

STATE OF MINNESOTA  
SEVENTY-EIGHTH SESSION — 1994

NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 19, 1994

The House of Representatives convened at 10:30 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 8A, Hermantown, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Knight 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. 1736 and H. F. No. 1917, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelso moved that S. F. No. 1736 be substituted for H. F. No. 1917 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2329 and H. F. No. 2440, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Beard moved that S. F. No. 2329 be substituted for H. F. No. 2440 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2467 and H. F. No. 2731, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 2467 be substituted for H. F. No. 2731 and that the House File be indefinitely postponed. The motion prevailed.

### REPORTS OF STANDING COMMITTEES

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

H. F. No. 2885, A bill for an act relating to agriculture; changing the law limiting corporate farming; amending Minnesota Statutes 1992, section 500.24, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 6, line 24, delete "by" and insert "to"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3005, A bill for an act relating to state government; creating an employee training incentive program; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

The report was adopted.

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

H. F. No. 3179, A bill for an act relating to waters; preservation of wetlands; drainage and filling for public roads; defining terms; board action on local government plans; action on approval of replacement plans; computation of value; amending Minnesota Statutes 1992, sections 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241.

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

The report was adopted.

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

H. F. No. 3211, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

The report was adopted.

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

S. F. No. 1788, A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; requiring public education on reuse; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; listing preferences for use of packaging; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; providing penalties and remedies; amending Minnesota Statutes 1992, sections 8.31, subdivision 1; 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.072, subdivision 4; 115A.5501, subdivisions 1, 2, and by adding subdivisions; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; 325E; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 97A.051, subdivision 1, is amended to read:

Subdivision 1. [COMPILATION OF LAWS.] As soon as practicable after each legislative session, the commissioner, with the cooperation of the attorney general and the revisor of statutes, shall assemble the current laws and permanent rules relating to wild animals and index the laws and rules properly. This compilation shall be printed in pamphlet form of pocket size, and ~~50 copies distributed to each senator, 25 copies to each representative, and ten copies shall be distributed to each county auditor.~~ Section 3.195 governs distribution of copies to members of the legislature. Up to 10,000 additional copies may be printed for general distribution.

Sec. 2. Minnesota Statutes 1992, section 115A.02, is amended to read:

115A.02 [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.]

(a) It is the goal of this chapter to ~~improve~~ protect the state's land, air, water, and other natural resources and the public health by improving waste management in the state to serve the following purposes:

- (1) Reduction in the amount and toxicity of waste generated;
- (2) Separation and recovery of materials and energy from waste;
- (3) Reduction in indiscriminate dependence on disposal of waste;
- (4) Coordination of solid waste management among political subdivisions; and
- (5) Orderly and deliberate development and financial security of waste facilities including disposal facilities.

(b) The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health. The following waste management practices are in order of preference:

- (1) waste reduction and reuse;
- (2) waste recycling;
- (3) composting of yard waste and food waste;
- (4) resource recovery through mixed municipal solid waste composting or incineration; and
- (5) land disposal.

Sec. 3. Minnesota Statutes 1992, section 115A.03, subdivision 17a, is amended to read:

Subd. 17a. [MAJOR APPLIANCES.] "Major appliances" means clothes washers and dryers, dishwashers, hot water heaters, ~~residential heat pumps~~, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Sec. 4. Minnesota Statutes 1993 Supplement, section 115A.54, subdivision 2a, is amended to read:

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

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

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

- (1) a project to improve control of or reduce air emissions at an existing resource recovery facility; and
- (2) a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

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

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

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

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

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

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable long-term commitment to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision.

Sec. 5. Minnesota Statutes 1992, section 115A.554, is amended to read:

115A.554 [AUTHORITY OF SANITARY DISTRICTS.]

A sanitary district ~~with the authority to regulate solid waste~~ has the ~~authority~~ authorities and duty ~~duties~~ of counties within the district's boundary for purposes of sections 115A.46, subdivision 4; 115A.48; 115A.551; 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; 115A.961; 115A.991; 375.18, subdivision 14; ~~and 400.08, subdivision 5 except subdivision 4, paragraph (b); 400.16; and 400.161.~~

Sec. 6. Minnesota Statutes 1992, section 115A.557, subdivision 3, is amended to read:

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

(1) create a separate account in its general fund to credit the money; and

(2) set up accounting procedures to ensure that money in the separate account is spent only for the purposes in subdivision 2.

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

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

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

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

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

Sec. 7. Minnesota Statutes 1992, section 115A.87, is amended to read:

115A.87 [JUDICIAL REVIEW; ATTORNEY GENERAL TO PROVIDE COUNSEL.]

An action challenging a designation must be brought within 60 days of the approval of the designation by the reviewing authority. The action is subject to section 562.02.

In any action challenging a designation ordinance or the implementation of a designation ordinance, the person bringing the challenge shall notify the attorney general. The attorney general may intervene in any administrative or court action to represent the state's interest in designation of solid waste, and, on request of a county whose designation ordinance has been challenged, provide legal representation for the county in any administrative or court action related to the challenge.

Sec. 8. Minnesota Statutes 1992, section 115A.882, subdivision 3, is amended to read:

Subd. 3. [INSPECTION.] A person authorized by a county in which a designation ordinance is effective may, anywhere in the state:

(1) upon presentation of identification and without a search warrant, inspect or copy the records required to be kept on a waste collection vehicle under subdivision 2 and inspect the waste on the vehicle at the time of deposit of the waste at a facility;

(2) when reasonable notice under the circumstances has been given, upon presentation of identification and without a search warrant, inspect or copy the records of an owner or operator of a solid waste facility that are required to be maintained under subdivision 2;

(3) request, in writing, copies of records of a solid waste collector that indicate the type, origin, and weight or, if applicable, the volume of waste collected, the identity of the facility at which the waste was deposited, and the date of deposit at the facility; and

(4) upon presentation of identification and without a search warrant, inspect or copy that portion of the business records of a waste collector necessary to comply with clause (3) at the central record-keeping location of the waste collector only if the collector fails to provide copies of the records within 15 days of receipt of a written request for them, unless the time has been extended by agreement of the parties.

Records or information received, inspected, or copied by a county under this section are classified as nonpublic data as defined in section 13.02, subdivision 9, and may be used by the county solely for enforcement of a designation ordinance. A waste collector or the owner or operator of a waste facility shall maintain business records needed to comply with this section for two years.

Sec. 9. Minnesota Statutes 1992, section 115A.882, is amended by adding a subdivision to read:

Subd. 4. [CIVIL ENFORCEMENT; VENUE.] (a) A person who fails to comply with this section is subject to:

(1) an action to compel performance or to restrain or enjoin any activity that interferes with the requirement to keep records in subdivision 2 or the requirement to allow timely entry and inspection in subdivision 3;

(2) damages caused by the failure to keep records or by refusal to allow timely entry or inspection;

(3) a civil penalty payable to the county seeking enforcement of up to \$10,000 per day for each day of refusal to allow timely entry or inspection; or

(4) any or all of the above.

(b) A county in which a designation ordinance is in effect may enforce this section by commencing an action in district court in the county in which the facility is located or in the county in which the designation ordinance is in effect. The court may compel performance in any manner deemed appropriate by the court, including, but not limited to, issuance of an order to show cause, a temporary restraining order, or an injunction. In addition, the court may order payment of damages or a civil penalty or both. In an action brought by a county to enforce this section in which the county substantially prevails, the court may order payment by the defendant of the county's costs and disbursements, including reasonable attorney fees.

Sec. 10. Minnesota Statutes 1992, section 115A.9157, subdivision 4, is amended to read:

Subd. 4. [PILOT PROJECTS.] By April 15, 1992, manufacturers whose rechargeable batteries or products powered by rechargeable batteries are sold in this state shall implement pilot projects for the collection and proper management of all rechargeable batteries and the participating manufacturers' products powered by nonremovable rechargeable

batteries. Manufacturers may act as a group or through a representative organization. The pilot projects must run for a minimum of 18 months and be designed to collect sufficient statewide data for the design and implementation of permanent collection and management programs that may be reasonably expected to collect at least 90 percent of waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state.

By December 1, 1991, the manufacturers or their representative organization shall submit plans for the projects to the legislative commission. ~~At least every six months during the pilot projects the manufacturers shall submit progress reports to the commission. The commission shall review the plans and progress reports.~~

By November 1, 1993, the manufacturers or their representative organization shall report to the legislative commission the final results of the projects and plans for implementation of permanent programs. The commission shall review the final results and plans.

By October 1, 1994 and by October 1, 1995, each manufacturer or a representative organization shall submit to the commission additional reports that detail progress made toward implementing permanent management programs. The October 1, 1995, report must include a description of the programs implemented under subdivision 5. These progress reports must include the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous year. A representative organization may report amounts in aggregate for all the members of the group.

Sec. 11. Minnesota Statutes 1992, section 115A.9157, subdivision 5, is amended to read:

Subd. 5. [COLLECTION AND MANAGEMENT PROGRAMS.] By ~~April 15, 1994~~ September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the commission that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the group.

Sec. 12. Minnesota Statutes 1993 Supplement, section 115A.916, is amended to read:

115A.916 [MOTOR AND VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.]

(a) A person may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze:

- (1) in solid waste or in a solid waste management facility;
- (2) in or on the land, unless approved by the agency; or
- (3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system.

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

(c) This section does not apply to antifreeze placed in a wastewater collection system that includes a publicly or privately owned treatment works that is permitted by the agency until July 1, 1995 December 31, 1996.

(d) Notwithstanding paragraph (a), motor oil filters and portions of motor oil filters may be processed at a permitted mixed municipal solid waste resource recovery facility that directly burns the waste if:

- (1) the facility is subject to an industrial waste management plan that addresses management of motor oil filters and the owner or operator of the facility can demonstrate to the satisfaction of the commissioner that the facility is in compliance with that plan;

(2) the facility recovers ferrous metal after incineration for recycling as part of its operation; and

(3) the motor oil filters are collected separately from mixed municipal solid waste and are not combined with it except for the purpose of incinerating the waste.

Sec. 13. Minnesota Statutes 1992, section 115A.918, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] The definitions in this section apply to this section and sections 115A.919 ~~and 115A.921 to 115A.929.~~

Sec. 14. Minnesota Statutes 1992, section 115A.918, is amended by adding a subdivision to read:

Subd. 2a. [EQUIVALENT.] For mixed municipal solid waste, the measure of "equivalent" or "equivalent cubic yards of waste" is 3.33 cubic yards per ton of waste.

Sec. 15. Minnesota Statutes 1992, section 115A.919, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS.] (a) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from any fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county, except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction.

(b) A facility permitted for the disposal of construction debris is exempt from 25 percent of a fee imposed under subdivision 1 if the facility has implemented a recycling program approved by the county and 25 percent if the facility contains a liner and leachate collection system approved by the agency.

Sec. 16. Minnesota Statutes 1992, section 115A.921, subdivision 1, is amended to read:

Subdivision 1. [MIXED MUNICIPAL SOLID WASTE.] A city or town may impose a fee, not to exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees must be credited to the city or town general fund. Revenue produced by 25 cents of the fee must be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. Revenue produced by the balance of the fee may be used for any general fund purpose.

Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town, except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction.

Sec. 17. Minnesota Statutes 1993 Supplement, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

Each ~~local government unit~~ political subdivision that provides for solid waste management shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the ~~local government unit~~ political subdivision and shall report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. For the purposes of this section, "waste management fees" means:

(1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;



(2) all tipping fees collected at waste management facilities owned or operated by the ~~local government unit~~ political subdivision;

(3) all charges imposed by the ~~local government unit~~ political subdivision for waste collection and management services; and

(4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the ~~local government unit~~ political subdivision.

Sec. 18. Minnesota Statutes 1992, section 115A.9301, is amended by adding a subdivision to read:

Subd. 3. [ALTERNATIVE.] A local government unit may satisfy the requirements of this section by establishing, for households that generate small volumes of waste, a waste collection unit that is smaller than and priced lower than for other generators if the local government unit:

(1) operates or contracts for the operation of a residential recycling program that collects more categories of recyclable materials than required in section 115A.552;

(2) has a residential participation rate in its recycling programs of at least 70 percent or in excess of the participation rate for the county in which it is located, whichever is greater; and

(3) is located in a county that has exceeded the recycling goals in section 115A.551.

Sec. 19. Minnesota Statutes 1992, section 115A.95, is amended to read:

115A.95 [RECYCLABLE MATERIALS.]

A disposal facility or a resource recovery facility that is composting waste, burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency, may not accept source-separated recyclable materials, and a solid waste collector or transporter may not deliver source-separated recyclable materials to such a facility, except for transfer to a recycler, unless the director determines that no other person is willing to accept the recyclable materials.

Sec. 20. Minnesota Statutes 1992, section 115A.9561, subdivision 2, is amended to read:

Subd. 2. [RECYCLING REQUIRED.] Major appliances must be recycled or reused. Each county shall ensure that its residents households have the opportunity to recycle used major appliances. For the purposes of this section, recycling includes:

- (1) the removal of capacitors that may contain PCBs;
- (2) the removal of ballasts that may contain PCBs;
- (3) the removal of chlorofluorocarbon refrigerant gas; and
- (4) the recycling or reuse of the metals, including mercury.

Sec. 21. Minnesota Statutes 1992, section 115A.965, subdivision 6, is amended to read:

Subd. 6. [RULES IMPLEMENTATION; DISPUTE RESOLUTION.] In lieu of adopting rules to implement this section, the commissioner of the pollution control agency, in consultation with the director of the office of waste management, shall adopt rules to implement this section shall seek membership in the toxics in packaging clearinghouse administered by the source reduction task force of the Coalition of Northeastern Governors for the purposes of implementation of this section and resolving issues and disputes that arise in connection with it. The commissioner shall seek a recommendation from the clearinghouse prior to making a decision on an issue or dispute of first impression and shall implement the recommendation unless the commissioner specifically finds that the recommended determination is not in the state's best interest. A package for which a request for exemption has been submitted to the commissioner is not subject to enforcement action pending the commissioner's determination.

Sec. 22. Minnesota Statutes 1992, section 115A.965, is amended by adding a subdivision to read:

Subd. 7. [REPORT.] By September 1 of each odd-numbered year, the commissioner shall prepare and submit to the legislative commission a report to include:

- (1) enforcement actions taken by the commissioner under this section for the reporting period; and
- (2) issues and disputes that have arisen under this section, the recommendations made by the toxics in packaging clearinghouse for resolution of those issues and disputes, and how those issues and disputes were finally resolved by the commissioner.

Sec. 23. Minnesota Statutes 1993 Supplement, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN SPECIFIED PRODUCTS; ENFORCEMENT.]

Subdivision 1. [PROHIBITION.] (a) After July September 1, 1994, no person may deliberately intentionally introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended distributed for use or for sale in this state.

~~Until July 1, 1997, this section does not apply to electrodeposition primer coating or primer coating used on aircraft, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromic acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.~~

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

(c) The total concentration level of all metals listed in paragraph (a) may not exceed 100 parts per million by weight.

Subd. 2. [TEMPORARY EXEMPTION.] (a) An item listed in subdivision 1 is exempt from this section until July 1, 1997, if the manufacturer of the item submits to the commissioner a written request for an exemption by September 1, 1994. The request must include at least:

- (1) an explanation of why compliance is not technically feasible at the time of the request;
- (2) how the manufacturer will comply by July 1, 1997; and
- (3) the name, address, and telephone number of a person the commissioner can contact for further information.

(b) A person who uses an item listed in subdivision 1, into which one of the listed metals has been intentionally introduced, may submit, on behalf of the manufacturer, a request for temporary exemption as provided in paragraph (a). The request must include:

- (1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;
- (2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the item without intentionally introducing a listed metal;
- (3) that the person will stop using the item by July 1, 1997, if it still contains an intentionally introduced listed metal; and
- (4) the name, address, and telephone number of a person the commissioner can contact for further information.

(c) A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1997, and the person who requests it must submit the progress description required in paragraph (e).

(d) By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the legislative commission on waste management a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests.

(e) By July 1, 1996, each manufacturer on the list shall submit to the commissioner a description of the progress the manufacturer has made toward compliance with subdivision 1, and the date compliance has been achieved or the date on or before July 1, 1997, by which the manufacturer anticipates achieving compliance. By July 1, 1996, each person who has requested an exemption under paragraph (b) or (c) shall submit to the commissioner:

(1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and

(2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.

By October 1, 1996, the commissioner shall submit to the legislative commission a summary of the progress made by the manufacturers and other persons and any recommendations for appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1997, that violate subdivision 1.

Subd. 3. [APPLICATION; ENFORCEMENT.] (a) This section does not apply to art supplies.

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

Sec. 24. Minnesota Statutes 1993 Supplement, section 115A.981, subdivision 3, is amended to read:

Subd. 3. [REPORT.] (a) The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices.

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

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

(2) consider and analyze information received under subdivision 2 and information available under section 115A.929; and

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

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

(c) The report must also include:

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

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

Sec. 25. Minnesota Statutes 1992, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 30 years after closure

for a mixed municipal solid waste disposal facility or for a minimum of 20 years after closure, as determined by agency rules, for any other solid waste disposal facility, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules and the requirements of paragraph (b) is a condition of obtaining or retaining a permit to operate the facility.

(b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, may meet its financial responsibility for all or a portion of the contingency action portion of the reasonable and necessary response costs at the facility by pledging its full faith and credit to meet its responsibility.

The pledge must be made in accordance with the requirements in chapter 475 for issuing bonds of the municipality, and the following additional requirements:

(1) The governing body of the municipality shall enact an ordinance that clearly accepts responsibility for the costs of contingency action at the facility and that reserves, during the operating life of the facility and for 20 years the time period required in paragraph (a) after closure, a portion of the debt limit of the municipality, as established under section 475.53 or other law, that is equal to the total contingency action costs.

(2) The municipality shall require that all collectors that haul to the facility implement a plan for reducing solid waste by using volume-based pricing, recycling incentives, or other means.

(3) When a municipality opts to meet a portion of its financial responsibility by relying on its authority to issue bonds, it shall also begin setting aside in a dedicated long-term care trust fund money that will cover a portion of the potential contingency action costs at the facility, the amount to be determined by the agency for each facility based on at least the amount of waste deposited in the disposal facility each year, and the likelihood and potential timing of conditions arising at the facility that will necessitate response action. The agency may not require a municipality to set aside more than five percent of the total cost in a single year.

(4) A municipality shall have and consistently maintain an investment grade bond rating as a condition of using bonding authority to meet financial responsibility under this section.

(5) The municipality shall file with the commissioner of revenue its consent to have the amount of its contingency action costs deducted from state aid payments otherwise due the municipality and paid instead to the environmental response, compensation, and compliance account created in section 115B.20, if the municipality fails to conduct the contingency action at the facility when ordered by the agency. If the agency notifies the commissioner that the municipality has failed to conduct contingency action when ordered by the agency, the commissioner shall deduct the amounts indicated by the agency from the state aids in accordance with the consent filed with the commissioner.

(6) The municipality shall file with the agency written proof that it has complied with the requirements of paragraph (b).

(c) The method for proving financial responsibility under paragraph (b) may not be applied to a new solid waste disposal facility or to expansion of an existing facility, unless the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years.

#### Sec. 26. [116.073] [FIELD CITATIONS.]

Subdivision 1. [AUTHORITY TO ISSUE.] Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in section 116.06, subdivision 22, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose of or otherwise manage the waste or reimburse any government agency that has disposed of the waste for the reasonable costs of disposal.

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

- (1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;
- (2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;
- (3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;
- (4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000; and
- (5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste if, after receiving actual notice that waste has escaped the vehicle, the person or company transporting the waste fails to immediately collect the waste.

Subd. 3. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. [CUMULATIVE REMEDY.] The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 27. Minnesota Statutes 1992, section 116.76, subdivision 4, is amended to read:

Subd. 4. [COMMERCIAL TRANSPORTER.] "Commercial transporter" means a person, other than the United States government, who transports infectious or pathological waste for compensation.

Sec. 28. Minnesota Statutes 1993 Supplement, section 116.79, subdivision 1, is amended to read:

Subdivision 1. [PREPARATION OF MANAGEMENT PLANS.] (a) To the extent applicable to the facility, a person in charge of a facility that generates, stores, decontaminates, incinerates, or disposes of infectious or pathological waste must prepare a management plan for the infectious or pathological waste handled by the facility. A person may prepare a common management plan for all generating facilities owned and operated by the person. If a single plan is prepared to cover multiple facilities, the plan must identify common policy and procedures for the facilities and any management procedures that are facility specific. The plan must identify each generating facility covered by the plan. A management plan must list all physicians, dentists, chiropractors, podiatrists, veterinarians, certified nurse practitioners, certified nurse midwives, or physician assistants, employed by, under contract to, or working at the generating facilities, except hospitals or laboratories. A management plan from a hospital must list the number of licensed beds and from a laboratory must list the number of generating employees.

(b) The management plan must describe, to the extent the information is applicable to the facility:

- (1) the type of infectious waste and pathological waste that the person generates or handles;
- (2) the segregation, packaging, labeling, collection, storage, and transportation procedures for the infectious waste or pathological waste that will be followed;
- (3) the decontamination or disposal methods for the infectious or pathological waste that will be used;
- (4) the transporters and disposal facilities that will be used for the infectious waste;
- (5) the steps that will be taken to minimize the exposure of employees to infectious agents throughout the process of disposing of infectious or pathological wastes; and
- (6) the name of the individual responsible for the management of the infectious waste or pathological waste.

(c) If the generator mails sharps for storage, decontamination, or disposal, the plan must specify how the generator will comply with applicable federal laws and rules. The plan must also specify the name, address, and telephone number of the facility to which the sharps are mailed, the name of the person who receives the sharps at the facility, and the annual amount mailed to the facility. If the facility to which the sharps are mailed is not the disposal facility, the plan must also identify the disposal facility.

(d) The management plan must be kept at the facility.

(e) To the extent applicable to the facility, management plans must be accompanied by a statement of the quantity of infectious and pathological waste generated, decontaminated, stored, incinerated, or disposed of at the facility during the previous two-year period. Quantities shall be reported in pounds.

(f) A management plan must be updated at least once every two years.

Sec. 29. Minnesota Statutes 1992, section 116.92, subdivision 8, is amended to read:

Subd. 8. [BAN; TOYS OR, GAMES, AND APPAREL.] A person may not sell for resale or at retail in this state a toy or game that contains mercury, or an item of clothing or wearing apparel that is exempt from sales tax under section 297A.25, subdivision 8, that contains an electric switch that contains mercury.

Sec. 30. Minnesota Statutes 1993 Supplement, section 473.149, subdivision 6, is amended to read:

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

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

Sec. 31. Minnesota Statutes 1992, section 473.803, is amended by adding a subdivision to read:

Subd. 5. [ROLE OF PRIVATE SECTOR; COUNTY OVERSIGHT.] A county may include in its solid waste management master plan and in its plan for county land disposal abatement a determination that the private sector will achieve, either in part or in whole, the goals and requirements of sections 473.149 and 473.803, as long as the county:

(1) retains active oversight over the efforts of the private sector and monitors performance to ensure compliance with the law and the goals and standards of the council and the county as expressed in the metropolitan solid waste management plan and the county master plan;

(2) continues to meet its responsibilities under the law for ensuring proper waste management, including, at a minimum, enforcing waste management law, providing waste education, promoting waste reduction, and providing its residents the opportunity to recycle waste materials; and

(3) continues to provide all required reports on the county's progress in meeting the waste management goals and standards of this chapter and chapter 115A.

Sec. 32. Minnesota Statutes 1992, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] (a) Each metropolitan county may adopt ordinances governing the collection of solid waste. A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.

(b) Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.

(c) Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by a county under chapter 115A or for enforcement of the prohibition on disposal of unprocessed mixed municipal solid waste under sections 473.848 and 473.849.

(d) A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved.

(e) Ordinances of counties and local units of government:

(1) shall provide for the enforcement of any designation of facilities by the counties under chapter 115A;

(2) may require waste collectors and transporters to deliver unprocessed mixed municipal waste generated in the county to processing facilities; and

(3) may prohibit waste collectors and transporters from delivering unprocessed mixed municipal solid waste generated in the county to disposal facilities for final disposal.

(f) Nothing in this subdivision ~~shall be construed to limit~~ limits the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 33. Minnesota Statutes 1992, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales. The county ordinance may prohibit disposal facilities from accepting unprocessed mixed municipal solid waste for final disposal. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 34. [473.812] [RECORDS; INSPECTION.]

For the purpose of enforcing section 473.811 or ordinances adopted under that section, a county has the responsibilities and authorities for record inspection under section 115A.882, regardless of whether the county has adopted a designation ordinance under sections 115A.80 to 115A.893.

Sec. 35. Minnesota Statutes 1992, section 473.843, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF FEE; APPLICATION.] The operator of a mixed municipal solid waste disposal facility in the metropolitan area shall pay a fee on solid waste accepted and disposed at the facility as follows:

(a) A facility that weighs the waste that it accepts must pay a fee of ~~\$2 per cubic yard based on equivalent cubic yards~~ \$6.66 per ton of waste accepted at the entrance of the facility.

(b) A facility that does not weigh the waste but that measures the volume of the waste that it accepts must pay a fee of \$2 per cubic yard of waste accepted at the entrance of the facility. This fee and the tipping fee must be calculated on the same basis.

(c) Waste residue, from recycling facilities at which recyclable materials are separated or processed for the purposes of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse, is exempt from the fee imposed by this subdivision if there is at least an 85 percent volume reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to a disposal facility separately. The commissioner of revenue, with the advice and assistance of the council and the agency, shall prescribe procedures for determining the amount of waste residue qualifying for exemption.

Sec. 36. Minnesota Statutes 1992, section 473.844, subdivision 1a, is amended to read:

Subd. 1a. [USE OF FUNDS.] (a) The money in the account may be spent only for the following purposes:

(1) assistance to any person for resource recovery projects funded under subdivision 4 or projects to develop and coordinate markets for reusable or recyclable waste materials, including related public education, planning, and technical assistance;

(2) grants to counties under section 473.8441;

(3) program administration by the metropolitan council;

(4) public education on solid waste reduction and recycling; and

(5) solid waste research; and

(6) grants to multicounty groups for regionwide planning for solid waste management system operations and use of management capacity.

(b) The council shall allocate at least 50 percent of the annual revenue received by the account for grants to counties under section 473.8441.

Sec. 37. Minnesota Statutes 1992, section 473.845, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES FROM THE FUND.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a ~~20-year~~ 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for ~~20~~ 30 years in compliance with the closure and postclosure rules of the agency; or

(3) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit.

Sec. 38. Minnesota Statutes 1993 Supplement, section 473.846, is amended to read:

473.846 [REPORT TO LEGISLATURE.]

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



Sec. 39. Minnesota Statutes 1992, section 473.848, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION.] (a) After January 1, 1990 For the purposes of implementing the waste management policies in section 115A.02 and metropolitan area goals related to landfill abatement established under this chapter, a person may not dispose of unprocessed mixed municipal solid waste generated in the metropolitan area at a waste disposal facilities located in the metropolitan area facility unless the waste disposal facility meets the standards in section 473.849 and:

- (1) the waste has been certified as unprocessable by a county under subdivision 2; or
- (2)(i) the waste has been transferred to the disposal facility from a resource recovery facility;
- (ii) no other resource recovery facility in serving the metropolitan area is capable of processing the waste; and
- (iii) the waste has been certified as unprocessable by the operator of the resource recovery facility under subdivision 3.

(b) For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.

Sec. 40. Minnesota Statutes 1992, section 473.848, subdivision 5, is amended to read:

Subd. 5. [DEFINITION.] (a) For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste. separation of materials for resource recovery through recycling, incineration for energy production, production and use of refuse-derived fuel, composting, or any combination of these processes so that the percentage, by weight, of the collected waste that must be disposed of in a mixed municipal solid waste disposal facility, on an annual average, is not more than:

(1) 35 percent for waste collected from generators for whom a waste collector or local government unit provides collection and management of recyclables separately from collection and management of mixed municipal solid waste; or

(2) 20 percent for waste collected from generators for whom a waste collector or local government unit provides collection of recyclables combined with mixed municipal solid waste.

(b) For the purposes of paragraph (a), a mixed municipal solid waste generator is provided separate collection and management of recyclables if the generator has the opportunity to separately recycle as described in section 115A.552 and the waste collector that serves the generator does not override the opportunity to separately recycle by collecting recyclables combined with mixed municipal solid waste for separate or combined management of the recyclables after collection.

(c) Nothing in this section affects the responsibility of counties for recycling activities under chapter 115A.

Sec. 41. [ELECTRONIC APPLIANCES; REPORT.]

By July 1, 1995, the director of the office of waste management, in consultation with the commissioner of the pollution control agency and counties, shall submit a report to the legislative commission on waste management regarding management of waste electronic appliances that:

(1) identifies types of electronic appliances that contain materials that pose problems in the solid waste management system;

(2) explains how those waste appliances are presently managed and identifies any adverse environmental effects of present management; and

(3) recommends, if necessary, legislation to govern management of waste electronic appliances.

For the purposes of this section, "electronic appliances" includes at least audio, video, computing, printing, communication, and telecommunication equipment and apparatuses that contain electronic components, including but not limited to radios, televisions, computers, computer printers, small electronic kitchen appliances, telefacsimile equipment, and household and commercial communication transmission and reception equipment, but does not include major appliances as defined in Minnesota Statutes, section 115A.03, subdivision 17a.

## Sec. 42. [MERCURY IN PRODUCTS; REPORT.]

By December 1, 1994, the commissioner of the pollution control agency, after consultation with interested manufacturers, retailers, public interest groups, political subdivisions, and other persons, shall prepare and submit to the legislative commission on waste management a report that:

- (1) identifies products and portions or elements of products into which mercury is intentionally introduced;
- (2) identifies whether the use of mercury in the products is essential, whether alternatives exist to using mercury, and what those alternatives are; and
- (3) recommends legislation to address public health and environmental protection in the distribution, sale, and use of products into which mercury has been intentionally introduced and to address reduction of mercury in the products and management of the products when they become waste, including recommendations for banning specific products when the costs of management as waste outweigh the benefits that accrue from distribution, sale, and use of the products.

## Sec. 43. [RECYCLING FACILITIES; REPORT.]

By July 1, 1995, the commissioner of the pollution control agency shall submit to the legislative commission on waste management a report that contains:

- (1) a description of the different types of recycling facilities and the numbers of each type that are currently in operation;
- (2) a survey of recycling facilities that indicates, for each facility, the type of facility, the extent to which materials delivered to the facility are not actually recycled, and other information pertaining to the facility's performance;
- (3) a discussion of issues affecting the performance of recycling facilities;
- (4) a comparison of markets for commingled and source-separated recyclable materials; and
- (5) recommendations regarding performance standards for recycling facilities, including whether different standards should apply to different types of facilities.

In preparing the report, the commissioner shall consult with the director of the office of waste management, the chair of the metropolitan council, counties, and the recycling industry.

## Sec. 44. [DELAYED REPORTS.]

The 1994 date for reports required under Minnesota Statutes, sections 115A.551, subdivision 4; and 115A.557, subdivision 4, is delayed until August 1, 1994.

## Sec. 45. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 115A.542, is repealed effective July 1, 1995.

## Sec. 46. [APPLICATION.]

Sections 30 to 40 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

## Sec. 47. [EFFECTIVE DATE.]

Section 2 is effective July 1, 1980.

Sections 29 and 44 are effective the day following final enactment.

Section 23 is effective the day following final enactment.

Section 38 is effective June 1, 1994."

Delete the title and insert:

"A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in certain products and providing for exemptions; authorizing the issuance of field citations; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; clarifying the potential role of the private sector in metropolitan waste management; authorizing metropolitan counties to enforce prohibitions on disposal of unprocessed waste and to inspect the records of waste management facilities; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivision 3; 115A.87; 115A.882, subdivision 3, and by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.9301, by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, by adding a subdivision; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapters 116; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1930, A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2885, 3005, 3179 and 3211 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1736, 2329, 2467, 1788 and 1930 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Munger, Wenzel, Battaglia, Steensma and Johnson, V., introduced:

H. F. No. 3223, A bill for an act relating to the environment; providing annual funding allocations to soil and water conservation districts; appropriating money; amending Minnesota Statutes 1992, section 103C.401, by adding a subdivision.

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

Milbert and Bishop introduced:

H. F. No. 3224, A bill for an act relating to legislation; providing for the engrossment, enrollment, and numbering of bills; amending Minnesota Statutes 1992, section 3C.04, subdivision 5.

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

Orenstein introduced:

H. F. No. 3225, 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.

Steensma introduced:

H. F. No. 3226, A bill for an act relating to education; authorizing a local income tax for discretionary school district spending; creating an equalized revenue; proposing coding for new law in Minnesota Statutes, chapters 124A and 290.

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

Simoneau, Kahn and Anderson, I., introduced:

H. F. No. 3227, A bill for an act proposing an amendment to the Minnesota Constitution, article X, section 8; authorizing off-track betting on horse racing; requiring a report to the legislature.

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

## HOUSE ADVISORIES

The following House Advisory was introduced:

Johnson, A.; Osthoff and Johnson, V., introduced:

H. A. No. 36, A proposal to study Minnesota highway safety laws and programs.

The advisory was referred to the Committee on Transportation and Transit.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Carruthers from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 4, A house concurrent resolution providing for a Joint Convention of the Senate and the House of Representatives to elect a member of the Board of Regents of the University of Minnesota.

Reported the same back with the recommendation that the house concurrent resolution be adopted.

Carruthers moved that the report be adopted. The report was adopted.

Carruthers moved that House Concurrent Resolution No. 4 be now adopted.

HOUSE CONCURRENT RESOLUTION NO. 4

A house concurrent resolution providing for a Joint Convention of the Senate and the House of Representatives to elect a member of the Board of Regents of the University of Minnesota.

*Be it Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring:

The House of Representatives and the Senate shall meet in Joint Convention on Thursday, April 21, 1994, at 9:00 a.m., in the Chamber of the House of Representatives to elect a member to the Board of Regents of the University of Minnesota.

The motion prevailed and House Concurrent Resolution No. 4 was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1957, A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

H. F. No. 2007, A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1859, A bill for an act relating to housing; establishing penalties for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2893, A bill for an act relating to unemployment compensation; extending benefits for certain employees; providing for a shared work plan; requiring a study; amending Minnesota Statutes 1992, section 268.073, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, section 268.073, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2189, A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions; libraries; state agencies; school bus safety; conforming amendments; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivision 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 124.195, subdivisions 3, 6, and by adding a subdivision; 124.223, subdivision 1; 124.244, subdivision 4; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85; 124.90, by adding a subdivision; 124.912, by adding a subdivision; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a subdivision; 124C.49; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78; 127.27, subdivision 5; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.38; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; 136D.82, by adding subdivisions; 169.01, subdivision 6; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.45, subdivision 1; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 179A.07, subdivision 6; 260.181, subdivision 2; 272.02, subdivision 8; 475.61, subdivision 4; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 120.062, subdivision 5; 120.064, subdivision 16; 120.17, subdivisions 11b, 12, and 17; 121.11, subdivisions 7c and 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831, subdivision 9; 121.885, subdivisions 1, 2, and 4; 123.3514, subdivisions 6 and 6b; 123.58, subdivisions 6, 7, 8, and 9; 123.951; 124.155, subdivisions 1 and 2; 124.17, subdivisions 1 and 2f; 124.225, subdivisions 1 and 7e; 124.226, subdivisions 3a and 9; 124.2455; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2713, subdivision 5; 124.2714; 124.2727, subdivisions 6 and 6a; 124.573, subdivision 2b; 124.6469, subdivision 3; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.029, subdivision 4; 124A.03, subdivisions 1c, 2, and 3b; 124A.22, subdivisions 5, 6, 8, and 9; 124A.225, subdivisions 1, 3, 4, and 5; 124A.29, subdivision 1; 124A.292, subdivision 3; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 125.706; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 127.46; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, articles 6, section 34; and 11, section 9; Laws 1993, chapter 224, articles 2, section 15, subdivision 2, as amended; 3, sections 36, subdivision 2; 38, subdivision 22; 5, sections 43; 46, subdivisions 2, 3, and 4; 6, section 30, subdivisions 2 and 6; 7, section 28, subdivisions 3, 4, 9, and 11; 8, sections 20, subdivision 2; 22, subdivisions 6, 7, and 12; 12, sections 39 and 41; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 126; 127; 134; and 169; 473; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivisions 1 and 3; 136D.71, subdivision 2; 136D.72, subdivisions 1, 2, and 5; 136D.82, subdivisions 1 and 3; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivision 8; 124A.225, subdivision 2; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Law 1993, chapter 224, articles 1, section 37; 8, section 14; Minnesota Rules, parts 3520.3600; 3520.3700; 8700.6410; 8700.9000; 8700.9010; 8700.9020; and 8700.9030.

The Senate has appointed as such committee:

Messrs. Pogemiller and Janezich; Mses. Pappas, Krentz and Robertson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2710, A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

The Senate has appointed as such committee:

Messrs. Riveness, Metzen and Terwilliger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee:

Messrs. Moe, R. D.; Stumpf and Dille.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

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. 2311, A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7; 469.188; 471.191, subdivision 2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapter 213, section 1; Laws 1959, chapters 298,

section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30, section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228, section 1; Laws 1967, chapter 542, section 1, subdivision 3; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

PATRICK E. FLAHAVER, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Winter moved that the House concur in the Senate amendments to H. F. No. 2311 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2311, A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7; 469.188; 471.191, subdivision 2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapter 213, section 1; Laws 1959, chapters 298, section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1, as amended; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30, section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228, section 1; Laws 1967, chapter 542, section 1, subdivision 3; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 2913, A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

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

Messrs. Merriam, Cohen, Morse, Kroening and Frederickson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Solberg moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2913. The motion prevailed.

Mr. Speaker:

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

S. F. No. 760.

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. 760

A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

April 12, 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. 760, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 760 be further amended as follows:

Page 1, line 15, after the period insert "The total value of items given to the public under this paragraph may not exceed \$25,000 per year."

Page 1, delete lines 16 to 21 and insert:

"(b) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size."

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

Senate Conferees: LEONARD R. PRICE, STEVEN MORSE AND GENE MERRIAM.

House Conferees: KEN WOLF, LOREN JENNINGS AND JOHN DORN.

Wolf moved that the report of the Conference Committee on S. F. No. 760 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 760, A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:  
S. F. No. 1912.

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. 1912

A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

April 13, 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. 1912, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: JIM VICKERMAN, CAL LARSON AND KEVIN M. CHANDLER.

House Conferees: ROGER COOPER, GREGORY M. DAVIDS AND BECKY LOUREY.

Cooper moved that the report of the Conference Committee on S. F. No. 1912 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1912, A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 1744.

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. 1744

A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

April 14, 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. 1744, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: JIM VICKERMAN, STEVE L. MURPHY AND FLORIAN CHMIELEWSKI.

House Conferees: KATY OLSON, TED WINTER AND JIM GIRARD.

Olson, K., moved that the report of the Conference Committee on S. F. No. 1744 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1744, A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

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 130 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frerichs              Goodno              Gruenes              Ornen

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. 2124, A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 353.27, subdivision 7a; 354.05, subdivision 2a; 354.42, subdivision 7; 354B.01, by adding a subdivision; 354B.015; and 354B.02, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; 354A.011, subdivision 27; 354B.02, subdivision 1; and 354B.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 354B; proposing coding for new law as Minnesota Statutes, chapter 354C.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 2124 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2124, A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 353.27, subdivision 7a; 354.05, subdivision 2a; 354.42, subdivision 7; 354B.01, by adding a subdivision; 354B.015; and 354B.02, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; 354A.011, subdivision 27; 354B.02, subdivision 1; and 354B.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 354B; proposing coding for new law as Minnesota Statutes, chapter 354C.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Sekhon	Solberg	Swenson	Tunheim	Vickerman	Wejzman	Worke
Simoneau	Stanius	Tomassoni	Van Dellen	Wagenius	Wenzel	Workman
Skoglund	Steensma	Tompkins	Van Engen	Waltman	Winter	Spk. Anderson, I.
Smith	Sviggum	Trimble	Vellenga	Weaver	Wolf	

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 Senate Files, herewith transmitted:

S. F. Nos. 2540, 1808 and 1948.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2540, A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

The bill was read for the first time.

Jacobs moved that S. F. No. 2540 and H. F. No. 2590, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1808, A bill for an act relating to workers' compensation; providing coverage for certain civil air patrol volunteers; amending Minnesota Statutes 1992, section 176.011, subdivision 9.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1948, A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

The bill was read for the first time.

Winter moved that S. F. No. 1948 and H. F. No. 2885, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3209:

Rest, Jacobs, Rukavina, Dawkins and Goodno.

The following Conference Committee Report was received:

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2675

A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

April 18, 1994

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H. F. No. 2675, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 2675, as amended by the Senate, adopted March 30, 1994, be further amended as follows:

Page 1, line 23, delete "one lot" and insert "two lots"

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

House Conferees: BECKY LOUREY, ROGER COOPER AND DENNIS OZMENT.

Senate Conferees: BOB LESSARD, FLORIAN CHMIELEWSKI AND GENE MERRIAM.

Lourey moved that the report of the Conference Committee on H. F. No. 2675 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2675, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

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 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
Bauerly	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	Onnen	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	Koppendraye	Morrison	Pelowski	Sviggum	Spk. Anderson, I.

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



## CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. Nos. 3122 and 3193.

H. F. No. 3122, A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

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
Bauerly	Erhardt	Jaros	Lieder	Nelson	Rest	Tunheim
Beard	Evans	Jefferson	Limmer	Ness	Rhodes	Van Dellen
Bergson	Farrell	Jennings	Lindner	Olson, E.	Rice	Van Engen
Bertram	Finseth	Johnson, A.	Long	Olson, K.	Rodosovich	Vellenga
Bettermann	Frerichs	Johnson, R.	Lourey	Olson, M.	Rukavina	Vickerman
Bishop	Garcia	Johnson, V.	Luther	Onnen	Sarna	Wagenius
Brown, C.	Girard	Kahn	Lynch	Opatz	Seagren	Waltman
Brown, K.	Goodno	Kalis	Macklin	Orenstein	Sekhon	Weaver
Carlson	Greenfield	Kelley	Mahon	Orfield	Simoneau	Wejzman
Carruthers	Greiling	Kelso	Mariani	Osthoff	Skoglund	Wenzel
Clark	Gruenes	Kinkel	McCollum	Ostrom	Smith	Winter
Commers	Gutknecht	Klinzing	McGuire	Ozment	Solberg	Wolf
Cooper	Hasskamp	Knickerbocker	Milbert	Pauly	Stanius	Worke
Dauner	Haukoos	Knight	Molnau	Pawlenty	Steensma	Workman
Davids	Hausman	Koppendrayner	Morrison	Pelowski	Sviggum	Spk. Anderson, I.

The bill was passed and its title agreed to.

The Speaker called Kahn to the Chair.

H. F. No. 3193 was reported to the House.

Rest moved to amend H. F. No. 3193, the first engrossment, as follows:

Page 13, lines 15 to 18, delete the new language

The motion prevailed and the amendment was adopted.

Bettermann moved to amend H. F. No. 3193, the first engrossment, as amended, as follows:

Page 2, after line 34, insert:

"Sec. 2. Minnesota Statutes 1992, section 124.95, is amended by adding a subdivision to read:

Subd. 7. [EFFECT OF RECEIPT OF CERTAIN AIDS.] The receipt of aid under section 273.1398, this section, or any successor provisions to be used to pay debt service for repayment of the principal and interest on school district bonds shall not for any purpose constitute the financing of a project in whole or in part by state funds."

Page 22, line 22, before "Section" insert "Section 2 is effective the day following final enactment and applies to fiscal year 1993 and thereafter."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Bettermann amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Holsten	Leppik	Ness	Peterson	Vickerman
Anderson, R.	Erhardt	Hugoson	Limmer	Olson, E.	Rhodes	Waltman
Bauerly	Finseth	Johnson, V.	Lindner	Olson, K.	Seagren	Weaver
Bertram	Frerichs	Kelso	Lynch	Olson, M.	Stanis	Wolf
Bettermann	Girard	Klinzing	Macklin	Onnen	Sviggum	Worke
Bishop	Goodno	Knight	Molnau	Opatz	Swenson	Workman
Commers	Gruenes	Koppendrayner	Morrison	Ostrom	Tunheim	
Davids	Gutknecht	Krinkie	Mosel	Pauly	Van Dellen	
Dehler	Haukoos	Lasley	Nelson	Pawlenty	Van Engen	

Those who voted in the negative were:

Asch	Dawkins	Jacobs	Krueger	Neary	Rodosovich	Trimble
Battaglia	Delmont	Jaros	Lieder	Orenstein	Rukavina	Wagenius
Beard	Dempsey	Jefferson	Long	Orfield	Sarna	Wejzman
Bergson	Evans	Jennings	Lourey	Osthoff	Sekhon	Wenzel
Brown, C.	Farrell	Johnson, A.	Luther	Ozment	Simoneau	Winter
Brown, K.	Garcia	Johnson, R.	Mahon	Pelowski	Skoglund	Spk. Anderson, I.
Carlson	Greenfield	Kahn	Mariani	Perlt	Smith	
Carruthers	Greiling	Kalis	McCollum	Pugh	Solberg	
Clark	Hasskamp	Kelley	McGuire	Reding	Steensma	
Cooper	Hausman	Kinkel	Milbert	Rest	Tomassoni	
Dauner	Huntley	Knickerbocker	Murphy	Rice	Tompkins	

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

H. F. No. 3193, A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

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.	Bauerly	Bettermann	Brown, K.	Clark	Dauner	Dehler
Asch	Bergson	Bishop	Carlson	Commers	Davids	Delmont

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

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

### SPECIAL ORDERS

S. F. No. 2500 was reported to the House.

Trimble moved that S. F. No. 2500 be continued on Special Orders. The motion prevailed.

H. F. No. 3011 was reported to the House.

Osthoff moved that H. F. No. 3011 be continued on Special Orders until Friday, April 22, 1994. The motion prevailed.

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.

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

S. F. No. 2009, A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 2303 was reported to the House.

Ostrom; Osthoff; Johnson, V., and Pauly moved to amend S. F. No. 2303 as follows:

Page 1, line 18, strike "subdivision 2" and insert "subdivisions 2 and 3"

Page 1, line 26, after the semicolon, insert "and"

Page 2, line 3, strike "; and" and insert a new period

Page 2, lines 4 to 9, delete the new language and strike the old language and insert:

"Subd. 3. [REFRESHER COURSE.] The department of public safety, in consultation with other traffic safety and medical professionals, may establish without rulemaking a refresher course for persons who have completed the original course under subdivision 2. The refresher course shall be four hours or more, and based on the curriculum established under subdivision 2. The department of public safety shall establish criteria for and approve training agencies or organizations authorized to conduct the refresher course."

Subd. 4. [COMPLETION CERTIFICATE.] Persons 55 years old and older may retake the original course or take the refresher course every three years and receive a course completion certificate to remain eligible for the premium reduction in subdivision 1. The department of public safety shall provide criteria for the issuance of the course completion certificates."

Page 2, line 11, delete everything after "1995" and insert a new period

Page 2, delete lines 12 and 13

The motion prevailed and the amendment was adopted.

S. F. No. 2303, A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

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 119 yeas and 14 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	Delmont
Asch	Bergson	Bishop	Carlson	Commers	Davids	Dempsey

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

Those who voted in the negative were:

Dehler	Gutknecht	Lindner	Olson, M.	Rhodes	Solberg	Tunheim
Frerichs	Haukoos	Ness	Onnen	Rodosovich	Steensma	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:

H. F. No. 2028; S. F. No. 2104; H. F. Nos. 2731 and 3079; S. F. No. 1903; H. F. No. 2436; S. F. No. 2210; and H. F. No. 392.

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

#### REPORTS OF STANDING COMMITTEES

Carruthers from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1809, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article IV; authorizing the legislature to provide by law for the admissibility of evidence, including DNA evidence and statistical population frequency evidence, in civil and criminal trials and hearings.

Reported the same back with the following amendments:

Page 1, line 13, after "law" insert ", passed by the vote of three-fifths of the members of each house of the legislature."

Page 1, line 24, after "statute" insert ", passed by the vote of three-fifths of the members of each house of the legislature."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carruthers from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1918, A bill for an act relating to licensing; requiring the bureau of business licenses to expand services of the bureau; requiring a report to the governor and the legislature.

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

The report was adopted.

Carruthers from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2227, 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.

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

The report was adopted.

Carruthers from the Committee on Rules and Legislative Administration 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 Ways and Means.

The report was adopted.

Carruthers from the Committee on Rules and Legislative Administration 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 recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1809 and 1918 were read for the second time.

## SPECIAL ORDERS

H. F. No. 3051, A bill for an act relating to local government; providing for creation of water and sewer district and Cross Lake area water and sanitary sewer board to administer the district; providing for collection, treatment, and disposal of sewage in the Cross Lake area; amending Laws 1993, chapter 55, section 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	Dawkins	Hausman	Koppendraye	Morrison	Pelowski	Sviggum
Anderson, R.	Dehler	Holsten	Krinkie	Mosel	Perlt	Swenson
Asch	Delmont	Hugoson	Krueger	Munger	Peterson	Tomassoni
Battaglia	Dempsey	Huntley	Lasley	Murphy	Pugh	Tompkins
Bauerly	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	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	Wejzman
Carruthers	Greenfield	Kelley	Mahon	Orfield	Simoneau	Wenzel
Clark	Greiling	Kelso	Mariani	Osthoff	Skoglund	Winter
Commers	Gruenes	Kinkel	McCollum	Ostrom	Smith	Wolf
Cooper	Gutknecht	Klinzing	McGuire	Ozment	Solberg	Worke
Dauner	Hasskamp	Knickerbocker	Milbert	Pauly	Stanis	Workman
Davids	Haukoos	Knight	Molnau	Pawlenty	Steensma	Spk. Anderson, I.

The bill was passed and its title agreed to.

Simoneau was excused between the hours of 12:50 p.m. and 2:10 p.m.

S. F. No. 584 was reported to the House.

Pugh moved to amend S. F. No. 584 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [554.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

Subd. 2. [GOVERNMENT.] "Government" includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. [JUDICIAL CLAIM; CLAIM.] "Judicial claim" or "claim" includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. "Judicial claim" does not include a claim solely for injunctive relief.

Subd. 4. [MOTION.] "Motion" includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. [MOVING PARTY.] "Moving party" means any person on whose behalf the motion described in section 554.02, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. [PUBLIC PARTICIPATION.] "Public participation" means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action.

Subd. 7. [RESPONDING PARTY.] "Responding party" means any person against whom a motion described in section 554.02, subdivision 1, is filed.

**Sec. 2. [554.02] [PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.]**

Subdivision 1. [APPLICABILITY.] This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. [PROCEDURE.] (a) On the filing of any motion described in subdivision 1:

(1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a hearing and for good cause shown, order that specified and limited discovery be conducted;

(2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;

(3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability under section 554.03; and

(4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

(b) The hearing and decision on the motion must be expedited, including any appeal or other writ, whether interlocutory or not, from a trial court order denying the motion or a trial court failure to rule on the motion.

**Sec. 3. [554.03] [IMMUNITY.]**

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

**Sec. 4. [554.04] [FEES AND DAMAGES.]**

Subdivision 1. [ATTORNEY FEES AND COSTS.] The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. [DAMAGES.] (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 549.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.



## Sec. 5. [554.05] [GENERAL PROVISIONS.]

Subdivision 1. [RELATIONSHIP TO OTHER LAW.] Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case or common law, or rule.

Subd. 2. [RULE OF CONSTRUCTION.] This chapter must be construed liberally to effectuate its purposes and intent fully.

## Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day after final enactment."

The motion prevailed and the amendment was adopted.

Macklin and Dawkins moved to amend S. F. No. 584, as amended, as follows:

Page 3, line 4, delete "FEES AND"

Page 3, delete lines 5 to 8

Page 3, line 9, delete "Subd. 2. [DAMAGES.]"

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

S. F. No. 584, A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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 95 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Jaros	Lasley	Olson, K.	Rhodes	Trimble
Anderson, R.	Delmont	Jefferson	Leppik	Ornen	Rice	Tunheim
Asch	Dorn	Jennings	Lieder	Opatz	Rodosovich	Vellenga
Battaglia	Erhardt	Johnson, A.	Long	Orenstein	Rukavina	Wagenius
Bauerly	Evans	Johnson, R.	Lourey	Orfield	Sarna	Weaver
Beard	Farrell	Johnson, V.	Luther	Osthoff	Seagren	Wejcman
Bergson	Garcia	Kahn	Mahon	Ostrom	Sekhon	Wenzel
Bertram	Greenfield	Kalis	McCollum	Ozment	Skoglund	Winter
Brown, C.	Greiling	Kelley	Milbert	Pelowski	Solberg	Wolf
Brown, K.	Hasskamp	Kelso	Mosel	Perlt	Steensma	Worke
Carlson	Hausman	Kinkel	Munger	Peterson	Sviggum	Spk. Anderson, I.
Carruthers	Holsten	Klinzing	Murphy	Pugh	Swenson	
Clark	Huntley	Koppendrayner	Neary	Reding	Tomassoni	
Cooper	Jacobs	Krueger	Olson, E.	Rest	Tompkins	

Those who voted in the negative were:

Bettermann	Dempsey	Gruenes	Krinkie	Molnau	Smith	Waltman
Commers	Finseth	Gutknecht	Limmer	Morrison	Stanius	Workman
Dauner	Frerichs	Haukoos	Lindner	Ness	Van Dellen	
Davids	Girard	Hugoson	Lynch	Olson, M.	Van Engen	
Dehler	Goodno	Knight	Macklin	Pawlenty	Vickerman	

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

The Speaker resumed the Chair.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2900:

Pelowski, Carlson, Kinkel, Dorn and Morrison.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2913:

Krueger, Battaglia, Rice, Greenfield and Anderson, R.

#### SPECIAL ORDERS, Continued

H. F. No. 2028 was reported to the House.

McGuire moved to amend H. F. No. 2028, the first engrossment, as follows:

Page 12, after line 36, insert:

"Sec. 18. Minnesota Statutes 1992, section 144.581, subdivision 5, is amended to read:

Subd. 5. [CLOSED MEETINGS; RECORDING.] (a) Notwithstanding subdivision 4 or section 471.705, a public hospital or an organization established under this section may hold a closed meeting to discuss specific marketing activity and contracts that might be entered into pursuant to the marketing activity in cases where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. No contracts referred to in this paragraph may be entered into earlier than 15 days after the proposed contract has been described at a public meeting and the description entered in the minutes, except for contracts for consulting services or with individuals for personal services.

(b) A meeting may not be closed under paragraph (a) except by a majority vote of the board of directors in a public meeting. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be available to the public after the closed meeting. The proceedings of a closed meeting must be tape-recorded and preserved by the board of directors for two years. The data on the tape are nonpublic data under section 13.02, subdivision 9. However, the data become public data under section 13.02, subdivision 14, two years after the meeting, or when the hospital or organization takes action on matters referred to in paragraph (a), except for contracts for consulting services. In the case of personal service contracts, the data become public when the contract is signed. For entities subject to section 471.345, a contract entered into by the board is subject to the requirements of section 471.345.

(c) The board of directors may not discuss a tax levy, bond issuance, or other expenditure of money not directly related to specific marketing activities and contracts described in paragraph (a) at a closed meeting."

Page 28, after line 25, insert:

"Sec. 34. Minnesota Statutes 1992, section 471.705, is amended to read:

471.705 [MEETINGS OF GOVERNING BODIES; OPEN TO PUBLIC; EXCEPTIONS.]

Subdivision 1. [~~REQUIREMENT~~ PRESUMPTION OF OPENNESS.] Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district

however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, ~~except meetings of the commissioner of corrections.~~ The votes of the members of such state agency, board, commission, or department or of such governing body, committee, subcommittee, board, department, or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which and the journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.

Subd. 1a. [~~LABOR NEGOTIATIONS, EXCEPTION.~~] Subdivision 1 does not apply to a meeting held pursuant to the procedure in this subdivision. The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25. The time of commencement and place of the closed meeting shall be announced at the public meeting. A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings of a closed meeting to discuss negotiation strategies shall be ~~tape-recorded~~ tape-recorded at the expense of the governing body ~~and. The recording shall be preserved by it for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.~~

If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this subdivision during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera. If the court ~~determines that no violation of this section is found~~ finds that this subdivision was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this ~~section~~ subdivision. If the court ~~determines that a violation of this section is found~~ finds that this subdivision was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

~~The prevailing party in an action brought before or after the tape is made available to the public which establishes that a violation of this section has occurred shall recover costs and reasonable attorney's fees as determined by the court.~~

Subd. 1b. [~~AGENDA WRITTEN MATERIALS.~~] In any meeting which under subdivision 1 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting ~~which are prepared or distributed by or at the direction of the governing body or its employees and which are:~~

- (1) distributed at the meeting to all members of the governing body;
- (2) distributed before the meeting to all members; or
- (3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public. ~~The materials shall be available to the public while the governing body considers their subject matter. This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in subdivision 1a or other law permitting the closing of meetings. Only if a member intentionally violates the requirements of this subdivision; shall that member shall be subject to a civil penalty in an amount not to exceed \$100. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the member is located the penalties provided by subdivision 2.~~

Subd. 1c. [NOTICE OF MEETINGS.] (a) [REGULAR MEETINGS.] A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this subdivision for a special meeting.

(b) [SPECIAL MEETINGS.] For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects. A public body may establish an expiration date for requests for notices of special meetings pursuant to this paragraph and require refiling of the request once each year. Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

(c) [EMERGENCY MEETINGS.] For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members. Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters. The notice requirement of this clause supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

(d) [RECESSED OR CONTINUED MEETINGS.] If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary. For purposes of this clause, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

(e) [CLOSED MEETINGS.] The notice requirements of this subdivision apply to closed meetings.

(f) [STATE AGENCIES.] For a meeting of an agency, board, commission, or department of the state, (i) the notice requirements of this subdivision apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice, and (ii) all provisions of this subdivision relating to publication shall be satisfied by publication in the State Register.

(g) [ACTUAL NOTICE.] If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this subdivision are satisfied with respect to that person, regardless of the method of receipt of notice.

(h) [LIABILITY.] No fine or other penalty may be imposed on a member of a public body for a violation of this subdivision unless it is established that the violation was ~~willful and deliberate~~ intentional by the member.

Subd. 1d. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC.] (a) Except as provided in this section, meetings may not be closed to discuss data that are not public data. Data that are not public data may be discussed at a meeting subject to this section without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority, and is reasonably necessary to conduct the business or agenda item before the public body, and is without malice. ~~During an open meeting, a public body shall make reasonable efforts to protect from disclosure data that are not public data, including where practical acting by means of reference to a letter, number, or other designation that does not reveal the identity of the data subject.~~ Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(b) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 5, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.38, 13.42, or 13.46, subdivision 2 or 7.

(c) A public body shall close a meeting for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted, further meetings or hearings must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

(d) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(e) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(f) A public body may close a meeting to discuss or review the qualifications of applicants for public employment prior to the designation of any applicant as a finalist for a position. "Finalist" shall have the meaning given in section 13.43.

Subd. 1e. [REASONS FOR CLOSING A MEETING.] Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 2. ~~[VIOLATION, PENALTY PENALTIES.]~~ (a) Any person who violates ~~subdivision 1~~ this section shall be subject to personal liability in the form of a civil penalty in an amount not to exceed ~~\$100~~ \$300 for a single occurrence, which shall not be paid by the public body. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. Upon a third violation by the same person connected with the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving. The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

(b) In addition to other remedies, the court may award reasonable costs, disbursements, and up to \$7,500 in attorney's fees to any party in an action under this section. A public body may by separate motion at a public meeting pay, or direct its insurer or self-insurance administrator to pay to the extent that a policy or coverage agreement so requires, costs, disbursements, and attorney's fees incurred by or awarded against any of its members in an action brought under this section, unless the court finds that the member was guilty of malfeasance in office, willful neglect of duty, or bad faith.

(c) No monetary penalties may be imposed on a member of a public body, or attorney's fees awarded to a plaintiff, if the defendant establishes that there was no specific intent to violate this section.

Subd. 3. ~~[POPULAR NAME CITATION.]~~ This section may be cited as the "Minnesota open meeting law".

Page 28, line 26, after "DATE" insert "; APPLICATION"

Page 28, after line 29, insert:

"(c) Any increased civil penalties or any awards of attorney's fees, provided under section 34 shall apply only to actions for violations occurring on or after August 1, 1994."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Krueger moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 8, delete section 10

Renumber remaining sections

The motion prevailed and the amendment was adopted.

Krueger and Kahn moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 8, after line 20, insert:

"Subd. 3. [EXCEPTION.] Notwithstanding the classification of this data as protected nonpublic data under subdivision 2, the state administration shall disclose data referred to in this section to appropriate committees of the legislature if disclosure is requested by those committees or required by sections 16A.10 and 16A.11."

The motion prevailed and the amendment was adopted.

Sviggum moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 1, after line 31, insert:

"Section 1. Minnesota Statutes 1992, section 13.01, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] All state agencies, political subdivisions and statewide systems shall be governed by this chapter. State agencies include the Minnesota house of representatives, the Minnesota senate, the Governor's office and all agents thereof."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Girard	Holsten	Knight	Lindner	Mosel
Bettermann	Dempsey	Goodno	Hugoson	Koppendrayner	Lynch	Ness
Bishop	Erhardt	Gruenes	Johnson, V.	Krinkie	Macklin	Olson, M.
Commers	Finseth	Gutknecht	Klinzing	Leppik	Molnau	Onnen
Davids	Frerichs	Haukoos	Knickerbocker	Limmer	Morrison	Ozment

Pauly	Seagren	Sviggum	Van Dellen	Waltman	Worke
Pawlenty	Smith	Swenson	Van Engen	Weaver	Workman
Rhodes	Stanius	Tompkins	Vickerman	Wolf	

Those who voted in the negative were:

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

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

Sviggum moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 8, after line 7, insert:

"Sec. 10. [13.646] [LEGISLATIVE AND BUDGET PROPOSAL DATA.]

All data relating to anticipated legislative or budget proposals, including preliminary drafts and working papers, that are created, collected, or maintained by legislative members, the Governor and staff are classified as public data not on individuals."

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Haukoos	Krinkie	Olson, M.	Stanius	Waltman
Bergson	Finseth	Holsten	Limmer	Onnen	Sviggum	Weaver
Bettermann	Frerichs	Hugoson	Lindner	Ozment	Swenson	Wolf
Commers	Girard	Johnson, V.	Lynch	Pauly	Tompkins	Worke
Dauids	Goodno	Klinzing	Macklin	Pawlenty	Van Dellen	Workman
Dehler	Gruenes	Knight	Molnau	Rhodes	Van Engen	
Dempsey	Gutknecht	Koppendraye	Ness	Smith	Vickerman	

Those who voted in the negative were:

Anderson, R.	Carruthers	Greenfield	Johnson, R.	Long	Munger	Pelowski
Asch	Clark	Greiling	Kahn	Lourey	Murphy	Perlt
Battaglia	Cooper	Hasskamp	Kalis	Luther	Neary	Peterson
Bauerly	Dauner	Hausman	Kelley	Mahon	Nelson	Pugh
Beard	Dawkins	Huntley	Kelso	Mariani	Olson, E.	Reding
Bertram	Delmont	Jacobs	Kinkel	McCollum	Opatz	Rest
Bishop	Dorn	Jaros	Krueger	McGuire	Orenstein	Rice
Brown, C.	Evans	Jefferson	Lasley	Milbert	Orfield	Rodosovich
Brown, K.	Farrell	Jennings	Leppik	Morrison	Osthoft	Rukavina
Carlson	Garcia	Johnson, A.	Lieder	Mosel	Ostrom	Sarna

Seagren	Skoglund	Tomassoni	Vellenga	Wenzel
Sekhon	Solberg	Trimble	Wagenius	Winter
Simoneau	Steensma	Tunheim	Wejcman	Spk. Anderson, I.

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

Workman moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 12, after line 32, insert:

"(g) A medical provider shall release health records of an individual to that individual's adult children upon the individual's death."

A roll call was requested and properly seconded.

The question was taken on the Workman amendment and the roll was called. There were 18 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Bettermann	Haukoos	Johnson, V.	Krinkie	Onnen	Tompkins
Frerichs	Holsten	Knight	Lynch	Stanius	Van Engen
Girard	Hugoson	Koppendrayner	Molnau	Swenson	Workman

Those who voted in the negative were:

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

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

Krueger moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 1, delete line 4 of the Krueger and Kahn amendment, and insert:

"Sec. 10. [LEGISLATIVE AND BUDGET PROPOSAL DATA.]

Legislative and budget proposal data from the Governor is classified"

Page 1, line 5 of the Krueger and Kahn amendment, delete "of this data" and "under subdivision 2," and insert a period

Page 1, line 6 of the Krueger and Kahn amendment, delete "the state administration" and insert "The state"

The motion prevailed and the amendment was adopted.



Seagren moved to amend H. F. No. 2028, the first engrossment, as amended, as follows:

Page 15, line 36, delete "without" and insert "only with"

Page 16, line 1, delete "and without" and insert "or"

The motion prevailed and the amendment was adopted.

H. F. No. 2028, A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 260.161, by adding a subdivision; 471.705; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I.

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

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

Rest from the Committee on Taxes to which was referred:

H. F. No. 2951, A bill for an act relating to taxation; imposing a surtax on the tax liabilities of individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the proceeds of the surtax to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, by adding a subdivision; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.51, as amended; 295.52, as amended; 295.53, as amended; 295.54, as amended; 295.55, as amended; 295.57, as amended; 295.58, as amended; and 295.59, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; and 295.582.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [HEALTH CARE ACCESS RESERVE ACCOUNT.]

Subdivision 1. [HEALTH CARE ACCESS ESTABLISHMENT.] There is established a health care access reserve account in the general fund of the state treasury for the deposit of funds to ensure adequate funding for providing universal health care coverage for the biennium beginning July 1, 1995.

Subd. 2. [INITIAL TRANSFER.] The commissioner of finance shall transfer \$75,000,000 to the health care access reserve account on July 1, 1994."

Delete the title and insert:

"A bill for an act relating to health care financing; establishing a health care access reserve account; transferring money."

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.

Rest from the Committee on Taxes to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 62P.04, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following definitions apply.

(b) "Health carrier" has the definition provided in section 62A.011.

(c) "Total expenditures" mean incurred claims or expenditures on health care services, administrative expenses, charitable contributions, and all other payments made by health carriers out of premium revenues, except taxes and assessments, and payments or allocations made to establish or maintain reserves. Total expenditures are equivalent to the amount of total revenues minus taxes and assessments. Taxes and assessments means payments for taxes, contributions to the Minnesota comprehensive health association, the provider's surcharge under section 256.9657, the MinnesotaCare provider tax under section 295.52, assessments by the health coverage reinsurance association, assessments by the Minnesota life and health insurance guaranty association, and any new assessments imposed by federal or state law.

Sec. 2. Minnesota Statutes 1993 Supplement, section 214.16, subdivision 3, is amended to read:

Subd. 3. [GROUNDS FOR DISCIPLINARY ACTION.] The board shall take disciplinary action, which may include license revocation, against a regulated person for:

(1) intentional failure to provide the commissioner of health or the health care analysis unit established under section 62J.30 with the data required under chapter 62J;

(2) intentional failure to provide the commissioner of revenue with data on gross revenue and other information required for the commissioner to implement sections 295.50 to 295.58; and

(3) intentional failure to pay the health care provider tax required under section 295.52.

Sec. 3. Minnesota Statutes 1993 Supplement, section 270B.01, subdivision 8, is amended to read:

Subd. 8. [MINNESOTA TAX LAWS.] For purposes of this chapter only, "Minnesota tax laws" means the taxes administered by or paid to the commissioner under chapters 289A (except taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, and 297A and sections 295.50 to 295.59, and includes any laws for the assessment, collection, and enforcement of those taxes.

Sec. 4. Minnesota Statutes 1992, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code of 1986 as amended through December 31, 1991, must be computed by applying to their taxable net income the following schedule of rates:

- (1) On the first ~~\$19,910~~ \$22,880, 6 percent;
- (2) On all over ~~\$19,910~~ \$22,880, but not over ~~\$79,120~~ \$75,000, 8 percent;
- (3) On all over ~~\$79,120~~ \$75,000, 10.2 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first ~~\$13,620~~ \$15,650, 6 percent;
- (2) On all over ~~\$13,620~~ \$15,650, but not over ~~\$44,750~~ \$42,420, 8 percent;
- (3) On all over ~~\$44,750~~ \$42,420, 10.2 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code of 1986, as amended through December 31, 1991, must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first ~~\$16,770~~ \$19,270, 6 percent;

(2) On all over ~~\$16,770~~ \$19,270, but not over ~~\$67,390~~ \$63,870, 8 percent;

(3) On all over ~~\$67,390~~ \$63,870, 10.2 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1991, less the deduction allowed by section 217 of the Internal Revenue Code of 1986, as amended through December 31, 1991, after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1991, increased by the addition required for interest income from non-Minnesota state and municipal bonds under section 290.01, subdivision 19a, clause (1).

Sec. 5. Minnesota Statutes 1992, section 290.06, subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] (a) For taxable years beginning after December 31, 1991, the minimum and maximum dollar amounts for each rate bracket for which a tax is imposed in subdivision 2c shall be adjusted for inflation by the percentage determined under paragraph (b). For the purpose of making the adjustment as provided in this subdivision all of the rate brackets provided in subdivision 2c shall be the rate brackets as they existed for taxable years beginning after December 31, 1990, and before January 1, 1992, except that the minimum and maximum dollar amounts for each rate bracket as amended in section 4 shall be adjusted according to this subdivision for taxable years beginning after December 31, 1995. The rate applicable to any rate bracket must not be changed. The dollar amounts setting forth the tax shall be adjusted to reflect the changes in the rate brackets. The rate brackets as adjusted must be rounded to the nearest \$10 amount. If the rate bracket ends in \$5, it must be rounded up to the nearest \$10 amount.

(b) The commissioner shall adjust the rate brackets and by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code of 1986, as amended through December 31, 1991, except that in section 1(f)(3)(B) the word "1990" shall be substituted for the word "1987." For 1991, the commissioner shall then determine the percent change from the 12 months ending on August 31, 1990, to the 12 months ending on August 31, 1991, and in each subsequent year, from the 12 months ending on August 31, 1990, to the 12 months ending on August 31 of the year preceding the taxable year. For taxable years beginning after December 31, 1995, the rate brackets amended in section 4 shall be adjusted according to the percentage change from the 12 months ending on August 31, 1994, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision shall not be considered a "rule" and shall not be subject to the administrative procedure act contained in chapter 14.

No later than December 15 of each year, the commissioner shall announce the specific percentage that will be used to adjust the tax rate brackets.

Sec. 6. Minnesota Statutes 1992, section 290.62, is amended to read:

#### 290.62 [DISTRIBUTION OF REVENUES.]

(a) Except as provided in paragraph (b), all revenues derived from the taxes, interest, penalties and charges under this chapter shall, notwithstanding any other provisions of law, be paid into the state treasury and credited to the general fund, and be distributed as follows:

(1) There shall, notwithstanding any other provision of the law, be paid from this general fund all refunds of taxes erroneously collected from taxpayers under this chapter as provided herein;

(2) There is hereby appropriated to the persons entitled to payment herein, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

(b) The amount of revenue determined by the commissioner to have been derived from the rate increase in section 4 shall be paid into the state treasury and credited to the health care access fund.

Sec. 7. [REPEALER.]

Minnesota Statutes 1992, sections 295.50, as amended by Laws 1993, chapter 345, article 13, sections 3, 4, 5, 6, 7, 8, 9, 10, and 24, and First Special Session chapter 6, sections 19, 20, 21, 22, and 23; 295.51, as amended by Laws 1993, chapter 345, article 13, sections 11 and 24, and First Special Session chapter 6, section 24; 295.52, as amended by Laws 1993, chapter 345, article 13, sections 12 and 13, and First Special Session chapter 6, section 25; 295.53, as amended by Laws 1993, chapter 345, article 13, sections 14, 15, 16, and 17, and First Special Session chapter 6, sections 26 and 27; 295.55, as amended by Laws 1993, chapter 345, article 13, section 19; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.54; 295.57; 295.58; 295.582; and 295.59, are repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 4 and 6 are effective for taxable years beginning after December 31, 1994. Section 7 is effective for gross revenues generated by services performed and goods sold after September 30, 1994."

Delete the title and insert:

"A bill for an act relating to taxation; increasing individual income tax rates; repealing the gross revenues tax on hospitals, surgical centers, health care providers, pharmacies, and wholesale drug distributors; amending Minnesota Statutes 1992, section 290.06, subdivisions 2c and 2d; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.51, as amended; 295.52, as amended; 295.53, as amended; and 295.55, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.54; 295.57; 295.58; 295.582; and 295.59."

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.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1662:

Wejcman, Farrell, Garcia, Rukavina and Swenson.

MOTIONS AND RESOLUTIONS

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, April 18, 1994, when the vote was taken on the repassage of S. F. No. 2260, as amended by Conference." The motion prevailed.

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, April 18, 1994, when the vote was taken on the repassage of H. F. No. 2626, as amended by the Senate." The motion prevailed.

Knight moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Monday, April 18, 1994, when the vote was taken on the repassage of H. F. No. 2626, as amended by the Senate." The motion prevailed.

Wenzel 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 Haukoos amendment to H. F. No. 3210, the first engrossment, as amended." The motion prevailed.

Solberg moved that H. F. No. 2243, now on General Orders, be re-referred to the Committee on Ways and Means. The motion prevailed.

Winter moved that H. F. No. 2726 be returned to its author. The motion prevailed.

Dehler introduced:

House Resolution No. 13, A house resolution honoring Larry Rassier as he retires from the Sartell school board.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 10:00 a.m., Wednesday, April 20, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Wednesday, April 20, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives