

STATE OF MINNESOTA

SEVENTY-EIGHTH SESSION — 1994

NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 25, 1994

The House of Representatives convened at 8:00 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Rabbi Joe Black, Temple Israel, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

Abrams	Dehler	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	Stanius	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	Koppendrayor	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. Rhodes 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. 309 and H. F. No. 881, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 309 be substituted for H. F. No. 881 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1867 and H. F. No. 2048, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rukavina moved that the rules be so far suspended that S. F. No. 1867 be substituted for H. F. No. 2048 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1996 and H. F. No. 2535, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wolf moved that the rules be so far suspended that S. F. No. 1996 be substituted for H. F. No. 2535 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2129 and H. F. No. 2337, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rest moved that the rules be so far suspended that S. F. No. 2129 be substituted for H. F. No. 2337 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2192 and H. F. No. 2525, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Greenfield moved that the rules be so far suspended that S. F. No. 2192 be substituted for H. F. No. 2525 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 21, 1994

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

Dear Speaker Anderson:

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

H. F. No. 3091, relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws.

H. F. No. 1659, relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act.

H. F. No. 2666, relating to local government; prohibiting the adoption of certain zoning ordinances by municipalities, counties, and towns.

H. F. No. 2299, relating to retirement; the Duluth joint police and firefighters consolidation account; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association.

H. F. No. 2248, relating to agriculture; changing certain pesticide posting requirements.

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

H. F. No. 1914, relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state.

H. F. No. 524, relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty.

H. F. No. 1909, relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage.

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

H. F. No. 2426, relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled.

H. F. No. 1496, relating to health; modifying the definition of review organization; allowing review organizations to provide information to purchasers and other review organizations; providing confidentiality protection and protection from discovery process for the transfer of the information; clarifying the scope of confidentiality of review organization records; exempting medical societies from reporting obligations when performing peer review functions.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	3091	465	11:52 a.m. April 21	April 21
2066		466	1:44 p.m. April 20	April 20
1741		467	1:45 p.m. April 20	April 20
2491		468	1:45 p.m. April 20	April 20
2422		469	1:46 p.m. April 20	April 20
1806		470	1:47 p.m. April 20	April 20
2551		471	1:50 p.m. April 20	April 20
	1659	472	1:40 p.m. April 20	April 20
	2666	473	1:42 p.m. April 20	April 20
	2299	474	1:43 p.m. April 20	April 20
1794		475	1:52 p.m. April 20	April 20
2255		476	1:54 p.m. April 20	April 20
2579		477	1:55 p.m. April 20	April 20
1774		478	1:58 p.m. April 20	April 20
2081		480	12:07 p.m. April 21	April 21
	2248	482	11:53 a.m. April 21	April 21
	936	483	11:55 a.m. April 21	April 21
	1914	484	11:55 a.m. April 21	April 21
	524	486	11:57 a.m. April 21	April 21
	1909	491	11:58 a.m. April 21	April 21
	2626	494	12:00 p.m. April 21	April 21
	2426	495	12:02 p.m. April 21	April 21
	1496	497	12:04 p.m. April 21	April 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 21, 1994

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

Dear Speaker Anderson:

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

H. F. No. 1835, relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1994 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1994</i>	<i>Date Filed 1994</i>
	1835	479	4:47 p.m. April 21	April 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 309, 1867, 1996, 2129 and 2192 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Pugh introduced:

H. F. No. 3233, A bill for an act relating to commerce; enacting the Minnesota residential mortgage lending, servicing, and brokering act; establishing licensing and enforcement mechanisms; amending Minnesota Statutes 1992, section 47.206, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 82C; repealing Minnesota Statutes 1992, sections 47.808; and 82.175.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

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 File, herewith returned:

H. F. No. 2054, A bill for an act relating to natural resources; authorizing the commissioner of administration to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

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. 3136, A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 3136 and that the bill be repassed as amended by the Senate. The motion prevailed.

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

The bill was read for the third time, as amended 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 2508, A bill for an act relating to motor vehicles; making technical corrections; exempting license plates on state lottery vehicles from registration tax when used for security or criminal investigation purposes; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration times for persons with permanent and temporary disabilities; providing for administrative hearings regarding deputy registrars; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; providing exemption from uniform fire code for dispensing certain flammable liquids; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.012, by adding a subdivision; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15, 16, and 17; 168.33, subdivision 2; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, sections 169.345, subdivision 3; and 171.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 299F.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Steensma moved that the House concur in the Senate amendments to H. F. No. 2508 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2508, A bill for an act relating to motor vehicles; making technical corrections; exempting license plates on state lottery vehicles from registration tax when used for security or criminal investigation purposes; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration times for persons with permanent and temporary disabilities; clarifying an exemption for towing authorities from four-hour waiting period; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; providing exemption from uniform fire code for dispensing certain flammable liquids; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.012, by adding a subdivision; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15, 16, and 17; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.041, subdivision 4; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, sections 169.345, subdivision 3; and 171.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 299F.

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	Bergson	Carlson	Dauids	Erhardt	Girard	Hasskamp
Anderson, R.	Bertram	Carruthers	Dawkins	Evans	Goodno	Haukoos
Asch	Bettermann	Clark	Dehler	Farrell	Greenfield	Hausman
Battaglia	Bishop	Commers	Delmont	Finseth	Greiling	Holsten
Bauerly	Brown, C.	Cooper	Dempsey	Frerichs	Gruenes	Hugoson
Beard	Brown, K.	Dauner	Dorn	Garcia	Gutknecht	Huntley

Jacobs	Knickerbocker	Lynch	Nelson	Perlt	Skoglund	Vellenga
Jaros	Knight	Macklin	Ness	Peterson	Smith	Vickerman
Jefferson	Koppendrayner	Mahon	Olson, E.	Pugh	Solberg	Wagenius
Jennings	Krinkie	Mariani	Olson, K.	Reding	Stanis	Waltman
Johnson, A.	Krueger	McCollum	Onnen	Rest	Steensma	Weaver
Johnson, R.	Lasley	McGuire	Opatz	Rhodes	Swiggum	Wejzman
Johnson, V.	Leppik	Milbert	Orenstein	Rice	Swenson	Wenzel
Kahn	Lieder	Molnau	Orfield	Rodosovich	Tomassoni	Winter
Kalis	Limmer	Morrison	Ostrom	Rukavina	Tompkins	Wolf
Kelley	Lindner	Mosel	Ozment	Sarna	Trimble	Worke
Kelso	Long	Munger	Pauly	Seagren	Tunheim	Workman
Kinkel	Lourey	Murphy	Pawlenty	Sekhon	Van Dellen	Spk. Anderson, I.
Klinzing	Luther	Neary	Pelowski	Simoneau	Van Engen	

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

Mr. Speaker:

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

H. F. No. 2143, A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Jacobs moved that the House concur in the Senate amendments to H. F. No. 2143 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2143, A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; 237.625, subdivision 1; and 325E.26, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

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	Beard	Brown, C.	Commers	Dehler	Evans	Girard
Anderson, R.	Bergson	Brown, K.	Cooper	Delmont	Farrell	Goodno
Asch	Bertram	Carlson	Dauner	Dempsey	Finseth	Greenfield
Battaglia	Bettermann	Carruthers	Davids	Dorn	Frerichs	Greiling
Bauerly	Bishop	Clark	Dawkins	Erhardt	Garcia	Gruenes

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

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

Mr. Speaker:

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

H. F. No. 2680, A bill for an act relating to charitable organizations; changing definitions; modifying registration requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Jefferson moved that the House concur in the Senate amendments to H. F. No. 2680 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2680, A bill for an act relating to charitable organizations; changing definitions; modifying registration requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1 and 3.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 2485, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2624, A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; modifying duties of the commissioner of employee relations; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 2624, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2519, A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mariani moved that the House refuse to concur in the Senate amendments to H. F. No. 2519, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 2177, 2630, 2194, 2885 and 2289.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2177, A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; appropriating money; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 2630, A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

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

S. F. No. 2194, A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gambling.

S. F. No. 2885, A bill for an act relating to employment; establishing the governor's workforce development council to replace the governor's job training council; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1993 Supplement, section 268.9755.

The bill was read for the first time.

Beard moved that S. F. No. 2885 and H. F. No. 3095, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2289, A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; appropriating money; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

The bill was read for the first time.

Weaver moved that S. F. No. 2289 and H. F. No. 2520, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of S. F. No. 2429.

S. F. No. 2429 was reported to the House.

Milbert moved to amend S. F. No. 2429 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 18B.32, subdivision 1, is amended to read:

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

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

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

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

(c) Notwithstanding the licensing requirements of this subdivision, a person may control the following nuisance or economically damaging wild animals, by trapping, without a structural pest control license:

(1) fur-bearing animals, as defined in section 97A.015, with a valid trapping license or special permit from the commissioner of natural resources; and

(2) skunks, woodchucks, gophers, porcupines, coyotes, moles, and weasels.

Sec. 2. Minnesota Statutes 1992, section 97A.475, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:

(1) to take small game, \$56;

(2) to take deer with firearms, \$110;

(3) to take deer by archery, \$110;

(4) to take bear, \$165;

(5) to take turkey, \$56; and

(6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50; and

(7) to take antlered deer in more than one zone, \$220.

Sec. 3. Minnesota Statutes 1992, section 97A.485, subdivision 9, is amended to read:

Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS.] (a) The following licenses may not be issued after the day before the opening of the related firearms season:

(1) to take deer with firearms ~~or by archery~~, except a license to take ~~a second~~ more than one deer under section 97B.301, subdivision 4;

(2) to guide bear hunters; and

(3) to guide turkey hunters.

(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

(c) A nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season.

Sec. 4. Minnesota Statutes 1992, section 97B.031, subdivision 2, is amended to read:

Subd. 2. [HANDGUNS FOR SMALL TAKING GAME.] A person may take small game with a handgun of any caliber and big game statewide with a handgun meeting the requirements of subdivision 1, in a manner prescribed by the commissioner.

Sec. 5. Minnesota Statutes 1993 Supplement, section 97B.041, is amended to read:

97B.041 [POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.]

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

Sec. 6. Minnesota Statutes 1992, section 97B.051, is amended to read:

97B.051 [TRANSPORTATION OF ARCHERY BOWS.]

A person may not transport an archery bow in a motor vehicle unless the bow is:

(1) unstrung;

(2) completely contained in a case; or

(3) in the closed trunk of a motor vehicle.

No rule of the commissioner shall impose additional restrictions or requirements upon transportation or possession of archery bows.

Sec. 7. Minnesota Statutes 1992, section 97B.211, subdivision 2, is amended to read:

Subd. 2. [ARROWHEAD REQUIREMENTS.] Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch. The commissioner may allow retractable broadhead arrowheads, as long as they meet the other requirements of this subdivision.

Sec. 8. Minnesota Statutes 1992, section 97B.301, is amended by adding a subdivision to read:

Subd. 7. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.] Notwithstanding subdivisions 2 and 3, a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license in Kittson, Lake of the Woods, Marshall, and Roseau counties.

Sec. 9. Minnesota Statutes 1992, section 97B.905, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIREMENT.]

(a) A person may not buy or sell raw furs without a fur buying and selling license, except:

(i) a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses; and

(ii) a person lawfully entitled to take furbearing animals is not required to have a license to sell raw furs to a person with a fur buying and selling license.

(b) An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under section 97A.475, subdivision 21, clause (a), may obtain a supplemental license under section 97A.475, subdivision 21, clause (b).

Sec. 10. Minnesota Statutes 1992, section 97B.931, is amended to read:

97B.931 [TENDING TRAPS RESTRICTED.]

A person may not tend a trap set for wild animals between ~~7:00~~ 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and ~~7:00~~ 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

Sec. 11. Minnesota Statutes 1992, section 97C.321, subdivision 2, is amended to read:

Subd. 2. [ICE FISHING.] A person may use an unattended line to take fish through the ice if:

(1) the person is within sight of the line; or

(2) a tip-up is attached to the line and the person is within 80 feet of the tip-up.

For the purposes of this subdivision, "tip-up" includes a nonmotorized device with a recoil mechanism."

Delete the title and insert:

"A bill for an act relating to game and fish; authorizing nonresident multiple zone antlerless deer licenses; exemptions from pest control licensing; trapping hours; exemptions from fur buying and selling licensure; purchase of archery deer licenses after the firearms season opens; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; amending Minnesota Statutes 1992, sections 97A.475, subdivision 3; 97A.485, subdivision 9; 97B.031, subdivision 2; 97B.051; 97B.211, subdivision 2; 97B.301, by adding a subdivision; 97B.905, subdivision 1; 97B.931; and 97C.321, subdivision 2; Minnesota Statutes 1993 Supplement, sections 18B.32, subdivision 1; and 97B.041."

The motion prevailed and the amendment was adopted.

Milbert moved to amend S. F. No. 2429, as amended, as follows:

Page 3, delete section 4

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sekhon moved to amend S. F. No. 2429, as amended, as follows:

Page 4, delete section 6

Renumber the remaining sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sekhon amendment and the roll was called. There were 24 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Brown, K.	Greiling	Lasley	Mariani	Orfield	Skoglund
Carlson	Hausman	Long	McCollum	Rest	Trimble
Clark	Huntley	Lourey	Munger	Sekhon	Vellenga
Dawkins	Kelley	Mahon	Orenstein	Simoneau	Wagenius

Those who voted in the negative were:

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

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

Solberg, Hasskamp, Holsten, Battaglia and Johnson, V., moved to amend S. F. No. 2429, as amended, as follows:

Page 5, after line 27, insert:

"Sec. 12. [604A.20] [POLICY.]

It is the policy of this state, in furtherance of the public health and welfare, to encourage and promote the use of privately owned lands and waters by the public for beneficial recreational purposes, and the provisions of section 604.20 to 604A.27 are enacted to that end.

Sec. 13. [604A.21] [RECREATIONAL LAND USE; DEFINITIONS.]

Subdivision 1. [GENERAL.] For the purposes of sections 604A.20 to 604A.27, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. [CHARGE.] "Charge" means any admission price asked or charged for services, entertainment, recreational use, or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

Subd. 3. [LAND.] "Land" means privately owned or leased land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the land.

Subd. 4. [OWNER.] "Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, or person in control of the land.

Subd. 5. [RECREATIONAL PURPOSE.] "Recreational purpose" includes, but is not limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; bicycling; horseback riding; firewood gathering; pleasure driving, including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across land in any manner; nature study; water skiing; winter sports; and viewing or enjoying historical, archaeological, scenic, or scientific sites.

Sec. 14. [604A.22] [OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.]

An owner who either directly or indirectly invites or permits any person to use the land for recreational purposes without charge:

(1) owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purposes;

(2) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent;

(3) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury; and

(4) owes no duty to curtail use of the land during its use for recreational purposes.

Sec. 15. [604A.23] [OWNER'S LIABILITY.]

An owner who either directly or indirectly invites or permits any person to use the land for recreational purposes without charge does not by that action:

(1) extend any assurance that the land is safe for any purpose;

(2) confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or

(3) assume responsibility for or incur liability for any injury to the person or property caused by an act or omission of the person.

Sec. 16. [604A.24] [LIABILITY; LEASED LAND, WATER FILLED MINE PITS.]

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

(1) land leased to the state or any political subdivision for recreational purposes; or

(2) idled or abandoned, water filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity.

Sec. 17. [604A.25] [OWNER'S LIABILITY; NOT LIMITED.]

Except as provided in sections 604A.20 to 604A.27, nothing in those sections limits liability that otherwise exists:

(a) for conduct which, at law, entitles the trespasser to maintain an action and obtain relief for the conduct complained of; or

(b) for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational use, except that in the case of land leased to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease is not considered a charge within the meaning of this section.

A trespasser may not maintain an action and obtain relief at law for conduct referred to by clause (a) if the trespass is incidental to or arises from the recreational use of an interest in land dedicated, leased, or permitted by the owner for recreational use on or about a trail, including but not limited to hiking, bicycling, horseback riding, snowmobile riding, and motorized trail riding.

Sec. 18. [604A.26] [LAND USER'S LIABILITY.]

Nothing in sections 604A.20 to 604A.27:

(1) creates a duty of care or ground of liability for injury to persons or property; or

(2) relieves any person using the land of another for recreational purposes from any obligation that the person may have in the absence of sections 604A.20 to 604A.27 to exercise care in use of the land and in the person's activities on the land, or from the legal consequences of failure to employ that care.

Sec. 19. [604A.27] [DEDICATION; EASEMENT.]

No dedication of any land in connection with any use by any person for a recreational purpose takes effect in consequence of the exercise of that use for any length of time except as expressly permitted or provided in writing by the owner, nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner.

Sec. 20. [REPEALER.]

Minnesota Statutes, sections 87.01; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; and 87.03 are repealed."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Solberg et al amendment and the roll was called. There were 113 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bettermann	Commers	Dempsey	Girard	Hasskamp	Jaros
Asch	Brown, C.	Cooper	Dorn	Goodno	Haukoos	Jefferson
Battaglia	Brown, K.	Dauner	Evans	Greenfield	Holsten	Jennings
Bauerly	Carlson	Davids	Farrell	Greiling	Hugoson	Johnson, A.
Beard	Carruthers	Dehler	Finseth	Gruenes	Huntley	Johnson, R.
Bertram	Clark	Delmont	Frerichs	Gutknecht	Jacobs	Johnson, V.

Kahn	Limmer	Morrison	Opatz	Rodosovich	Swenson	Winter
Kalis	Lindner	Mosel	Osthoff	Rukavina	Tomassoni	Wolf
Kelso	Long	Munger	Ostrom	Sarna	Trimble	Worke
Kinkel	Lourey	Murphy	Ozment	Sekhon	Tunheim	Workman
Klinzing	Luther	Neary	Pauly	Simoneau	Van Dellen	Spk. Anderson, I.
Koppendrayer	Lynch	Nelson	Pawlenty	Skoglund	Van Engen	
Krinkie	Macklin	Ness	Peterson	Smith	Vickerman	
Krueger	Mahon	Olson, E.	Pugh	Solberg	Wagenius	
Lasley	McGuire	Olson, K.	Reding	Stanis	Waltman	
Leppik	Milbert	Olson, M.	Rest	Steensma	Wejzman	
Lieder	Molnau	Onnen	Rhodes	Sviggum	Wenzel	

Those who voted in the negative were:

Abrams	Dawkins	Kelley	Mariani	Orfield	Weaver
Bergson	Erhardt	Knickerbocker	McCollum	Seagren	
Bishop	Garcia	Knight	Orenstein	Tompkins	

The motion prevailed and the amendment was adopted.

Rukavina; Anderson, I., and Stanis moved to amend S. F. No. 2429, as amended, as follows:

Page 5, after line 27, insert:

"Sec. 12. [SALE OF FISH FROM BORDER WATERS.]

No fish taken for commercial purposes from any international border waters of this state by residents of a foreign nation may be sold or offered for sale in this state."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Tompkins offered an amendment to S. F. No. 2429, as amended.

POINT OF ORDER

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

Krueger moved to amend S. F. No. 2429, as amended, as follows:

Page 1, line 7 of the Rukavina et al amendment, after the period, insert "Before implementation of this section, the commissioner of natural resources must issue an economic impact statement."

The motion prevailed and the amendment was adopted.

S. F. No. 2429, A bill for an act relating to natural resources; modifying the list of protected game birds; authorizing nonresident multiple zone antlered deer licenses; purchase of archery deer licenses after the firearms season opens; administration of contraceptive chemicals to wild animals; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; modifying restrictions on operation of snowmobiles by minors; providing for free small game licenses for disabled veterans; undesirable exotic aquatic plants and wild

animals; Eurasian wild pigs; clarifying the requirement to wear blaze orange clothing during deer season; allowing local road authorities to remove beaver dams and lodges near public roads; allowing released game birds to be recaptured without a license; allowing use of retractable broadhead arrows in taking big game; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons; abolishing the nonresident bear guide license; amending Minnesota Statutes 1992, sections 18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.969; 86B.401, subdivision 11; 97A.015, subdivisions 24, 45, and 52; 97A.105, subdivision 6; 97A.115, subdivision 2; 97A.441, by adding a subdivision; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.031, subdivision 2; 97B.211, subdivision 2; 97B.601, subdivision 3; 97B.605; 97B.631; 97B.655, subdivision 1; 97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; and 344.03, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 84.872; 84.9692, subdivisions 1 and 2; 84.9695, subdivisions 1, 8, and 10; 97B.041; 97B.071; and 97B.711, subdivision 2; Laws 1993, chapters 129, section 4, subdivision 4; and 273, section 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Sehkon

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

MOTION FOR RECONSIDERATION

Skoglund moved that the vote whereby the House refused to concur on Friday, April 22, 1994, in the Senate amendments to H. F. No. 2028 and that the Speaker appoint a Conference Committee of 3 members be now reconsidered. The motion prevailed.

Skoglund moved that the House refuse to concur in the Senate amendments to H. F. No. 2028, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2028:

McGuire, Skoglund, Perl, Macklin and Swenson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2410:

Rukavina, Trimble and Sekhon.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2485:

Munger, Trimble and Johnson, V.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2624:

Reding, Solberg and Knickerbocker.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. No. 3086.

H. F. No. 3086 was reported to the House.

Wagenius moved to amend H. F. No. 3086, the second engrossment, as follows:

Page 4, line 25, before the colon insert "the facility was privately owned and operated at the time it stopped accepting waste for disposal and"

Page 4, delete line 26

Renumber the remaining clauses

Page 5, line 8, delete the period and insert "or"

Page 14, after line 20, insert:

"(2) monitor groundwater at all qualified facilities;"

Renumber the remaining clauses

Page 14, line 32, after "to" insert "a total of"

Page 14, line 33, after "to" insert "a total of"

Page 17, line 6, before "arranged" insert "illegally" and before the second "disposed" insert "illegally"

Page 21, line 15, delete "\$....." and insert "\$75"

Page 24, after line 2, insert:

"The money appropriated in this section may be used only to reimburse counties for the costs of establishing and operating household hazardous waste management and education programs, excluding administrative expenses. The commissioner of the pollution control agency shall use half of the appropriation for reimbursement to metropolitan counties and shall use the remaining half of the appropriation for reimbursement to counties not located in the metropolitan area. Counties may be reimbursed, individually or in groups, for up to 50 percent of the counties' expenses for household hazardous waste education and to collect, transport, process, and dispose of household hazardous waste, excluding administrative expenses, and up to 100 percent of household hazardous waste management facility development, excluding administrative expenses. For counties that presently are eligible for reimbursement for household hazardous waste management expenses from other money appropriated to the commissioner of the pollution control agency or allocated by the commissioner for this purpose, the maximum amount that may be reimbursed under this section applies to the total reimbursement provided by the commissioner from the combination of formerly appropriated money and from this appropriation."

The motion prevailed and the amendment was adopted.

Pauly moved to amend H. F. No. 3086, the second engrossment, as amended, as follows:

Page 4, after line 5, insert:

"(e) 'Owner' means any person, partnership, firm, limited liability company, cooperative, association, corporation, or other nongovernmental entity."

Reletter the paragraphs

The motion prevailed and the amendment was adopted.

Sekhon moved to amend H. F. No. 3086, the second engrossment, as amended, as follows:

Page 4, line 20, after "accepting" insert "mixed municipal solid"

Page 4, line 21, after the comma, insert "and all solid waste for disposal by June 1, 1994,"

The motion prevailed and the amendment was adopted.

Kahn, Rice, Sarna, Wagenius, Munger, Jefferson and Battaglia moved to amend H. F. No. 3086, the second engrossment, as amended, as follows:

Page 2, after line 23, insert:

"Sec. 2. Minnesota Statutes 1992, section 116G.15, is amended to read:

116G.15 [MISSISSIPPI RIVER CRITICAL AREA.]

The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. The governor shall review the existing Mississippi river critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.

The results of an environmental impact statement prepared under chapter 116D and completed after the effective date of this section for a proposed project that is located in the Mississippi river critical area north of the United States Army Corps of Engineers lock and dam number one must be reported to the chairs of the environment and natural

resources policy and finance committees of the house of representatives and the senate for legislative review of the proposed project and alternatives to the project prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph must list alternatives to the project that are environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the metropolitan council or a metropolitan agency as defined in section 473.121.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

POINT OF ORDER

Goodno raised a point of order pursuant to rule 3.09 that the Kahn et al amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Kahn amendment to H. F. No. 3086, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Long, Solberg and Kahn moved to amend H. F. No. 3086, the second engrossment, as amended, as follows:

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1992, section 115A.055, is amended to read:

115A.055 [OFFICE OF WASTE MANAGEMENT.]

The office of waste management is an agency in the executive branch headed by a director appointed by the governor, with the advice and consent of the senate, to serve in the unclassified service. The director may appoint two assistant directors in the unclassified service and may appoint other employees, as needed, in the classified service. The personnel, powers, or duties of the office may not be transferred under section 16B.37."

Page 2, after line 23, insert:

"Sec. 3. [OFFICE OF WASTE MANAGEMENT; RETURN AND TRANSFER OF RESPONSIBILITIES.]

(a) The personnel, powers, duties, and furniture and equipment of the office of waste management transferred from it by reorganization order number 169 under Minnesota Statutes, section 16B.37, are hereby transferred back to it subject to Minnesota Statutes, section 16B.37, subdivision 3.

(b) The solid and hazardous waste management personnel, powers, and duties of the metropolitan council under Minnesota Statutes, chapters 115A and 473, are transferred from the council to the office of waste management subject to Minnesota Statutes, section 16B.37, subdivision 3.

(c) By February 15, 1995, the legislative commission on waste management shall propose legislation to conform existing statutes to the transfer in paragraph (b).

(d) Employees of the metropolitan council currently performing the duties under Minnesota Statutes, sections 473.149, 473.151, and 473.801 to 473.849 shall be given the option of filling positions to perform these duties at the office of environmental assistance. Employees so transferred shall not suffer a reduction in salary as a result of the transfer to state employment. For job seniority and benefit calculation purposes, the date of first employment with the state is the date on which services were first performed by the employee for the metropolitan council. Any sick leave, vacation time, or severance pay benefits accumulated by the affected employees under the policies of the metropolitan council shall carry over to state service. Employees of the metropolitan council who are transferred to the office of environmental assistance shall be offered an open enrollment in all insurance plans available to state employees with no limit on preexisting conditions.

Sec. 4. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall make the following changes, with appropriate stylistic corrections, in Minnesota Statutes 1994 and subsequent editions of the statutes:

(1) change the words "office of waste management" and "office" to "director" and change "its," when it refers to the office of waste management, to "the director's" in Minnesota Statutes, sections 115A.06, subdivisions 13 and 14; 115A.072; 115A.152; 115A.154; 115A.156; 115A.165; 115A.45; 115A.48; 115A.51; 115A.52; 115A.54, subdivision 3; 115A.541; 115A.55; 115A.551; 115A.552; 115A.553; 115A.557; 115A.58; 115A.59; 115A.63; 115A.64; 115A.66; 115A.71; 115A.72; 115A.84; 115A.86; 115A.9162; 115A.917; 115A.961; 115A.97; and 115A.991;

(2) change the word "reviewing authority" to "director" in Minnesota Statutes, sections 115A.83, subdivision 2; 115A.84, subdivisions 4 and 5; 115A.86, subdivisions 2, 3, and 5; 115A.87; 115A.89; 115A.893, subdivisions 3 and 4;

(3) change the word "its," when it refers to the reviewing authority, to "the director's" in Minnesota Statutes, sections 115A.84, subdivision 4, paragraph (c); and 115A.89, clause (3);

(4) change the word "it" to "the director" in Minnesota Statutes, section 115A.84, subdivision 4, paragraphs (a) and (c);

(5) delete the words "the office or" and delete "acting on behalf of the office" in Minnesota Statutes, section 115A.06, subdivisions 8 to 10;

(6) change the word "board" to "director" in Minnesota Statutes, section 115A.97, subdivision 5; and

(7) delete the word "office" in Minnesota Statutes, section 115A.551, subdivision 7."

Renumber the remaining sections in sequence

The motion prevailed and the amendment was adopted.

H. F. No. 3086, A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to release persons from liability for contamination from petroleum tanks; establishing an environmental cleanup program for landfills; increasing the solid waste generator fee; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; transferring certain personnel, powers, and duties back to the office of waste management; transferring solid and hazardous waste management personnel, powers, and duties of the metropolitan council to the office of waste management; amending Minnesota Statutes 1992, sections 115.073; 115A.055; 115B.42, subdivision 1, and by adding subdivisions; 115C.03, subdivision 9; 116G.15; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivision 2; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

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

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

Those who voted in the affirmative were:

Abrams	Brown, C.	Dehler	Girard	Hugoson	Kalis	Lasley
Anderson, R.	Brown, K.	Delmont	Goodno	Huntley	Kelley	Leppik
Asch	Carlson	Dempsey	Greenfield	Jacobs	Kelso	Lieder
Battaglia	Carruthers	Dorn	Greiling	Jaros	Kinkel	Limmer
Bauerly	Clark	Erhardt	Gruenes	Jefferson	Klinzing	Lindner
Beard	Commers	Evans	Gutknecht	Jennings	Knickerbocker	Long
Bergson	Cooper	Farrell	Hasskamp	Johnson, A.	Knight	Lourey
Bertram	Dauner	Finseth	Haukoos	Johnson, R.	Koppendrayer	Luther
Bettermann	Davids	Frerichs	Hausman	Johnson, V.	Krinkie	Lynch
Bishop	Dawkins	Garcia	Holsten	Kahn	Krueger	Macklin

Mahon	Murphy	Orenstein	Peterson	Sekhon	Tomassoni	Waltman
Mariani	Neary	Orfield	Reding	Simoneau	Tompkins	Weaver
McCollum	Nelson	Osthoff	Rest	Skoglund	Trimble	Wejcman
McGuire	Ness	Ostrom	Rhodes	Smith	Tunheim	Wenzel
Milbert	Olson, E.	Ozment	Rice	Solberg	Van Dellen	Winter
Molnau	Olson, K.	Pauly	Rodosovich	Stanis	Van Engen	Wolf
Morrison	Olson, M.	Pawlenty	Rukavina	Steensma	Vellenga	Worke
Mosel	Ornen	Pelowski	Sarna	Sviggum	Vickerman	Workman
Munger	Opatz	Perlt	Seagren	Swenson	Wagenius	Spk. Anderson, I.

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

Carruthers moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of S. F. No. 1706.

S. F. No. 1706 was reported to the House.

Jennings moved to amend S. F. No. 1706, the unofficial engrossment, as follows:

Page 17, after line 24, insert:

"(d) The commission shall allow a utility to recover its initial deposit and all future reimbursements to the account."

The motion prevailed and the amendment was adopted.

Jennings and Dempsey moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 13, line 11, delete everything after "energy" and insert "as part of its responsibilities, may establish guidelines for preferred electric energy generation sources among the following: conservation of electric energy and management of demand; wind and solar; biomass and low-head or refurbished hydro; decomposition gases produced by solid waste management facilities, natural gas-fired cogeneration, and waste materials or byproducts combined with natural gas; natural gas, hydropower that is not low-head or refurbished hydropower, and solid waste as a direct fuel or refuse-derived fuel; and coal or nuclear power."

Page 13, delete lines 12 to 36

Page 14, delete lines 1 to 11

A roll call was requested and properly seconded.

The question was taken on the Jennings and Dempsey amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Holsten	Koppendrayner	Morrison	Pawlenty	Van Engen
Anderson, R.	Dempsey	Hugoson	Krinkie	Mosel	Perlt	Vickerman
Beard	Erhardt	Huntley	Lasley	Nelson	Seagren	Waltman
Bertram	Finseth	Jacobs	Leppik	Ness	Smith	Weaver
Bettermann	Frerichs	Jennings	Lieder	Olson, E.	Stanius	Wolf
Bishop	Girard	Johnson, A.	Limmer	Olson, M.	Sviggum	Worke
Commers	Goodno	Johnson, V.	Lindner	Onnen	Swenson	Workman
Cooper	Gruenes	Klinzing	Lynch	Opatz	Tompkins	
Dauner	Gutknecht	Knickerbocker	Macklin	Osthoff	Tunheim	
Dauids	Haukoos	Knight	Molnau	Pauly	Van Dellen	

Those who voted in the negative were:

Asch	Delmont	Jefferson	Luther	Orenstein	Rice	Trimble
Battaglia	Dorn	Johnson, R.	Mahon	Orfield	Rodosovich	Vellenga
Bauerly	Evans	Kahn	Mariani	Ostrom	Rukavina	Wagenius
Bergson	Farrell	Kalis	McCollum	Ozment	Sarna	Wejman
Brown, C.	Garcia	Kelley	McGuire	Pelowski	Sekhon	Wenzel
Brown, K.	Greenfield	Kelso	Milbert	Peterson	Simoneau	Winter
Carlson	Greiling	Kinkel	Munger	Pugh	Skoglund	Spk. Anderson, I.
Carruthers	Hasskamp	Krueger	Murphy	Reding	Solberg	
Clark	Hausman	Long	Neary	Rest	Steensma	
Dawkins	Jaros	Lourey	Olson, K.	Rhodes	Tomassoni	

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

Frerichs was excused between the hours of 2:20 p.m. and 3:40 p.m.

CALL OF THE HOUSE

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

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

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

Jennings moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 17, line 11, delete "\$200,000" and insert "\$100,000"

Page 19, line 5, delete "\$40,000" and insert "\$20,000"

A roll call was requested and properly seconded.

The question was taken on the Jennings amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dempsey	Hugoson	Krinkie	Ness	Simoneau	Waltman
Bauerly	Erhardt	Huntley	Lasley	Olson, E.	Smith	Weaver
Bertram	Farrell	Jacobs	Leppik	Olson, M.	Solberg	Wolf
Bettermann	Finseth	Jaros	Lindner	Onnen	Stanisus	Worke
Bishop	Girard	Jennings	Lynch	Osthoff	Sviggum	Workman
Commers	Goodno	Johnson, V.	Macklin	Pawlenty	Swenson	
Cooper	Gruenes	Kelso	Molnau	Perlt	Tunheim	
Dauner	Gutknecht	Klinzing	Morrison	Rhodes	Van Dellen	
Davids	Haukoos	Knickerbocker	Mosel	Rukavina	Van Engen	
Dehler	Holsten	Koppendrayar	Nelson	Seagren	Vickerman	

Those who voted in the negative were:

Abrams	Dawkins	Johnson, A.	Long	Neary	Pugh	Tompkins
Asch	Delmont	Johnson, R.	Lourey	Olson, K.	Reding	Trimble
Battaglia	Dorn	Kahn	Luther	Opatz	Rest	Vellenga
Beard	Evans	Kalis	Mahon	Orenstein	Rice	Wagenius
Bergson	Garcia	Kelley	Mariani	Orfield	Rodosovich	Wejcman
Brown, C.	Greenfield	Kinkel	McCollum	Ostrom	Sama	Wenzel
Brown, K.	Greiling	Knight	McGuire	Ozment	Sekhon	Winter
Carlson	Hasskamp	Krueger	Milbert	Pauly	Skoglund	Spk. Anderson, I.
Carruthers	Hausman	Lieder	Munger	Pelowski	Steensma	
Clark	Jefferson	Limmer	Murphy	Peterson	Tomassoni	

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

Morrison, Jennings and Leppik moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 5, after line 32, insert:

"Sec. 2. [ALTERNATIVE TECHNOLOGY FOR SPENT FUEL STORAGE.]

The public utilities commission shall determine whether there exists or whether there is likely to exist in the future a technology for storing spent nuclear fuel in casks or other containers that allow for transportation as well as storage of the waste. If such technology exists and is feasible for storage and eventual transportation of spent nuclear fuel generated by the Prairie Island nuclear power generating plant, the commission shall order its use.

Sec. 3. Minnesota Statutes 1993 Supplement, section 216B.2422, is amended by adding a subdivision to read:

Subd. 7. [CONSERVATION AND RENEWABLE ENERGY PRIORITY.] Before a utility that submits a resource plan under this section plans on adding electric generation capacity to replace or supplement existing generation capacity, it must plan for and accomplish the maximum level of energy conservation reasonable feasible. Once the utility's resource plan includes using the maximum level of conservation, the utility may plan for additional generation capacity, but must first plan for use of generation technology that utilizes renewable resources. Only if the utility can demonstrate that using renewable resources is impossible or significantly more costly may the utility plan for additional generation capacity from nonrenewable resources. The commission may not approve a resource plan that does not comply with this subdivision.

Sec. 4. [ENERGY EFFICIENT LIGHTING.]

The public utility that operates the nuclear power generating plant at Prairie Island shall undertake a conservation improvement program to ensure that lighting and other electric energy usage in residences and other buildings within its service territory is as energy efficient as present technology allows."

Renumber the remaining sections

A roll call was requested and properly seconded.

The question was taken on the Morrison et al amendment and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Huntley

The motion prevailed and the amendment was adopted.

Jennings and Dempsey moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 14, delete section 3

A roll call was requested and properly seconded.

The question was taken on the Jennings and Dempsey amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Bettermann	Cooper	Dehler	Finseth	Gruenes	Holsten
Beard	Bishop	Dauner	Dempsey	Girard	Gutknecht	Hugoson
Bertram	Commers	Dauids	Erhardt	Goodno	Haukoos	Huntley

Jacobs	Koppendrayner	Lynch	Olson, E.	Perl	Tunheim	Wolf
Jennings	Krinkie	Macklin	Olson, M.	Seagren	Van Dellen	Worke
Johnson, V.	Lasley	Molnau	Ornen	Smith	Van Engen	Workman
Klinzing	Leppik	Morrison	Opatz	Stanis	Vickerman	
Knickerbocker	Linumer	Nelson	Osthoff	Sviggum	Waltman	
Knight	Lindner	Ness	Pawlenty	Swenson	Weaver	

Those who voted in the negative were:

Anderson, R.	Delmont	Johnson, A.	Luther	Orenstein	Rice	Trimble
Asch	Dorn	Johnson, R.	Mahon	Orfield	Rodosovich	Vellenga
Battaglia	Evans	Kahn	Mariani	Ostrom	Rukavina	Wagenius
Bauerly	Farrell	Kalis	McCollum	Ozment	Sarna	Wejzman
Bergson	Garcia	Kelley	McGuire	Pauly	Sekhon	Wenzel
Brown, C.	Greenfield	Kelso	Milbert	Pelowski	Simoneau	Winter
Brown, K.	Greiling	Kinkel	Mosel	Peterson	Skoglund	Spk. Anderson, I.
Carlson	Hasskamp	Krueger	Munger	Pugh	Solberg	
Carruthers	Hausman	Lieder	Murphy	Reding	Steensma	
Clark	Jaros	Long	Neary	Rest	Tomassoni	
Dawkins	Jefferson	Lourey	Olson, K.	Rhodes	Tompkins	

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

Girard moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 6, line 13, before the semicolon, insert "two of whom must be from the minority caucus"

Page 6, line 15, before the period, insert "two of whom must be from the minority caucus"

Carruthers moved to amend the Girard amendment to S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 1, after line 2 of the Girard amendment, insert:

"Page 6, lines 12 and 14, delete "six" and insert "eight""

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

The question recurred on the Girard amendment, as amended, to S. F. No. 1706, the unofficial engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Olson, M., and Dempsey moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 10, after line 10, insert:

"(5) whether emerging nuclear technologies, such as integral fast reactors, which can generate electricity without environmental damage while producing no or minimal radioactive waste, are economically feasible and practical electric energy alternatives in the foreseeable future and, if so, how to encourage and take advantage of such technologies;"

Renumber the remaining clauses

The motion prevailed and the amendment was adopted.

Osthoff moved to amend S. F. No. 1706, the unofficial engrossment, as amended, as follows:

Page 16, line 11 to page 20, line 9, delete Article 3

A roll call was requested and properly seconded.

The question was taken on the Osthoff amendment and the roll was called. There were 84 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Holsten	Krinkie	Nelson	Peterson	Swenson
Bauerly	Delmont	Hugoson	Lasley	Ness	Pugh	Tomassoni
Beard	Dempsey	Huntley	Leppik	Olson, E.	Rhodes	Tompkins
Bertram	Dorn	Jacobs	Lieder	Olson, K.	Rodosovich	Tunheim
Bettermann	Erhardt	Jennings	Limmer	Olson, M.	Rukavina	Van Dellen
Bishop	Farrell	Johnson, V.	Lindner	Ornen	Seagren	Van Engen
Brown, C.	Finseth	Kelso	Luther	Opatz	Simoneau	Vickerman
Brown, K.	Girard	Kinkel	Lynch	Osthoff	Smith	Waltman
Commers	Goodno	Klinzing	Macklin	Pauly	Solberg	Weaver
Cooper	Gruenes	Knickerbocker	Molnau	Pawlenty	Stanis	Wolf
Dauner	Gutknecht	Knight	Morrison	Pelowski	Steensma	Worke
Davids	Haukoos	Koppendraye	Mosel	Perlt	Sviggum	Workman

Those who voted in the negative were:

Anderson, R.	Dawkins	Jaros	Krueger	Milbert	Ozment	Trimble
Asch	Evans	Jefferson	Long	Munger	Reding	Vellenga
Battaglia	Garcia	Johnson, A.	Lourey	Murphy	Rest	Wagenius
Bergson	Greenfield	Johnson, R.	Mahon	Neary	Rice	Wejzman
Carlson	Greiling	Kahn	Mariani	Orenstein	Sarna	Wenzel
Carruthers	Hasskamp	Kalis	McCollum	Orfield	Sekhon	Winter
Clark	Hausman	Kelley	McGuire	Ostrom	Skoglund	Spk. Anderson, I.

The motion prevailed and the amendment was adopted.

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.

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 104 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abrams	Battaglia	Bergson	Brown, C.	Carruthers	Davids	Delmont
Anderson, R.	Bauerly	Bertram	Brown, K.	Clark	Dawkins	Dempsey
Asch	Beard	Bishop	Carlson	Cooper	Dehler	Dorn

Erhardt	Jacobs	Knickerbocker	McCollum	Orenstein	Rhodes	Tompkins
Evans	Jaros	Krinkie	McGuire	Orfield	Rice	Trimble
Farrell	Jefferson	Krueger	Milbert	Osthoff	Rukavina	Tunheim
Finseth	Jennings	Lasley	Morrison	Ostrom	Sarna	Vellenga
Garcia	Johnson, A.	Leppik	Mosel	Ozment	Seagren	Vickerman
Girard	Johnson, R.	Lieder	Munger	Pauly	Sekhon	Wagenius
Greenfield	Johnson, V.	Limmer	Murphy	Pelowski	Simoneau	Wejcman
Greiling	Kahn	Long	Neary	Perlt	Skoglund	Wenzel
Hasskamp	Kalis	Lourey	Nelson	Peterson	Smith	Winter
Hausman	Kelley	Luther	Ness	Pugh	Solberg	Wolf
Holsten	Kelso	Mahon	Olson, K.	Reding	Steensma	Spk. Anderson, I.
Huntley	Kinkel	Mariani	Opatz	Rest	Tomassoni	

Those who voted in the negative were:

Bettermann	Gruenes	Knight	Molnau	Rodosovich	Van Engen
Commers	Gutknecht	Koppendrayner	Olson, E.	Stanis	Waltman
Dauner	Haukoos	Lindner	Olson, M.	Sviggum	Weaver
Frerichs	Hugoson	Lynch	Onnen	Swenson	Worke
Goodno	Klinzing	Macklin	Pawlentz	Van Dellen	Workman

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

CALL OF THE HOUSE LIFTED

Carruthers moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from 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. 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 Senate has appointed as such committee:

Messrs. Finn; Merriam; Knutson; Mses. Krentz and Piper.

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. 2410, A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

The Senate has appointed as such committee:

Messrs. Lessard, Chandler and Laidig.

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. 2485, A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

The Senate has appointed as such committee:

Messrs. Price, Morse and Dille.

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. 2624, A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; modifying duties of the commissioner of employee relations; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

The Senate has appointed as such committee:

Ms. Flynn; Mr. Luther and Ms. Kiscaden.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2900.

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. 2900

A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

April 22, 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. 2900, 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. 2900 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

APPROPRIATION

Section 1. [HIGHER EDUCATION APPROPRIATIONS.]

The dollar amounts in the columns under "APPROPRIATIONS" are added to or, if shown in parentheses, are subtracted from the appropriations in Laws 1993, First Special Session chapter 2, article 1, or other law to the specified agencies. The appropriations are from the general fund or other named fund and are available for the fiscal years indicated for each purpose. The figure 1994 or 1995 means that the addition to or subtraction from the appropriations listed under the figure are for the fiscal year ending June 30, 1994, or June 30, 1995, respectively. If only one figure is shown in the text for a specified purpose, the addition or subtraction is for 1995 unless the context intends another fiscal year.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ (7,000,000)	\$ 18,300,000	\$ 11,300,000

SUMMARY BY AGENCY - ALL FUNDS

	1994	1995	TOTAL
Higher Education Coordinating Board	\$ (7,000,000)	\$ 1,400,000	\$ (5,600,000)
State Board of Technical Colleges	-0-	1,250,000	1,250,000
Higher Education Board	-0-	1,255,000	1,255,000
State Board for Community Colleges	-0-	450,000	450,000
State University Board	-0-	1,800,000	1,800,000
Board of Regents of the University of Minnesota	-0-	9,145,000	9,145,000
Department of Finance	-0-	3,000,000	3,000,000

 APPROPRIATIONS
 Available for the Year
 Ending June 30

1994	1995
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Sec. 2. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Total Appropriation Changes

(7,000,000)	1,400,000
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Subd. 2. Agency Administration

This appropriation includes money to develop a process to award grants to Upward Bound programs in Minnesota. The board shall provide the money to the Minnesota Minority Education Partnership under contract.

Subd. 3. State Grants

(4,000,000)

The higher education coordinating board shall delay the implementation of the new private college cap.

For fiscal year 1995, a child care grant under Minnesota Statutes, section 136A.125, shall not cover more than 40 hours per week of child care costs.

Subd. 4. Interstate Tuition Reciprocity

(3,000,000)

Subd. 5. State Work Study

This appropriation includes money for the state work study program.

Sec. 3. STATE BOARD OF TECHNICAL COLLEGES

Total Appropriation Changes

1,250,000

This appropriation includes money for a pilot program at the Northwest Technical College Center for International Training and for automating the technical college libraries.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

Sec. 4. HIGHER EDUCATION BOARD

Total Appropriation Changes

1,255,000

This appropriation is for developing a student records system, office space costs, staff training, and labor relations.

Sec. 5. STATE BOARD FOR COMMUNITY COLLEGES

Total Appropriation Changes

450,000

This appropriation is for the transition of Fond du Lac from a center to full campus status.

In making Fond du Lac a full campus, the legislature intends to enhance the programs, enrollment, and efficiency of the campus. As part of this action, the state board for community colleges shall report on its plans to accomplish these goals to the higher education finance divisions by January 15, 1995.

Sec. 6. STATE UNIVERSITY BOARD

Total Appropriation Changes

1,800,000

This appropriation is for academic programs, the urban teacher preparation program, interactive television, and library resources at Metro State University, and for improving safety on the state university campuses.

Sec. 7. BOARD OF REGENTS OF THE UNIVERSITY
OF MINNESOTA

Total Appropriation Changes

9,145,000

The legislature supports the direction that the University of Minnesota is taking to improve the academic experiences and learning environment of its students through its U2000 planning. This appropriation is to further the University's efforts in student services, educational equipment, library resources, and indigent patient dental care. The legislature directs the board of regents to use this appropriation consistent with the priority order of its request to the legislature.

The legislature intends that its support of U2000 will result in the improvement of undergraduate education on the Twin Cities campus. Specifically, the legislature intends that the University focus on improving the actual classroom instruction and experience of undergraduates, particularly as the number of traditional undergraduate students in the state grows over the next several years. This focus includes changing the reward structure for faculty to encourage better undergraduate instruction. As part of its 1995 biennial budget request to support its U2000 efforts, the University shall report on its plans to accomplish changes in faculty efforts in teaching and advising that will improve undergraduate education.

APPROPRIATIONS
Available for the Year
Ending June 30

1994

1995

The board of regents is requested to report to the higher education finance divisions of the house of representatives and the senate by January 15, 1995, on the policies and practices it has planned or implemented to comply with Title VII, Title IX, and the Equal Pay Act as they relate to coaches of men's and women's athletics.

Sec. 8. DEPARTMENT OF FINANCE

Total Appropriation Changes

3,000,000

This appropriation is for the higher education board and the commissioner of finance to jointly develop an accounting system to accommodate the specific needs of higher education, and to jointly plan for the expenditure of this appropriation. When requested, the commissioner shall provide the board with detailed information on the expenditure of this appropriation.

ARTICLE 2

ASSOCIATED PROVISIONS

Section 1. Minnesota Statutes 1993 Supplement, section 125.138, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A program of faculty collaboration shall be established to allow Minnesota school districts and post-secondary institutions to arrange temporary placements in each other's institutions. These arrangements must be made on a voluntary cooperative basis between a school district and post-secondary institution, or between post-secondary institutions. Exchanges between post-secondary institutions may occur among campuses in the same system or in different systems.

Sec. 2. Minnesota Statutes 1993 Supplement, section 125.138, subdivision 6, is amended to read:

Subd. 6. [GRANTS.] The department of education shall award grants to public post-secondary teacher preparation programs and school districts that collaborate on staff exchanges or temporary placements. One institution must be identified as the fiscal agent for the grant.

Sec. 3. Minnesota Statutes 1993 Supplement, section 125.138, subdivision 8, is amended to read:

Subd. 8. [APPLICATION PROCESS.] The department of education shall develop and publicize the process by which school districts, ~~the University of Minnesota and its campuses, and the state universities and post-secondary institutions~~ which have teacher and administrator preparation programs may apply for grants.

Sec. 4. [136.6011] [FOND DU LAC CAMPUS.]

The Fond du Lac campus of the Minnesota community college system has a unique mission among the community colleges to serve both the general education needs for lower division work in the Carlton county - south St. Louis county region, as well as serving the education needs of Native Americans throughout the state and especially in northern Minnesota. Accordingly, while the college is governed by the state board for community colleges and administered through Arrowhead community colleges, its governance is accomplished in conjunction with tribal authorities, particularly in the areas of academic programming and student services. The state board, the Arrowhead community college administration, and the Fond du Lac tribal college board shall determine the mechanisms necessary to accomplish the sharing of authority while ensuring accountability for college actions.

Sec. 5. Minnesota Statutes 1992, section 136A.121, subdivision 17, is amended to read:

Subd. 17. [INDEPENDENT STUDENT INFORMATION.] The board shall inform students, ~~in writing, as part of the application process, its financial aid publications~~ about the definition of independent student status and appeals to the financial aid administrator relating to the declaration of the status.

Sec. 6. Minnesota Statutes 1992, section 136A.125, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE STUDENTS.] An applicant is eligible for a child care grant if the applicant:

- (1) is a resident of the state of Minnesota;
- (2) has a child 12 years of age or younger, or 14 years of age or younger who is handicapped as defined in section 120.03, and who is receiving or will receive care on a regular basis from a licensed or legal, nonlicensed caregiver;
- (3) is ~~within the sliding fee scale income guidelines set under section 256H.10, subdivision 2,~~ income eligible as determined by a standardized financial aid needs analysis in accordance with the board's policies and rules, but is not a recipient of aid to families with dependent children;
- (4) has not earned a baccalaureate degree and has been enrolled full time less than eight semesters, 12 quarters, or the equivalent;
- (5) is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;
- (6) is enrolled at least half time in an eligible institution; and
- (7) is in good academic standing and making satisfactory academic progress.

Sec. 7. Minnesota Statutes 1992, section 136A.125, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE INSTITUTION.] A Minnesota public post-secondary institution ~~or, a Minnesota private, baccalaureate degree granting college or university located in Minnesota, or a Minnesota nonprofit two-year vocational technical school granting associate degrees~~ is eligible to receive child care funds from the board and disburse them to eligible students.

Sec. 8. Minnesota Statutes 1992, section 136A.125, subdivision 4, is amended to read:

Subd. 4. [AMOUNT AND LENGTH OF GRANTS.] The amount of a child care grant must be based on:

- (1) the ~~financial need~~ income of the applicant and the applicant's spouse, if any;
- (2) the number of ~~in the applicant's children family, as defined by the board;~~ and
- (3) ~~the cost of the child care,~~

~~as determined by the institution in accordance with board policies and rules. The amount of the grant must cover the cost of child care for all eligible children for the full number of hours of education per week and may cover up to 20 hours per week of employment for which child care is needed. The grant must be awarded for one academic year. The minimum financial stipend is \$100 the number of eligible children in the applicant's family.~~

The maximum award to the applicant shall be \$1,500 for each eligible child per academic year. The board shall prepare a chart to show the amount of a grant that will be awarded per child based on the factors in this subdivision. The chart shall include a range of income and family size.

Sec. 9. Minnesota Statutes 1992, section 136A.125, is amended by adding a subdivision to read:

Subd. 4b. [ADDITIONAL GRANTS.] An additional child care grant may be awarded to an applicant attending classes outside of the regular academic year who meets the requirements in subdivisions 2 and 4.

Sec. 10. Minnesota Statutes 1992, section 136A.15, subdivision 6, is amended to read:

Subd. 6. "Eligible institution" means ~~any public a post-secondary educational institution and any private educational institution, in any state which is approved by the United States commissioner of education in accordance with requirements set forth in the Higher Education Act of 1965, as amended that either (1) is operated or regulated by this state, or (2) is operated publicly or privately in another state, is approved by the United States Secretary of Education, and, as determined by the board, maintains academic standards substantially equal to those of comparable institutions operated in this state.~~ It also includes any institution chartered in a province.

Sec. 11. Minnesota Statutes 1993 Supplement, section 136A.233, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION TO INSTITUTIONS.] The higher education coordinating board shall allocate work-study money to eligible post-secondary institutions according to the resident full-time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program, and the amount of the allocation that an institution spent during the previous academic year. Each institution wishing to participate in the work-study program must submit, in accordance with policies and procedures established by the board, an estimate of the amount of funds needed by the institution. Any funds allocated to an institution that exceed the actual need of the institution may shall be reallocated by the board to other institutions. An institution may carry forward or backward the same percentage of its initial allocation that is authorized under federal work-study provisions.

Sec. 12. Minnesota Statutes 1993 Supplement, section 136A.233, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of sections 136A.231 to 136A.233, the words defined in this subdivision have the meanings ascribed to them.

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll at least half time ~~as defined in section 136A.101, subdivision 7b,~~ in a degree, diploma, or certificate program in a Minnesota post-secondary institution.

(b) "Minnesota resident" means a student who meets the conditions in section 136A.101, subdivision 8.

(c) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(d) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency or state institution located in the state of Minnesota, including state hospitals, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(e) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state grant program as specified in section 136A.101, subdivision 4.

(f) "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

(g) "Half-time" for undergraduates has the meaning given in section 136A.101, subdivision 7b, and for graduate students is defined by the institution.

Sec. 13. Laws 1993, First Special Session chapter 2, article 5, section 2, is amended to read:

Sec. 2. [TELECOMMUNICATIONS COUNCIL.] ~~An instructional~~ A 19-member telecommunications council shall be established and composed of: two representatives selected by each public higher education system, a representative of the higher education board, a regional telecommunications coordinator, one member of the senate appointed by the subcommittee on committees of the committee on rules and administration, one member of the house of representatives appointed by the speaker, one private college representative selected by the Minnesota private college council, a representative of the information policy office of the department of administration, four members appointed by the commissioner of education or designee to represent K-12 education of whom at least two shall be representatives of school districts or K-12 telecommunications networks, and one higher education coordinating board representative. The council shall:

(1) develop a statewide vision and plans for the use of distance learning technologies and provide leadership in implementing the use of such technologies;

(2) develop educational policy relating to telecommunications;

(3) determine priorities for use;

(4) oversee coordination with campuses, K-12 education, and regional educational telecommunications;

(5) require the use of the ~~statewide telecommunications access and routing system~~ Minnesota Network where operationally, technically, and economically feasible in order to maximize the state's telecommunication resources; and

(6) determine priorities for grant funding proposals.

The council shall consult with representatives of the telecommunication industry in implementing this subdivision.

Sec. 14. Laws 1993, chapter 224, article 12, section 39, is amended to read:

Sec. 39. [REPEALER.]

(a) Minnesota Rules, parts 3500.0500; 3500.0600, subparts 1 and 2; 3500.0605; 3500.0800; 3500.1090; 3500.1800; 3500.2950; 3500.3100, subparts 1 to 3; 3500.3500; 3500.3600; 3500.4400; 3510.2200; 3510.2300; 3510.2400; 3510.2500; 3510.2600; 3510.6200; 3520.0200; 3520.0300; 3520.0600; 3520.1000; 3520.1200; 3520.1300; 3520.1800; 3520.2700; 3520.3802; 3520.3900; 3520.4500; 3520.4620; 3520.4630; 3520.4640; 3520.4680; 3520.4750; 3520.4761; 3520.4811; 3520.4831; 3520.4910; 3520.5330; 3520.5340; 3520.5370; 3520.5461; 3525.2850; 3530.0300; 3530.0600; 3530.0700; 3530.0800; 3530.1100; 3530.1300; 3530.1400; 3530.1600; 3530.1700; 3530.1800; 3530.1900; 3530.2000; 3530.2100; 3530.2800; 3530.2900; 3530.3100, subparts 2 to 4; 3530.3200, subparts 1 to 5; 3530.3400, subparts 1, 2, and 4 to 7; 3530.3500; 3530.3600; 3530.3900; 3530.4000; 3530.4100; 3530.5500; 3530.5700; 3530.6100; 3535.0800; 3535.1000; 3535.1400; 3535.1600; 3535.1800; 3535.1900; 3535.2100; 3535.2200; 3535.2600; 3535.2900; 3535.3100; 3535.3500; 3535.9930; 3535.9940; 3535.9950; 3540.0600; 3540.0700; 3540.0800; 3540.0900; 3540.1000; 3540.1100; 3540.1200; 3540.1300; 3540.1700; 3540.1800; 3540.1900; 3540.2000; 3540.2100; 3540.2200; 3540.2300; 3540.2400; 3540.2800; 3540.2900; 3540.3000; 3540.3100; 3540.3200; 3540.3300; 3540.3400; 3545.1000; 3545.1100; 3545.1200; 3545.2300; 3545.2700; 3545.3000; 3545.3002; 3545.3004; 3545.3005; 3545.3014; 3545.3022; 3545.3024; 8700.4200; 8700.6410; 8700.6800; 8700.7100; 8700.9000; 8700.9010; 8700.9020; and 8700.9030, are repealed.

(b) Minnesota Rules, parts 3520.1600; 3520.2400; 3520.2500; 3520.2600; 3520.2800; 3520.2900; 3520.3000; 3520.3100; 3520.3200; 3520.3400; 3520.3500; 3520.3680; 3520.3701; 3520.3801; 3520.4001; 3520.4100; 3520.4201; 3520.4301; 3520.4400; 3520.4510; 3520.4531; 3520.4540; 3520.4550; 3520.4560; 3520.4570; 3520.4600; 3520.4610; 3520.4650; 3520.4670; 3520.4701; 3520.4711; 3520.4720; 3520.4731; 3520.4741; 3520.4801; 3520.4840; 3520.4850; 3520.4900; 3520.4930; 3520.4980; 3520.5000; 3520.5010; 3520.5111; 3520.5120; 3520.5141; 3520.5151; 3520.5160; 3520.5171; 3520.5180; 3520.5190; 3520.5200; 3520.5220; 3520.5230; 3520.5300; 3520.5310; 3520.5361; 3520.5380; 3520.5401; 3520.5450; 3520.5471; 3520.5481; 3520.5490; 3520.5500; 3520.5510; 3520.5520; 3520.5531; 3520.5551; 3520.5560; 3520.5570; 3520.5580; 3520.5600; 3520.5611; 3520.5700; 3520.5710; 3520.5900; 3520.5910; and 3520.5920; ~~3530.6500; 3530.6600; 3530.6700; 3530.6800; 3530.6900; 3530.7000; 3530.7100; 3530.7200; 3530.7300; 3530.7400; 3530.7500; 3530.7600; 3530.7700; and 3530.7800,~~ are repealed.

(c) Minnesota Rules, parts 3500.1400; 3500.3700; 3510.0100; 3510.0200; 3510.0300; 3510.0400; 3510.0500; 3510.0600; 3510.0800; 3510.1100; 3510.1200; 3510.1300; 3510.1400; 3510.1500; 3510.1600; 3510.2800; 3510.2900; 3510.3000; 3510.3200; 3510.3400; 3510.3500; 3510.3600; 3510.3700; 3510.3800; 3510.7200; 3510.7300; 3510.7400; 3510.7500; 3510.7600; 3510.7700; 3510.7900; 3510.8000; 3510.8100; 3510.8200; 3510.8300; 3510.8400; 3510.8500; 3510.8600; 3510.8700; 3510.9000; 3510.9100; ~~chapters 3515, 3515.0100, subparts 2, 5, 6, and 26; 3515.0500, subpart 4, option two, items D and E; 3515.0700, subpart 4, options 4, 6, 7, and 8; 3515.1100; 3515.1500, subparts 2 and 3, item C; 3515.2100, subparts 2 and 3; 3515.3300; 3515.3400; 3515.3500; 3515.3600; 3515.3700; 3515.3800; 3515.4000; 3515.4500; 3515.4600; 3515.4621; 3515.4700; 3515.4800; 3515.5000, subpart 2; 3515.5050; 3515.5500, subparts 3, 4, 5, 6, 7, 9, 10, and 11; 3515.5600; 3515.6005, subparts 2 and 3; 3515.6100; 3515.8300; 3515.8900; 3515.9910; 3515.9911; 3515.9912; 3515.9913; 3515.9920; 3515.9942; 3517.0100; 3517.0120; 3517.3150; 3517.3170; 3517.3420; 3517.3450; 3517.3500; 3517.3650; 3517.4000; 3517.4100; 3517.4200; 3517.8500; 3517.8600;~~ and chapter 3560, are repealed.

(d) Minnesota Rules, parts 3500.0710; 3500.1060; 3500.1075; 3500.1100; 3500.1150; 3500.1200; 3500.1500; 3500.1600; 3500.1900; 3500.2000; 3500.2020; 3500.2100; 3500.2900; 3500.5010; 3500.5020; 3500.5030; 3500.5040; 3500.5050; 3500.5060; 3500.5070; 3505.2700; 3505.2800; 3505.2900; 3505.3000; 3505.3100; 3505.3200; 3505.3300; 3505.3400; 3505.3500; 3505.3600; 3505.3700; 3505.3800; 3505.3900; 3505.4000; 3505.4100; 3505.4200; 3505.4400; 3505.4500; 3505.4600; 3505.4700; 3505.5100; 8700.2900; 8700.3000; 8700.3110; 8700.3120; 8700.3200; 8700.3300; 8700.3400; 8700.3500; 8700.3510; 8700.3600; 8700.3700; 8700.3810; 8700.3900; 8700.4000; 8700.4100; 8700.4300; 8700.4400; 8700.4500; 8700.4600; 8700.4710; 8700.4800; 8700.4901; 8700.4902; 8700.5100; 8700.5200; 8700.5300; 8700.5310; 8700.5311; 8700.5500; 8700.5501; 8700.5502; 8700.5503; 8700.5504; 8700.5505; 8700.5506; 8700.5507; 8700.5508; 8700.5509; 8700.5510; 8700.5511; 8700.5512; 8700.5800; 8700.6310; 8700.6900; 8700.7010; 8700.7700; 8700.7710; 8700.8000; 8700.8010; 8700.8020; 8700.8030; 8700.8040; 8700.8050; 8700.8060; 8700.8070; 8700.8080; 8700.8090; 8700.8110; 8700.8120; 8700.8130; 8700.8140; 8700.8150; 8700.8160; 8700.8170; 8700.8180; 8700.8190; 8750.0200; 8750.0220; 8750.0240; 8750.0260; 8750.0300; 8750.0320; 8750.0330; 8750.0350; 8750.0370; 8750.0390; 8750.0410; 8750.0430; 8750.0460; 8750.0500; 8750.0520; 8750.0600; 8750.0620; 8750.0700; 8750.0720; 8750.0740; 8750.0760; 8750.0780; 8750.0800; 8750.0820; 8750.0840; 8750.0860; 8750.0880; 8750.0890; 8750.0900; 8750.0920; 8750.1000; 8750.1100; 8750.1120;

8750.1200; 8750.1220; 8750.1240; 8750.1260; 8750.1280; 8750.1300; 8750.1320; 8750.1340; 8750.1360; 8750.1380; 8750.1400; 8750.1420; 8750.1440; 8750.1500; 8750.1520; 8750.1540; 8750.1560; 8750.1580; 8750.1600; 8750.1700; 8750.1800; 8750.1820; 8750.1840; 8750.1860; 8750.1880; 8750.1900; 8750.1920; 8750.1930; 8750.1940; 8750.1960; 8750.1980; 8750.2000; 8750.2020; 8750.2040; 8750.2060; 8750.2080; 8750.2100; 8750.2120; 8750.2140; 8750.4000; 8750.4100; 8750.4200; 8750.9000; 8750.9100; 8750.9200; 8750.9300; 8750.9400; 8750.9500; 8750.9600; and 8750.9700, are repealed.

Sec. 15. [PEACE OFFICERS STANDARDS AND TRAINING BOARD.]

The association of police chiefs is requested to convene a committee to discuss and make recommendations to the legislature on current programs of professional peace officer education. The committee shall consist of three POST board members or their designees, one member appointed by the Minnesota chiefs of police association, one member appointed by the Minnesota sheriffs association, one member appointed by the Minnesota police and peace officers association, three representatives of the higher education systems, and three representatives of post-secondary campuses offering professional peace officer education to be appointed by the appropriate higher education governing boards for technical colleges, community colleges, and state universities. The committee shall make recommendations regarding programmatic and funding issues related to professional peace officer education. The committee also shall develop a plan for a cooperative process whereby the higher education systems and campuses and the POST board consult on any proposed changes in policy, rule, or statute which may significantly affect professional peace officer education. The committee shall report its findings and recommendations to the higher education and judiciary finance divisions by January 15, 1995. Prior to June 30, 1995, the board of peace officer standards and training may not take any action to change or modify professional peace officer education that is offered by a technical college, community college, or state university unless it is agreed to by both parties.

Nothing in this section shall prohibit the POST board from taking action against a certified school for failure to comply with an existing board rule.

POST board certified schools shall not provide a nondegree professional peace officer education program for any state agency or local law enforcement agency after December 31, 1994, without affirmative legislative approval.

Sec. 16. [RECOMMENDATIONS.]

By January 1, 1995, the higher education coordinating board shall provide recommendations to the higher education finance divisions of the legislature on the board's future functions, roles, and responsibilities following the July 1, 1995, merger of the community colleges, technical colleges, and state universities.

Sec. 17. [TRANSITION.]

The transition from center to full campus status for the Fond du Lac Community College Center at Cloquet shall occur no sooner than July 1, 1994. The transition from center to full campus status for Duluth and Cambridge centers shall occur no sooner than July 1, 1995. Full campus status is contingent upon approval of the higher education board. The higher education board shall make recommendations on funding levels for Cambridge, Cloquet, and Duluth.

Sec. 18. [RESERVE ACCOUNTS.]

The technical college, community college, state university, and higher education boards shall develop policies for fund balances and the creation and use of reserve accounts. The commissioner of finance shall review the policies. The technical college, community college, state university, and higher education boards shall submit the policies to the higher education finance divisions of the legislature by January 1, 1995. Beginning January 1, 1995, the technical college, community college, state university, and higher education boards shall report annually to the commissioner of finance the amounts, intended and actual use, and remaining balance in their respective fund balances and reserve accounts.

Sec. 19. [REPEALER.]

(a) Minnesota Statutes 1992, sections 135A.06, subdivisions 2, 3, 4, 5, and 6; and Minnesota Statutes 1993 Supplement, section 135A.061, are repealed.

(b) Minnesota Statutes 1992, section 136C.36, is repealed.

Sec. 20. [EFFECTIVE DATE.]

Section 11 is effective the day following final enactment.

Section 19, paragraph (b), is effective August 1, 1994.

ARTICLE 3

POST-SECONDARY FUNDING

Section 1. Minnesota Statutes 1992, section 135A.01, is amended to read:

135A.01 [FUNDING POLICY.]

It is the policy of the legislature that direct state appropriations, exclusive of tuition, to provide stable funding, including recognition of the effects of inflation, for the instructional services at public post-secondary institutions reflect a portion of the estimated cost of providing the instructional and that the state and students share the cost of those services. The legislature intends to provide at least 67 percent of the instructional services costs for each post-secondary system. It is also the policy of the legislature that the budgetary process serves to support high quality public post-secondary education.

Sec. 2. [135A.031] [APPROPRIATIONS FOR INSTRUCTIONAL SERVICES.]

Subdivision 1. [DETERMINATION OF APPROPRIATION.] The direct appropriation to each board for instructional services shall equal 67 percent of the estimated total cost of instruction for the University of Minnesota, the state universities, and the community colleges, and, for technical colleges, at least 67 percent of the estimated total cost of instruction.

Subd. 2. [APPROPRIATIONS FOR CERTAIN ENROLLMENTS.] The state share of the estimated expenditures for instruction shall vary for some categories of students, as designated in this subdivision.

(a) The state must provide at least 67 percent of the estimated expenditures for:

(1) students who resided in the state for at least one calendar year prior to applying for admission or dependent students whose parent or legal guardian resides in Minnesota at the time the student applies;

(2) Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere;

(3) residents of other states or provinces who are attending a Minnesota institution under a tuition reciprocity agreement; and

(4) students who have been in Minnesota as migrant farmworkers, as defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at least two years immediately before admission or readmission to a Minnesota public post-secondary institution, or students who are dependents of such migrant farmworkers.

(b) The state must provide 32 percent of the estimated expenditures for:

(1) students who are concurrently enrolled in a public secondary school and for whom the institution is receiving any compensation under the post-secondary enrollment options act; and

(2) students enrolled under the student exchange program of the Midwest Compact.

(c) The state may not provide any of the estimated expenditures for undergraduate students who do not meet the residency criteria under paragraph (a).

Subd. 3. [DETERMINATION OF INSTRUCTIONAL SERVICES BASE.] The instructional services base for each public post-secondary system is the sum of: (1) the state share; and (2) the legislatively estimated tuition for the second year of the most recent biennium; and (3) adjustments for inflation, enrollment changes as calculated in subdivision 4, and performance as calculated in subdivision 5.

Subd. 4. [ADJUSTMENT FOR ENROLLMENTS.] (a) Each public post-secondary system's instructional services base shall be adjusted for estimated changes in enrollments. For each two percent change in estimated full-year equivalent enrollment, an adjustment shall be made to 65 percent of the instructional services base. The remaining 35 percent of the instructional services base is not subject to the adjustment in this subdivision.

(b) For all purposes where student enrollment is used for budgeting purposes, student enrollment shall be measured in full-year equivalents and shall include only enrollments in courses that award credit or otherwise satisfy any of the requirements of an academic or vocational program.

(c) The enrollment adjustment shall be made for each year of the subsequent biennium. The base enrollment year is the 1995 fiscal year enrollment. The base enrollment shall be updated for each two percent change in estimated full year equivalent enrollment. If the actual enrollment differs from the estimated enrollment, an adjustment shall be made in the next biennium.

Subd. 5. [ADJUSTMENT FOR PERFORMANCE.] Each public post-secondary system's instructional services base shall be adjusted, up to one percent, if the system meets the performance standards established by the system's governing board as part of the biennial budget document.

Subd. 6. [ADJUSTMENT FOR CHANGE ITEMS.] The instructional services base may be adjusted for change items as determined by the governor and the legislature after adjustments for inflation, enrollments, and performance.

Subd. 7. [REPORTS.] Instructional expenditure and enrollment data for each instructional category shall be submitted in the biennial budget document.

Sec. 3. [135A.032] [APPROPRIATIONS FOR NONINSTRUCTIONAL SERVICES.]

Subdivision 1. [DETERMINATION OF NONINSTRUCTIONAL APPROPRIATIONS BASE.] The noninstructional services base for each public post-secondary system is the state share for the second year of the most recent biennium plus adjustments for inflation and for performance as specified in subdivision 2. The cost of technical college extension programs shall be included in noninstructional services.

Subd. 2. [ADJUSTMENT FOR PERFORMANCE.] The noninstructional services base shall be increased, up to one percent, if the system meets the performance standards established by the system's governing board as part of the biennial budget document.

Subd. 3. [ADJUSTMENT FOR CHANGE ITEMS.] The noninstructional services base may be adjusted for change items as determined by the governor and the legislature after noninstructional base adjustments for inflation and performance.

Sec. 4. [135A.033] [PERFORMANCE FUNDING.]

The governing boards of the University of Minnesota, the state universities, the community colleges, and the technical colleges, in conjunction with their respective campuses, shall each specify performance categories and indicators to be used for policy and appropriations decisions, as well as allocations for rewarding campuses that achieve performance levels and assisting campuses that are unable to achieve these levels. Because the mission of each system and type of campus varies, categories and indicators shall vary accordingly.

Sec. 5. [135A.034] [BUDGET PRIORITIES.]

The governing boards of the University of Minnesota, the state universities, the community colleges, and the technical colleges shall each develop, for legislative and executive branch acceptance, its highest budget priorities in accordance with statewide objectives for higher education. It is the intent of the legislature to appropriate at least 67 percent of the total cost of instruction after adjusting for inflation and enrollment changes. However, in the event of a budget shortfall, or if funding of inflation is not possible, available funding shall first be applied to the agreed upon budget priorities.

Sec. 6. Minnesota Statutes 1992, section 135A.04, is amended to read:

135A.04 [VARIABLE TUITION.]

The board of regents of the University of Minnesota, ~~state university board, state board for community colleges, and state board for vocational education~~ and the higher education board shall each establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board. Tuition may be set at any percentage of instructional cost established by the respective boards.

Sec. 7. [PHASE-IN OF FORMULA.]

Each higher education system shall calculate its respective base for the 1996-1997 biennium for submission to the governor and legislature using the method in this article. Each system that experienced enrollment increases since 1993 shall adjust its instructional services base by the same percentage as the enrollment increased.

Sec. 8. [TASK FORCE.]

The chief financial officers, or their designees, of the University of Minnesota, state universities, technical colleges, community colleges, higher education board, and the commissioner of finance shall form a task force. The task force shall define terms, ensure uniform application of the formula, and other functions determined necessary by the task force. The higher education coordinating board shall convene the initial meeting. The task force expires June 30, 1997.

Sec. 9. [REPEALER.]

Minnesota Statutes 1992, sections 135A.02; and 135A.03, subdivisions 1, 1a, 2, 3, 3a, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 135A.03, subdivision 7; and 135A.05, are repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 3, 6, and 9 are effective July 1, 1995.

ARTICLE 4

EMPLOYER DESIGNATION AND BARGAINING

Section 1. Minnesota Statutes 1992, section 43A.06, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) The commissioner, through the labor relations bureau, shall perform the duties assigned to the commissioner by sections 3.855, 179A.01 to 179A.25 and this section.

(b) The deputy commissioner for the labor relations bureau shall be the state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of employees and shall perform any other duties delegated by the commissioner subject to the limitations in paragraph (c).

(c) In consultation with the commissioner of employee relations and except as specified in this paragraph, the higher education board may exercise the powers under this section. The power and authority to engage in collective bargaining or to enter into interest arbitration remains with the commissioner of employee relations, who shall exercise those powers in consultation with the higher education board.

Sec. 2. Minnesota Statutes 1992, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(1) chosen by election or appointed to fill an elective office;

(2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;

(4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and community colleges, and the higher education board, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the national guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(13) members of the state patrol; provided that selection and appointment of state patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) chaplains employed by the state;

(15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(16) student workers;

(17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(18) employees unclassified pursuant to other statutory authority;

(19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 3. Minnesota Statutes 1993 Supplement, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraphs (b); and (c)-(d), and (e) must be approved by the legislature and the legislative commission on employee relations under subdivision 2 before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer must be determined by the governor, lieutenant governor, attorney general, secretary of state, state auditor, and state treasurer, respectively.

~~(b) Total compensation for unclassified positions under section 43A.08, subdivision 1, clause (9), in the state universities and the community colleges not covered by a collective bargaining agreement must be determined by the state university board and the state board for community colleges, respectively.~~

(e) ~~(b)~~ Total compensation for classified administrative law judges in the office of administrative hearings must be determined by the chief administrative law judge.

~~(d) (c)~~ Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education coordinating board ~~and in the state board of technical colleges~~ must be determined by the higher education coordinating board ~~and the state board of technical colleges, respectively.~~

~~(e) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education board must be determined by the higher education board.~~

Sec. 4. Minnesota Statutes 1992, section 43A.18, is amended by adding a subdivision to read:

Subd. 3a. [HIGHER EDUCATION BOARD PLAN.] Total compensation for unclassified managerial positions under section 43A.08, subdivision 1, clause (9), in the higher education board not covered by a collective bargaining agreement must be determined by the higher education board. Before submitting a compensation plan to the legislature and the legislative commission on employee relations, the higher education board must submit the plan to the commissioner of employee relations for review and comment. The commissioner must complete the review within 14 days of its receipt. Compensation plans established under this subdivision must be approved by the legislature and the legislative commission on employee relations under section 3.855, before becoming effective.

Sec. 5. [136E.35] [ASSIGNMENT TO BARGAINING UNITS.]

Actions by the higher education board to merge or redesignate institutions or to promote collaborative efforts between institutions must not unilaterally change faculty assignments to bargaining units provided in section 179A.10, subdivision 2.

Sec. 6. Minnesota Statutes 1992, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section, except as provided in section 43A.06, subdivision 1, paragraph (c). The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system and the community college system defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge and compensation judge positions in the office of administrative hearings; and

(8) positions of all confidential employees.

The governor may upon the unanimous written request of exclusive representatives of units and the commissioner direct that negotiations be conducted for one or more units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

Sec. 7. [REIMBURSEMENT.]

In fiscal year 1995, the higher education board shall reimburse the commissioner of employee relations for staffing and other costs of services associated with negotiating the 1995-1997 collective bargaining agreements for the state university, community college, and technical college instructional units, and the state university administrative unit. The amounts reimbursed are appropriated to the commissioner of employee relations to pay for these costs. Before July 1, 1994, the higher education board and the commissioner of employee relations shall confer and agree on the costs and services to be reimbursed. In the absence of an agreement, the higher education board and the commissioner of employee relations shall report to the higher education finance divisions of the legislature by July 1, 1994.

Sec. 8. [EFFECTIVE DATE.]

Sections 2 and 7 are effective the day following final enactment. Sections 1 and 3 to 6 are effective July 1, 1995.

ARTICLE 5

TRANSITION PROVISIONS

Section 1. Laws 1991, chapter 356, article 9, section 9, is amended to read:

Sec. 9. [TRANSFER OF POWERS PROVISIONS.]

Subdivision 1. [TRANSFER OF POWERS; GENERALLY.] The state board of technical colleges, the state board for community colleges, and the state university board and their respective chancellors retain responsibility for operating and managing their systems until July 1, 1995. On July 1, 1995, the authority, duties, responsibilities, related property of the state board of technical colleges, school boards, intermediate school boards, and joint vocational technical boards with respect to technical colleges, the state board for community colleges, and the state university board are transferred to the higher education board under Minnesota Statutes, section 15.039.

Effective July 1, 1995, school boards, intermediate school boards, and joint vocational technical boards shall transfer to the higher education board all real property, personal property, and improvements and attachments thereto related to technical colleges as determined by the higher education board, and shall convey all interests in the property. The school boards, intermediate school boards, and joint vocational technical boards shall not receive compensation for the conveyance of the interests. All debt service payments on the transferred property that have a due date on or after July 1, 1995, become the responsibility of the higher education board.

On July 1, 1995, all other obligations incurred on behalf of a technical college by a school board, a joint vocational district under Minnesota Statutes, section 136C.60, or an intermediate school district under Minnesota Statutes, chapter 136D, which will not be satisfied on or before June 30, 1995, transfer to the higher education board subject to limits identified in state law or in plans or policies of the higher education board subject to legislative approval.

The state board of technical colleges, state board for community colleges, and state university board are abolished, effective July 1, 1995.

Subd. 1a. [MEMORANDUM OF UNDERSTANDING APPROVED.] The memorandum of understanding dated March 29, 1994, and signed by the chancellor of the higher education board, the state negotiator, and the bargaining representatives of state employees concerning employee security during the merger of the state universities, the community colleges, and the state technical colleges is ratified.

Subd. 2. [PERSONNEL TRANSFER.] The commissioner of employee relations shall allocate positions and incumbent employees who are primarily employed in post-secondary or extension vocational education positions in an intermediate, joint, or school district on June 30, 1995, to appropriate classes in the state classification plan under Minnesota Statutes, section 43A.07, without loss of pay, or place the positions and incumbent employees in the unclassified service under Minnesota Statutes, section 43A.08, subdivision 1, clause (9). The commissioner shall also assign positions and incumbent employees to an appropriate state unit under Minnesota Statutes, section 179A.10, subject to challenge or petition of such unit assignment to the bureau of mediation services. Positions transferred with their incumbents do not create vacancies in state service.

Employees serving in unlimited appointments on June 30, 1995, and transferred to unlimited classified positions on July 1, 1995, are transferred to state service without examination.

Employees serving in limited appointments on June 30, 1995, and transferred to limited classified positions or to temporary unclassified positions shall receive emergency, temporary, or temporary unclassified appointments under provisions of Minnesota Statutes, section 43A.15, subdivisions 2 and 3, or 43A.08, subdivision 2a, as appropriate.

Subd. 3. [RETURN FROM LEAVE:] All employees on an approved leave of absence from a post-secondary education position in an intermediate, joint, or school district on June 30, 1995, retain the reinstatement rights specified under the original terms of the leave.

Subd. 4. [REASSIGNMENT; UNEMPLOYMENT COMPENSATION; SEVERANCE PAY.] The reassignment of rights under this section is not a leaving of employment for eligibility for unemployment compensation payments under Minnesota Statutes, chapter 268, or early retirement or severance compensation under Minnesota Statutes, section 465.72, or under a policy or contract based on Minnesota Statutes, section 465.72.

Sec. 2. Laws 1991, chapter 356, article 9, section 12, is amended to read:

Sec. 12. [EFFECT OF CURRENT COLLECTIVE BARGAINING AGREEMENTS; STATUTORY EMPLOYMENT RIGHTS.]

Subdivision 1. [GENERALLY.] (a) The terms and conditions of a collective bargaining agreement agreements, compensation plans, personnel policies, or other salary and benefit provisions covering an employee employees transferred to the higher education board remains remain in effect until a successor agreement becomes effective. This section paragraph applies to all employees transferred to the board except as modified by paragraph (b) and section 3.

(b) For employees whose employment was covered by Minnesota Statutes, section 125.12, before their transfer to the higher education board, the provisions of Minnesota Statutes, section 125.12, remain in effect until a successor agreement becomes effective according to Minnesota Statutes, chapter 179A. For employees whose employment was covered by Minnesota Statutes, section 125.17, before their transfer to the higher education board, the provisions of Minnesota Statutes, section 125.17, remain in effect until a successor agreement becomes effective according to Minnesota Statutes, chapter 179A.

Subd. 2. [EXCLUSIVE REPRESENTATIVE OF TECHNICAL COLLEGE EMPLOYEES.] The exclusive representatives of units of technical college employees transferred to the higher education board certified before the effective date of this section shall remain responsible for administration of their contracts and for all other contractual duties and shall enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights until June 30, 1995. The incoming exclusive representatives of employees transferred to the higher education board and certified after the effective date of this subdivision shall immediately upon certification have the responsibility of bargaining on behalf of employees within the unit. The incoming exclusive representative and the new employer have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1995. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation begin on July 1, 1995, except that exclusive representatives certified after the effective date of this subdivision shall immediately upon certification have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract holder, including the rights in Minnesota Statutes, section 179A.07, subdivision 6. This subdivision does not affect any existing collective bargaining contract. Incoming exclusive representatives of employees transferred to the higher education board shall immediately upon certification have the responsibility of bargaining on behalf of all previously unrepresented employees assigned to their units. All other rights and duties of exclusive representatives begin on July 1, 1995.

Sec. 3. Laws 1991, chapter 356, article 9, section 13, is amended to read:

Sec. 13. [TRANSITIONAL PERIOD COLLECTIVE BARGAINING.]

Subdivision 1. [GENERALLY.] Contracts for the period commencing July 1, 1995, for employees who are in the technical college, state university, and community college instructional units and the state university administrative unit and who are transferred to the higher education board shall be negotiated with the higher education board under section 43A.06. Negotiations for those contracts can begin anytime after July 1, 1994, and may be initiated by either party notifying the other of the desire to begin the negotiating process. Negotiations shall be subject to this section and Minnesota Statutes, chapter 179A.

Subd. 2. [DATE OF EMPLOYMENT.] The date of first employment by the higher education board is the date on which services were first performed by the employee for the employer from which the employee is being transferred. For employees whose transfer is from a joint technical college district under Minnesota Statutes, sections 136C.60 to 136C.69, the date on which services were first performed by the employee is the date on which services were first performed by the employee in the member school district from which the employee was assigned to the joint technical college district.

Subd. 3. [BENEFITS.] All accumulations of leaves, years of service, and benefits must be credited to each employee subject to terms negotiated in the successor contract. Effective July 1, 1995, all transferred employees will be enrolled in the state employees group insurance program as provided in Minnesota Statutes, sections 43A.22 to 43A.31. The commissioner of employee relations shall provide, to transferred employees, open enrollment in all state employee health and dental insurance plans with no limitation on preexisting conditions except as specified in existing state employee certificates of coverage. The commissioner of employee relations shall provide, to transferred employees, the opportunity to purchase optional life and disability insurance in amounts equivalent to amounts previously purchased by a transferred employee or provided by the employer without limitation on preexisting conditions.

Subd. 4. [PROBATIONARY PERIODS.] Except as otherwise provided in a successor contract, probationary periods are not affected by the transfer of employees to the higher education board.

Subd. 5. [RECALL.] (a) Recall rights described in this subdivision apply until a successor agreement becomes effective.

(b) Members of the technical college instructional bargaining unit who are placed on unrequested leave of absence before July 1, 1995, are transferred to and become employees of the higher education board on July 1, 1995, and have recall rights to the technical college instructional unit for five years from the date originally placed on unrequested leave. For five years after the close of the school year in which the employees were placed on unrequested leave of absence they retain recall rights to vacancies for which they are licensed in the intermediate or school district that placed them on unrequested leave of absence.

(c) Members of the technical college instructional bargaining unit who are laid off by the higher education board after June 30, 1995, have recall rights to the technical college instructional unit for five years, unless modified by a successor contract. They shall also have recall rights for two years to vacancies for which they are licensed in the intermediate or school district from which they were transferred to the higher education board, but only if a transfer or assignment from a technical college position to an elementary or secondary position would have been authorized in that intermediate or school district under the contract in effect immediately before the instructor's transfer to the higher education board.

(d) Nonlicensed technical college employees of an intermediate, joint, or school district who are placed on an involuntary layoff before July 1, 1995, are transferred to and become employees of the state on July 1, 1995. Until June 30, 1997, they may exercise job seniority, promotion, layoff, and lateral transfer rights that were established by contract between an exclusive representative and the district and were in effect on June 30, 1995.

(e) For two years, unless modified by a successor contract, nonlicensed employees who are laid off by the state after June 30, 1995, may exercise job seniority, promotion, layoff, and lateral transfer rights that were established by contract between an exclusive representative and the district and were in effect on June 30, 1995.

Sec. 4. [EFFECTIVE DATE.]

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

ARTICLE 6

REVENUE BONDING AUTHORITY

Section 1. Minnesota Statutes 1992, section 136.31, is amended to read:

136.31 [STATE UNIVERSITY HIGHER EDUCATION BOARD, DUTIES.]

Subdivision 1. [DUTIES.] All references in sections 136.31 to 136.38 to the state university board shall be deemed and construed to include any successor thereof created or established by law. For the state universities, the state university higher education board is hereby authorized to do the following may:

(a) (1) acquire by purchase or otherwise, construct, complete, remodel, equip, operate, control, and manage residence halls, dormitories, dining halls, student union buildings, parking facilities, and any other similar revenue-producing buildings of such type and character as ~~said the board shall from time to time find~~ finds necessary for the good and benefit of any of the state universities under the jurisdiction of said board, and for that purpose may acquire property of any and every kind and description, whether real, personal, or mixed, by gift, purchase, or otherwise; provided that no contract for the construction of any building shall be entered into until financing therefor has been approved by the legislature;

(b) (2) maintain and operate any ~~such~~ buildings or structures and charge for ~~the~~ their use thereof, and ~~carry on such conduct any activities, as that~~ are commonly conducted in connection with ~~any such the~~ buildings or structures;

(c) (3) enter into contracts ~~touching in any manner or any matter within the objects and for the purposes of sections 136.31 136E.80 to 136.38 136E.88;~~

(d) (4) acquire building sites and buildings or structures by gift, purchase, or otherwise and pledge the revenues thereof ~~from them~~ for the payment of any bonds issued for ~~such that~~ purpose as provided in sections ~~136.31 136E.80 to 136.38 136E.88;~~

(e) (5) borrow money and issue and sell bonds in ~~such an~~ amount or amounts as the legislature ~~shall authorize~~ authorizes for the purpose of acquiring, constructing, completing, remodeling, or equipping any ~~such~~ buildings or structures, and acquiring sites therefor, and refund and refinance ~~the same from time to time the bonds~~ by the issuance and sale of refunding bonds as often as it shall in ~~when~~ the board's judgment be advantageous to board ~~finds that it is in the public interest so to do.~~ All ~~such The~~ bonds shall be sold and issued by ~~said the~~ board in the manner and upon the terms and conditions provided by chapter 475, except as otherwise provided in this section. ~~Such The~~ bonds ~~shall be~~ are payable ~~solely only~~ from and secured by an irrevocable pledge of the revenues to be derived from the operation of any ~~such~~ buildings or structures acquired, constructed, completed, remodeled, or equipped in whole or in part with the proceeds of ~~such the~~ bonds and ~~in addition thereto~~ from ~~such~~ other income and revenues described in section ~~136.33 136E.82, clause (a) (1), as said the board by resolution shall specify specifies,~~ and notwithstanding this limitation all bonds issued ~~hereunder under sections 136E.80 to 136E.88~~ shall have the qualities of negotiable instruments under the laws of this state. The legislature ~~intends shall~~ shall not to appropriate money from the general fund to pay for these bonds.

Subd. 2. [FORM.] ~~Such The~~ bonds may:

(1) bear ~~such the~~ date or dates and ~~may;~~

(2) mature serially at ~~such a~~ time or times not exceeding 40 years from their date or dates, ~~may;~~

(3) be in ~~such the~~ form;

(4) carry ~~such the~~ registration privileges, ~~may;~~

(5) be payable at ~~such a~~ place or places, ~~may;~~

(6) be subject to ~~such~~ terms of redemption prior to maturity with or without premium, ~~may;~~

(7) be delivered to the purchasers at ~~such~~ times and places $\frac{1}{2}$ and ~~may~~

(8) contain ~~such~~ terms and covenants, ~~not inconsistent~~ consistent with sections ~~136.41 and 136.42~~ section 136E.88, all as may be provided by resolution of ~~said the~~ board authorizing the issuance of ~~such the~~ bonds.

Subd. 3. [EXECUTION.] The bonds must be executed by the officers of the board designated by the board to execute them ~~and countersigned by the treasurer elected by the board, in the manner authorized by section 475.55.~~

Subd. 4. [BOND STATEMENT; REGISTRATION.] Each ~~such~~ bond shall state upon its face that it is payable solely from and secured by an irrevocable pledge of the revenues derived from the operation of any ~~such~~ buildings or structures acquired, constructed, completed, remodeled, or equipped in whole or in part with the proceeds of the sale of ~~said the~~ bonds and from ~~such~~ other income and revenues described in section ~~136.33 136E.82, clause (a) (1), as specified in the resolution providing for its issue, and that it does not constitute a debt or obligation of the state of Minnesota within the meaning or application of any constitutional or statutory limitation or provision. Such bonds~~

will be registered by A copy of the proceedings taken by the board in the issuance of the bonds shall be filed with the commissioner of finance in a bond register to be kept for that purpose wherein shall be entered the amount and purpose of issue, the maturity and rate of interest, and the name of the original purchaser.

Subd. 5. [BOND SECURITIES.] If the board by resolution determines that its treasurer possesses money not currently needed, or that is set aside in a reserve, the board in the resolution may direct the treasurer to invest a specified amount of the money in securities of the types described in section 475.66. The securities must be deposited with and held for the board by the treasurer. If the invested money is needed by the board it shall direct the treasurer to sell all or a designated amount of the securities. Money collected from the investment by the treasurer, as principal, interest, or proceeds of sales, must be credited to and made a part of the fund and account for which the investment is made.

~~Subd. 6. In any case where the board determines to issue and sell refunding revenue bonds six months or more before the earliest date on which all bonds of the series to be refunded thereby will have matured or will have been redeemed upon call as hereinafter provided, the proceeds of the refunding revenue bonds shall be deposited, together with any revenues available and designated by the board for the purpose, in escrow with a suitable banking institution within or without the state, whose deposits are insured by the Federal Deposit Insurance Corporation and whose combined capital and surplus is not less than one million dollars, and shall be invested, simultaneously with the delivery of the bonds, in securities maturing or callable at the option of the holder on such dates and bearing interest at such rates as shall be required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each bond of the series refunded to its maturity or, if prepayable, to an earlier designated date on which it may be called for redemption, and to pay the principal amount of each such bond at maturity or, if prepayable, at its designated earlier redemption date, and to pay any premium required for redemption on such date; and before the refunding revenue bonds are delivered, the board shall by resolution irrevocably appropriate for these purposes, and for the payment of the reasonable charges of banks designated as escrow and paying agents, the escrow account and all payments of principal and interest on the securities held therein, and shall provide for the call of all prepayable bonds of such series, in accordance with their terms, on the redemption date or dates designated. The board may place in escrow pursuant to this subdivision any funds previously pledged and appropriated for the payment of principal and interest on bonds to be refunded; and it may, when deemed necessary in the public interest, issue refunding revenue bonds in the amount necessary to place in escrow the funds required to pay any premium for redemption of refunded bonds before their stated maturities. Investments of the escrow account shall be limited to general obligations of the United States, securities whose principal and interest payments are guaranteed by the United States, and securities issued by the following agencies of the United States: Banks for Cooperatives, Federal Home Loan Banks, Federal Intermediate Credit Banks, Federal Land Banks, and the Federal National Mortgage Association. No refunding revenue bonds shall be issued more than ten years before the last date on which all revenue bonds of the series to be refunded thereby will mature or are directed to be prepaid in accordance with their terms.~~

Subd. 7. [PAYMENT OF INTEREST; OUTSTANDING REVENUE BONDS.] Except as provided in this subdivision, the board may irrevocably appropriate and use any money, other than direct state appropriations and tuition receipts appropriated by section 136.11, subdivision 1, held by it to discharge or otherwise provide for the payment of the interest coming due on its revenue bonds outstanding on July 1, 1988, until paid and for the payment of the principal and any premium coming due on the bonds at maturity or upon any earlier date upon which the bonds are called for redemption. For this purpose, the board may exercise all powers conferred upon it under ~~subdivision 6 with respect to escrow agents and escrow accounts, and may provide for the funding of the escrow accounts with securities of the type referred to in subdivision 6 and certificates of deposit, time deposits, and investment agreements issued by the escrow agent or any other financial institution~~ section 475.67, subdivisions 5 to 10. This subdivision does not authorize the appropriation or use of board money to secure outstanding revenue bonds contrary to a board resolution authorizing the issuance and providing for the security of the bonds, or the use of other board money contrary to the terms of a contract, specific legislative appropriation, or law.

Sec. 2. Minnesota Statutes 1992, section 136.32, is amended to read:

136.32 [BONDS, INVESTMENTS.]

The state, including the state board of investment, and all counties, cities, ~~incorporated~~ towns and other municipal corporations, political subdivisions and political bodies, and public officers of any ~~thereof of the public entities listed in this section,~~ all banks, bankers, trust companies, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors,

administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued pursuant to sections ~~136.31~~ 136E.80 to ~~136.38~~, ~~it being 136E.88~~. The purpose of this section is to authorize the investment in ~~such~~ bonds of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers; ~~provided, however, that~~. Nothing ~~contained~~ in this section may be construed as relieving any person, firm or corporation from any duty of exercising due care in selecting securities for purchase or investment. ~~Such~~ The bonds are hereby constituted "authorized securities" within the meaning and for the purposes of section 50.14, notwithstanding the restrictions in ~~part (c) of subdivision 4 thereof~~ section 50.14, subdivision 4, clause (c).

Sec. 3. Minnesota Statutes 1992, section 136.33, is amended to read:

136.33 [RESOLUTION OF BOARD.]

Upon the determination by ~~said university~~ the higher education board or its successor to acquire, construct, complete, remodel, or equip any student residence halls, dormitories, dining halls, student union buildings, parking facilities, or other similar revenue-producing building or buildings, ~~said the~~ board or its successor shall adopt a resolution describing generally the contemplated project, the estimated cost ~~thereof~~, including legal, engineering and financial expenses and interest on the bonds during the period of constructing the project and for six months thereafter, fixing the amount of the bonds, the maturity or maturities, the interest rate, and all details in respect ~~thereof~~ of the bonds. Such The resolution shall contain ~~such~~ covenants as may be determined by ~~said the~~ board or its successor as to:

(a) (1) the pledging of all or any portion of the proceeds of any fees imposed upon students for student activities, student facilities, or for other purposes, and the net revenues from other buildings or facilities heretofore or hereafter constructed or acquired at any state university ~~under the jurisdiction of said board~~ as additional security for the payment of said the bonds;

(b) (2) the regulation as to the use of ~~such the~~ buildings or structures to assure ~~the~~ maximum use or occupancy thereof;

(c) (3) the amount and kind of insurance to be carried, including use and occupancy insurance, the cost of which shall be payable only from the revenues to be derived from ~~such the~~ buildings or structures;

(d) (4) the operation, maintenance, management, accounting and auditing, and the keeping of records, reports and audits of ~~such the~~ buildings or structures;

(e) (5) the obligation of ~~said the~~ board or its successor to maintain ~~such the~~ buildings or structures in good condition and to operate ~~the same them~~ in an economical and efficient manner;

(f) (6) the amendment or modification of the resolution authorizing the issuance of any bonds ~~hereunder~~, and the manner, terms and conditions, and the amount or percentage of assenting bonds necessary to effectuate ~~such the~~ amendment or modification; and

(g) ~~such~~ (7) other covenants as may be deemed necessary or desirable to assure the prompt and punctual payment of all bonds issued under sections ~~136.31~~ 136E.80 to ~~136.38~~ 136E.88.

Sec. 4. Minnesota Statutes 1992, section 136.34, is amended to read:

136.34 [STUDENT ACTIVITIES, FEES CHARGED.]

Whenever bonds are issued as provided in sections ~~136.31~~ 136E.80 to ~~136.38~~ 136E.88, it shall be the duty of ~~said the higher education~~ board to establish charges or fees, including without limitation fees for student activities and fees for student facilities, for the use of any buildings or structures sufficient at all times to pay the principal of and interest on ~~such the~~ bonds and to create and maintain suitable reserves ~~therefor for them~~ and the necessary expenses of the their operation and maintenance ~~thereof, and~~. All revenues derived from the their operation ~~thereof~~ shall be set aside in a separate fund and accounts ~~as hereinafter provided~~ and shall be irrevocably pledged for and used only ~~in paying to pay~~ the principal of and interest upon the bonds issued for the purpose or purposes set forth and described in the resolution authorizing the issuance of ~~said the~~ bonds, and the necessary expenses of the operation and maintenance ~~thereof of the buildings and structures~~; and ~~such the~~ charges and fees shall be sufficient at all times for ~~such these~~ purposes.

Sec. 5. Minnesota Statutes 1992, section 136.35, is amended to read:

136.35 [SPECIAL REVENUE FUND.]

(a) The gross total income derived from the sale of bonds, and receipts and income derived from charges or fees, rentals, and all other revenue established for the use and service of any ~~such~~ buildings or structures shall, within three days after ~~their~~ receipt thereof, be paid to and held by the treasurer of the higher education board as a special fund known as, "The University Higher Education Board of the State of Minnesota Universities Revenue Fund". The treasurer shall be custodian of ~~such~~ the special fund, which fund shall be held and disbursed for the purposes provided in sections ~~136.31 136E.80 to 136.38 136E.88~~. The ~~said~~ special fund shall be protected by a corporate surety bond executed by the treasurer of the board with a surety authorized to do business under the laws of the state of Minnesota. The amount of ~~such~~ the bond shall be fixed by resolution of ~~said university~~ the board or its successor and may be increased or diminished at any time. The premiums of ~~such~~ the bonds shall be payable from "The University Higher Education Board of the State of Minnesota Universities Revenue Fund" and charged as an item of maintenance expense.

(b) A certified copy of each resolution providing for the issuance of bonds under sections ~~136.31 136E.80 to 136.38 136E.88~~ shall be filed with the treasurer of the board, and it shall be the duty of ~~said~~ the treasurer to keep and maintain separate accounts in ~~said~~ the special fund for each bond issue in accordance with the covenants and the directions set out in the resolution providing for the issuance of ~~said~~ the bonds and to disburse funds from the proper account for the payment of the principal of and interest on the bonds in accordance with the directions and covenants of ~~said~~ the resolution authorizing the issue thereof. All disbursements for maintenance and operation costs shall be made from the proper maintenance and operation account ~~upon~~ by order of ~~said~~ the board or its successor in accordance with the covenants set out in the resolution authorizing the issuance of bonds. All disbursements for construction costs shall be made from a separate account in ~~said~~ the special fund ~~upon~~ by order of ~~said~~ the board or its successor in accordance with the covenants set out in the resolution authorizing ~~said~~ the bonds.

Sec. 6. Minnesota Statutes 1992, section 136.36, is amended to read:

136.36 [ALLOCATION OF RECEIPTS.]

All moneys ~~now or hereafter~~ in the University Higher Education Board of The State of Minnesota Universities Revenue Fund and all income from the operation of ~~such dormitories, cafeterias and student facilities~~ residence halls, dormitories, dining halls, student union buildings, parking facilities and other revenue producing buildings and structures are ~~hereby~~ appropriated first to the payment of expenses of the operation of ~~dormitories, cafeterias and other student~~ the facilities from which the revenues so appropriated are derived and second to the payment of the obligations ~~herein~~ authorized by sections 136E.80 to 136E.88.

Sec. 7. Minnesota Statutes 1992, section 136.37, is amended to read:

136.37 [ADMINISTRATION.]

The administration of sections ~~136.31 136E.80 to 136.38 136E.88~~ shall be under the ~~state university~~ higher education board independent of other authority and notwithstanding chapters 16A and 16B.

Sec. 8. Minnesota Statutes 1992, section 136.38, is amended to read:

136.38 [CONTRACTS OF BOARD, PERFORMANCE COMPELLED.]

(a) The provisions of sections ~~136.31 136E.80 to 136.38 136E.88~~ and of any resolution or other proceedings authorizing the issuance of bonds shall constitute a contract with the holders of ~~such~~ the bonds and the provisions thereof shall be enforceable either in law or in equity, by suit, action, mandamus or other proceeding in any court of competent jurisdiction to enforce or compel the performance of any duties required by sections ~~136.31 136E.80 to 136.38 136E.88~~ and any resolution authorizing the issuance of bonds ~~adopted responsive hereto~~, including the establishment of sufficient charges or fees for use of any ~~such~~ buildings or structures and the application of the income and revenue ~~thereof from them~~; and it shall be the duty of ~~said university~~ the higher education board or its successor upon the issuance of any bonds under ~~the provisions of~~ sections ~~136.31 136E.80 to 136.38 136E.88~~ to establish by resolution from time to time the fees or charges to be made for the use of any ~~such~~ buildings or structures, which fees or charges shall be adjusted from time to time in order to always provide sufficient income for payment of the principal of and interest on ~~such~~ the bonds issued as provided for in sections ~~136.31 136E.80 to 136.38 136E.88~~, and for the necessary expenses of operation and maintenance.

~~(b) If the existing university higher education board of the state of Minnesota is abolished, all contracts made by said the board and all things done or actions taken by said the board under sections 136.31 136E.80 to 136.38 136E.88 shall be deemed to be contracts of, actions taken and things done by its successor and such the successor shall be bound by all such contracts, actions taken and things done by said the board and such successor shall be subject to all the obligations and duties of said the board under sections 136.31 136E.80 to 136.38 136E.88.~~

Sec. 9. Minnesota Statutes 1993 Supplement, section 136.41, subdivision 8, is amended to read:

Subd. 8. [ISSUANCE OF BONDS.] The ~~state university~~ higher education board or a successor may issue additional revenue bonds under sections 136.31 to 136.38 in an aggregate principal amount not exceeding \$40,000,000, subject to the resolutions authorizing its outstanding revenue bonds, and payable from the revenue appropriated to the fund established by section 136.35, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures to be used for dormitory, residence hall, student union, food service, and related parking purposes at the state universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house ways and means committee and the senate finance committee about the facilities to be financed by the bonds.

Sec. 10. Minnesota Statutes 1992, section 136.41, is amended by adding a subdivision to read:

Subd. 10. [SUCCESSOR.] For the purposes of this section, the higher education board is the successor to the state university board.

Sec. 11. [REPEALER.]

Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42, are repealed.

Sec. 12. [REVISOR INSTRUCTION.]

(a) In the 1996 edition of Minnesota Statutes, the revisor shall renumber sections 136.31 as 136E.80; 136.31, subdivision 7, as 136E.80, subdivision 6; 136.32 as 136E.81; 136.33 as 136E.82; 136.34 as 136E.83; 136.35 as 136E.84; 136.36 as 136E.85; 136.37 as 136E.86; 136.38 as 136E.87; 136.41, subdivision 8, as 136E.88, subdivision 1; 136.41, subdivision 9, as 136E.88, subdivision 2; 136.41, subdivision 10, as 136E.88, subdivision 3.

(b) The revisor shall add "Federal Tax on Interest" as a headnote to section 136.41, subdivision 9.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 1995.

ARTICLE 7

ADMINISTRATION AND FINANCE

Section 1. Minnesota Statutes 1992, section 136C.06, is amended to read:

136C.06 [SOLE STATE AGENCY.]

The ~~state board of technical colleges~~ higher education board is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The ~~state~~ board shall develop and submit the state plan for vocational technical education. The ~~state~~ board shall develop the state plan according to terms of agreement with the state board of education.

Sec. 2. Minnesota Statutes 1992, section 136E.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The higher education board, referred to in sections 136E.01 to 136E.05 as "the board," consists of ~~13~~ 15 members appointed by the governor with the advice and consent of the senate. At least one member of the board must be a resident of each congressional district. ~~One member~~ Three members must be a

student students who are enrolled at least half-time in a degree, diploma, or certificate program or have graduated from an institution governed by the board within one year of the date of appointment. The student members shall include: one member from a community college, one member from a state university, and one member from a technical college. The remaining members must be appointed to represent the state at large.

Sec. 3. Minnesota Statutes 1992, section 136E.01, subdivision 2, is amended to read:

Subd. 2. [TERM; COMPENSATION; REMOVAL; VACANCIES.] The compensation, removal of members, and filling of vacancies on the board are as provided in section 15.0575. Members are appointed for a term of six years, except that the term of each of the student member members is two years. Terms end on June 30.

Sec. 4. Minnesota Statutes 1992, section 136E.02, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] A higher education board candidate advisory council shall assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, nonstudent membership on the higher education board.

Sec. 5. [136E.021] [STUDENT BOARD MEMBER SELECTION.]

Subdivision 1. [RESPONSIBILITY.] Notwithstanding section 136E.02, the statewide community college student association, state university student association, and technical college student association shall each have the responsibility for recruiting, screening, and recommending qualified candidates for its student member of the board.

Subd. 2. [CRITERIA.] After consulting with the higher education board candidate advisory council, the student associations shall jointly develop a statement of the selection criteria to be applied to potential candidates.

Subd. 3. [RECRUITING AND SCREENING.] Each student association shall develop processes for identifying and recruiting qualified candidates and for screening those candidates.

Subd. 4. [RECOMMENDATIONS.] Each student association shall recommend at least two and not more than four candidates for its student member. By January 2 of the year in which its members' term expires, each student association shall submit its recommendations to the governor. The governor is not bound by these recommendations.

Sec. 6. Minnesota Statutes 1993 Supplement, section 136E.03, is amended to read:

136E.03 [MISSION MISSIONS.]

The mission of the board is to provide programs of study that meet the needs of students for occupational, general, baccalaureate, and graduate education. The state universities, community colleges, and technical colleges shall have distinct missions as provided in section 135A.052, subdivision 1. Within that statutory definition and subject to the approval of the board, each community college, state university, and technical college may develop its own distinct campus mission. The board shall develop administrative arrangements that make possible the efficient use of the facilities and staff of the technical colleges, community colleges, and state universities for providing these several different programs of study, so that students may have the benefit of improved and broader course offerings, ease of transfer among schools and programs, integrated course credit, coordinated degree programs, and coordinated financial aid. In carrying out the merger of the three separate systems, the board shall control administrative costs by eliminating duplicative administrative positions and course offerings.

Sec. 7. [136E.50] [STUDENT ASSOCIATIONS.]

Subdivision 1. [STATEWIDE.] The board shall recognize one statewide student association for the community colleges, one for the state universities, and one for the technical colleges. Each statewide student association shall be affiliated with its campus student associations but all students enrolled on those campuses shall be members of their respective statewide association.

Subd. 2. [FEES.] Each statewide association shall set its fees to be collected by the board and shall submit any changes in its fees to the board for review. The board may revise or reject the fee change. Fees must be collected by each community college, state university, and technical college and shall be credited to each association's account to be spent as determined by that association.

Subd. 3. [CONSOLIDATION.] No changes may be made to student associations located on community college, state university, technical college, or consolidated colocated campuses without the approval of each affected campus association in consultation with its state student association.

Sec. 8. [136E.65] [CONSTRUCTION, IMPROVEMENT, AND REPAIR OF FACILITIES.]

Subdivision 1. [CONSTRUCTION; IMPROVEMENTS.] The higher education board shall supervise and control the preparation of plans and specifications for the construction, alteration, or enlargement of community college, state university, and technical college buildings, structures, and improvements for which appropriations are made to the board. The board shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

Subd. 2. [PLANS.] Plans and specifications must be accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided by law.

Subd. 3. [DISPUTE RESOLUTION.] In contracting for projects, the higher education board must not restrict its access to litigation or limit its methods of redress to arbitration or other nonjudicial procedures.

Subd. 4. [REPAIRS.] The higher education board shall supervise and control the making of necessary repairs to all community college, state university, and technical college buildings and structures.

Sec. 9. Laws 1991, chapter 356, article 9, section 8, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENTS TO BOARD.] Appointments to the higher education board must be made by July 1, 1991. Notwithstanding section 2, the initial higher education board consists of two members each from the state board of technical colleges, state board for community colleges, and the state university board, appointed by their respective boards and six members appointed by the governor. The governor's appointees may also be members of the current governing boards. The members appointed by boards must have been confirmed by the senate to the board from which they are appointed and served for at least one year on the board from which they were appointed. Initial higher education board members appointed by boards are not subject to further senate confirmation. Initial appointees of the governor are not subject to section 3. The governor shall appoint the student member members July 1, 1995. Notwithstanding section 2, subdivision 2, the initial members of the higher education board must be appointed so that an equal number will have terms expiring in three, five, and seven years. To the extent possible, the initial board must have the geographic balance required by section 2.

Sec. 10. [INITIAL TERMS.]

Notwithstanding Minnesota Statutes, section 136E.01, the terms of the initial permanent student members of the board shall be as follows: the technical college student shall serve one year, the community college student shall serve one year, and the state university student shall serve two years.

Sec. 11. [REVISOR INSTRUCTION.]

In the 1996 edition of Minnesota Statutes, the revisor shall renumber section 136C.06 as 136E.60.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 3, 7, 8, 10 and 11 are effective July 1, 1995."

Delete the title and insert:

"A bill for an act relating to education; appropriating money for education and related purposes to the higher education coordinating board, state board of technical colleges, higher education board, state board for community colleges, state university board, board of regents of the University of Minnesota, and the finance department, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; changing community college designations; prescribing changes to certain financial aid programs; reinstating rules pertaining

to private business, trade, and correspondence schools and technical colleges personnel licensing; modifying POST board authority; adopting a post-secondary funding formula; providing for appointments; defining authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; establishing the student board member selection process; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; preserving distinct post-secondary missions; recognizing separate student associations; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.01; 135A.04; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136A.121, subdivision 17; 136A.125, subdivisions 2, 3, 4, and by adding a subdivision; 136A.15, subdivision 6; 136C.06; 136E.01, subdivisions 1 and 2; 136E.02, subdivision 1; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; 125.138, subdivisions 1, 6, and 8; 136.41, subdivision 8; 136A.233, subdivisions 1 and 2; and 136E.03; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9, 12, and 13; Laws 1993, chapter 224, article 12, section 39; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136; and 136E; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 1a, 2, 3, 3a, 4, 5, and 6; 135A.06, subdivisions 2, 3, 4, 5, and 6; 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; 136.42; and 136C.36; Minnesota Statutes 1993 Supplement, sections 135A.03, subdivision 7; 135A.05; and 135A.061."

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

Senate Conferees: LEROY A. STUMPF, LEONARD R. PRICE, SAM G. SOLON, DEANNA WIENER AND CAL LARSON.

House Conferees: GENE PELOWSKI, JR.; LYNDON R. CARLSON; ANTHONY G. "TONY" KINKEL; JOHN DORN AND CONNIE MORRISON.

Pelowski moved that the report of the Conference Committee on S. F. No. 2900 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Kahn to the Chair.

S. F. No. 2900, A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

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 112 yeas and 22 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Gutknecht	Knickerbocker	Lynch	Sviggum	Weaver
Commers	Haukoos	Knight	Molnau	Swenson	Worke
Erhardt	Hugoson	Krinkie	Olson, M.	Van Dellen	
Frerichs	Jaros	Lindner	Seagren	Waltman	

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. 2246.

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. 2246

A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

April 20, 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. 2246, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2246 be further amended as follows:

Page 2, after line 15, insert:

"Sec. 2. [PRIVATE SALE OF TAX-FORFEITED LAND; GOODHUE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Goodhue county may convey by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (c) may be sold by private sale to Veterans of Foreign Wars Post No. 5727 of Zumbrota, Minnesota. The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in Goodhue county and is described as:

(1) City of Zumbrota, Original plat, tax parcel No. 72-100-1410; and

(2) City of Zumbrota, Original plat, tax parcel No. 72-100-1440.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 3. [WATER SUPPLY TO WABASHA COUNTY FAIRGROUNDS.]

(a) Except as provided in paragraph (b), that portion of the water supply system at the Wabasha county fairgrounds that is covered under department of health plan number 930051 need not comply with the following provisions of the Minnesota plumbing code:

(1) Minnesota Rules, part 4715.3130, requiring prior approval of plans for plumbing systems;

(2) Minnesota Rules, parts 4715.0420, subpart 3, item VI, and 4715.0510, item G, requiring plastic water service pipe to have a working pressure rating of at least 150 pounds per square inch and imposing other requirements on the use of plastic water service pipe;

(3) Minnesota Rules, part 4715.1710, subpart 2, requiring prior approval and imposing other conditions for placing a water service pipe and building sewer in the same trench;

(4) Minnesota Rules, parts 4715.2120 and 4715.2280, requiring that backflow preventing devices and water meters be installed at least 12 inches above the floor; and

(5) Minnesota Rules, parts 4715.2800 to 4715.2830, requiring that plumbing systems be inspected, tested, and approved before being covered.

(b) If the use of the Wabasha county fairgrounds exceeds 20 days per year, the entire water supply system must be brought into compliance with all applicable requirements of law."

Page 2, line 16, delete "2" and insert "4"

Amend the title as follows:

Page 1, line 4, before the period, insert "; authorizing private sale of certain tax-forfeited land that borders public water in Goodhue county; exempting from certain provisions of the plumbing code a portion of the water supply system at the Wabasha county fairgrounds"

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

Senate Conferees: STEVE L. MURPHY, STEVEN MORSE AND STEVE DILLE.

House Conferees: BOB WALTMAN, STEVEN A. SVIGGUM AND VIRGIL J. JOHNSON.

Waltman moved that the report of the Conference Committee on S. F. No. 2246 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2246, A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

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	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	Stanius	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. 1898.

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. 1898

A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

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. 1898, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment adopted April 6, 1994, and the Senate concur in the House amendment adopted April 4, 1994.

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

Senate Conferees: DEANNA WIENER, PAT PIPER AND DENNIS R. FREDERICKSON.

House Conferees: THOMAS PUGH AND GREGORY M. DAVIDS.

Pugh moved that the report of the Conference Committee on S. F. No. 1898 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1898, A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

The Speaker resumed the Chair.

Mr. Speaker:

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

S. F. No. 2429, A bill for an act relating to natural resources; modifying the list of protected game birds; authorizing nonresident multiple zone antlered deer licenses; purchase of archery deer licenses after the firearms season opens; administration of contraceptive chemicals to wild animals; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; modifying restrictions on operation of snowmobiles by

minors; providing for free small game licenses for disabled veterans; undesirable exotic aquatic plants and wild animals; Eurasian wild pigs; clarifying the requirement to wear blaze orange clothing during deer season; allowing local road authorities to remove beaver dams and lodges near public roads; allowing released game birds to be recaptured without a license; allowing use of retractable broadhead arrows in taking big game; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons; abolishing the nonresident bear guide license; amending Minnesota Statutes 1992, sections 18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.969; 86B.401, subdivision 11; 97A.015, subdivisions 24, 45, and 52; 97A.105, subdivision 6; 97A.115, subdivision 2; 97A.441, by adding a subdivision; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.031, subdivision 2; 97B.211, subdivision 2; 97B.601, subdivision 3; 97B.605; 97B.631; 97B.655, subdivision 1; 97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; and 344.03, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 84.872; 84.9692, subdivisions 1 and 2; 84.9695, subdivisions 1, 8, and 10; 97B.041; 97B.071; and 97B.711, subdivision 2; Laws 1993, chapters 129, section 4, subdivision 4; and 273, section 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17.

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

Messrs. Lessard, Berg and Laidig.

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

Milbert moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2429. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2429:

Milbert, Pugh and Stanius.

SPECIAL ORDERS

Carruthers moved that the 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.

MOTIONS AND RESOLUTIONS

Rukavina moved that the name of Anderson, I., be stricken and the name of Smith be added as an author on H. F. No. 2243. The motion prevailed.

Frerichs moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Thursday, April 21, 1994, when the vote was taken on the repassage of H. F. No. 423, as amended by the Senate." The motion prevailed.

Workman moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 21, 1994, when the vote was taken on the repassage of H. F. No. 423, as amended by the Senate." The motion prevailed.

Wagenius moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 21, 1994, when the vote was taken on the final passage of H. F. No. 2158." The motion prevailed.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, April 26, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, April 26, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

