

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 18, 1994

The House of Representatives convened at 10:00 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Captain Mark Martsof, the Salvation Army, St. Paul, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Osthoff was excused until 10:35 a.m. Jennings and Pelowski were excused until 10:50 a.m. Bauerly was excused until 12:40 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 1735 and H. F. No. 2176, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wejcman moved that the rules be so far suspended that S. F. No. 1735 be substituted for H. F. No. 2176 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2210 and H. F. No. 2296, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McGuire moved that the rules be so far suspended that S. F. No. 2210 be substituted for H. F. No. 2296 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2232 and H. F. No. 2645, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McGuire moved that the rules be so far suspended that S. F. No. 2232 be substituted for H. F. No. 2645 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2500 and H. F. No. 3022, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 2500 be substituted for H. F. No. 3022 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1735, 2210, 2232 and 2500 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Orenstein introduced:

H. F. No. 3222, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

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

S. F. No. 2260.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2260

A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

April 8, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2260, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2260 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 168.012, is amended by adding a subdivision to read:

Subd. 1d. [STATE LOTTERY VEHICLES.] Unmarked passenger vehicles used by the state lottery for the purpose of conducting security or criminal investigations or ensuring that lottery retailers are in compliance with law and with their contracts are not required to display tax-exempt number plates, but must be registered and must display passenger vehicle license plates. The registrar shall furnish the license plates to the director of the state lottery at cost. On applying for initial registration or renewal of a registration under this subdivision, the director of the state lottery must certify, on a form prescribed by the registrar and signed by the director, that the vehicles will be used exclusively for the purposes of this subdivision.

Sec. 2. Minnesota Statutes 1992, section 168.042, subdivision 12, is amended to read:

Subd. 12. [ISSUANCE OF SPECIAL REGISTRATION PLATES.] A violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

(1) ~~a member of the violator's household~~ violator has a ~~valid driver's license~~ qualified licensed driver whom the violator must identify;

(2) the violator or registered owner has a limited license issued under section 171.30;

(3) the registered owner is not the violator and the registered owner has a valid or limited driver's license; or

(4) a member of the registered owner's household has a valid driver's license.

The commissioner may issue the special plates on payment of a \$25 fee for each vehicle for which special plates are requested.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.06, subdivision 4, is amended to read:

Subd. 4. [APPLICATION, FILING; FEE RETAINED FOR EXPENSES.] Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a court administrator of the district court or at a state office. The administrator or state office shall receive and accept the application. To cover all

expenses involved in receiving, accepting, or forwarding to the department applications and fees, the court administrator of the district court may retain a county fee of \$3.50 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the court administrator of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. Before the end of the first working day following the final day of an established reporting period, the court administrator shall forward to the department all applications and fees collected during the reporting period, less the amount herein allowed to be retained for expenses. The court administrators of the district courts may appoint agents to assist in accepting applications, but the administrators shall require every agent to forward to the administrators by whom the agent is appointed all applications accepted and fees collected by the agent, except that an agent may ~~shall~~ retain the county fee to cover the agent's expenses involved in receiving, accepting or forwarding the applications and fees. The court administrators shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Sec. 4. Minnesota Statutes 1992, section 171.12, subdivision 1, is amended to read:

Subdivision 1. [LICENSES FILED IN ALPHABETICAL ORDER.] The department shall file every application for a driver's license received by it and shall maintain suitable indices containing, in alphabetical order:

- (1) all applications denied; and ~~on each thereof~~ the reason for ~~such~~ denial;
- (2) all applications granted; and
- (3) the name of every person whose license has been suspended ~~or~~, revoked, or canceled ~~or who has been disqualified from operating a commercial motor vehicle~~ by the department, and after each ~~such~~ name the reasons for ~~such~~ the action.

Sec. 5. Minnesota Statutes 1992, section 171.12, subdivision 3, is amended to read:

Subd. 3. [APPLICATIONS AND RECORDS, WHEN DESTROYED.] The department may cause ~~the application applications~~ for drivers' licenses and instruction permits, and related records ~~in connection therewith~~, to be destroyed immediately after the period for which issued, except that the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents shall be cumulative and kept for a period of at least five years.

Sec. 6. Minnesota Statutes 1992, section 171.12, subdivision 3a, is amended to read:

Subd. 3a. [RECORD DESTROYED WHEN REVOCATION OR SUSPENSION ORDER RESCINDED.] Notwithstanding subdivision 3 or section 138.163, when an order for revocation ~~or~~, suspension, or cancellation of a driver's license or disqualification of a driver from operating a commercial motor vehicle is rescinded and all rights of appeal have been exhausted or have expired, the commissioner shall remove the record of that revocation ~~or~~, suspension, cancellation, or disqualification from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, department of public safety.

Sec. 7. Minnesota Statutes 1992, section 171.165, subdivision 4, is amended to read:

Subd. 4. [SERIOUS TRAFFIC VIOLATIONS.] On receiving a record of conviction and subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic offense includes the following:

- (1) following too closely under section 169.18, subdivision 8;
- (2) erratic lane change under sections 169.18, subdivisions 3 and 7; and 169.19, subdivision 4;
- (3) operating the commercial vehicle at a speed 15 miles per hour or more above the posted speed limit;
- (2) (4) reckless or careless driving under section 169.13;

(3) (5) fleeing a peace officer under section 609.487; and

(4) (6) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident.

Sec. 8. Minnesota Statutes 1993 Supplement, section 171.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLATIONS.] With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

(1) to display, cause or permit to be displayed, or have in possession, any:

(i) ~~canceled, revoked, or suspended driver's license;~~

(ii) ~~driver's license for which the person has been disqualified; or~~

(iii) fictitious or fraudulently altered driver's license or Minnesota identification card;

(2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;

(4) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

(5) to alter any driver's license or Minnesota identification card;

(6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;

(7) to make a counterfeit driver's license or Minnesota identification card; or

(8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer; or

(9) to display as a valid driver's license any canceled, revoked, or suspended driver's license. A person whose driving privileges have been withdrawn may display a driver's license only for identification purposes.

Sec. 9. Minnesota Statutes 1993 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose ~~drivers~~ driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the ~~person's drivers~~ driver's license is reinstated.

(b) A person whose ~~drivers~~ driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee before the ~~person's drivers~~ driver's license is reinstated, to be credited as follows:

(1) ~~20~~ Twenty percent shall be credited to the trunk highway fund;

(2) ~~55~~ Fifty-five percent shall be credited to the general fund;

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount shall be divided as follows: eight apportioned 80 percent for laboratory costs; two and 20 percent for carrying out the provisions of section 299C.065.

(4) ~~12~~ Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account may be appropriated to the commissioner of education for programs in elementary and secondary schools, ~~and~~.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of jobs and training for the reasonable cost of services provided under section 268A.03, clause (o).

Sec. 10. Minnesota Statutes 1993 Supplement, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. [OTHER WAITING PERIODS.] Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections;

(2) 90 days, to a person who submitted to testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or subsequent violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections;

(3) 180 days, to a person who refused testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or subsequent violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections; or

(4) one year, to a person whose license or privilege has been revoked or suspended for ~~commission of the offense of committing~~ manslaughter resulting from the operation of a motor vehicle ~~or~~, committing criminal vehicular homicide or injury under section 609.21, or violating a statute or ordinance from another state in conformity with either of those offenses.

Sec. 11. Minnesota Statutes 1992, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when a child is (1) found to be delinquent for violating a provision of chapter 152, or for committing a felony-level violation of a provision of chapter 609 if the probation officer determines that alcohol or drug use was a contributing factor in the commission of the offense, or (2) alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655 and 9530.7000 to 9530.7030. The commissioner of ~~public safety~~ human services shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts."

Delete the title and insert:

"A bill for an act relating to public safety; making technical corrections; exempting state lottery from registration tax for license plates on vehicles used for conducting security or criminal investigations; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.012, by adding a subdivision; 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.06, subdivision 4; 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a."

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

Senate Conferees: TERRY D. JOHNSTON, ARLENE J. LESEWSKI AND JIM VICKERMAN.

House Conferees: BETTY MCCOLLUM, TOM OSTHOFF AND BERNARD L. "BERNIE" LIEDER.

McCollum moved that the report of the Conference Committee on S. F. No. 2260 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2260, A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

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

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Gutknecht	Kelley	Macklin	Olson, M.	Rukavina
Anderson, R.	Dehler	Hasskamp	Kinkel	Mahon	Onnen	Sarna
Asch	Delmont	Haukoos	Klinzing	McCollum	Opatz	Seagren
Battaglia	Dorn	Hausman	Knight	McGuire	Orenstein	Sekhon
Beard	Erhardt	Holsten	Koppendrayner	Milbert	Ostrom	Simoneau
Bergson	Evans	Hugoson	Krinkie	Molnau	Ozment	Skoglund
Bertram	Farrell	Huntley	Krueger	Morrison	Pauly	Smith
Bettermann	Finseth	Jacobs	Lasley	Mosel	Pawlenty	Solberg
Bishop	Frerichs	Jaros	Leppik	Munger	Perlt	Stanius
Brown, C.	Garcia	Jefferson	Lieder	Murphy	Peterson	Steensma
Brown, K.	Girard	Johnson, A.	Limmer	Nearby	Pugh	Sviggum
Carlson	Goodno	Johnson, R.	Lindner	Nelson	Reding	Swenson
Commers	Greenfield	Johnson, V.	Lourey	Ness	Rest	Tomassoni
Cooper	Greiling	Kahn	Luther	Olson, E.	Rhodes	Tompkins
Dauner	Gruenes	Kalis	Lynch	Olson, K.	Rodosovich	Trimble

Tunheim	Vellenga	Waltman	Wenzel	Worke
Van Dellen	Vickerman	Weaver	Winter	Workman
Van Engen	Wagenius	Wejzman	Wolf	Spk. Anderson, I.

Those who voted in the negative were:

Davids	Dempsey
--------	---------

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

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. 2626, A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 2626 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2626, A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lindner

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

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. 2426, A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; specifying that citizen volunteers are agents of the city for liability purposes; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kinkel moved that the House concur in the Senate amendments to H. F. No. 2426 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2426, A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Girard	Hugoson	Krinkie	Olson, E.	Waltman
Anderson, R.	Gutknecht	Johnson, V.	Limmer	Olson, M.	Worke
Frerichs	Haukoos	Knight	Lindner	Sviggum	

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

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. 2670, A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 2670 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2670, A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 1496, A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Greenfield moved that the House concur in the Senate amendments to H. F. No. 1496 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1496, A bill for an act relating to health; modifying the definition of review organization; allowing review organizations to provide information to purchasers and other review organizations; providing confidentiality protection and protection from discovery process for the transfer of the information; clarifying the scope of confidentiality of review organization records; exempting medical societies from reporting obligations when performing peer review functions; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; 145.64, subdivision 1; and 147.111, subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 2411, A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

PATRICK E. FLAHAVEN, Secretary of the Senate

Solberg moved that the House refuse to concur in the Senate amendments to H. F. No. 2411, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2617, A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House refuse to concur in the Senate amendments to H. F. No. 2617, 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. 1757, 2467, 1921, 1938, 2329, 1963 and 1736.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1757, A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 2467, A bill for an act relating to game and fish; modifying size limits for walleye; changing the boundary of the West Central Goose Zone; amending Minnesota Statutes 1993 Supplement, section 97C.401, subdivision 2.

The bill was read for the first time.

Peterson moved that S. F. No. 2467 and H. F. No. 2731, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1921, A bill for an act relating to housing projects; providing for a housing bond credit enhancement program administered by the metropolitan council; authorizing the metropolitan council to provide additional security for bonds issued for qualifying housing projects; proposing coding for new law in Minnesota Statutes, chapter 473.

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

S. F. No. 1938, A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

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

S. F. No. 2329, A bill for an act relating to taxation; property; providing an exemption for power facilities containing cogeneration systems; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

The bill was read for the first time.

Beard moved that S. F. No. 2329 and H. F. No. 2440, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1963, A bill for an act relating to local government; permitting the establishment of a special service district in the city of Hopkins; providing taxing and other authority for the city.

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

S. F. No. 1736, A bill for an act relating to metropolitan government; providing for financial assistance and capital expenditures of the regional transit board; amending Minnesota Statutes 1992, sections 473.375, subdivision 13; and 473.39, subdivision 1b.

The bill was read for the first time.

Kelso moved that S. F. No. 1736 and H. F. No. 1917, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2227, A bill for an act relating to utilities; mandating studies of effects of earth as conductor of electricity, stray voltage, and electromagnetic fields; providing complaint procedure and remedies; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TEAM OF SCIENCE ADVISORS.]

Subdivision 1. [CREATION.] The public utilities commission shall, based on its judgment of persons suitable for the positions, appoint a team of science advisors consisting of at least five members, including members with education and experience in scientific specialties including physics, electrical engineering, animal physiology, veterinary medicine, dairy science, soil science specializing in the electrical nature of soil, or epidemiology. The science advisors may not include representatives from electric utilities or other parties with a financial interest in the outcome of the research recommended or performed by the science advisors.

The commission shall appoint a representative from the scientific community to serve as liaison between the commission and the science advisors.

Subd. 2. [PRELIMINARY RESEARCH ASSESSMENT.] The science advisors shall conduct a preliminary assessment and report to the commission by January 1, 1995, on the need for research projects to identify and examine the potential for and actual effects on dairy cow production and animal health of current in the earth, originating from the utility distribution systems and other sources.

If the team of science advisors finds a need for research, it shall frame and recommend to the commission a specific research question or questions and the design, scope, and estimated cost of further research.

The commission shall order research based on the science advisors report and is granted the authority to assess utilities for activities and research consistent with sections 1 to 5.

Subd. 3. [SPECIFIC DUTIES.] The science advisors shall:

(1) review existing information from other sources, including information from other states and from dairy producers or farm organizations, on the use of the earth for carrying current and its effects on animal health and production and on human health and report to the commission on its findings and recommendations;

(2) determine the qualifications of researchers and make recommendations to the commission on their selection;

(3) explore the availability of nonstate and nonutility funds for research under subdivision 2;

(4) monitor ongoing research into the use of the earth for carrying current and its effects on animal health and production;

(5) submit study results for proper scientific peer review; and

(6) make on-site visits to farms with formal and informal complaints concerning stray voltage and use of the earth as the conductor.

Subd. 4. [FINDINGS AND RECOMMENDATIONS.] The science advisors shall report findings and recommendations to the commission regarding potential actions to mitigate or eliminate any effects found from current in the earth on dairy cow production or animal health.

Subd. 5. [INDEPENDENT RESEARCHERS REQUIRED.] The commission may only contract with researchers to conduct research under this section who are not employed or contracted by, or receive funding from, public or municipal utilities, or cooperative electric associations for research or investigation of stray voltage or use of earth as a conductor of electric current.

Subd. 6. [RESEARCH DEADLINE.] The research conducted under this section and any recommendations by the science advisors to the commission must be completed and reported or made by June 30, 1996.

Subd. 7. [EXPIRATION.] The team of science advisors expires June 30, 1996.

Sec. 2. [SURVEY OF FACILITIES.]

(a) The public utilities commission shall determine the age and condition of electric distribution facilities in the state.

(b) Using research conducted under section 1, the science advisors shall determine the extent to which these facilities use the earth as a conductor of electric current, whether intentionally or unintentionally, and shall study the risks to dairy animal health and productivity associated with the practice of bonding distribution system conductors to the earth.

(c) At the recommendation of the team of science advisors, the commission may order the production of any records, maps, plans, or any other documents, testimony, or recollections, relating to stray voltage, ground current, or similar phenomenon, of any owner or operator of any distribution facility or any employee of any owner or operator or any other person with knowledge related to the issue of using the earth to conduct electric current. Data collected by the commission under this section is subject to Minnesota Statutes, chapter 13.

Sec. 3. [DAIRY PRODUCER DATA.]

(a) The department of public service may contract with dairy producers or an organization of producers to address stray voltage issues for the preparation, analysis, and presentation of data related to ground currents and dairy herd health and production to the science advisors.

(b) Within 90 days of contract execution, contractees must complete the preparation of data for review by the science advisors and submit the analysis and recommendations to the science advisors.

(c) Contractees must provide to the department a specific accounting of eligible contract expenditures.

(d) Contractees must also provide a proposed budget to the department that includes performance objectives and deadlines for meeting those objectives.

(e) Data presented for review is public data under Minnesota Statutes, chapter 13.

Sec. 4. [ASSESSMENT.]

(a) To provide funding for activities required under this act, the public utilities commission and the department of public service shall assess a total of up to \$493,000 under Minnesota Statutes, section 216B.62, against public and municipal utilities providing electrical service and cooperative electric associations. The assessment must be deposited in the general fund. The assessment is not subject to the limits prescribed under Minnesota Statutes, section 216B.62, subdivision 3.

(b) Each utility or association shall be assessed in proportion that its gross operating revenues for the sale of electric service within the state for the last calendar year bears to the total of those revenues for all public and municipal utilities and cooperative associations.

Sec. 5. [APPROPRIATIONS.]

Subdivision 1. [PUBLIC UTILITIES COMMISSION; STUDY COSTS.] \$245,000 is appropriated from the general fund to the public utilities commission.

\$75,000 of this appropriation is for administrative expenses of the commission under sections 1 and 2.

\$170,000 of this appropriation is for expenses of the team of scientific advisors and the commission liaison.

This appropriation remains available until June 30, 1995.

Subd. 2. [PUBLIC UTILITIES COMMISSION; RESEARCH PROJECTS.] \$150,000, or so much of this amount as may be needed, is appropriated from the general fund to the public utilities commission to initiate research projects in fiscal year 1995 as recommended by the team of science advisors and approved by the commission. Any amount of this appropriation that remains unencumbered after June 30, 1995, reverts to the general fund.

Subd. 3. [DEPARTMENT OF PUBLIC SERVICE.] \$98,000 is appropriated from the general fund to the department of public service.

Up to \$2,500 of this appropriation is for administrative costs of the department for oversight of activities under section 1.

Up to \$10,000 of this appropriation is for grants to producers or organizations of producers to allow participation in the proceedings of the team of science advisors. This amount is intended to provide reimbursement for mileage and other direct and actual expenses of farmers in production agriculture to enable the farmers to attend and participate in public hearings and deliberations of the science advisors. The department must establish informal procedures to be followed by applicants for reimbursement under this paragraph.

The balance of this appropriation is for contracts with producers or organizations of producers to prepare and analyze data for review by the team of science advisors.

This appropriation remains available until June 30, 1995.

Sec. 6. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money."

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

The report was adopted.

Rest from the Committee on Taxes to which was referred:

H. F. No. 2525, A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting timelines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; establishing and regulating health care cooperatives; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62A.48, subdivision 1; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 16, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; 65B.49, subdivision 2; 79.36; 144.1485; 144.581, subdivision 2; 145.64, subdivision 1; 256.9358, subdivision 4; 290.092, subdivision 2; 295.50, by adding subdivisions; and 318.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.31, subdivision 1h; 62A.36, subdivision 1; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.2916, subdivision 2; 62J.32, subdivision 4; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, subdivision 11, and by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 80A.15, subdivision 2; 144.1464; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9354, subdivision 5, and by adding a subdivision; 256.9356, subdivision 3; 256.9363, subdivisions 6, 7, and 9; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 43A; 62A; 62J; 62N; 62P; 144; 317A; proposing coding for new law as Minnesota Statutes, chapters 62Q; and 308B; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reported the same back with the following amendments:

Pages 37 to 38, delete section 23

Page 83, line 15, delete "study"

Page 83, line 16, delete everything before "report"

Page 83, line 17, delete "specific recommendations" and insert "with an implementation schedule and plan"

Page 83, line 18, after "long-term" insert "health care"

Page 83, line 36, delete "by"

Page 84, delete lines 1 to 3

Page 84, line 4, delete "broad-based taxes with" and insert "through an income or payroll tax with consideration given to providing"

Page 84, line 5, after the period, insert "Taxing items that are considered to be health risks and contribute to preventable illness and injury shall be considered as a possible funding source."

Page 84, line 18, before the period, insert "such as an income or payroll tax"

Page 113, delete section 33

Page 125, line 28, strike "health right plan" and insert "MinnesotaCare program"

Page 126, lines 9 and 16, strike "health right plan" and insert "MinnesotaCare program"

Page 126, line 29, strike "provider tax" and insert "taxes imposed under section 295.52"

Page 126, lines 29 and 30, strike "one percent HMO"

Page 126, line 30, before "fiscal" insert "imposed under section 60A.15, subdivision 1, paragraph (e), for"

Page 135, delete section 54, and insert:

"Sec. 54. [REVISOR INSTRUCTION.]

The revisor of statutes shall change the term "health right" to "MinnesotaCare," "health right plan" to "MinnesotaCare program," and "MinnesotaCare plan" to "MinnesotaCare program," wherever these terms are used in Minnesota Statutes or Minnesota Rules.

Page 135, line 28, delete "33" and insert "34" and delete "40" and insert "39" and delete "52, and" and insert "and 49 to"

Page 135, line 30, before "20" insert "19," and delete "44" and insert "43 to 48"

Page 165, line 17, delete "benefit"

Page 173, line 31, strike "plan" and insert "program"

Page 188, line 28, delete "and" and insert ", 6, 7, 13," and after "14" insert ", and 29"

Pages 203 to 205, delete sections 1 and 2

Page 209, line 20, delete "and"

Page 209, line 22, before the period, insert "; and

(19) payments received for services provided by: residential care homes licensed under chapter 144B; board and lodging establishments providing only custodial services, that are licensed under chapter 157 and registered under section 157.031 to provide supportive services or health supervision services; and assisted living programs, congregate housing programs, and other senior housing options"

Page 211, after line 5, insert:

"Sec. 10. Minnesota Statutes 1992, section 295.55, subdivision 2, is amended to read:

Subd. 2. [ESTIMATED TAX; HOSPITALS; SURGICAL CENTERS.] (a) Each hospital or surgical center must make estimated payments of the taxes for the calendar year in monthly installments to the commissioner within ten days after the end of the month.

(b) Estimated tax payments are not required of hospitals or surgical centers if the tax for the calendar year is less than \$500 or if the a hospital has been allowed a grant under section 144.1484, subdivision 2, for the year.

(c) Underpayment of estimated installments bear interest at the rate specified in section 270.75, from the due date of the payment until paid or until the due date of the annual return at the rate specified in section 270.75. An underpayment of an estimated installment is the difference between the amount paid and the lesser of (1) 90 percent of one-twelfth of the tax for the calendar year or (2) the tax for the actual gross revenues received during the month.

Sec. 11. Minnesota Statutes 1992, section 295.55, subdivision 3, is amended to read:

Subd. 3. [ESTIMATED TAX; OTHER TAXPAYERS.] (a) Each taxpayer, other than a hospital or surgical center, must make estimated payments of the taxes for the calendar year in quarterly installments to the commissioner by April 15, July 15, October 15, and January 15 of the following calendar year.

(b) Estimated tax payments are not required if the tax for the calendar year is less than \$500.

(c) Underpayment of estimated installments bear interest at the rate specified in section 270.75, from the due date of the payment until paid or until the due date of the annual return at the rate specified in section 270.75. An underpayment of an estimated installment is the difference between the amount paid and the lesser of (1) 90 percent of one-quarter of the tax for the calendar year or (2) the tax for the actual gross revenues received during the quarter."

Page 212, after line 32, insert:

"Sec. 14. Laws 1992, chapter 549, article 9, section 22, is amended to read:

Sec. 22. [GROSS RECEIPTS TAX; EFFECTIVE DATE.]

Sections 1 and 16 to 21 are effective the day following final enactment. Section 4 is effective for taxable years beginning after December 31, 1992. Section 7, subdivision 1, is effective for gross revenues generated by services performed and goods sold after December 31, 1992. Section 7, subdivisions 2 to 4, are effective for gross revenues generated by services performed and goods sold after December 31, 1993. Section 8 is effective for hospitals and surgical centers for gross revenues generated by services performed and goods sold after December 31, 1992, except the exclusion under subdivision 1, clause (6) applies to payments for prescription drug purchases made after December 31, 1993. Section 8 is effective for health care providers for gross revenues generated by services performed and goods sold after December 31, 1993, except the exclusion under subdivision 1, clause (6) applies to payments for prescription drug purchases made after December 31, 1993. Sections 14 and 15 are effective July 1, 1992.

Sec. 15. [CLARIFICATION; STATEMENT OF INTENT.]

The amendment in section 14 corrects and clarifies an effective date in the 1992 legislation enacting the gross receipts tax on hospitals and health care providers. This legislation imposed a gross receipts tax on hospitals effective January 1, 1993 and on health care providers and wholesale drug distributors effective January 1, 1994. To avoid double taxation or pyramiding of the tax burden, hospitals and health care providers were allowed an exclusion for amounts paid to wholesale drug distributors for prescription drugs. These amounts would already be taxed to the wholesale drug distributors. The section creating this exclusion did not contain an effective date. As a result, under Minnesota Statutes, section 645.02, the law may permit hospitals to deduct these amounts for prescription drugs purchased during 1993, even though no tax was imposed on the wholesale drug distributor and no double taxation or pyramiding of the tax could occur. Section 14 corrects this by providing an explicit effective date that makes it clear that the exclusion applies only after the wholesale drug distributor tax goes into effect."

Page 212, delete lines 34 to 36 and insert:

"(a) Sections 1, 7, 9, and 12 are effective the day following final enactment.

(b) Sections 2, 3, 5, 10, and 11 and the section 13 amendment to section 295.582, creating paragraph (b), are effective July 1, 1994. The section 8 amendment to section 295.53, subdivision 1, creating clauses 16 to 18, is effective July 1, 1994.

(c) Section 6 is effective retroactively from January 1, 1994. Section 4 amending section 295.50, subdivision 3, and the section 8 amendment to section 295.53, subdivision 1, clause 6, are effective retroactively from January 1, 1994.

(d) The section 13 amendment to section 295.582, paragraph (a), is effective retroactively from January 1, 1993, except that it is effective for pharmacies and wholesale drug distributors July 1, 1994."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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.

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

H. F. No. 2918, A bill for an act relating to natural resources; motor vehicles; establishing special vehicle license plates for wetlands wildlife purposes; creating the wetlands wildlife legacy account; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

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

The report was adopted.

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

S. F. No. 1706, A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; providing for a transfer of land; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; regulating certain advertising expenses related to nuclear power; providing for intervenor compensation; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [216B.2425] [HIGH-LEVEL RADIOACTIVE WASTE MANAGEMENT; FUTURE ELECTRIC POWER.]

Subdivision 1. [FINDINGS.] (a) The legislature finds that:

(1) the manner in which high-level radioactive waste will be managed in the future and who will pay for its management and undertake its liabilities are uncertain at best;

(2) it is more likely than not that the state's future utility ratepayers or taxpayers will pay the potentially enormous costs of future management of high-level radioactive waste generated as spent fuel from nuclear power generating plants;

(3) it is unknown when spent nuclear fuel that is proposed to be stored in nontransportable storage casks on Prairie Island will be removed from the casks and from the island;

(4) it is unknown what the costs will be to remove and manage the spent fuel that is proposed to be stored in nontransportable storage casks on Prairie Island;

(5) it is uncertain how and at what cost the empty casks will be managed; and

(6) the potentially enormous costs of future management of the waste could cause economic hardship for the citizens of the state and damage economic growth.

(b) The legislature further finds that the storage of spent nuclear fuel in casks outside the nuclear power plant at Prairie Island would likely lengthen in time as costs for alternative management of the waste escalate given the very limited and uncertain viability of management alternatives for the future. This indefinite storage is likely to significantly undermine and perhaps destroy the past, present, and future economic and community development efforts undertaken by the Mdewakanton Dakota Tribe, whose territorial authority as a sovereign nation is limited to a portion of Prairie Island. The tribe and its individual members have developed a local economy and community that provide necessary economic and community survival resources both for its own members and for hundreds of other citizens of the state. The tribe has developed its local economy despite the severe territorial limitation and despite historical social and economic discrimination that actively has denied it and its members participation in the economic and social benefits of the world's most advanced economy and social and political institutions. It would be unconscionable for the state to jeopardize the significant economic and social contributions made by the tribe both to its own members and to other citizens of the state.

(c) Finally, the legislature finds that the technical and economic feasibility of phasing out nuclear power and generation of additional high-level radioactive waste and phasing in use of energy sources that do not generate highly toxic, expensive to manage byproducts and use of energy sources that are renewable, indigenous, and sustainable appears to be rapidly increasing with increasingly possible significant benefits for the state's economy, particularly in light of federal economic benefits to be captured by power producers and the state's economy in the area of development of renewable energy sources by December 31, 1999.

Subd. 2. [PROHIBITION.] Spent nuclear fuel and other high-level radioactive waste may not be stored on Prairie Island external to the structure of the nuclear power generating plant. If the public utility that owns and operates the power plant located on Prairie Island decides to propose a site for an independent spent fuel storage installation for spent fuel generated by the power plant it shall take into consideration all the factors listed in section 2, subdivision 4, clause (7), as further delineated by the legislative task force on electric energy.

Subd. 3. [AUTHORIZATION.] To the extent that the radioactive waste management act, section 116C.72, requires legislative authorization of the operation of radioactive waste management facilities, the continued operation of the Monticello nuclear generating plant spent nuclear fuel pool storage facility and the Prairie Island nuclear generating plant spent fuel pool storage facility is hereby authorized.

Subd. 4. [NUCLEAR POWER; REPLACEMENT.] (a) The public utility that owns and operates the nuclear power generating plant located on Prairie Island shall eliminate, not later than December 31, 2002, generation of electricity at that plant using nuclear fuel unless, by that date, the federal government or another entity:

(1) takes title to and complete responsibility for the spent nuclear fuel generated by the Prairie Island plant; and

(2) has begun transporting the waste from the state to a monitored retrievable storage facility as described in United States Code, title 42, section 10161, or to a high-level radioactive waste repository sited, constructed, and operated under United States Code, title 42, sections 10121 to 10145.

(b) The public utility shall include in each of its resource plans required to be submitted under section 216B.2422, after the effective date of this subdivision:

(1) a scheduled phase-out of the nuclear power plant at Prairie Island to comply with this subdivision;

(2) a plan for converting the existing nuclear power plant to use of natural gas or a nonfossil fuel if the legislative energy task force established in section 2 finds conversion feasible and prudent;

(3) a specific plan to utilize the maximum level of demand side management, efficiency, and conservation measures to achieve, not later than calendar year 2010, a consumption savings of a minimum of 5,400 gigawatt hours annually over the consumption level in 1990;

(4) specific plans for the development or purchase of electric power to replace capacity lost under this subdivision, both as phase-out and elimination of nuclear power occur.

(c) For replacement power needed prior to January 1, 2003, the public utility may generate electricity or purchase electricity generated using fossil fuel without capture of thermal energy for no more than a total of 50 percent of the power to be generated or purchased through 2002, unless the commission finds that a lower percentage should be applied.

(d) For replacement capacity and increased capacity to meet growth in demand after December 31, 2002, the public utility shall generate electricity or purchase electricity generated utilizing wind, solar, biomass, low-head hydro, geothermal, or other renewable energy resources other than high-head hydro, except that up to 25 percent of replacement or increased capacity may be met by efficient natural gas cogeneration that captures and utilizes thermal energy.

(e) If workers at the Prairie Island power plant must be dislocated, even if the plant can be operated into the future or the plant can be converted to use of an alternative fuel, the public utility, in consultation with the commissioner of the department of jobs and training, shall determine whether sufficient dislocated worker assistance is available for workers at the plant. The public utility shall submit a plan for dislocated worker assistance to the legislative energy task force not later than June 1, 1995.

Subd. 5. [SPECIFIC DEVELOPMENT OF ALTERNATIVE ENERGY SOURCES.] The public utility that owns and operates the nuclear power generating plant at Prairie Island shall develop or purchase installed capacity of a minimum of:

(1) by July 1, 1998, 400 megawatts of electricity generated through wind energy conversion systems, which, if purchased, must be purchased through competitive bidding;

(2) by July 1, 1999, an additional 400 megawatts of electricity generated through wind energy conversion systems, which, if purchased, must be purchased through competitive bidding;

(3) by July 1, 1998, 100 megawatts of farm-grown, closed-loop biomass, which, if purchased, must be purchased through competitive bidding; and

(4) by July 1, 1999, an additional 100 megawatts of farm-grown, closed-loop biomass, which, if purchased, must be purchased through competitive bidding.

Sec. 2. [ELECTRIC ENERGY TASK FORCE.]

Subdivision 1. [FINDINGS.] The legislature finds that there exists insufficient information on the future management of high-level radioactive waste, the costs of that management, and the technical and economic feasibility of utilizing alternative energy resources. Before any legislative determinations may be reasonably made that are more specific than the determinations made in this act, the legislature needs detailed, credible, and reliable information on these issues.

Subd. 2. [ESTABLISHMENT.] (a) There is established a legislative electric energy task force to study future electric energy costs and solutions to make appropriate recommendations for legislation to ensure an environmentally and economically sustainable and advantageous electric energy supply.

(b) The task force consists of:

(1) six members of the house of representatives to be appointed by the speaker of the house;

(2) six members of the senate to be appointed by the subcommittee on committees.

(c) The task force may employ staff, contract for consulting services, and may reimburse the expenses of persons requested to assist it in its duties other than state employees or employees of electric utilities. The director of the legislative coordinating commission shall assist the task force in administrative matters. The task force shall elect co-chairs, one member of the house and one member of the senate.

Subd. 3. [FUTURE ENERGY SOLUTIONS; TECHNICAL AND ECONOMIC ANALYSIS.] In light of the electric energy guidelines established in subdivision 7 and in light of existing conservation improvement programs and plans, utility resource plans, and other existing energy plans and analyses, the legislative task force on energy shall undertake an analysis of the technical and economic feasibility of pursuing an electric energy future for the state that relies on environmentally and economically sustainable and advantageous electric energy supply. The task force shall contract with one or more energy policy experts and energy economists to assist it in its analysis. The task force may not contract for service nor employ any person who was involved in any capacity in any portion of any proceeding before the public utilities commission, the administrative law judge, the state court of appeals, or the Nuclear Regulatory Commission related to the dry cask storage proposal on Prairie Island.

The analysis must address at least the following:

(1) to the best of forecasting abilities, how much electric generation capacity and demand for electric energy is necessary to maintain a strong economy and a high quality of life in the state over the next 15 to 20 years; how is this demand level affected by achievement of the maximum reasonably feasible and cost effective demand side management and generation and distribution efficiencies;

(2) what alternative forms of energy can provide a stable supply of energy and are producible and sustainable in the state and over what period of time can they be developed and implemented;

(3) what are the costs to the state and ratepayers to ensure that new electric energy generation utilizes less environmentally damaging sources; how do those costs change as the time frame for development and implementation of new generation sources is compressed;

(4) what are the implications for delivery systems for energy produced in areas of the state that do not now have high volume transmission capability; are new transmission technologies being developed that can address some of the concerns with transmission; can a more dispersed electric generation system lessen the need for long distance transmission;

(5) what are the actual costs and benefits of purchasing electricity and fuel to generate electricity from outside the state; what are the present costs to the state's economy of exporting a large percentage of the state's energy dollars and what is the future economic impact of continuing to do so;

(6) are there benefits to be had from a large immediate investment in quickly implementing alternative electric energy sources in terms of developing an exportable technology and/or commodity; is it feasible to turn around the flow of dollars for energy so that the state imports dollars and exports energy and energy technology; what is a reasonable time frame for the shift if it is possible;

(7) are there taxation or regulatory barriers to developing more sustainable and less problematic electric energy generation; what are they specifically and how can they be specifically addressed;

(8) can an approach be developed that moves quickly to development and implementation of alternative energy sources that can be forgiving of interim failures but that is also sufficiently deliberate to ensure ultimate success on a large scale;

(9) in what specific ways can the state assist regional energy suppliers accelerate phasing out energy production processes that produce wastes or emissions that must necessarily be carefully controlled and monitored to minimize adverse effects on the environment and human health and to assist in developing and implementing base load energy production that both prevents or minimizes by its nature adverse environmental and human health effects and utilizes resources that are available or producible in the state;

(10) whether there is a need to establish additional dislocated worker assistance for workers at the Prairie Island nuclear power plant; if so, how that assistance should be structured;

(11) whether there is a need to establish some form of financial assistance for local communities who face difficult adjustments to lower property tax capacity when existing facilities are shut down or decommissioned; if so, to what extent and how should that assistance be structured;

(12) can the state monitor, evaluate, and affect federal actions relating to permanent storage of high level radioactive waste; what actions by the state over what period of time would expedite federal action to take responsibility for the waste;

(13) should the state establish a legislative oversight commission on energy issues; should the responsibilities of an oversight commission be coordinated with the activities of the public utilities commission and the department of public service and if so, how; and

(14) is it feasible to convert existing nuclear power and coal-fired electric generating plants to utilization of energy sources that result in significantly less environmental damage; if so, what are the short-term and long-term costs and benefits of doing so; how do shorter or longer time periods for conversion affect the cost/benefit analysis.

Subd. 4. [RADIOACTIVE WASTE MANAGEMENT; FUTURE AND ECONOMIC ANALYSIS.] The legislative task force shall also undertake a separate analysis of the future of and the economic effects of the continued generation of radioactive waste at the Prairie Island nuclear power plant. The task force shall include in its report under subdivision 5, a specific discussion of:

(1) the likelihood of the federal government or another entity taking complete responsibility and liability for the future management of the radioactive waste generated by the Prairie Island nuclear generating plant; when that shift in responsibility is likely to occur; and to what extent utility ratepayers and shareholders and state taxpayers will be shielded from the costs to manage the waste in the future;

(2) the extent to which persons who may be at risk of personal injury or property damage due to foreseeable or unforeseeable catastrophic events that may allow the release of radioactivity from the nuclear power plant and associated activities could be fully compensated for the injuries or damage and by whom;

(3) a range of reasonable estimates of the costs to manage radioactive waste generated by the nuclear power plant under scenarios to be developed by the task force, ranging from monitoring the waste in the storage pool at Prairie Island to removal of waste from the state beginning in 1998 to permanent storage of the waste in the state; to the extent those costs will necessarily fall on present and future utility ratepayers and shareholders and state taxpayers, how to ensure they can be met without catastrophic disruption of the state's economy in the future; and whether funds should be set aside to ensure that present ratepayers pay the future costs of radioactive waste management based on volume of usage of electricity rather than on the rate structure of the utility;

(4) whether reprocessing and reuse of spent nuclear fuel generated by the Prairie Island nuclear generating plant is technically and economically feasible; if so, how to encourage development of reprocessing and reuse;

(5) if the waste is likely to be removed from the state, whether technologies are likely to be economically feasible in the relatively near future for minimizing the handling of the waste and minimizing contamination of additional materials that will need special management prior to transport out of the state, including the availability of combination storage and transport containers;

(6) if the waste is unlikely to be removed from the state or if waste will need to be indefinitely stored outside the power plants after decommissioning, whether sites for storage of the waste outside the structure of the Prairie Island power plant potentially can be found that minimize economic and social disruption, maximize environmental, health, and safety protection, minimize transportation distance, and place the burden of storage of the waste on those communities that enjoy the immediate economic benefits of the existence and operation of the power plants; if potential sites exist, what process should be used to identify and utilize them if necessary;

(7) factors to be used in siting a high-level radioactive waste management facility to include at least:

(i) the proximity of the site to residents and businesses;

(ii) the proximity of the site to surface waters;

(iii) the vulnerability of the site to tornadoes and other natural phenomena;

(iv) the benefits received and the costs incurred by the host and adjacent communities due to operation of the nuclear generating facility that produced the high-level radioactive waste to be managed at the proposed facility;

(v) the benefits received and costs incurred by the host and adjacent communities due to operation of the proposed waste management facility; and

(vi) the availability of transportation routes between the nuclear generating plant and the proposed waste management facility; and

(8) federal law related to the interstate transportation of high-level radioactive waste and how that law may operate in relation to an independent spent fuel storage installation located in the state.

Subd. 5. [REPORT AND RECOMMENDATIONS.] (a) The legislative task force may contract with independent experts, none of whom can have been involved in any capacity in any of the proceedings before the public utilities commission, the administrative law judge, or the court of appeals related to dry cask storage at Prairie Island or in any proceedings related to the license for the facility granted by the federal nuclear regulatory commission, to assist it with analysis of items and issues listed in subdivisions 3 and 4.

(b) The legislative task force shall convene a separate balanced group of experts in the fields of energy production and distribution and energy economics from within and without the state to include experts formerly or currently employed by the department of public service and/or the public utilities commission, an economist employed by the residential and small business division of the office of the attorney general, electric energy experts employed by utilities, experts from other states that have begun to implement policies for utilizing indigenous, sustainable energy sources, experts from public advocacy groups, and others to be determined by the task force. The task force shall request the group of experts to assist it in publicly examining and analyzing information received from the independent experts and in preparing the report required in paragraph (c).

(c) By January 15, 1996, the task force shall submit a report to the chairs of the committees in the house and in the senate that have responsibility for energy and for environmental and natural resources issues that contains an overview of plans and analyses that have been prepared to date, a critique of how those plans and analyses have resulted in implementation of the energy conservation and sources for generation policies and goals in Minnesota Statutes, chapters 216B and 216C, specific responses to the questions listed in subdivisions 3 and 4, and specific recommendations for legislative action that will ensure development and implementation of electric energy policy that will provide the state with adequate, sustainable, and economic electric power for the long term while utilizing, to the maximum reasonable extent, energy resources that are available or producible within the state and while developing, maintaining, and strengthening a viable and robust energy and utility infrastructure.

(d) By February 1, 1995, the task force shall submit to the chairs of the committees specified in paragraph (c), a preliminary report that provides:

(1) an overview of the current status of energy planning and implementation of those plans by state agencies and utilities, along with an analysis of the extent to which existing statutory energy policies and goals are being met for electric energy consumed in the state;

(2) an analysis of and any recommendations for adjustments to the specific targets set in section 1, subdivisions 4 and 5, relating to energy savings, electric generation sources for replacement and additional capacity needs, and development of wind and biomass energy sources; and

(3) as much information as the task force has been able to gather on future high-level radioactive waste management and transportation, including technologies and costs.

Subd. 6. [ASSESSMENT; APPROPRIATION.] On request by the co-chairs of the legislative task force and the director of the legislative coordinating commission, the commissioner of the department of public service shall assess from electric utilities, in addition to assessments made under Minnesota Statutes, section 216B.62, the amount requested for the studies and analysis required in subdivisions 3 and 4 and for operation of the task force not to exceed \$500,000. The amount assessed under this section is appropriated to the director of the legislative coordinating commission for payment of the authorized expenditures.

Subd. 7. [GUIDELINES; PREFERRED ELECTRIC GENERATION SOURCES; DEFINITIONS.] (a) The legislative task force on electric energy shall undertake its responsibilities in light of the guidelines specified in this subdivision.

(b) The highest priority in electric energy production and consumption is conservation of electric energy and management of demand by all segments of the community.

(c) The following energy sources for generating electric power distributed in the state, listed in their descending order of preference, based on minimizing long-term negative environmental, social, and economic burdens imposed by the specific energy sources, are:

(1) wind and solar;

(2) biomass and low-head or refurbished hydropower;

(3) decomposition gases produced by solid waste management facilities, natural gas-fired cogeneration, and waste materials or byproducts combined with natural gas;

(4) natural gas, hydropower that is not low-head or refurbished hydropower, and solid waste as a direct fuel or refuse-derived fuel; and

(5) coal and nuclear power.

(d) For the purposes of paragraph (c) within each clause, the more efficient an energy source is in generating electricity or the more efficient a technology is that utilizes an energy source, the more preferred it is for use in generating electricity for distribution and consumption in the state.

(e) For the purposes of paragraph (c), clauses (3) and (4), the use of waste materials and byproducts for generating electric power must be limited to those waste materials and byproducts that are necessarily generated or produced by efficient processes and systems. Preventing and minimizing waste and byproducts are preferred in every situation to relying on the continued generation or production of waste materials and byproducts.

(f) For the purposes of chapters 216B and 216C, "preferred" or "renewable" energy sources are those described in paragraph (c), clauses (1) to (3), and "subordinate" or "traditional" energy sources are those described in paragraph (c), clauses (4) and (5).

(g) For the purposes of this section:

(1) "biomass" means herbaceous crops, trees, agricultural waste, and aquatic plant matter, excluding mixed municipal solid waste, as defined in section 115A.03, used to generate electricity; and

(2) "low-head hydropower" means a hydropower facility that has a head of less than 66 feet.

Subd. 8. [SUBPOENA POWER.] The task force may issue a subpoena under Minnesota Statutes, section 3.153, to any person for production of information held by that person that is relevant to the work of the task force.

Sec. 3. [AUTHORIZATION; POOL RERACKING.]

A proposal to rerack, for the third time, the spent nuclear fuel pool storage facility at the Prairie Island nuclear generating plant is not subject to environmental review under Minnesota Statutes, chapters 116B and 116D, or to the requirement for a certificate of need under Minnesota Statutes, section 216B.243.

Sec. 4. [CONSTRUCTION.]

Nothing in this act may be construed as legislative authorization for any permanent high-level radioactive waste management facility.

ARTICLE 2

Section 1. Minnesota Statutes 1992, section 216A.03, is amended by adding a subdivision to read:

Subd. 6. [RECORD OF PROCEEDINGS.] An audio magnetic recording device shall be used to keep a record of all proceedings before the commission unless the commission provides a hearing reporter to record the proceeding.

Sec. 2. Minnesota Statutes 1992, section 216B.16, subdivision 8, is amended to read:

Subd. 8. [ADVERTISING EXPENSES.] The commission shall disapprove the portion of any rate which makes an allowance directly or indirectly for expenses incurred by a public utility to provide a public advertisement which:

(a) is designed to influence or has the effect of influencing public attitudes towards legislation or proposed legislation, or toward a rule, proposed rule, authorization or proposed authorization of the public utilities commission or other agency of government responsible for regulating a public utility;

(b) is designed to justify or otherwise support or defend a rate, proposed rate, practice or proposed practice of a public utility;

(c) is designed primarily to promote consumption of the services of the utility; or

(d) is designed primarily to promote good will for the public utility or improve the utility's public image; or

(e) is designed to promote the use of nuclear power or to promote a nuclear waste storage facility.

The commission may approve a rate which makes an allowance for expenses incurred by a public utility to disseminate information which:

(a) is designed to encourage conservation of energy supplies;

(b) is designed to promote safety; or

(c) is designed to inform and educate customers as to financial services made available to them by the public utility.

The commission shall not withhold approval of a rate because it makes an allowance for expenses incurred by the utility to disseminate information about corporate affairs to its owners.

Sec. 3. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. [ENERGY-SAVING GOALS.] The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

Sec. 4. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 3

Section 1. [216B.035] [INTERVENOR COMPENSATION.]

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

(1) "certifying authority" means the administrative law judge assigned to a proceeding before the public utilities commission, or when a proceeding has not been assigned to the office of administrative hearings, the public utilities commission; and

(2) "intervenor" means a party in any of the following proceedings related to gas or electric utilities or service before the public utilities commission or in judicial review of a commission decision or order issued in the following proceedings, excluding a participant that provides gas or electric services:

(i) a proceeding referred to the office of administrative hearings;

(ii) a proceeding related to rates under section 216B.16;

(iii) a proceeding relating to competitive rates under section 216B.162;

(iv) a proceeding related to energy conservation improvements under section 216B.241;

(v) a proceeding related to certificate of need under section 216B.243;

(vi) a proceeding related to resource planning under section 216B.2422; or

(vii) any rulemaking proceeding.

Subd. 2. [ACCOUNT; ASSESSMENT; APPROPRIATION.] (a) A separate account in the state treasury is established for the purpose of compensating intervenors as provided in this section. Money in the account is appropriated to the commissioner of finance for the purpose of making payments as authorized in this section.

(b) The public utilities commission shall require each public utility, as defined in section 216B.02, subdivision 4, to make a deposit to the account by August 1, 1994. The deposits must, in aggregate, provide \$200,000 in revenue for the account, and must be apportioned among all public utilities in proportion to their respective gross operating revenues under section 216B.62, subdivision 3. By April 1 of each year, each public utility shall reimburse the account for compensation disbursed from the account in the preceding calendar year for proceedings in which the utility was a primary party. If more than one public utility is a primary party to the same proceeding, the commission shall determine the appropriate reimbursement amount for each public utility.

(c) Cooperative electric associations and municipal electric utilities need not make an initial deposit to the account, but shall reimburse the account according to paragraph (b).

Subd. 3. [COMPENSATION.] The commissioner of finance shall remit from the intervenor compensation account payment to an intervenor to reimburse the intervenor, subject to the limits in subdivision 4, paragraph (e), for reasonable fees, including attorney fees, expert witness fees, transcript fees, and other reasonable costs, including fees and costs of obtaining judicial review, provided the certifying authority determines that:

(1) the intervenor is a customer or represents customers of the utility that is the subject of the proceeding, or has substantial interests that may be affected by the outcome of the proceeding;

(2) the intervenor represents an interest material to the proceeding that is not represented by other parties to the proceeding;

(3) representation of the intervenor's interest will be necessary for a fair determination in the proceeding; and

(4) the intervenor cannot without undue hardship afford to pay the costs of participation and, in the case of a group or organization, the economic interest of the individual members of the organization is small in comparison to the costs of effective participation in the proceeding.

Subd. 4. [APPLICATION FOR COMPENSATION; COMPENSATION AMOUNTS.] (a) An intervenor seeking compensation under this section shall file an application for compensation with the certifying authority within 14 days after a notice of hearing is issued or on the same date initial comments are due in a noncontested matter. The application must include the following:

(1) a clear statement of the interest represented by the intervenor;

(2) an itemized estimation of the cost of the intervention; and

(3) financial statements and other information necessary to establish undue hardship.

(b) Comments or objections regarding the application for compensation must be filed with the certifying authority within ten days of filing of the application. The certifying authority may grant leave to file a late application if the applicant provides a reasonable justification for the delay.

(c) The certifying authority shall decide whether and in what amount to authorize compensation within 30 days of receipt of the application for compensation. The certifying authority may authorize partial payments to be disbursed as an intervenor's work progresses upon a showing by the intervenor that such payments are essential for effective participation in the proceeding.

(d) The certifying authority may authorize supplemental compensation in excess of the amount initially authorized if, for legitimate reasons, the costs of participation were underestimated or if additional funds would substantially improve the ability of the intervenor to contribute to the proceeding.

(e) The total amount of compensation authorized under paragraphs (c) and (d) may not exceed \$40,000 for any intervenor in any proceeding unless the certifying authority finds that additional compensation is required for effective participation due to the unusual complexity or duration of the proceeding.

Subd. 5. [ACCOUNTING; CLAIM FOR PAYMENT.] Within 30 days of issuance of the final order in the proceeding for which compensation was authorized under this section, the intervenor for whom the compensation was authorized shall file with the certifying authority and the commissioner of finance a claim for payment. The claim must include full documentation of fees and expenses, including the costs of studies, engineering reports, tests, or projects related to the proceeding. Documentation must also include an affidavit from each attorney, agent, or expert witness that represented or appeared on behalf of the intervenor that states the specific services rendered, the actual time spent for each service, and the rate at which fees were computed for providing each service.

Subd. 6. [PAYMENT; REIMBURSEMENT.] (a) The certifying authority shall review each claim for payment filed under subdivision 5, along with any other relevant material submitted. The certifying authority shall authorize payment of compensation within 30 days of the receipt of the claim, less any partial payments that were authorized under subdivision 4, paragraph (c). The commissioner of finance shall remit authorized payment to the intervenor after receipt of authorization from the certifying authority.

(b) Payment may be denied for unauthorized expenses or if the certifying authority finds that the applicant failed to represent the interest for which the application for compensation was approved. An intervenor shall reimburse the commissioner for any partial payments received that the certifying authority determines were not compensable under this section. Reimbursement received by the commissioner under this section must be deposited in the intervenor compensation account.

Sec. 2. [REPEALER.]

Minnesota Statutes 1992, section 216B.16, subdivision 10, is repealed.

Sec. 3. [EFFECTIVE DATE.]

This article is effective the day following final enactment and applies to proceedings begun on or after or pending on that date."

Delete the title and insert:

"A bill for an act relating to spent nuclear fuel and future electric energy generation; prohibiting storage of spent nuclear fuel on Prairie Island outside the structure of the nuclear power generating plant; requiring shut down of the Prairie Island power plant as a nuclear plant by the end of 2002 unless title to the spent nuclear fuel from the plant has been shifted to the federal government and the waste is being removed from the state; requiring electric energy savings by the public utility that operates the Prairie Island power plant; requiring development or purchase of electricity generated by wind energy and biomass energy by the public utility that operates the Prairie Island power plant; establishing a legislative task force to gather and analyze information related to development of a comprehensive electric energy generation policy, alternatives for management of spent nuclear fuel, the future of high-level radioactive waste management and its costs, and the potential for high-level radioactive waste management in the state at locations other than Prairie Island; requiring the public utilities commission to record its proceedings; prohibiting a public utility from recovering in its rates expenses for advertising that promotes nuclear power and storage of spent nuclear fuel; requiring the commissioner of the department of public service to set energy saving goals; authorizing expanded compensation for persons and groups who intervene in public utilities commission matters on behalf of interests not otherwise adequately represented; amending Minnesota Statutes 1992, sections 216A.03, by adding a subdivision; 216B.16, subdivision 8; and 216B.241, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 1992, section 216B.16, subdivision 10."

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

The report was adopted.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. Nos. 3032 and 2485; S. F. No. 1712; and H. F. No. 1985.

H. F. No. 3032 was reported to the House.

Evans, Tomassoni and Johnson, A., moved to amend H. F. No. 3032, the third engrossment, as follows:

Page 4, after line 23, insert:

"Sec. 6. Minnesota Statutes 1993 Supplement, section 97A.091, subdivision 2, is amended to read:

Subd. 2. [WHEN HUNTING ALLOWED.] (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park. Hunting may be allowed under this paragraph only if the commissioner finds:

- (1) the population of the species exceeds the refuge's carrying capacity;
 - (2) the species is causing substantial damage to agricultural or forest crops in the vicinity;
 - (3) the species or other protected wild animals are threatened by the species population; or
 - (4) a harvestable surplus of the species exists.
- (b) The commissioner may allow hunting of unprotected wild animals in a game refuge.
- (c) The commissioner may prescribe rules for any hunting allowed within a refuge.

In any selection process to award licenses or permits to take deer within a game refuge, up to 20 percent of the licenses or permits may be granted to applicants age 65 or over or to disabled applicants qualified for a permit under section 97B.055, subdivision 3, or 97B.106."

Page 7, after line 22, insert:

"Sec. 14. Minnesota Statutes 1992, section 97B.055, subdivision 3, is amended to read:

Subd. 3. [HUNTING FROM VEHICLE BY DISABLED HUNTERS.] The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is temporarily or permanently physically unable to walk without crutches, braces, or other mechanical support, or who has a physical disability which substantially limits the person's ability to walk. The physical disability and the substantial inability to walk must be established by medical evidence verified in writing by a licensed physician. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. A person, issued a special permit under this subdivision and hunting deer, may take a deer of either sex."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3032, A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; abolishing the angling license refund for senior citizens; changing certain deer hunting provisions; amending Minnesota Statutes 1992, sections 97A.071, subdivision 3; 97A.075, subdivisions 2, 3, and 4; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; and 97B.055, subdivision 3; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.091, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; and 97A.475, subdivision 9.

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 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Hasskamp	Klinzing	Olson, E.	Steensma
Bergson	Johnson, R.	Knight	Rukavina	Waltman

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

H. F. No. 2485 was reported to the House.

Kalis, Steensma and Munger moved to amend H. F. No. 2485, the third engrossment, as follows:

Page 5, after line 28, insert:

"Sec. 9. Minnesota Statutes 1993 Supplement, section 18B.135, subdivision 1, is amended to read:

Subdivision 1. [ACCEPTANCE OF PESTICIDE CONTAINERS.] (a) A person distributing, offering for sale, or selling a pesticide must accept empty pesticide containers from a pesticide end user if:

(1) the ~~pesticide was purchased~~ person does not participate in a designated collection program for pesticide containers after July 1, 1994;

(2) the empty container is prepared for disposal in accordance with label instructions and is returned to the place of purchase within the state; and

(3) a collection site that is seasonably accessible on multiple days has not been designated either by the county board or by agreement with other counties, the agricultural chemical dealer(s) in their respective counties, or the commissioner for the public to return empty pesticide containers for the purpose of reuse or recycling or following other approved management practices for pesticide containers in the order of preference established in section 115A.02, paragraph (b), and the county or counties have notified the commissioner of their intentions annually by February 1, in writing, to manage the empty pesticide containers.

(b) This subdivision does not prohibit the use of refillable and reusable pesticide containers.

(c) ~~If a county or counties designate a collection site as provided in paragraph (a), clause (3),~~ A person who has been notified by the county or counties of the designated collection site and who sells pesticides to a pesticide end user must notify purchasers of pesticides at the time of sale of the date and location designated for disposal of empty containers.

(d) For purposes of this section, pesticide containers do not include containers that have held sanitizers and disinfectants, Containers made of metal or paper, plastic bags, bag-in-a-box, water soluble bags, and aerosol packaging, pesticides labeled primarily for use on humans or pets, or pesticides not requiring dilution or mixing."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2485, A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

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 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Olson, E.

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

S. F. No. 1712, A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1985 was reported to the House.

Rest moved to amend H. F. No. 1985, the second engrossment, as follows:

Page 7, line 17, delete "of"

Page 12, line 21, before "address" insert "street"

The motion prevailed and the amendment was adopted.

H. F. No. 1985, A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

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

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

Those who voted in the affirmative were:

Abrams	Battaglia	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Anderson, R.	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler
Asch	Bergson	Bishop	Carlson	Commers	Davids	Delmont

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

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

SPECIAL ORDERS

S. F. No. 2171, A bill for an act relating to fire and police state aid; including Indian tribal governments in definition of municipality; amending Minnesota Statutes 1992, section 69.011, subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2709 was reported to the House.

Hugoson moved to amend S. F. No. 2709 as follows:

Page 2, after line 9, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

The motion prevailed and the amendment was adopted.

Asch and Brown, C., moved to amend S. F. No. 2709, as amended, as follows:

Page 2, after line 9, insert:

"Sec. 2. [32.75] [SALE OF DAIRY COWS; VOLUNTARY NON-rBGH TREATED AFFIDAVIT.]

(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."

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Hugoson raised a point of order pursuant to rule 3.09 that the Asch and Brown, C., amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Asch and Brown, C., amendment and the roll was called. There were 53 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dawkins	Huntley	Lourey	Neary	Pugh	Trimble
Asch	Dorn	Jaros	Mahon	Olson, E.	Rest	Tunheim
Brown, C.	Evans	Jefferson	Mariani	Olson, K.	Rice	Vellenga
Brown, K.	Farrell	Johnson, A.	McCollum	Orenstein	Rodosovich	Wagenius
Carlson	Garcia	Kahn	McGuire	Orfield	Sekhon	Wojcman
Carruthers	Greiling	Leppik	Milbert	Osthoff	Skoglund	
Clark	Hasskamp	Lieder	Munger	Ostrom	Solberg	
Cooper	Hausman	Long	Murphy	Peterson	Tomassoni	

Those who voted in the negative were:

Abrams	Dempsey	Jennings	Krueger	Olson, M.	Seagren	Weaver
Battaglia	Erhardt	Johnson, R.	Lasley	Onnen	Simoneau	Wenzel
Beard	Finseth	Johnson, V.	Limmer	Opatz	Smith	Winter
Bergson	Frerichs	Kalis	Lindner	Ozment	Stanis	Wolf
Bertram	Girard	Kelley	Luther	Pauly	Steensma	Worke
Bettermann	Goodno	Kelso	Lynch	Pawlenty	Sviggum	Workman
Bishop	Gruenes	Kinkel	Macklin	Pelowski	Swenson	Spk. Anderson, I.
Commers	Gutknecht	Klinzing	Molnau	Perlt	Tompkins	
Dauner	Haukoos	Krickerbocker	Morrison	Reding	Van Dellen	
Dauids	Holsten	Knight	Mosel	Rhodes	Van Engen	
Dehler	Hugoson	Koppendrayner	Nelson	Rukavina	Vickerman	
Delmont	Jacobs	Krinkie	Ness	Sarna	Waltman	

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

S. F. No. 2709, A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

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 123 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Asch	McCollum	Onnen	Sekhon	Wolf
Farrell	Milbert	Osthoff	Trimble	

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

S. F. No. 1732 was reported to the House.

Skoglund and Wejcman moved to amend S. F. No. 1732, the unofficial engrossment, as follows:

Page 8, after line 31, insert:

"Sec. 8. Minnesota Statutes 1992, section 566.17, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The officer holding the writ of restitution shall execute the same by making a demand upon defendant if found in the county or any adult member of the defendant's family holding possession of the premises, or other person in charge thereof, for the possession of the same, and that the defendant leave, taking family and all personal property from such premises within 24 hours after such demand. If defendant fails to comply with the demand, then the officer shall bring, if necessary, the force of the county and whatever assistance may be necessary, at the cost of the complainant, remove the said defendant, family and all personal property from said premises detained, immediately and place the plaintiff in the possession thereof. In case defendant cannot be found in the county, and there is no person in charge of the premises detained, so that no demand can be made upon the defendant, then the officer shall enter into the possession of the premises, breaking in if necessary, and the property of the defendant shall be removed and stored at a place designated by the plaintiff as provided under subdivision 2. The writ may also be executed by a licensed police officer or community crime prevention licensed police officer."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1732, A bill for an act relating to conciliation courts; expanding conciliation court jurisdiction over matters involving rental property; allowing nonattorneys to represent condominium and cooperative associations; amending Minnesota Statutes 1993 Supplement, sections 481.02, subdivision 3; 491A.01, subdivision 9; and 491A.02, subdivision 4.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2603 was reported to the House.

Pugh moved that H. F. No. 2603 be continued on Special Orders. The motion prevailed.

H. F. No. 2651 was reported to the House.

Pugh moved to amend H. F. No. 2651, the first engrossment, as follows:

Page 16, line 14, delete "PENSION PLANS" and insert "FUNDS"

Page 18, after line 30, insert:

"Sec. 5. Minnesota Statutes 1993 Supplement, section 475.66, subdivision 3, is amended to read:

Subd. 3. Subject to the provisions of any resolutions or other instruments securing obligations payable from a debt service fund, any balance in the fund may be invested

(a) in governmental bonds, notes, bills, mortgages, and other securities, which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress, excluding mortgage-backed securities that are defined as high risk pursuant to subdivision 5, or in certificates of deposit secured by letters of credit issued by federal home loan banks,

(b) in shares of an investment company (1) registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and (2) whose only investments are in (i) securities described in the preceding clause, except that the exclusion of mortgage-backed securities defined as high risk pursuant to subdivision 5 ~~do~~ does not apply to shares mortgage-backed securities in the portfolio of an investment company, (ii) general obligation tax-exempt securities rated A or better by a national bond rating service, and (iii) repurchase agreements or reverse repurchase agreements fully collateralized by those securities, if the repurchase agreements or reverse repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks,

(c) in any security which is (1) a general obligation of the state of Minnesota or any of its municipalities, or (2) a general obligation of another state or local government with taxing powers which is rated A or better by a national bond rating service, or (3) a general obligation of the Minnesota housing finance agency, or (4) a general obligation of a housing finance agency of any state if it includes a moral obligation of the state, or (5) a general or revenue obligation of any agency or authority of the state of Minnesota other than a general obligation of the Minnesota housing finance agency. Investments under clauses (3) and (4) must be in obligations that are rated A or better by a national bond rating service and investments under clause (5) must be in obligations that are rated AA or better by a national bond rating service,

(d) in bankers acceptances of United States banks eligible for purchase by the Federal Reserve System,

(e) in commercial paper issued by United States corporations or their Canadian subsidiaries that is of the highest quality and matures in 270 days or less, or

(f) in guaranteed investment contracts issued or guaranteed by United States commercial banks or domestic branches of foreign banks or United States insurance companies or their Canadian or United States subsidiaries; provided that the investment contracts rank on a parity with the senior unsecured debt obligations of the issuer or guarantor and, (1) in the case of long-term investment contracts, either (i) the long-term senior unsecured debt of the issuer or guarantor is rated, or obligations backed by letters of credit of the issuer or guarantor if forming the primary basis of a rating of such obligations would be rated, in the highest or next highest rating category of Standard & Poor's Corporation, Moody's Investors Service, Inc., or a similar nationally recognized rating agency, or (ii) if the issuer is a bank with headquarters in Minnesota, the long-term senior unsecured debt of the issuer is rated, or obligations backed by letters of credit of the issuer if forming the primary basis of a rating of such obligations would be rated in one of the three highest rating categories of Standard & Poor's Corporation, Moody's Investors Service, Inc., or similar nationally recognized rating agency, or (2) in the case of short-term investment contracts, the short-term unsecured debt of the issuer or guarantor is rated, or obligations backed by letters of credit of the issuer or guarantor if forming the primary basis of a rating of such obligations would be rated, in the highest two rating categories of Standard and Poor's Corporation, Moody's Investors Service, Inc., or similar nationally recognized rating agency.

The fund may also be used to purchase any obligation, whether general or special, of an issue which is payable from the fund, at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of such an issue prior to maturity in accordance with its terms. The securities representing any such investment may be sold or hypothecated by the municipality at any time, but the money so received remains a part of the fund until used for the purpose for which the fund was created."

Page 18, line 32, delete "4" and insert "5"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2651, as amended, was read for the third time.

Reding moved that H. F. No. 2651, as amended, be continued on Special Orders. The motion prevailed.

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

H. F. No. 3136 was reported to the House.

Kahn moved to amend H. F. No. 3136 as follows:

Page 1, after line 20, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

The motion prevailed and the amendment was adopted.

H. F. No. 3136, A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2393 was reported to the House.

Jefferson moved to amend S. F. No. 2393 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 248.011, is amended to read:

248.011 [REPORTING OF NEWLY BLINDED INDIVIDUAL.]

Subdivision 1. [DUTY TO REPORT.] Whenever an ophthalmologist or optometrist makes an initial diagnosis of legal blindness as defined in section 256D.35, subdivision 4a, the ophthalmologist or optometrist shall advise the client that services are available through Minnesota state services for the blind and visually ~~handicapped~~ disabled. After

obtaining client consent, the ophthalmologist or optometrist shall report the name of the legally blind client to Minnesota state services for the blind and visually handicapped disabled. The report must be filed with Minnesota state services for the blind and visually handicapped disabled within 30 days following a diagnosis of legal blindness after obtaining client consent.

Subd. 2. [DUTIES OF MINNESOTA STATE SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED DISABLED.] Upon receipt of the name of a legally blind individual, Minnesota state services for the blind and visually handicapped disabled shall contact the newly blind individual within 30 days and provide a complete summary of available services to the blind individual, in media accessible to the individual.

Sec. 2. Minnesota Statutes 1992, section 248.07, subdivision 1, is amended to read:

Subdivision 1. [COOPERATION.] It shall be the duty of the commissioner of jobs and training, referred to in this section and sections 248.10 and 248.11 as the commissioner, to develop and administer programs serving the needs of blind and visually handicapped disabled persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a division that is a distinct organizational unit to be known as the division of state services for the blind and visually handicapped disabled, separate from the vocational rehabilitation unit and with its own activity budget, within the department of jobs and training to provide and coordinate services to the blind.

Sec. 3. Minnesota Statutes 1992, section 248.07, subdivision 2, is amended to read:

Subd. 2. [STATISTICS.] The commissioner shall collect statistics concerning blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information necessary to carry out the commissioner's duties and responsibilities with respect to blind and visually handicapped disabled persons.

Sec. 4. Minnesota Statutes 1992, section 248.07, subdivision 3, is amended to read:

Subd. 3. [SPECIAL ATTENTION.] The commissioner shall give special attention to the cases of handicapped disabled youth who are eligible to attend the Minnesota state academy for the blind, the Minnesota state academy for the deaf, or the public school classes for handicapped disabled children, but are not in attendance ~~thereat there~~, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Sec. 5. Minnesota Statutes 1992, section 248.07, subdivision 4, is amended to read:

Subd. 4. [VOCATIONAL TRAINING.] The commissioner shall either provide or assist blind and visually handicapped disabled persons in obtaining vocational training and employment and shall aid such persons in obtaining services and benefits to which they may be entitled from public and private agencies. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in the opinion of the person would be suitable and practical in accordance with rules adopted by the commissioner under subdivision 14a.

Sec. 6. Minnesota Statutes 1992, section 248.07, subdivision 5, is amended to read:

Subd. 5. [AIDS.] The commissioner shall further be empowered to aid the persons who are blind or visually disabled: (1) by home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by any other practicable means of improving their social, economic, or educational condition; (4) by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually handicapped disabled persons that are difficult to obtain elsewhere; and (5) by promoting literacy and access to print materials through production for blind or visually disabled persons or others of alternative reading formats such as Braille, audio tapes, radio signals, newspaper reading services, and other services originating from the division's communication center. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision, as well as gifts to aid the blind, are subject to section 268.0121, subdivision 5.

Sec. 7. Minnesota Statutes 1992, section 248.07, subdivision 13, is amended to read:

Subd. 13. [COMMUNITY REHABILITATION FACILITIES PROGRAMS.] From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner may make grants, upon such terms as the commissioner may determine, to public or nonprofit organizations for the establishment, maintenance or improvement of community rehabilitation facilities or ~~sheltered workshops for the blind programs.~~

Sec. 8. Minnesota Statutes 1992, section 248.07, subdivision 14a, is amended to read:

Subd. 14a. [RULES.] The commissioner shall adopt rules to set standards for the provision of rehabilitative services to blind and visually ~~handicapped~~ disabled persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15 and include specific requirements for timely responses by the agency.

Sec. 9. Minnesota Statutes 1992, section 248.07, subdivision 16, is amended to read:

Subd. 16. [ADJUSTMENT-TO-BLINDNESS TRAINING.] (a) The commissioner of jobs and training shall enter into contracts or agreements to provide comprehensive adjustment-to-blindness training services to blind and visually ~~handicapped~~ disabled persons. Services available must include, but not be limited to, instruction in Braille reading and writing, the use of the long white cane for independent travel, home management and self management, typing and computer technology, career exploration, and seminars on positive adjustment to blindness. In entering into contracts or agreements to provide adjustment-to-blindness services, the commissioner shall, when in the best interests of the client, utilize services available from qualified nonprofit agencies or organizations who:

- (1) are administered by a governing board composed of a majority of individuals who are blind;
- (2) substantially involve individuals who are blind in policy direction and management; and
- (3) employ individuals who are blind at all levels of operation.

(b) This subdivision does not limit the commissioner's authority to enter into contracts or agreements for any service with other qualified agencies or organizations.

Sec. 10. Minnesota Statutes 1993 Supplement, section 248.10, is amended to read:

248.10 [REHABILITATION ADVISORY COUNCIL FOR THE BLIND.]

The commissioner shall establish a rehabilitation advisory council for the blind consistent with the federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended ~~through December 31, 1992.~~ No more than half plus one of the members may be of the same gender. Advisory council members shall be compensated as provided in section 15.059, subdivision 3. Members of the council for the blind appointed before July 1, 1993, shall serve on the advisory council until the end of their appointed terms. The advisory council shall advise the commissioner about programs of the division of state services for the blind and visually ~~handicapped~~ disabled. The advisory council is limited to 15 members, a majority of whom must be blind or visually ~~handicapped~~ disabled. The council expires June 30, 1997.

Sec. 11. Minnesota Statutes 1992, section 248.11, is amended to read:

248.11 [RECOUPMENT OF SERVICES AND EQUIPMENT.]

Subdivision 1. [ERRONEOUS PAYMENTS.] If a recipient receives monetary assistance as a rehabilitation service from services for the blind and visually ~~handicapped~~ disabled in excess of that to which the recipient is entitled by law, state services for the blind and visually ~~handicapped~~ disabled shall, as soon as it discovers the amount of the erroneous payment, notify the recipient to return the same in accordance with rules adopted by the commissioner. Unless the recipient files an appeal under section 248.07, subdivision 15, within 15 days after the notice to return is

personally delivered to the recipient or mailed to the recipient's last known address, the determination of overpayment shall be considered final. If the recipient files a timely appeal, the determination shall not be considered final until the recipient's administrative appeal remedies are exhausted. State services for the blind and visually ~~handicapped disabled~~ may recoup overpayments considered final under this subdivision by deducting the amount or a part of the overpayment from future monetary assistance payments to the recipient or by civil action in the name of the commissioner. Overpayments made more than three years prior to discovery of the error are not recoverable under this subdivision.

Subd. 2. [RECOVERY OF EQUIPMENT.] If a recipient retains equipment to which state services for the blind and visually ~~handicapped disabled~~ has title after the recipient's right to possess the equipment has expired, state services for the blind and visually ~~handicapped disabled~~ shall notify the recipient to return the same or execute a new lease to the equipment if the equipment is still necessary to the recipient's rehabilitation. Unless the recipient returns the equipment, executes and complies with a new lease to the equipment or appeals under section 248.07, subdivision 15 within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, state services for the blind and visually ~~handicapped disabled~~ may institute a civil action to recover the equipment or the reasonable value of the equipment.

Sec. 12. Minnesota Statutes 1993 Supplement, section 268A.02, subdivision 2, is amended to read:

Subd. 2. [REHABILITATION ADVISORY COUNCIL.] The commissioner shall establish a state rehabilitation advisory council consistent with the federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended through December 31, 1992. No more than half plus one of the members may be of the same gender. Members of the advisory council shall be compensated as provided in section 15.059, subdivision 3. Members of the consumer advisory council appointed prior to July 1, 1993, shall serve on the rehabilitation advisory council until the end of their appointed terms. The council expires June 30, 1997.

Sec. 13. Minnesota Statutes 1992, section 268A.09, is amended to read:

268A.09 [EVALUATION AND FUNDING OF EXTENDED EMPLOYMENT PROGRAMS.]

Subdivision 1. [GRANTS.] The commissioner may make grants to assist cities, towns, counties, nonprofit corporations, state regional centers, or any combination thereof in the establishment, operation, and expansion of the extended employment programs offered by community rehabilitation facilities programs. The commissioner may accept federal grants or aids and shall cooperate with federal agencies in any reasonable manner necessary to qualify for federal grants or aids for community rehabilitation facilities or their programs.

Subd. 2. [EVALUATION; STATE FUNDING.] At the beginning of each fiscal year, the commissioner shall allocate available funds to extended employment programs for disbursement during the fiscal year in accordance with approved plans or budgets. The commissioner shall study and recommend to the legislature by March 1, 1985, new allocation formulas which take into consideration effectiveness of the community rehabilitation facility programs extended employment programs. In its recommendation the commissioner shall calculate the fiscal impact of the various formulas on each community rehabilitation facility program and the extent to which a community rehabilitation facility program can utilize new allocation formulas. The commissioner shall develop forms to assist the community rehabilitation facilities programs in collecting data necessary to complete the program evaluation. Information needed to conduct the evaluations must be submitted by the community rehabilitation facilities programs along with the annual requests for funding. Failure to submit documentation requested by the commissioner shall result in the withdrawal of all state funding for the extended employment programs offered by the community rehabilitation facility program.

The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the community rehabilitation facilities and programs. If funds are not needed for the program to which they were allocated, the commissioner may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. The commissioner may withdraw funds from any community rehabilitation facility or program which is not being administered in accordance with its approved plan and budget unless a modified plan and budget is submitted to and approved by the commissioner, and implemented within a reasonable time.

The commissioner shall also withdraw funds from a community rehabilitation facility or program not being administered according to department rules, or not meeting mandatory standards for certification, unless a plan bringing the community rehabilitation facility or program into compliance with the rules and standards is submitted to and approved by the commissioner and implemented within a reasonable time.

Subd. 3. [EVALUATION OF PROGRAMS.] The program evaluation must include, but not be limited to, the following considerations:

- (a) wages and benefits paid to workers and number of hours worked;
- (b) rate of placement in competitive employment;
- (c) opportunities for workers to participate in decisions affecting their employment;
- (d) community rehabilitation facility program responsiveness to workers' grievances;
- (e) increases in individual workers' productivity;
- (f) efficiency of the community rehabilitation facilities programs; and
- (g) types and levels of disability of the workers and willingness of the community rehabilitation facility program to accept and assist persons with serious behavioral, mental, sensory, or physical disabilities.

The evaluation must take into account the disability levels of the workers, the geographic location and size of the community rehabilitation facility program, and the economic conditions of the surrounding community.

Subd. 4. [FUND ALLOCATION.] Funds appropriated for the extended employment program shall be distributed to community rehabilitation facilities programs in a manner prescribed in rule, provided that 15 percent shall be allocated based on economic conditions as defined in rule and that, for funding purposes, no credit can be given for full-time equivalents, as defined in rule, in excess of the number of persons in the program.

Subd. 5. [RULE AUTHORITY.] In addition to the powers already conferred by law, the commissioner shall promulgate rules on:

- (a) state certification of all community rehabilitation facilities programs;
- (b) allocation of state grant funds to extended employment programs;
- (c) standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;
- (d) eligibility for service so that no person will be denied service on the basis of race, creed, or color;
- (e) regulatory fees for consultation services;
- (f) standards and criteria by which persons with a disability are to be judged eligible for the services;
- (g) evaluation criteria for extended employment programs; and
- (h) program evaluation criteria for work activity programs in order to determine the extent to which these programs meet the goals and objectives established in state and federal law relating to work activity programs.

The rules on evaluation criteria for community rehabilitation facilities programs must be in effect by July 1, 1986. The rules must be used in making allocations for fiscal years beginning after June 30, 1987.

Subd. 6. [TECHNICAL ASSISTANCE.] The commissioner shall provide technical assistance within available resources to community rehabilitation facilities and programs based on the need reflected in an evaluation.

Subd. 7. [GRANTS.] The commissioner may use money allocated to the vocational rehabilitation unit for management information systems to provide grants to community rehabilitation facilities programs to finance and purchase equipment necessary to: (1) provide the information required to comply with the evaluation criteria developed under subdivision 5; (2) increase sheltered worker productivity; and (3) train severely disabled people in computer and other high-technology applications. As a condition of receiving a grant for the purposes of (2) or (3), the commissioner shall require community rehabilitation facilities programs to provide matching money.

Sec. 14. Minnesota Statutes 1992, section 268A.11, subdivision 1, is amended to read:

Subdivision 1. [PURPOSES AND SERVICES OFFERED.] ~~Independent living services are those services designed to materially improve opportunities for persons with disabilities to live and function more independently in their home, family, and community, and the services include:~~

- ~~(1) intake counseling to determine the individual's needs for services;~~
- ~~(2) referral and counseling services with respect to attendant care;~~
- ~~(3) counseling and advocacy with respect to legal and economic rights and benefits;~~
- ~~(4) independent living skills, training, and counseling;~~
- ~~(5) housing and transportation referral and assistance;~~
- ~~(6) surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;~~
- ~~(7) peer counseling;~~
- ~~(8) education and training necessary to living in the community and participating in community affairs;~~
- ~~(9) individual and group social and recreational activities;~~
- ~~(10) attendant care and training of personnel to provide the care; and~~
- ~~(11) other necessary services which are not inconsistent with sections 62A.26 and 62E.06, subdivision 1. The purpose of independent living services and the services that are to be provided are those that are consistent with Code of Federal Regulations, title 34, parts 365 to 367.~~

Sec. 15. Minnesota Statutes 1992, section 268A.11, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION.] No applicant center for independent living may receive funding under this section unless it has received certification from the division of rehabilitation services.

~~The division of rehabilitation services shall involve persons with a disability and other interested persons to consider performance evaluation criteria in order to formulate rules by which centers will be certified by July 1, 1986.~~

The division of rehabilitation services shall review the programs for of centers of for independent living receiving funds from this section to determine their adherence to standards adopted by rule and if the standards are substantially met, shall issue appropriate certifications.

Sec. 16. [REPEALER.]

Minnesota Statutes 1992, section 268A.12, is repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective the day following final enactment. The gender balance requirements of sections 10 and 12 apply only to appointments made after the effective date of those sections, and do not operate to remove current members of the councils before the end of their current terms."

The motion prevailed and the amendment was adopted.

Jefferson moved to amend S. F. No. 2393, as amended, as follows:

Page 7, line 4, strike "through December 31, 1992"

The motion prevailed and the amendment was adopted.

S. F. No. 2393, A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

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 118 yeas and 14 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bettermann	Davids	Gutknecht	Krinkie	Lynch	Olson, M.	Waltman
Commers	Girard	Knight	Lindner	Ness	Van Engen	Workman

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

S. F. No. 862; H. F. Nos. 2046, 3017, 2821 and 1919; S. F. Nos. 2710, 2009 and 2303; H. F. Nos. 3051 and 2440; and S. F. No. 584.

SPECIAL ORDERS, Continued

S. F. No. 862, A bill for an act relating to motor vehicles; providing for service of process for certain alleged violations; providing civil penalty; amending Minnesota Statutes 1992, section 168.27, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2046 was reported to the House.

There being no objection, H. F. No. 2046 was temporarily laid over on Special Orders.

H. F. No. 3017 was reported to the House.

There being no objection, H. F. No. 3017 was temporarily laid over on Special Orders.

H. F. No. 2821, A bill for an act relating to child custody; providing for presumptive custody in grandparents in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 518.

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

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

Those who voted in the affirmative were:

Abrams	Clark	Frerichs	Jaros	Koppendraye	Mariani	Olson, M.
Anderson, R.	Commers	Garcia	Jefferson	Krinkie	McCollum	Ornen
Asch	Cooper	Girard	Jennings	Krueger	McGuire	Opatz
Battaglia	Dauner	Goodno	Johnson, A.	Lasley	Milbert	Orenstein
Bauerly	Dauids	Greiling	Johnson, R.	Leppik	Molnau	Orfield
Beard	Dawkins	Gruenes	Johnson, V.	Lieder	Morrison	Osthoff
Bergson	Dehler	Gutknecht	Kahn	Limmer	Mosel	Ostrom
Bertram	Delmont	Hasskamp	Kalis	Lindner	Munger	Ozment
Bettermann	Dempsey	Haukoos	Kelley	Long	Murphy	Pauly
Bishop	Dorn	Hausman	Kelso	Lourey	Neary	Pawlenty
Brown, C.	Erhardt	Holsten	Kinkel	Luther	Nelson	Pelowski
Brown, K.	Evans	Hugoson	Klinzing	Lynch	Ness	Perlt
Carlson	Farrell	Huntley	Knickerbocker	Macklin	Olson, E.	Peterson
Carruthers	Finseth	Jacobs	Knight	Mahon	Olson, K.	Pugh

Reding	Sarna	Solberg	Tomassoni	Van Engen	Weaver	Worke
Rest	Seagren	Stanius	Tompkins	Vellenga	Wejzman	Workman
Rhodes	Sekhon	Steensma	Trimble	Vickerman	Wenzel	Spk. Anderson, I.
Rodosovich	Skoglund	Sviggum	Tunheim	Wagenius	Winter	
Rukavina	Smith	Swenson	Van Dellen	Waltman	Wolf	

The bill was passed and its title agreed to.

H. F. No. 1919 was reported to the House.

Evans, Neary, Sekhon, Clark and Delmont moved to amend H. F. No. 1919 as follows:

Page 3, after line 30, insert:

"Sec. 5. [MANUFACTURED HOME PARKS; SHELTERS AND EVACUATION PLANS.]

The commissioner of health, in cooperation with the commissioner of administration and the director of the emergency management division of the department of public safety, shall collect, review, and analyze the data on the on-site shelters and evacuation plans of licensed manufactured home parks with 50 or more sites. The commissioner shall report the results of the data inventory and analysis to the legislature by January 10, 1995."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1919, A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

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 98 yeas and 33 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Commers	Dehler	Frerichs	Gutknecht	Hugoson	Knight
Bettermann	Davids	Erhardt	Girard	Haukoos	Kalis	Koppendrayner

Krinkie	Lynch	Olson, M.	Rukavina	Van Dellen	Weaver	Workman
Limmer	Molnau	Ornen	Smith	Van Engen	Wolf	
Lindner	Ness	Pawlenty	Sviggum	Waltman	Worke	

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

H. F. No. 2046 which was temporarily laid over earlier today on Special Orders was again reported to the House.

Trimble offered an amendment to H. F. No. 2046, the first engrossment.

POINT OF ORDER

Van Engen raised a point of order pursuant to rule 3.09 that the Trimble amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

H. F. No. 2046, A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

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

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Jaros	Lieder	Neary	Reding	Tompkins
Anderson, R.	Dauner	Jefferson	Limmer	Ness	Rest	Trimble
Asch	Dawkins	Johnson, A.	Long	Olson, E.	Rhodes	Tunheim
Battaglia	Dorn	Johnson, R.	Lourey	Opatz	Rice	Van Dellen
Bauerly	Erhardt	Kahn	Luther	Orenstein	Rodosovich	Van Engen
Beard	Evans	Kalis	Lynch	Orfield	Rukavina	Vellenga
Bertram	Farrell	Kelley	Macklin	Osthoff	Sarna	Vickerman
Bettermann	Garcia	Kelso	Mariani	Ostrom	Seagren	Wagenius
Bishop	Goodno	Kinkel	McCollum	Ozment	Sekhon	Wejzman
Brown, C.	Greenfield	Knickerbocker	McGuire	Pauly	Skoglund	Wenzel
Brown, K.	Greiling	Koppendrayer	Molnau	Pawlenty	Solberg	Winter
Carlson	Hasskamp	Krinkie	Morrison	Pelowski	Steensma	Wolf
Carruthers	Hausman	Krueger	Mosel	Perlt	Sviggum	Worke
Clark	Huntley	Lasley	Munger	Peterson	Swenson	Spk. Anderson, I.
Commers	Jacobs	Leppik	Murphy	Pugh	Tomassoni	

Those who voted in the negative were:

Bergson	Dempsey	Gruenes	Hugoson	Knight	Olson, K.	Stanius
Davids	Finseth	Gutknecht	Jennings	Lindner	Olson, M.	Waltman
Dehler	Frerichs	Haukoos	Johnson, V.	Mahon	Ornen	Weaver
Delmont	Girard	Holsten	Klinzing	Nelson	Smith	Workman

The bill was passed and its title agreed to.

H. F. No. 3017 which was temporarily laid over earlier today on Special Orders was again reported to the House.

Jefferson moved to amend H. F. No. 3017, the first engrossment, as follows:

Page 2, after line 3, insert:

"Sec. 2. [347.515] [TRANSFER OF OWNERSHIP OF DANGEROUS DOGS.]

A person who transfers ownership or possession of a dangerous dog must notify the county that issued the certificate of registration of the transfer. The notification must include the name and address of the new owner or possessor and other information the county requires to ensure the continued registration of the dog in this state.

If the new owner or possessor resides in another county, the county receiving notification under this section shall notify the county where the new owner or possessor resides of the location of the dangerous dog."

Page 2, line 32, delete "(a)"

Page 3, delete lines 2 to 7

Page 3, line 10, after "347.51" insert ", 347.515,"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Johnson, V., moved to amend H. F. No. 3017, the first engrossment, as amended, as follows:

Page 3, line 1, after the period, insert "Eighty percent of the fines collected under sections 347.54, subdivision 1, and 347.57 shall be deposited in the state treasury and credited to a special account. Money in that account is appropriated to the department of public safety for the purposes of those sections."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3017, A bill for an act relating to dangerous dogs; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; requiring notification of ownership transfer; imposing penalties; providing a civil fine for dangerous dog offenses; appropriating money; amending Minnesota Statutes 1992, sections 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

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 120 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abrams	Bettermann	Cooper	Farrell	Gruenes	Jacobs	Kalis
Anderson, R.	Bishop	Dauner	Finseth	Gutknecht	Jaros	Kelley
Asch	Brown, C.	Dawkins	Frerichs	Hasskamp	Jefferson	Kelso
Battaglia	Brown, K.	Delmont	Garcia	Haukoos	Jennings	Kinkel
Bauerly	Carlson	Dempsey	Girard	Hausman	Johnson, A.	Klinzing
Beard	Carruthers	Dorn	Goodno	Holsten	Johnson, R.	Knickerbocker
Bergson	Clark	Erhardt	Greenfield	Hugoson	Johnson, V.	Koppendrayner
Bertram	Commers	Evans	Greiling	Huntley	Kahn	Krueger

Lasley	Mariani	Olson, E.	Pawlenty	Sarna	Trimble	Winter
Leppik	McCollum	Olson, K.	Pelowski	Seagren	Tunheim	Wolf
Lieder	McGuire	Olson, M.	Perlt	Sekhon	Van Dellen	Worke
Limmer	Milbert	Opatz	Pugh	Skoglund	Vellenga	Spk. Anderson, I.
Long	Morrison	Orenstein	Reding	Solberg	Vickerman	
Lourey	Mosel	Orfield	Rest	Steensma	Wagenius	
Luther	Munger	Osthoff	Rhodes	Sviggum	Waltman	
Lynch	Murphy	Ostrom	Rice	Swenson	Weaver	
Macklin	Neary	Ozment	Rodosovich	Tomassoni	Wejzman	
Mahon	Nelson	Pauly	Rukavina	Tompkins	Wenzel	

Those who voted in the negative were:

Davids	Knight	Lindner	Ness	Smith	Van Engen
Dehler	Krinkie	Molnau	Onnen	Stanius	Workman

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

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

S. F. No. 2710 was reported to the House.

Clark moved to amend S. F. No. 2710 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 144.871, subdivision 2, is amended to read:

Subd. 2. [ABATEMENT.] "Abatement" means ~~removal of, replacement of, or encapsulation of any set of procedures designed to remove, replace, or encapsulate~~ deteriorated paint, bare soil, dust, drinking water, or other lead-containing materials that are or may become readily accessible during the lead abatement process and pose an immediate threat of actual lead exposure to people and includes preparation, cleanup, and disposal.

Sec. 2. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 5a. [DETERIORATED PAINT.] "Deteriorated paint" or "deteriorating paint" means paint that is chipped, peeled, or otherwise separated from its substrate or that is attached to damaged substrate.

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

Subd. 3. [~~SWAB TEAMS; LEAD ASSESSMENT; LEAD ABATEMENT ORDERS.~~] A board of health must order a property owner to perform abatement on a lead source that exceeds a standard adopted according to section 144.878 at the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of at least ten micrograms per deciliter. If the paint standard under section 144.878 is violated, but the paint is intact, the board of health must not order paint removal unless the intact paint is a known source, or reasonably expected to be a source, of actual lead exposure to a specific person. Before the board of health may order the intact paint to be removed, a reasonable effort must be made to protect the child and preserve the intact paint by the use of guards or other protective devices. Lead abatement orders must require that any source of damage, such as leaking roofs, plumbing, and windows, must be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. The board of health is not required to pay for lead abatement. With each lead abatement order, the board of health must coordinate with swab team abatement and provide a residential lead abatement guide.

Sec. 4. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 11a, is amended to read:

Subd. 11a. [LEAD ABATEMENT AND LEAD-SAFE WORK DIRECTIVES.] (a) In order to achieve statewide consistency in the application of lead abatement standards, the commissioner shall issue program directives that interpret the application of rules under section 144.878 in ambiguous or unusual lead abatement situations. These

directives are guidelines to local boards of health. The commissioner shall periodically review the evaluation of lead abatement orders and the program directives to determine if the rules under section 144.878 need to be amended to reflect new understanding of lead abatement practices and methods.

(b) By July 1, 1995, the commissioner shall work cooperatively with the commissioner of administration to develop provisions, procedures, and directives to define residential remodeling, renovation, installation, and rehabilitation activities that are not lead abatement but may disrupt lead-based paint surfaces. The directives and provisions must define lead-safe procedures for nonlead abatement activities including preparation, cleanup, and disposal procedures, and must define the levels of training or certification necessary to learn and follow the directives. The directives must be based on the different levels and types of work involved and the potential for lead hazards. The directives must address activities including, but not limited to, painting, remodeling, weatherization, installation of cable, wire, plumbing, and gas, and replacement of doors and windows. The commissioners of health and administration shall consult with representatives of builders, weatherization providers, nonprofit rehabilitation organizations, a representative of each of the affected trades, and housing and redevelopment authorities in developing the directives and procedures. The commissioner of health shall report to the legislature by January 15, 1995, regarding development of the provisions required under this subdivision.

Sec. 5. [144.8711] [EXEMPTIONS.]

The provisions of sections 144.876 and 144.878, subdivision 5, do not apply to homeowners, apartment owners, farmers, and small business persons with 50 or fewer employees who do their own maintenance and remodeling work, or to small contractors, excluding lead abatement contractors. In no case shall they apply until after provisions, directives, and procedures are developed under section 144.874, subdivision 11a, in consultation with the affected industry representatives. Nothing in this section affects any federal grant from the Department of Housing and Urban Development or state financed swab teams.

Sec. 6. [144.8712] [EFFECTIVE DATES DELAYED.]

The requirement for testing of intact paint in Minnesota Rules, part 4761.0100, "Applicability," paragraph C, shall not be effective until July 1, 1995.

Sec. 7. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 2, is amended to read:

Subd. 2. [LEAD STANDARDS AND ABATEMENT METHODS.] (a) The commissioner shall adopt rules establishing standards and abatement methods for lead in paint, dust, and drinking water, and soil in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose.

(b) The commissioner shall differentiate between intact paint and deteriorating paint. The commissioner and political subdivisions shall require abatement of intact paint only if the commissioner or political subdivision finds that the intact paint is on a chewable or lead-dust producing surface that is a known source or reasonably expected to be a source of actual lead exposure to a specific person. The commissioner shall determine which practices under section 144.874, subdivision 11a, may be used for lead-safe work including preparation and cleanup. The commissioner shall work cooperatively with the commissioner of the pollution control agency to develop disposal procedures. In adopting rules under this subdivision, the commissioner shall require the best available technology for lead abatement methods, paint stabilization, and repainting.

(b) (c) The commissioner of health shall adopt standards and abatement methods for lead in bare soil on playgrounds and residential property in a manner to protect public health and the environment. The commissioner shall adopt a maximum standard of 100 parts of lead per million in bare soil, unless it is proven that a different standard provides greater protection of public health.

(e) (d) The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residential property by abrasive blasting methods is conducted in a manner that protects public health and the environment.

(d) (e) All standards adopted under this subdivision must provide reasonable margins of safety that are consistent with a detailed review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous. The rules must apply to any individual performing or ordering the performance of lead abatement.

(e) (f) No unit of local government may have an ordinance or regulation governing lead abatement methods for lead in paint, dust, or soil for residences and residential land that require a different lead abatement method than the lead abatement standards established under sections 144.871 to 144.879.

(g) The commissioner shall adopt standards and abatement methods for lead in drinking water in a manner to protect the public health and the environment. The commissioner shall adopt rules for controlling lead in drinking water as contained in Code of Federal Regulations, title 40, part 141. Samples collected for the purposes of lead analysis of drinking water shall be done in accordance with lab certification requirements and analytical techniques specified by the Code of Federal Regulations, title 40, part 141.89.

Sec. 8. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 5, is amended to read:

Subd. 5. [LEAD ABATEMENT CONTRACTORS AND EMPLOYEES.] The commissioner shall adopt rules to license lead abatement contractors, and to certify employees of lead abatement contractors who perform abatement, and to certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. ~~A person who performs painting, renovation, rehabilitation, remodeling, or other residential work that is not lead abatement need not be a licensed lead abatement contractor. By July 1, 1994, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present and whether the planned work would be lead abatement as defined in section 144.871, subdivision 2. This determination may be made by quantitative chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. If lead sources are identified, the work must be performed by a licensed lead abatement contractor. An owner of an owner-occupied residence with one or two units is not subject to the requirements under this subdivision.~~ All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. The commissioner shall adopt rules to approve lead abatement training courses and to charge a fee for approval. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services committee in the house of representatives and the health care committee in the senate, and to any legislative committee on licensing created by the legislature.

Sec. 9. Minnesota Statutes 1992, section 144.878, is amended by adding a subdivision to read:

Subd. 5a. [RESIDENTIAL RENOVATION AND REMODELING.] A person who performs painting, renovation, rehabilitation, remodeling, demolition, or other residential work that is not lead abatement need not be a licensed lead abatement contractor. By July 1, 1995, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present. This determination may be made by quantitative chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. If lead sources are identified, the work must be performed in accordance with the standard in section 144.878, subdivision 2, as modified by the program directives developed under section 144.874, subdivision 11a. An owner of an owner-occupied residence with one or two units is not subject to the requirements under this subdivision.

Sec. 10. [PROPOSAL FOR FEDERAL CONFORMING LEGISLATION.]

The commissioners of the pollution control agency and the department of health shall monitor federal rules proposed and adopted for lead hazard reduction of public buildings and structures under title X, of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, Public Law Number 102-550. The commissioner of health shall report to the legislature by February 1, 1995, with a legislative proposal to bring Minnesota law into conformance with the federal requirements for accreditation of training, inspection, contracting, and employment. The proposal shall be developed jointly with the commissioners of other affected agencies.

Sec. 11. [FEDERAL TRAINING GRANTS.]

The commissioner shall identify and apply for federal grants to subsidize the cost of the current lead abatement training program and to increase the number of certified trainers. The commissioner shall take necessary actions to expand the number of certified trainers, and increase the capacity of the current lead abatement training program to train and certify contractors and employees as required under section 144.876, subdivision 1, and rules adopted under section 144.878, subdivision 5.

Sec. 12. [STUDY OF INSURANCE OPTIONS FOR LEAD ABATEMENT.]

The commissioner of commerce shall report to the legislature by January 1, 1995, on the insurance options available to remodelers and lead abatement contractors. The report shall include recommendations on methods to limit the liability of remodelers and lead abatement contractors, including liability for consumer claims.

Sec. 13. [REVIEW AND CODIFICATION; LEAD LAWS AND STATUTES.]

The commissioners of health and the pollution control agency shall review current lead abatement and standards statutes, laws, and rules, and propose coding to the legislature by January 10, 1995.

Delete the title and insert:

"A bill for an act relating to health; modifying provisions relating to lead abatement; requiring a study and proposal; amending Minnesota Statutes 1992, sections 144.871, by adding a subdivision; and 144.878, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.871, subdivision 2; 144.874, subdivisions 3 and 11a; and 144.878, subdivisions 2 and 5; proposing coding for new law in Minnesota Statutes, chapter 144."

The motion prevailed and the amendment was adopted.

Clark moved to amend S. F. No. 2710, as amended, as follows:

Page 1, lines 16 to 21, delete the new language, strike all existing language before the period and insert "designed to eliminate or reduce human exposure to lead hazards"

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 2a. [LEAD HAZARD.] "Lead hazard" means a condition that causes exposure to lead from lead-contaminated dust, lead-contaminated bare soil, lead-contaminated drinking water, lead-contaminated deteriorating paint, or lead-contaminated intact paint on accessible friction or impact surfaces that poses an immediate threat that would result in adverse human health effects.

Page 2, line 14, delete "guards" and insert "protective coverings"

Page 6, line 27, delete "By" and insert "After"

Page 6, line 32, after "rhodizonate," insert "A person does not have to be licensed as a lead inspector to use sodium rhodizonate for this purpose."

Page 7, line 9, delete "a legislative proposal" and insert "an interim report"

Page 7, line 12, delete "proposal" and insert "interim report"

Page 7, line 34, delete "and" and after "standards" insert a comma

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Huntley, Rukavina, Ness, Clark and Tompkins moved to amend S. F. No. 2710, as amended, as follows:

Page 7, after line 1, insert:

"Sec. 10. 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 and all ceilings with asbestos-containing material in single family residences and buildings with no more than four dwelling units. 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."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Tompkins moved to amend S. F. No. 2710, as amended, as follows:

Page 3, line 27, delete everything after the period

Page 3, delete lines 28 to 30

The motion prevailed and the amendment was adopted.

Asch moved to amend S. F. No. 2710, as amended, as follows:

Page 6, line 28, delete "February 27,"

Page 6, line 29, delete "1978" and insert "1951"

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

S. F. No. 2710, A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

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

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

Those who voted in the affirmative were:

Abrams	Battaglia	Bergson	Bishop	Carlson	Commers	Davids
Anderson, R.	Bauerly	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Asch	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler

Delmont	Haukoos	Kinkel	Macklin	Olson, M.	Rhodes	Trimble
Dempsey	Hausman	Klinzing	Mahon	Onnen	Rice	Tunheim
Dorn	Holsten	Knickerbocker	Mariani	Opatz	Rodosovich	Van Dellen
Erhardt	Hugoson	Knight	McCollum	Orenstein	Rukavina	Van Engen
Evans	Huntley	Koppendrayner	McGuire	Orfield	Sarna	Vickerman
Farrell	Jacobs	Krinkie	Milbert	Osthoff	Seagren	Wagenius
Finseth	Jaros	Krueger	Molnau	Ostrom	Sekhon	Waltman
Frerichs	Jefferson	Lasley	Morrison	Ozment	Skoglund	Weaver
Garcia	Jennings	Leppik	Mosel	Pauly	Smith	Wejzman
Girard	Johnson, A.	Lieder	Munger	Pawlenty	Solberg	Wenzel
Goodno	Johnson, R.	Limner	Murphy	Pelowski	Stanius	Winter
Greenfield	Johnson, V.	Lindner	Neary	Perlt	Steensma	Wolf
Greiling	Kahn	Long	Nelson	Peterson	Sviggum	Worke
Gruenes	Kalis	Lourey	Ness	Pugh	Swenson	Workman
Gutknecht	Kelley	Luther	Olson, E.	Reding	Tomassoni	Spk. Anderson, I.
Hasskamp	Kelso	Lynch	Olson, K.	Rest	Tompkins	

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

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

GENERAL ORDERS

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

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

REPORTS OF STANDING COMMITTEES

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

S. F. No. 2168, A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

LEGISLATIVE FINDINGS; NATURAL DISASTER RELIEF

Section 1. [FINDINGS.]

The legislature finds that the Minnesota agricultural economy and rural communities have been severely damaged by natural disasters in 1993. Cold weather, heavy snows, excessive rainfall, floods, near total crop failures, and grain diseases drastically reduced the income of farm families and the economic vitality of small towns throughout the state.

The legislature further finds that it is in the public interest to act promptly to provide assistance to farm operators and small businesses to restore economic stability, maintain a viable workforce, and reduce the emotional stress caused by the natural disasters. The legislature therefore provides for the implementation of appropriate disaster relief programs in this act.

ARTICLE 2

FARM AND SMALL BUSINESS LOAN INTEREST BUY-DOWN PROGRAM

Section 1. [DEFINITIONS.]

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

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture.

Subd. 3. [ELIGIBLE BORROWER.] "Eligible borrower" means a farmer or small business operator who applies to a participating lender for a loan and meets all qualifications established in section 2 and any further qualifications that may be announced by the commissioner.

Subd. 4. [FARMER.] "Farmer" means a state resident, a domestic family farm corporation, or a family farm partnership as defined in Minnesota Statutes, section 500.24, subdivision 2, operating a farm within the state.

Subd. 5. [FARM LOAN.] "Farm loan" means an original, extended, or renegotiated loan or line of credit obtained by a farmer from a lender for the purpose of financing the operations of a farm. A farm loan includes an open line of credit even though the maximum principal amount of the line of credit may not be drawn at any one time. A farm loan eligible for interest buy-down must have a maturity date of November 30, 1995, or earlier.

Subd. 6. [INTEREST BUY-DOWN.] "Interest buy-down" means a reduction in the effective interest rate on a farm loan or a small business loan to an eligible borrower due to partial payment of interest costs by the commissioner and partial reduction of interest costs by the participating lender.

Subd. 7. [LENDER.] "Lender" means a bank, credit union, or savings and loan association chartered by the state or federal government, a unit of the farm credit system, the Federal Deposit Insurance Corporation, or another financial institution approved by the commissioner.

Subd. 8. [PARTICIPATING LENDER.] "Participating lender" means a lender who has been granted participating lender status by the commissioner.

Subd. 9. [SMALL BUSINESS.] "Small business" means a business entity as defined in Minnesota Statutes, section 645.445, with its principal place of business in Minnesota.

Subd. 10. [SMALL BUSINESS LOAN.] "Small business loan" means an original, extended, or renegotiated loan or line of credit obtained by a small business for purposes of financing the operations of a small business. A small business loan eligible for interest buy-down must have a maturity date of November 30, 1995, or earlier.

Sec. 2. [ELIGIBILITY; FARM LOAN.]

A farmer is eligible for the farm loan interest buy-down program under this article if a participating lender determines that the farmer meets the criteria in this section.

(a) The farmer suffered significant losses during 1993 from a natural disaster and the farm operation faces economic stress without the assistance of the farm loan interest buy-down program. A determination of significant loss and economic stress by a lender is deemed reasonable and accurate without further audit or substantiation.

(b) The farmer has a reasonable opportunity for long-term financial viability in the farmer's current farm operation. A determination of financial viability by a lender is deemed to be reasonable and accurate without further audit or substantiation.

Sec. 3. [ELIGIBILITY; SMALL BUSINESS LOAN.]

A small business is eligible for the small business loan interest buy-down program if a participating lender determines that the small business meets the criteria in this section.

(a) The small business received, or was eligible to receive, assistance from one or more federal programs because of a natural disaster that occurred during calendar year 1993.

(b) The small business has a reasonable opportunity for long-term financial viability in the small business's current operation. A determination of financial viability by a lender is deemed to be reasonable and accurate without further audit or substantiation.

Sec. 4. [LENDER ELIGIBILITY; OBLIGATIONS; TIMELY APPLICATION.]

Subdivision 1. [ELIGIBLE PARTICIPATING LENDER STATUS.] A lender who meets the requirements established by the commissioner must be approved as a participating lender.

Subd. 2. [RECEIPT OF APPLICATIONS FOR INTEREST BUY-DOWN.] A participating lender shall receive and evaluate loan applications from a farmer or small business. An eligible borrower must complete a loan application with a participating lender before December 31, 1994. In determining whether to make a farm or small business loan, the participating lender may use criteria in addition to those in sections 2 and 3.

Subd. 3. [MAXIMUM INTEREST RATE.] To qualify for interest buy-down payments, a participating lender shall offer to make a farm or small business loan to an eligible borrower at a rate of interest equivalent to that offered to other borrowers having similar security and financial status, less the lender's contribution under the program. The commissioner, in cooperation with the commissioner of commerce, may use appropriate means to verify that the interest rate available to an eligible borrower is substantially the same as that available to other borrowers.

Subd. 4. [PRIORITY.] Properly completed applications for the interest buy-down program take priority in the order they are received by the commissioner.

Sec. 5. [RESPONSIBILITIES OF COMMISSIONER.]

Subdivision 1. [ANNOUNCEMENT OF PROGRAM PROCEDURES.] Within 30 days after the effective date of this article, the commissioner shall announce procedures for the interest buy-down program.

Subd. 2. [PREPARATION AND DISTRIBUTION OF LENDER PARTICIPATION FORMS.] The commissioner, in cooperation with the commissioner of commerce, shall prepare and distribute forms and instructions, including forms for the statement required under section 8, to all lenders in the state.

Subd. 3. [APPROVAL OF APPLICATIONS FOR INTEREST BUY-DOWN PAYMENT.] (a) The commissioner shall review, within five working days of submission by a participating lender, a properly completed application for interest buy-down payments on a farm or small business loan. If a participating lender does not receive written notice that the commissioner has denied interest buy-down payments within seven working days, the borrower is an eligible borrower and interest buy-down payments on the farm or small business loan are approved by the commissioner.

(b) All applications received by the commissioner after appropriated interest buy-down program funds have been encumbered, plus an amount anticipated to become available because of loans that may be retired early, must be returned immediately to the lender with an explanation that participation in the interest buy-down program is denied due to prior commitment of available program funds.

Subd. 4. [BUY-DOWN PAYMENTS TO PARTICIPATING LENDERS.] Within 60 days after a request by a participating lender, the commissioner shall pay to the participating lender one-half of the expected interest buy-down amount. The balance of the state contribution must be paid by the commissioner to the participating lender within 30 days after the loan matures or is repaid in full and the request is submitted by the participating lender. All interest buy-down payments under this article must be made by joint-payee checks in the name of the participating lender and the eligible borrower.

Sec. 6. [STATE CONTRIBUTION; MAXIMUM LOAN.]

The commissioner shall pay to a participating lender for the first \$50,000 of an approved farm or small business loan made to an eligible borrower an amount equal to an annual rate of three percent interest on the loan, but the payment may not exceed \$2,250 per farm or small business loan.

Sec. 7. [LENDER CONTRIBUTION.]

A participating lender shall provide a reduction in interest rate for the first \$50,000 of an approved farm or small business loan made to an eligible borrower in an amount equal to an annual rate of at least one-half of one percent interest on the loan.

Sec. 8. [BORROWER STATEMENT.]

No person may receive a farm or small business loan under this article until the person has signed a statement acknowledging that the relief provided in the interest buy-down program is a form of government spending that has been made available to the person through the collection of taxes. The commissioner must retain a copy of the statement from each recipient.

Sec. 9. [APPROPRIATION; INTEREST BUY-DOWN.]

(a) 15,750,000 is appropriated from the general fund to the commissioner of agriculture for the interest buy-down program in sections 1 to 7. Any unencumbered balance remaining on July 1, 1995, does not cancel but is transferred to and becomes additional funding for the emergency job creation program in article 9, section 1. Not more than \$100,000 of this appropriation may be used by the commissioner for program administrative costs.

(b) The commissioner shall not approve an application for a loan under the interest buy-down program after the appropriation for the program, plus an amount anticipated to become available because of loans that may be retired early, has been fully committed.

Sec. 10. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 3

SUPPLEMENTAL CROP DISASTER INSURANCE

Section 1. [CROP DISASTER INSURANCE.]

Subdivision 1. [STUDY.] The commissioner of agriculture, in consultation with the commissioner of commerce and farm and insurance organizations in Minnesota, shall perform a comprehensive study to determine the feasibility of establishing a captive nonprofit insurance company to provide supplemental crop disaster insurance coverage to farm operators. The captive insurance company would obtain reinsurance for at least 80 percent of its risk. The companies providing reinsurance would be allowed to invest assets in grain commodity options and the options must be considered admitted assets for purposes of state insurance regulation.

Subd. 2. [REPORT.] Not later than December 15, 1994, the commissioner of agriculture must report to the legislature on the findings and recommendations of the study in subdivision 1.

Sec. 2. [APPROPRIATION.]

\$250,000 is appropriated from the general fund to the commissioner of agriculture for purposes of the study and report in section 1.

ARTICLE 4

PROTEIN ANALYSIS EQUIPMENT LEASE PILOT PROGRAM

Section 1. [17B.042] [PROTEIN ANALYSIS EQUIPMENT; COMMISSIONER MAY PROVIDE BY LEASE.]

Subdivision 1. [EQUIPMENT LEASING PROGRAM; PURPOSE.] The legislature finds that Minnesota wheat producers face a critical problem because country elevators currently use a wide variety of technologies, brands, and models of wheat protein analysis equipment. Inaccurate and inconsistent protein readings on wheat samples result in the loss of millions of dollars of income each year for farmers, and contribute to further decline in the economic base of Minnesota's rural communities. The legislature further finds that country elevators often lack the resources

to acquire adequate, reliable protein testing equipment on their own. It is therefore found to be in the public interest for the commissioner of agriculture to establish a voluntary program to lease to country elevators, at cost, high quality wheat protein testing equipment.

Subd. 2. [SELECTION OF EQUIPMENT; PILOT LEASING PROGRAM.] Not later than April 1, 1995, the commissioner shall evaluate available wheat protein analysis equipment and determine a brand and model to be used in the pilot lease program. Selection may be made on the basis of competitive bid price but must also take into consideration operational factors such as reliability, replicability, durability, ease of calibration and use, and the availability of comprehensive operator training.

Subd. 3. [PARTICIPATION IN PILOT EQUIPMENT LEASE PROGRAM; ELIGIBILITY.] The commissioner shall designate up to eight counties in which to implement the pilot equipment lease program.

Subd. 4. [TERMS OF LEASE.] The commissioner shall establish terms and conditions of the protein equipment test program so that the cost of equipment will be amortized over the estimated useful life of the equipment.

Subd. 5. [MANDATORY EQUIPMENT OPERATOR TRAINING.] The principal protein test equipment operator in each country elevator that participates in the pilot equipment lease program must undergo comprehensive training as determined appropriate by the commissioner.

Sec. 2. [APPROPRIATION; PROTEIN ANALYSIS EQUIPMENT LEASE PILOT PROJECT.]

\$2,000,000 is appropriated from the general fund to the commissioner of agriculture for purposes of the pilot equipment lease program in section 1.

Sec. 3. [APPROPRIATION; GRAIN INSPECTION AND WEIGHING ACCOUNT DEFICIT.]

\$250,000 is appropriated from the general fund to the grain inspection and weighing account established in Minnesota Statutes, chapter 17B, and from the account to the commissioner of agriculture as needed for carrying out the purposes of Minnesota Statutes, chapter 17B.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment.

ARTICLE 5

CORN PRODUCER CHECKOFF FEES

Section 1. Minnesota Statutes 1992, section 17.63, is amended to read:

17.63 [REFUND OF FEES.]

(a) Any producer, except

(1) a producer of potatoes in area number one, as listed in section 17.54, subdivision 9; or;

(2) a producer of paddy wild rice; or

(3) a producer of corn,

may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner requires, have the checkoff fee paid pursuant to sections 17.51 to 17.69 fully or partially refunded, provided the checkoff fee was remitted on a timely basis. The request for refund must be received in the office of the commissioner within the time specified in the promotion order following the payment of the checkoff fee. In no event shall these requests for refund be accepted more often than 12 times per year. Refund shall be made by the commissioner and council within 30 days of the request for refund provided that the checkoff fee sought to be refunded has been received. Rules governing the refund of checkoff fees for all commodities shall be formulated by the commissioner, shall be fully outlined in the promotion order, and shall be available for the information of all producers concerned with the referendum.

(b) Notwithstanding the provisions of paragraph (a) that prohibit checkoff refunds to producers of corn, the commissioner must shall, not later than June 30, 1994, implement procedures to allow partial refund requests from corn producers who have checked off and must allow for assignment of payment to certify by signature assignment of partial refund payments to the Minnesota corn growers association for purposes of paying annual membership dues or fees if the Minnesota corn research and promotion council requests such action by the commissioner.

(c) The Minnesota corn research and promotion council shall not elect to impose membership on any individual producer not requesting a partial refund or assignment of payment to the association.

ARTICLE 6

VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM

Section 1. [41B.045] [VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "Agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agriculture crops, including waste and residues from agriculture crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products.

(2) "Value-added agricultural product" means a product derived from agricultural crops, including waste and residues from agricultural crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products, which are processed by an agricultural product processing facility.

Subd. 2. [ESTABLISHMENT.] The authority shall establish and implement a value-added agricultural product loan program to help farmers finance the purchase of stock in a cooperative proposing to build or purchase and operate an agricultural product processing facility.

Subd. 3. [REVOLVING FUND.] There is established in the state treasury a value-added agricultural product revolving fund which is eligible to receive appropriations. All repayments of financial assistance granted under subdivision 2, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the value-added agricultural loan program, including costs incurred by the authority to establish and administer the program.

Subd. 4. [ELIGIBILITY.] To be eligible for this program a borrower must:

- (1) be a resident of Minnesota or a domestic family farm corporation as defined in section 500.24, subdivision 2;
- (2) be a grower of the agricultural product which is to be processed by an agricultural product processing facility;
- (3) demonstrate an ability to repay the loan; and
- (4) meet any other requirements which the authority may impose by rule.

Subd. 5. [LOANS.] (a) The authority may participate in a stock loan with an eligible lender to a farmer who is eligible under subdivision 4. Participation is limited to 45 percent of the principal amount of the loan or \$24,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan, but the authority's interest rate must not exceed 50 percent of the lender's interest rate.

(b) No more than 95 percent of the purchase price of the stock may be financed under this program.

(c) Loans under this program must not be included in the lifetime limitation calculated under section 41B.03, subdivision 1.

(d) Security for stock loans must be the stock purchased, a personal note executed by the borrower, and whatever other security is required by the eligible lender or the authority.

(e) The authority may impose a reasonable nonrefundable application fee for each application for a stock loan. The authority may review the fee annually and make adjustments as necessary. The application fee is initially \$50. Application fees received by the authority must be deposited in the value-added agricultural product revolving fund.

(f) Stock loans under this program will be made using money in the value-added agricultural product revolving fund established under subdivision 3.

(g) The authority may not grant stock loans in a cumulative amount exceeding \$2,000,000 for the financing of stock purchases in any one cooperative.

Subd. 6. [RULES.] The authority may adopt rules necessary for the administration of the program including rules which establish a minimum cost of any agricultural product processing facility for which financial assistance may be given to any farmer to help finance the purchase of stock in a cooperative.

Sec. 2. [APPROPRIATION; VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM.]

\$2,000,000 is appropriated from the general fund to the value-added agricultural product revolving fund for use by the rural finance authority as provided in section 1.

Sec. 3. [EFFECTIVE DATE.]

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

ARTICLE 7

RURAL FINANCE AUTHORITY PROGRAM REVIEW; REPORT

Section 1. [RURAL FINANCE AUTHORITY PROGRAM REVIEW.]

Subdivision 1. [REVIEW OF LOCAL LENDER PARTICIPATION; BARRIERS.] (a) The commissioner of agriculture and the director of the rural finance authority shall initiate an effort to examine local lender participation in programs of the rural finance authority and expand participation in programs of the authority where possible. The effort must examine the reasons why lenders do not participate in programs of the authority. The effort must attempt to determine if current programs of the authority fail to meet the needs of lenders and the scale and types of farming practiced in areas with low participation.

Subd. 2. [REPORT; RECOMMENDATIONS.] Not later than March 1, 1995, the commissioner shall report to the legislature on the findings, conclusions, and recommendations of the investigation and promotion effort. The report must include suggestions for changes in rural finance authority programs to make the programs more attractive to lenders and farm operators in areas where lenders do not participate in rural finance authority programs. The report may recommend statutory changes to make rural finance authority programs more available to Minnesota farm operators.

Sec. 2. [APPROPRIATION; RFA PROGRAM REVIEW.]

\$50,000 is appropriated from the general fund to the commissioner of agriculture for the employment and expenses of additional staff to carry out the rural finance authority examination and promotion effort in section 1. This appropriation remains available until June 30, 1995.

Sec. 3. [EFFECTIVE DATE.]

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

ARTICLE 8

CORPORATE FARMING LAW TASK FORCE

Section 1. [CORPORATE FARMING LAW TASK FORCE.]

Subdivision 1. [PURPOSE.] Current Minnesota law generally precludes corporations from owning farm land or operating a farming enterprise. Corporate farming law has been developed over a period of 14 decades, and the development has included numerous changes to accommodate shifting priorities in agriculture and a recognition that

the economic and social climate of the state is not static. There is a concern whether current corporate farming law, especially as it relates to the breeding and raising of swine, represents the appropriate balance between protection of family farms and opportunity for creative new enterprise structures organized by multiple farmers. Farmers wish to support a corporate farming law that is in the overall best interest of production agriculture and preservation of the family farm unit as the main component of the agricultural economy in the state. The study, legislative report, and legislative recommendations authorized by this section will increase public and legislative understanding of the issues involved.

Subd. 2. [CREATION; MEMBERSHIP.] (a) There is hereby created a corporate farming law task force with ten members appointed as follows:

(1) the chairs of the agriculture policy committees of the Minnesota senate and house of representatives, or their designees;

(2) two members of the Minnesota house of representatives appointed by the speaker of the house;

(3) one member of the Minnesota house of representatives appointed by the minority leader of the house;

(4) two members of the Minnesota senate appointed by the senate committee on rules and administration;

(5) one member of the Minnesota senate appointed by the minority leader of the senate;

(6) one member with education and experience in the area of agricultural economics appointed by the governor of Minnesota; and

(7) one member who is the operator of a production agriculture farm in Minnesota appointed by the governor.

(b) Each of the appointing authorities must make their respective appointments not later than June 15, 1994.

(c) Citizen members of the task force may be reimbursed for expenses as provided in Minnesota Statutes, section 15.059, subdivision 6.

(d) The first meeting of the task force must be called and convened by the chairs of the agriculture policy committees of the senate and the house of representatives. Task force members must then elect a permanent chair from among the task force members.

Subd. 3. [CHARGE.] The task force must examine current and projected impacts of corporate farming enterprises on the economic, social, and environmental conditions and structures of rural Minnesota. The study should consider probable impacts on both agriculture related and nonagricultural businesses in rural communities. Issues of nonpoint source pollution and other environmental issues must also be considered.

Subd. 4. [RESOURCES; STAFF SUPPORT; CONTRACT SERVICES.] The commissioner of agriculture shall provide necessary resources and staff support for the meetings, hearings, activities, and report of the task force. To the extent the task force determines it appropriate to contract with nonstate providers for research or analytical services, the commissioner shall serve as the fiscal agent for the task force. To the extent practicable, the task force may also use services and resources of the Farmers' Legal Action Group, Inc.

Subd. 5. [PUBLIC HEARINGS.] The task force shall hold at least four public hearings on the issue of corporate farming law, with specific emphasis on appropriate regulation of business structures involved in swine breeding and raising. At least three of the hearings must be held in greater Minnesota.

Subd. 6. [REPORT.] Not later than February 15, 1995, the corporate farming law task force shall report to the legislature on the findings of its study. The report must include recommendations for changes in Minnesota Statutes and rules of the department of agriculture that are negative to the best interests of production agriculture in the state and the economic, environmental, and social environment and preservation of the family farm.

Subd. 7. [EXPIRATION.] The corporate farming law task force expires 45 days after its report and recommendations are delivered to the legislature or on May 15, 1995, whichever date is earlier.

Sec. 2. [APPROPRIATION; CORPORATE FARMING LAW TASK FORCE.]

\$50,000 is appropriated from the general fund to the commissioner of agriculture to provide staff and research support for the corporate farming law task force in section 1.

Sec. 3. [EFFECTIVE DATE.]

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

ARTICLE 9

MISCELLANEOUS APPROPRIATIONS

Section 1. [APPROPRIATION; EMERGENCY JOB CREATION; DEPARTMENT OF JOBS AND TRAINING.]

\$3,700,000 is appropriated from the general fund to the commissioner of jobs and training to supplement the federal emergency job creation program. This appropriation is available when federal funding for the emergency job creation program in Minnesota is exhausted. The commissioner may allow projects that would not have been funded by the federal government in order to fund public projects, employing flood victims, that are not necessarily related to flood damage, but which local governments are unable to undertake because of flood expenses. The commissioner may also fund the leasing or other use of specialized equipment and services for projects undertaken with this appropriation. This appropriation is available until August 31, 1995.

Sec. 2. [APPROPRIATION; FARM ADVOCATES.]

\$100,000 is appropriated from the general fund to the commissioner of agriculture to supplement other sources of funding for the farm advocates program. This appropriation is available until June 30, 1995.

Sec. 3. [APPROPRIATION; AGRICULTURAL RESOURCE CENTERS.]

\$100,000 is appropriated from the general fund to the commissioner of agriculture for supplemental funding for agricultural resource centers. This appropriation is available until June 30, 1995.

Sec. 4. [APPROPRIATION; WHEAT SCAB RESEARCH.]

\$200,000 is appropriated from the general fund to the commissioner of agriculture for the fiscal biennium ending June 30, 1995, to make grants to the University of Minnesota or other Minnesota educational institutions for research into the problem of wheat scab (vomitoxin) in Minnesota. The research should be designed to minimize the adverse effects of future wheat scab infestations in the short term while seeking to fully eliminate the problem in the long term.

Before making grants under this section, the commissioner shall develop grant criteria priorities including:

- (1) locating a small grains specialist in the wheat growing area of the state;
- (2) long-term variety development and short-term marketing solutions;
- (3) alternative agronomic and management techniques for wheat production that minimize scab and describe the biology and the pathology of wheat scab infestation; and
- (4) alternative uses for scabby wheat that minimize the adverse effects of mycotoxin produced by the scab infestation.

Sec. 5. [APPROPRIATION; FARMERS' LEGAL ACTION GROUP.]

\$100,000 is appropriated from the general fund to the supreme court as supplemental funding for the Farmers' Legal Action Group, Inc. This appropriation is available until June 30, 1995.

Sec. 6. [APPROPRIATION; HIGH OIL SOYBEANS RESEARCH.]

\$200,000 is appropriated from the general fund to the commissioner of agriculture for the fiscal biennium ending June 30, 1995, to make research grants to the University of Minnesota or other educational institutions in Minnesota to develop higher protein, higher oil content varieties of soybeans that would grow in Minnesota.

Sec. 7. [APPROPRIATION; STATE PARK ROAD ACCOUNT.]

\$250,000 is appropriated from the general fund to the commissioner of transportation with instructions that it be added to the state park road account under Minnesota Statutes, section 162.06, subdivision 5.

Sec. 8. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agricultural businesses; providing an interest buy-down program for farmers and small businesses; authorizing a protein analysis equipment lease pilot program; providing for a value-added agricultural product loan program; requiring studies of rural finance authority program participation, the corporate farming law, and supplemental crop disaster insurance; providing supplemental funding for certain emergency employment programs; limiting corn producer checkoff refunds; increasing funding for the farm advocates program, agricultural resource centers, and the Farmers' Legal Action Group; expanding research on grain diseases and soybean varieties; appropriating money; amending Minnesota Statutes 1992, section 17.63; proposing coding for new law in Minnesota Statutes, chapters 17B; and 41B."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2168 was read for the second time.

MOTIONS AND RESOLUTIONS

Evans moved that the names of Bergson, Luther and Carruthers be added as authors on H. F. No. 3085. The motion prevailed.

Dempsey moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Friday, April 15, 1994, when the vote was taken on the Bettermann et al amendment to S. F. No. 2913, 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 Friday, April 15, 1994, when the vote was taken on the Long and Solberg amendment to S. F. No. 2913, as amended." The motion prevailed.

Tompkins moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Friday, April 15, 1994, when the vote was taken on the final passage of H. F. No. 3210, the first engrossment, as amended." The motion prevailed.

Worke moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Friday, April 15, 1994, when the vote was taken on the Onnen amendment to H. F. No. 3210, the first engrossment, as amended." The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2189:

Vellenga; Bauerly; Johnson, A.; Carlson and Ness.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2411:

Solberg, Kinkel and Ness.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2617:

Jacobs, Tunheim and Dempsey.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 10:30 a.m., Tuesday, April 19, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:30 a.m., Tuesday, April 19, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives