vickerman
Commers	Gutknecht	Knight	Lindner	Sviggum	Waltman
Erhardt	Haukoos	Koppendraye	Ornen	Tompkins	

Those who voted in the negative were:

Abrams	Dehler	Jaros	Limmer	Nelson	Rest	Tunheim
Anderson, R.	Delmont	Jefferson	Long	Ness	Rhodes	Van Dellen
Asch	Dorn	Jennings	Lourey	Olson, K.	Rice	Van Engen
Battaglia	Evans	Johnson, A.	Luther	Olson, M.	Rodosovich	Vellenga
Bauerly	Farrell	Johnson, R.	Lynch	Opatz	Rukavina	Wagenius
Beard	Finseth	Johnson, V.	Macklin	Orenstein	Sarna	Weaver
Bergson	Garcia	Kahn	Mahon	Orfield	Sekhon	Wejcman
Bertram	Goodno	Kalis	Mariani	Osthoff	Simoneau	Wenzel
Bishop	Greenfield	Kelley	McCollum	Ostrom	Skoglund	Winter
Brown, C.	Greiling	Kelso	McGuire	Ozment	Smith	Wolf
Brown, K.	Gruenes	Kinkel	Milbert	Pauly	Solberg	Worke
Carlson	Hasskamp	Klinzing	Molnau	Pawlenty	Stanisus	Workman
Clark	Hausman	Krueger	Mosel	Pelowski	Steensma	Spk. Anderson, I.
Cooper	Holsten	Lasley	Munger	Peterson	Swenson	
Dauner	Huntley	Leppik	Murphy	Pugh	Tomassoni	
Dawkins	Jacobs	Lieder	Neary	Reding	Trimble	

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

Molnau moved to amend S. F. No. 2913, as amended, as follows:

Page 46, after lines 7, 13, 19, and 24, insert:

"The council shall report to the legislature by February 1, 1995, on the results and effects of the statewide outreach."

The motion prevailed and the amendment was adopted.

Asch, Neary and Lourey moved to amend S. F. No. 2913, as amended, as follows:

Page 19, after line 5, insert:

"Subd. 5. [SALE OF DAIRY COWS; VOLUNTARY NON-rBGH TREATED AFFIDAVIT; PENALTIES.]

(a) Upon sale of a dairy cow or cows, the seller may provide to the buyer an affidavit signed by the seller stating that the cow or cows have not been treated with rBGH for a minimum of 90 days prior to the sale.

(b) For purposes of the affidavit required under subdivision 3, a buyer of a dairy cow or cows may submit to a dairy plant the affidavit received from the seller. A dairy plant must accept the affidavit from the seller as if it were from the buyer."

A roll call was requested and properly seconded.

The question was taken on the Asch et al amendment and the roll was called. There were 5 yeas and 120 nays as follows:

Those who voted in the affirmative were:

Asch	Brown, C.	Clark	Sekhon	Trimble
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Those who voted in the negative were:

Abrams	Bauerly	Bertram	Brown, K.	Cooper	Dehler	Dorn
Anderson, R.	Beard	Bettermann	Carlson	Dauner	Delmont	Erhardt
Battaglia	Bergson	Bishop	Commers	Dawkins	Dempsey	Evans

Farrell	Jacobs	Krinkie	McGuire	Ostrom	Skoglund	Waltman
Finseth	Jaros	Krueger	Milbert	Ozment	Smith	Weaver
Frerichs	Jefferson	Lasley	Molnau	Pauly	Solberg	Wejcman
Garcia	Jennings	Leppik	Mosel	Pawlenty	Stanius	Wenzel
Girard	Johnson, A.	Lieder	Munger	Felowski	Steensma	Winter
Goodno	Johnson, V.	Limmer	Murphy	Peterson	Sviggum	Wolf
Greenfield	Kahn	Lindner	Neary	Pugh	Swenson	Worke
Greiling	Kalis	Long	Nelson	Reding	Tomassoni	Workman
Gruenes	Kelley	Lourey	Ness	Rest	Tompkins	Spk. Anderson, I.
Gutknecht	Kelso	Luther	Olson, K.	Rhodes	Tunheim	
Hasskamp	Kinkel	Lynch	Olson, M.	Rice	Van Dellen	
Haukoos	Klinzing	Macklin	Onnen	Rodosovich	Van Engen	
Holsten	Knickerbocker	Mahon	Opatz	Rukavina	Vellenga	
Hugoson	Knight	Mariani	Orenstein	Sarna	Vickerman	
Huntley	Koppendrayner	McCollum	Orfield	Seagren	Wagenius	

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

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

Lasley moved to amend S. F. No. 2913, as amended, as follows:

Page 89, after line 29, insert:

"Sec. 7. [LICENSE PLATES.]

The commissioner of public safety shall issue a license plate to Joybubbles lettered "WBORPA".

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Knight offered an amendment to S. F. No. 2913, as amended.

POINT OF ORDER

Trimble raised a point of order pursuant to rule 3.09 that the Knight amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

The Speaker called Rice to the Chair.

Kahn moved to amend S. F. No. 2913, as amended, as follows:

Page 126, after line 5, insert:

"Sec. 33. [128C.09] [SALARY.]

The salary of the executive director of the Minnesota state high school league may not be increased, except as necessary to make the salary equal to the salary of the executive director of the Minnesota state retirement system.

Renumber the sections in sequence and correct internal references

Amend the title accordingly

POINT OF ORDER

Sviggum raised a point of order pursuant to rule 3.09 that the Kahn amendment was not in order. Speaker pro tempore Rice ruled the point of order not well taken and the amendment in order.

The question recurred on the Kahn amendment to S. F. No. 2913, as amended. The motion prevailed and the amendment was adopted.

Johnson, A., moved to amend S. F. No. 2913, as amended, as follows:

Page 26, after line 25, insert:

"Sec. 30. Minnesota Statutes 1992, section 116.61, subdivision 1, is amended to read:

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

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

(c) The registration on a motor vehicle subject to paragraph (a) may not be renewed unless the vehicle has been inspected for air pollution emissions as provided in sections 116.60 to 116.65 and received a certificate of compliance or a certificate of waiver.

Sec. 31. Minnesota Statutes 1992, section 116.61, is amended by adding a subdivision to read:

Subd. 1a. [EXCEPTION FOR NEW VEHICLES.] A vehicle need not be inspected until the year of its next registration is five years more than its model year."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Johnson, A., amendment and the roll was called. There were 99 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jefferson	Limmer	Olson, K.	Rodosovich	Van Engen
Anderson, R.	Dorn	Jennings	Lindner	Olson, M.	Sarna	Vickerman
Asch	Erhardt	Johnson, A.	Lourey	Ornen	Seagren	Waltman
Battaglia	Evans	Johnson, V.	Lynch	Opatz	Simoneau	Wejcman
Beard	Farrell	Kalis	Macklin	Orenstein	Smith	Wenzel
Bergson	Finseth	Kelley	Mahon	Orfield	Solberg	Winter
Bertram	Garcia	Kelso	McCollum	Osthoff	Stanius	Wolf
Bettermann	Girard	Kinkel	McGuire	Ozment	Steensma	Workman
Bishop	Goodno	Klinzing	Milbert	Pauly	Sviggum	Spk. Anderson, I.
Brown, C.	Gruenes	Knight	Molnau	Pawlenty	Swenson	
Carlson	Gutknecht	Koppendrayner	Mosel	Pelowski	Tomassoni	
Commers	Haukoos	Krinkie	Murphy	Pugh	Tompkins	
Dauner	Holsten	Krueger	Neary	Reding	Trimble	
Dehler	Hugoson	Leppik	Nelson	Rest	Tunheim	
Delmont	Jacobs	Lieder	Ness	Rhodes	Van Dellen	

Those who voted in the negative were:

Brown, K.	Frerichs	Huntley	Lasley	Munger	Skoglund	Worke
Clark	Greenfield	Johnson, R.	Long	Ostrom	Vellenga	
Cooper	Hasskamp	Kahn	Luther	Peterson	Wagenius	
Dawkins	Hausman	Knickerbocker	Mariani	Sekhon	Weaver	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 2913, A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

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 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dempsey	Huntley	Krueger	Nelson	Rice	Tunheim
Asch	Dorn	Jacobs	Lasley	Ness	Rodosovich	Vellenga
Battaglia	Evans	Jaros	Lieder	Olson, K.	Rukavina	Vickerman
Beard	Farrell	Jefferson	Long	Opatz	Sarna	Wagenius
Bergson	Finseth	Jennings	Lourey	Orenstein	Seagren	Wejzman
Bertram	Frerichs	Johnson, A.	Luther	Orfield	Sekhon	Wenzel
Bishop	Garcia	Johnson, R.	Mahon	Osthoff	Simoneau	Winter
Brown, C.	Girard	Johnson, V.	Mariani	Ostrom	Skoglund	Wolf
Brown, K.	Goodno	Kahn	McCollum	Ozment	Smith	Spk. Anderson, I.
Carlson	Greenfield	Kalis	McGuire	Pauly	Solberg	
Clark	Greiling	Kelley	Milbert	Pelowski	Stanis	
Cooper	Hasskamp	Kelso	Mosel	Peterson	Steensma	
Dauner	Hausman	Kinkel	Munger	Pugh	Swenson	
Dawkins	Holsten	Klinzing	Murphy	Reding	Tomassoni	
Delmont	Hugoson	Knickerbocker	Neary	Rest	Trimble	

Those who voted in the negative were:

Abrams	Gruenes	Krinkie	Macklin	Rhodes	Waltman
Bettermann	Gutknecht	Leppik	Molnau	Sviggum	Weaver
Commers	Haukoos	Limmer	Olson, M.	Tompkins	Worke
Dehler	Knight	Lindner	Onnen	Van Dellen	Workman
Erhardt	Koppendrayner	Lynch	Pawlentz	Van Engen	

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

SPECIAL ORDERS

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

GENERAL ORDERS

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

MOTIONS AND RESOLUTIONS

Greenfield moved that the name of Huntley be added as an author on H. F. No. 2525. The motion prevailed.

Pugh moved that the name of Johnson, V., be added as an author on H. F. No. 2603. The motion prevailed.

Clark moved that the name of Huntley be added as an author on H. F. No. 2916. The motion prevailed.

Pauly moved that the name of Frerichs be added as an author on H. F. No. 3153. The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "Had I been present, it was my intention to vote in the negative on Tuesday, April 12, 1994, when the vote was taken on the Klinzing et al amendment, as amended, to S. F. No. 1758." The motion prevailed.

Rest moved that the following statement be printed in the Journal of the House: "Had I been present, it was my intention to vote in the affirmative on Tuesday, April 12, 1994, when the vote was taken on the final passage of S. F. No. 1758, as amended." The motion prevailed.

Cooper moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 14, 1994, when the vote was taken on the final passage of S. F. No. 1774." The motion prevailed.

Mosel moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Thursday, April 14, 1994, when the vote was taken on the final passage of H. F. No. 2005." The motion prevailed.

Cooper moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 14, 1994, when the vote was taken on the final passage of H. F. No. 2120." The motion prevailed.

Olson, M., moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Thursday, April 14, 1994, when the vote was taken on the Carruthers et al amendment to H. F. No. 2351, the second engrossment, as amended." The motion prevailed.

Lindner moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Thursday, April 14, 1994, when the vote was taken on the Dehler amendment to H. F. No. 2351, the second engrossment, as amended." The motion prevailed.

Greiling moved that H. F. No. 1899, now on General Orders, be re-referred to the Committee on Ways and Means. The motion prevailed.

Long moved that H. F. No. 2920, now on Special Orders, be re-referred to the Committee on Ways and Means. The motion prevailed.

Kelso moved that H. F. No. 2160 be returned to its author. The motion prevailed.

Weaver moved that H. F. No. 2558 be returned to its author. The motion prevailed.

Clark moved that H. F. No. 2581 be returned to its author. The motion prevailed.

Munger, Milbert, Sekhon, McCollum and Pauly introduced:

House Resolution No. 12, A house resolution expressing support for the Household Eco Team Program on Earth Day, 1994.

The resolution was referred to the Committee on Rules and Legislative Administration.

Carruthers introduced:

House Concurrent Resolution No. 4, A house concurrent resolution providing for a Joint Convention of the Senate and the House of Representatives to elect a member of the Board of Regents of the University of Minnesota.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1766:

Bishop, Pugh and Macklin.

ADJOURNMENT

Trimble moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, April 18, 1994. The motion prevailed.

Trimble moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, April 18, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

