

## TWENTY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 26, 1987

The Senate met at 2:00 p.m. and was called to order by the President.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Paul R. Hammarberg.

The roll was called, and the following Senators answered to their names:

Adkins	Dahl	Johnson, D.J.	Merriam	Reichgott
Anderson	Davis	Jude	Metzen	Renneke
Beckman	DeCramer	Knutson	Moe, D.M.	Samuelson
Belanger	Dicklich	Kroening	Moe, R.D.	Schmitz
Benson	Diessner	Laidig	Morse	Solon
Berg	Frank	Langseth	Novak	Spear
Berglin	Frederick	Lantry	Olson	Storm
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Stumpf
Bertram	Frederickson, D.R.	Lessard	Peterson, R.W.	Taylor
Brandl	Freeman	Luther	Piper	Vickerman
Brataas	Gustafson	Marty	Pogemiller	Waldorf
Chmielewski	Hughes	McQuaid	Purfeerst	Wegscheid
Cohen	Johnson, D.E.	Mehrkens	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

### MEMBERS EXCUSED

Messrs. Knaak and Pehler were excused from the Session of today.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 17, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 85.

Sincerely,

Rudy Perpich, Governor

March 17, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 211.

Sincerely,

Rudy Perpich, Governor

March 25, 1987

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 87, 208, 258, 302 and 402.

Sincerely,

Rudy Perpich, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 168: A bill for an act relating to human rights; clarifying certain provisions relating to discrimination in the extension of credit because of sex or marital status; amending Minnesota Statutes 1986, section 363.03, subdivision 8.

There has been appointed as such committee on the part of the House:

Bishop, Morrison and Long.

Senate File No. 168 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1987

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3, 123, 28, 134, 838, 318, 432 and 510.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1987

### FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 3: A bill for an act relating to labor; changing the minimum wage; amending Minnesota Statutes 1986, section 177.24, subdivision 1.

Referred to the Committee on Employment.

H.F. No. 123: A bill for an act relating to probate; providing for an increased sum payable to a surviving spouse by affidavit; allowing nursing home care costs to be a claim of the same class as medical and hospital expenses; increasing the value of a probate estate allowed for purposes of collection by affidavit; amending Minnesota Statutes 1986, sections 181.58; 524.3-805; and 524.3-1201.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 287, now on General Orders.

H.F. No. 28: A bill for an act relating to financial institutions; extending the EFT law to terminals located on the premises of a financial institution; providing options for a financial institution relating to the availability of an electronic financial terminal for other financial institutions; permitting certain advertising relating to an electronic financial terminal; amending Minnesota Statutes 1986, sections 47.61, subdivision 3; 47.63; 47.64, subdivisions 1, 3, and 4; and 47.67.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 148, now on General Orders.

H.F. No. 134: A bill for an act relating to employment; requiring an employer to notify employees and job applicants of bankruptcy proceedings; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 182, now on the Calendar.

H.F. No. 838: A bill for an act relating to St. Louis county; providing for a clerk in the unclassified civil service; amending Minnesota Statutes 1986, section 383C.035.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 782.

H.F. No. 318: A bill for an act relating to crimes; creating the crime of criminal sexual conduct by impersonating a health care professional; amending Minnesota Statutes 1986, sections 609.344, subdivision 1; and 609.345, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 432: A bill for an act relating to education; modifying certain provisions of the compulsory attendance laws; establishing new compulsory attendance requirements; amending Minnesota Statutes 1986, sections 121.11, subdivision 7; 123.935, subdivision 7; 127.19; and 127.20; proposing coding for new law in Minnesota Statutes, chapter 120; repealing Minnesota Statutes 1986, sections 120.10, subdivisions 1, 2, 2a, and 2b; and 120.12.

Referred to the Committee on Education.

H.F. No. 510: A bill for an act relating to Dakota county; providing for the creation, organization, powers, and duties of a personnel system; proposing coding for new law as Minnesota Statutes, chapter 383D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 617.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 924, 735, 79 and reports pertaining to appointments. The motion prevailed.

Mr. Bertram from the Committee on Veterans, to which was referred

S.F. No. 658: A bill for an act relating to veterans; requiring the housing and care of veterans in the Fergus Falls residential treatment center; proposing coding for new law in Minnesota Statutes, chapters 198 and 253.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 11 and 15, delete "*residential*" and insert "*regional*"

Page 1, line 16, delete ", in" and insert "*lease*" and after "*suitable*" insert "*separate identifiable*"

Page 1, line 17, delete ", accept and" and insert "*under the supervision of the commissioner of human services to the department of veterans affairs for the*"

Page 1, line 18, delete the first "*for*" and insert "*of*" and delete "*the*"

Page 1, line 19, delete "*Minnesota*" and insert "*a*"

Page 1, line 25, delete "*shall*" and insert "*may*"

Page 2, line 1, delete "*housing and care of any*"

Page 2, delete line 2 and insert "*lease of the physical plant and for shared services necessary to implement*"

Amend the title as follows:

Page 1, line 2, delete "*requiring*" and insert "*authorizing*"

Page 1, line 3, delete "*residential*" and insert "*regional*"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Veterans, to which was referred

S.F. No. 213: A bill for an act relating to veterans; appropriating money for use by the Military Order of the Purple Heart in assisting veterans to make claims against the United States government.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Bertram from the Committee on Veterans, to which was re-referred

S.F. No. 151: A bill for an act relating to veterans; restoring the tuition exemption at AVTI's for Vietnam-era veterans; amending Minnesota Statutes 1986, section 136C.13, subdivision 3; repealing Minnesota Statutes 1986, section 136C.13, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, after "under" insert "*honorable*" and strike "other"

Page 2, line 1, strike "than dishonorable"

And when so amended the bill do pass and be re-referred to the Committee on Education. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 641: A bill for an act relating to workers' compensation; regulating insurance premium computations for certain public employees; amending Minnesota Statutes 1986, section 79.211, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 844: A bill for an act relating to local government; providing notice conditions for town road contracts; amending Minnesota Statutes 1986, section 160.17, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 617: A bill for an act relating to Dakota county; providing for the creation, organization, powers, and duties of a personnel system; proposing coding for new law as Minnesota Statutes, chapter 383D.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 348: A bill for an act relating to metropolitan government; changing the treatment of current value credits and modifying the cost allocation system of the metropolitan waste control commission; providing for a reserve fund for the commission; authorizing appointment of advisory committees by the commission; authorizing an implementation period for transition to a new cost allocation system; amending Minnesota Statutes 1986, sections 473.511, subdivision 4; and 473.517, subdivisions 1, 2, 3, and 9; repealing Minnesota Statutes 1986, section 473.517, subdivisions 4, 5, and 7.

Reports the same back with the recommendation that the bill do pass.  
Report adopted.

Mr. Frank from the Committee on Economic Development and Housing,  
to which was referred

S.F. No. 521: A bill for an act relating to neighborhood revitalization; providing for the creation of urban revitalization action programs for the cities of Minneapolis and Saint Paul; providing a low income housing credit; providing for changes in certain special assessment payment procedures; appropriating money; amending Minnesota Statutes 1986, sections 290.06, by adding a subdivision; and 429.061, subdivision 2.

Reports the same back with the recommendation that the bill be amended  
as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 281.17, is amended to  
read:

**281.17 [PERIOD FOR REDEMPTION.]**

The period of redemption for all lands sold to the state at a tax judgment sale shall be three years from the date of sale to the state of Minnesota if the land is within an incorporated area unless it is: (a) nonagricultural homesteaded land as defined in section 273.13, subdivision 22, (b) homesteaded agricultural land as defined in section 273.13, subdivision 23, paragraph (a), or (c) seasonal recreational land as defined in section 273.13, subdivision 27, paragraph (a), or subdivision 22, paragraph (c), in which event the period of redemption is five years from the date of sale to the state of Minnesota.

*The period of redemption for all homesteaded lands as defined in section 273.13, subdivision 22, located in a targeted neighborhood as defined in section 7 and sold to the state at a tax judgment sale shall be two years from the date of sale. The period of redemption for all other lands in a targeted neighborhood as defined in section 7 and sold to the state at a tax judgment sale shall be one year from the date of sale.*

The period of redemption for all other lands sold to the state at a tax judgment sale shall be five years from the date of sale.

Sec. 2. Minnesota Statutes 1986, section 287.05, subdivision 1, is amended to read:

Subdivision 1. A tax of 45 23 cents is imposed upon each \$100, or fraction thereof, of the principal debt or obligation which is or may be secured by any mortgage of real property situated within the state executed, delivered, and recorded or registered; provided, however, that the tax shall be imposed but once upon any mortgage and extension thereof. If the mortgage describes real estate situated outside of this state, the tax shall be imposed upon that proportion of the whole debt secured thereby as the value of the real estate therein described situated in this state bears to the value of the whole of the real estate described therein. The tax imposed by this section shall not apply to a contract for the conveyance of real estate or any interest in real estate recorded or registered on or after January 1, 1984.

Sec. 3. Minnesota Statutes 1986, section 287.21, subdivision 1, is amended

to read:

Subdivision 1. There is hereby imposed on each deed, instrument, or writing by which any lands, tenements, or other realty in this state shall be granted, assigned, transferred or otherwise conveyed, a tax determined in the following manner. When transfers are made by instruments pursuant to mergers, consolidations, sales or transfers of substantially all of the assets of corporations pursuant to plans of reorganization or there is no consideration or when the consideration, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, is \$1,000 or less, the tax shall be ~~\$2.20~~ \$3.30. When the consideration, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds \$1,000 the tax shall be ~~\$2.20~~ \$3.30 plus \$1.10 for each \$500 or fractional part of \$500 in excess of \$1,000.

Sec. 4. Minnesota Statutes 1986, section 290.06, is amended by adding a subdivision to read:

*Subd. 20. [LOW INCOME HOUSING CREDIT.] A taxpayer may take as a credit against the tax due under this chapter an amount equal to the low income housing credit for which the taxpayer is eligible pursuant to section 42 of the Internal Revenue Code of 1986, for the taxable year. The taxpayer's tax under this chapter shall be increased for any taxable year in which a recapture is required under section 42(j) of the Internal Revenue Code of 1986, by the amount of the federal recapture for that taxable year.*

Sec. 5. Minnesota Statutes 1986, section 429.061, subdivision 2, is amended to read:

**Subd. 2. [ADOPTION; INTEREST.]** At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. No appeal may be taken as to the amount of any assessment adopted under this section unless written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by this subdivision are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a

notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. ~~Except as provided below~~ *Unless otherwise provided in the resolution*, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so



provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 6. Minnesota Statutes 1986, section 462.445, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE OF POWERS.] An authority shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 462.415 to 462.705 (but not the power to levy and collect taxes or special assessments except as provided in sections 462.515 to 462.545 with respect to redevelopment projects only) including the following powers in addition to others granted in these sections:

(1) To sue and be sued; to have a seal, which shall be judicially noticed, and to alter the same at pleasure; to have perpetual succession; and to make, and from time to time to amend and repeal, rules and regulations not inconsistent with these sections;

(2) To employ an executive director, technical experts, and such officers, agents, and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation; for such legal services as it may require, to call upon the chief law officer of the municipality or to employ its own counsel and legal staff; so far as practicable, to use the services of local public bodies, in its area of operation, such local public bodies, if requested, to make such services available;

(3) To delegate to one or more of its agents or employees such powers or duties as it may deem proper;

(4) Within its area of operation to undertake, prepare, carry out, and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or part thereof;

(5) Subject to the provisions of section 462.511, to give, sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein and to execute such leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take such action, as may be necessary or convenient to carry out the purposes of these sections;

(6) Within its area of operation to acquire real or personal property or any interest therein by gifts, grant, purchase, exchange, lease, transfer, bequest, devise, or otherwise, and by the exercise of the power of eminent domain, in the manner provided by Minnesota Statutes 1945, chapter 117, and any amendments thereof or supplements thereto, to acquire real property which it may deem necessary for its purposes under these sections, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 462.425 or found to exist by section 462.415, subdivision 5, or is necessary to carry out a redevelopment project as defined in section 462.421, subdivision 13;

(7) Within its area of operation, and without the adoption of an urban renewal plan, to acquire, by all means as set forth in clause (6) of this subdivision, including by the exercise of the power of eminent domain, in the manner provided by chapter 117, and without the adoption of a resolution provided for in subdivision 1, clause (6), real property, and to demolish, remove, rehabilitate or reconstruct the buildings and improvements

or construct new buildings and improvements thereon, or to so provide through other means as set forth in Laws 1974, chapter 228, or to grade, fill and construct foundations or otherwise prepare the site for improvements, and to dispose of said property pursuant to section 462.525, provided that the provisions of section 462.525 requiring conformance to an urban renewal plan shall not apply, and to finance such activities by means of the redevelopment project fund or by means of tax increments or tax increment bonds or by the methods of financing provided for in section 462.545 or by means of contributions from the municipality provided for in section 462.581, clause (9), or by any combination of such means; provided that, real property with buildings or improvements thereon shall only be acquired when the buildings or improvements are substandard; and provided further that the exercise of the power of eminent domain under this clause shall be limited to real property which contains buildings and improvements which are vacated and substandard. For the purpose of this subparagraph, substandard buildings or improvements mean *hazardous buildings as defined in section 463.15, subdivision 3, or buildings or improvements that are dilapidated or obsolescent, faultily designed, lack adequate ventilation, light, or sanitary facilities, or any combination of these or other factors that are detrimental to the safety or health of the community.*

(8) Within its area of operation to determine the level of income constituting low or moderate family income. Such income level shall be that level below which there is not available within the area of operation a substantial supply of decent, safe and sanitary housing provided by private enterprise without subsidy at prices or rents within the financial means of persons and families of such incomes. The authority may establish various income levels for various family sizes. In making its determination the authority may consider income levels which may be established by the federal housing administration or a similar or successor federal agency for the purpose of federal loan guarantees or subsidies for persons of low or moderate income. The authority may use such determination as a basis for the maximum amount of income for admissions to housing development projects owned or operated by it;

(9) To provide in federally assisted projects such relocation payments and assistance as may be necessary to comply with the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and any amendments or supplements thereto.

#### Sec. 7. [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] For the purposes of sections 7 to 15, the following terms have the meaning given them:*

*Subd. 2. [CITY.] "City" means the city of Minneapolis or the city of Saint Paul. For each city, any port authority, housing and redevelopment authority or other agency or instrumentality, the jurisdiction of which is the territory of either city, shall be included within the meaning of city.*

*Subd. 3. [CITY COUNCIL.] "City council" means either the city council of Minneapolis or the city council of Saint Paul.*

*Subd. 4. [CITY MATCHING FUNDS.] "City matching funds" means the funds of a city specified in a revitalization and financing program to be expended to implement a revitalization program. The sources of city matching funds may include:*

(1) funds from the general fund or any special fund of a city used to implement a revitalization program;

(2) funds paid or repaid to a city from the proceeds of any grant that a city has received from the federal government, any profit or nonprofit corporation, or any other entity or individual, that are to be used to implement a revitalization program;

(3) tax increments received by a city under sections 273.71 to 273.78 or other law, if eligible, to be expended in the targeted neighborhood;

(4) the greater of the fair market value or the cost to the city of acquiring land, buildings, equipment, or other real or personal property that a city contributes, grants, or loans to a profit or nonprofit corporation, or other entity or individual in connection with the implementation of a revitalization program;

(5) city funds to be used to install, reinstall, repair, or improve the infrastructure facilities of a targeted neighborhood;

(6) funds contributed by a city to pay issuance costs or to otherwise provide financial support for revenue bonds or obligations issued by a city for a project or program related to the implementation of a revitalization program;

(7) funds derived from fees received by a city in connection with its community development activities that are to be used in implementing a revitalization program.

City matching funds do not include (i) any city funds used to provide a service or exercise a function that is ordinarily provided throughout the city unless an increased level of the service or function is to be provided in a targeted neighborhood in accordance with a revitalization program; (ii) the proceeds of any revenue bonds issued by the city under chapter 458, 462C, 472, or 474; or (iii) any administrative expenses that are incurred in connection with the planning or implementation of sections 7 to 15.

Subd. 5. [TARGETED NEIGHBORHOOD.] "Targeted neighborhood" means an area including one or more census tracts as determined and measured by the bureau of census of the United States Department of Commerce that meet the criteria of section 8, subdivision 2, and any additional area designated under section 8, subdivision 3.

Subd. 6. [TARGETED NEIGHBORHOOD FUNDS.] "Targeted neighborhood funds" means the funds designated in the revitalization program to be used to implement the revitalization program.

Subd. 7. [TARGETED NEIGHBORHOOD REVITALIZATION AND FINANCING PROGRAM.] "Targeted neighborhood revitalization and financing program," "revitalization program," or "program" means the targeted neighborhood revitalization and financing program adopted in accordance with section 9.

#### Sec. 8. [DESIGNATION OF TARGETED NEIGHBORHOODS.]

Subdivision 1. [CITY AUTHORITY.] A city may by resolution designate targeted neighborhoods within its borders after adopting detailed findings that the designated neighborhoods meet the eligibility requirements set forth in subdivisions 2 and 3.

**Subd. 2. [ELIGIBILITY REQUIREMENTS FOR TARGETED NEIGHBORHOODS.]** *An area within a city is eligible for designation as a targeted neighborhood if the area meets two of the following three requirements:*

*(a) The area had an unemployment rate that was twice the unemployment rate for the Minneapolis and Saint Paul standard metropolitan statistical area as determined by the 1980 federal decennial census.*

*(b) The median household income in the area was equal to or less than 50 percent of the median household income for the Minneapolis and Saint Paul standard metropolitan statistical area as determined by the 1980 federal decennial census.*

*(c) The area is characterized by residential dwelling units in need of substantial rehabilitation. An area qualifies under this clause if (1) 25 percent or more of the residential dwelling units are in substandard condition as determined by the city; or (2) 70 percent or more of the residential dwelling units in the area were built before 1940 as determined by the 1980 federal decennial census.*

**Subd. 3. [ADDITIONAL AREA ELIGIBLE FOR INCLUSION IN TARGETED NEIGHBORHOOD.]** *The city may add to the area designated as a targeted neighborhood under subdivision 2 additional area extending up to four contiguous city blocks in all directions from the designated targeted neighborhood. For the purpose of this subdivision, "city block" shall have the meaning determined by the city.*

**Sec. 9. [TARGETED NEIGHBORHOOD REVITALIZATION AND FINANCING PROGRAM REQUIREMENTS.]**

**Subdivision 1. [COMPREHENSIVE REVITALIZATION AND FINANCING PROGRAM.]** *For each targeted neighborhood for which a city requests state financial assistance under section 10, the city must prepare a comprehensive revitalization and financing program that includes the following:*

*(1) the revitalization objectives of the city for the targeted neighborhood;*  
*(2) the specific activities or means by which the city intends to pursue and implement the revitalization objectives;*

*(3) the extent to which the activities identified in clause (2) will benefit low and moderate income families, will alleviate the blighted condition of the targeted neighborhood, or otherwise assist in the revitalization of the targeted neighborhood;*

*(4) a statement of the intended outcomes to be achieved by implementation of the revitalization program, how the outcomes will be measured both qualitatively and quantitatively, and the estimated time over which they will occur; and*

*(5) a financing program and budget that identifies the financial resources necessary to implement the revitalization program. The financing program and budget must include the following items:*

*(i) the estimated total cost to implement the revitalization program;*  
*(ii) the estimated cost to implement each activity in the revitalization program identified in clause (2);*

*(iii) the estimated amount of financial resources that will be available from all sources other than from the appropriation available under section*

10 to implement the revitalization program;

(iv) the estimated amount of the appropriation available under section 10 that will be necessary to implement the revitalization program;

(v) a description of the activities identified in the revitalization program for which the state appropriation will be used and the time or times at which the state appropriation will be committed or expended; and

(vi) a statement of how the city intends to meet the requirement for a financial contribution matching the state appropriation from city matching funds in accordance with section 10, subdivision 3.

**Subd. 2. [TARGETED NEIGHBORHOOD PARTICIPATION IN REVITALIZATION PROGRAM DEVELOPMENT.]** *The city must develop a process to consult the residents in the targeted neighborhood concerning the development, drafting, and implementation of the revitalization program. The process may include the establishment of an advisory board in each city as provided for in subdivision 2a, to assist the city in implementing the revitalization program. The process must include at least one public hearing, in addition to any public hearing held by the advisory board, to be held within the targeted neighborhood to describe urban revitalization action programs prior to the development or drafting of a revitalization program for it. Notice of the hearing must be provided to individuals and groups in the targeted neighborhood not less than ten days nor more than 30 days before the hearing by a newspaper of general circulation within the targeted neighborhood and by other general means of communication in the targeted neighborhood. The city shall provide the necessary staff and other resources to implement the consultation process and to develop, draft, and implement the revitalization program.*

**Subd. 2a. [ADVISORY BOARD.]** *The governing body of the city may establish a seven-member advisory board to assist the city in implementing sections 7 to 15. The advisory board shall consist of one city council member appointed by the city council, one county commissioner appointed by the county board of the county in which the city is located, two legislators appointed by the city legislative delegation, and three residents who reside in a targeted neighborhood appointed by the city council. The advisory board shall advise the city on the preparation of the revitalization program including the conversion from absent-owner rental housing to home ownership, the promotion of commercial and industrial growth in targeted neighborhoods, and the integration of human service programs and the redevelopment in targeted neighborhoods.*

**Subd. 3. [PRELIMINARY CITY REVIEW; STATE AGENCY AND METROPOLITAN COUNCIL REVIEW.]** *Before adoption of the revitalization program under subdivision 4, the city must submit a draft program to the state planning agency, the department of energy and economic development, the Minnesota housing finance agency, and the metropolitan council for their comment. The city may not adopt the revitalization program until comments have been received from the state agencies and the metropolitan council or 30 days have elapsed without response after the program was sent to them. Any comments received by the city from the state agencies or the metropolitan council within the 30-day period must be responded to in writing by the city before adoption of the program by the city.*

Subd. 4. [CITY APPROVAL.] *The city may adopt the revitalization program only after holding a public hearing after the program has been prepared. Notice of the hearing must be provided in a newspaper of general circulation in the city and in the targeted neighborhood not less than ten days nor more than 30 days prior to the date of the hearing.*

Subd. 5. [PROGRAM CERTIFICATION.] *A certification by the city that a revitalization program has been approved by the city council for the targeted neighborhood must be provided to the community development division of the department of energy and economic development together with a copy of the program. Copies of the program must also be provided to the state planning agency, the Minnesota housing finance agency, and the metropolitan council.*

Subd. 6. [REVITALIZATION PROGRAM MODIFICATION.] *The revitalization program may be modified at any time by the city council after a public hearing, notice of which is published in a newspaper of general circulation in the city and in the targeted neighborhood not less than ten days nor more than 30 days before the date of the hearing. If the city council determines that the proposed modification is a significant modification to the program originally certified under subdivision 5, it must implement the revitalization program approval process of subdivisions 2 to 5 for the proposed modification. If the proposed modification will require an increase in the amount of state appropriation available under section 10 for the revitalization program, the state planning agency, the department of energy and economic development, the Minnesota housing finance agency, and the metropolitan council must be notified and afforded an opportunity to comment on it in accordance with subdivision 3. Any modification to the revitalization program must be certified to the community development division of the department of energy and economic development as provided in subdivision 5.*

**Sec. 10. [DISBURSEMENT; CITY MATCHING FUNDS; DRAW-DOWN; USES OF STATE FUNDS.]**

Subdivision 1. [DISBURSEMENT OF STATE FUNDS.] *Upon receipt from a city of the certification that a revitalization program has been adopted or modified, the community development division of the department of energy and economic development must, within 30 days, disburse to the city the amount of state funds identified as necessary to implement the revitalization program or program modification. State funds may be disbursed to the city only to the extent that the appropriation limit for the city specified in subdivision 2 is not exceeded. Once the state funds have been disbursed to the city, they shall become targeted neighborhood funds for use by the city in accordance with an adopted revitalization program and subject only to the restrictions on their use contained in this act.*

Subd. 2. [FUND DISBURSEMENT.] *A city may receive a part of the appropriations made available that is the proportion that the population of that city bears to the total population of both Minneapolis and Saint Paul. One city may agree to reduce its entitlement amount so that the other may receive an amount in excess of its entitlement amount. The population of each city for the purposes of this subdivision shall be determined according to the most recent estimates available to the community development division of the department of energy and economic development. Any interest earned by a city from funds disbursed to the city must be rebated to the community development division of the department of energy*

*and economic development annually unless the revitalization program identifies the interest as necessary to implement the revitalization program and the requirement for city matching funds is satisfied with respect to the interest.*

**Subd. 3. [CITY MATCHING FUNDS; DRAWDOWN OF STATE FUNDS; RESTRICTION ON USE OF STATE FUNDS.]** *A city may expend state funds only if the revitalization program identifies city matching funds to be used to implement the program in an amount equal to the state appropriation. A city must keep the state funds in a segregated fund for accounting purposes. No state funds shall be used to pay the general administrative expenses of a city that are incurred in connection with the planning or implementation of sections 7 to 15.*

**Sec. 11. [CITY POWERS AND ELIGIBLE USES OF TARGETED NEIGHBORHOOD FUNDS.]**

**Subdivision 1. [CONSOLIDATION OF EXISTING POWERS IN TARGETED NEIGHBORHOODS.]** *A city may exercise any of its corporate powers within a targeted neighborhood including, but not limited to, all of the powers enumerated and granted by chapters 458, 462, 462C, 472, 472A, and 474. For the purposes of chapter 458, a targeted neighborhood shall be considered an industrial development district. A city may exercise the powers of chapter 458 in conjunction with, and in addition to, exercising the powers granted by chapters 462 and 462C in order to promote and assist housing construction and rehabilitation within a targeted neighborhood. For the purposes of section 462C.02, subdivision 9, a targeted neighborhood shall be considered a "targeted area."*

**Subd. 2. [GRANTS AND LOANS.]** *In addition to the authority granted by other law, a city may make grants and loans to individuals, for-profit and nonprofit corporations, and other organizations to implement a revitalization program. The grants and loans shall contain the terms concerning use of funds, repayment, and other conditions the city deems proper to implement a revitalization program.*

**Subd. 3. [ELIGIBLE USES OF TARGETED NEIGHBORHOOD FUNDS.]** *The city may expend targeted neighborhood funds for any purpose authorized by subdivision 1 or 2. Any use of targeted neighborhood funds must be authorized by a revitalization program.*

**Sec. 12. [DELAYED VALUATION OF IMPROVEMENTS.]**

**Subdivision 1. [VALUATION INCREASE DELAYED.]** *Notwithstanding other provisions of law relating to assessed valuation of real property, the assessed valuation of property described in subdivision 2 based on the qualified improvements made during rehabilitation of a building on the property may not be increased during the rehabilitation year or any of the following five years. After the fifth year following rehabilitation, the property shall be valued as other property in the same property class in that taxing district.*

**Subd. 2. [ELIGIBLE PROPERTY.]** *To be eligible for the valuation increase delay authorized in subdivision 1, (1) the property must be located in a designated targeted neighborhood as defined in section 7, and (2) the city must have certified that the revitalization and financing program for that neighborhood has been completed as required in section 9.*

*Subd. 3. [QUALIFIED IMPROVEMENTS.] To qualify for the valuation increase delay authorized in subdivision 1, the improvements to the eligible property must (1) be completed within one year after the issuance of the building permit for the improvements, and (2) not be recreational in character including, but not limited to, swimming pools, tennis courts, and hot tubs.*

*Subd. 4. [ASSESSOR.] The owner of the property must apply to the assessor prior to undertaking the rehabilitation. The application must include a description of the proposed rehabilitation project, an estimate of the cost of the project, and a projected completion date for the project. The assessor must determine if the property meets the eligibility requirements established in subdivision 2. The assessor shall maintain records of the location and number of eligible buildings having qualified improvements.*

*Subd. 5. [GENERAL INCREASES IN VALUATION.] Any increase in value of property which results from causes other than qualified improvements which are part of the project description provided to the assessor shall be added to the assessed valuation of the building.*

#### **Sec. 13. [HAZARDOUS BUILDING PENALTY.]**

*A city may assess a penalty equal to one percent of the assessed value of a building located in a targeted neighborhood defined in section 7 that the city determined to be hazardous as defined in section 463.15, subdivision 3. If the owner of the building has not paid the penalty within 30 days after receiving notice of the penalty, the penalty shall be considered delinquent. For the purposes of this section, a penalty which is delinquent shall be considered as a delinquent property tax and subject to chapters 279, 280, and 281 in the same manner as delinquent property taxes.*

#### **Sec. 14. [ANNUAL AUDIT AND REPORT.]**

*Subdivision 1. [ANNUAL FINANCIAL AUDIT.] At the end of each calendar year beginning in 1988, the legislative auditor shall conduct a financial audit to review the spending of state funds under sections 7 to 15. Before spending any state funds to implement a revitalization program, the city must consult the legislative auditor to determine appropriate accounting methods and principles that will assist the legislative auditor in conducting its financial audit. The results of the financial audit must be submitted to the legislative audit commission, the state planning agency, the department of energy and economic development, the Minnesota housing finance agency, and the metropolitan council.*

*Subd. 2. [ANNUAL REPORT.] A city that begins to implement a revitalization program in any calendar year must, by March 1 of the succeeding calendar year, provide a detailed report on the revitalization program or programs being implemented in the city. The report must describe the status of the program implementation and analyze whether the intended outcomes identified in section 9, subdivision 1, clause (4), are being achieved. The report must be submitted to the state planning agency, the department of energy and economic development, the Minnesota housing finance agency, the metropolitan council, and the legislative audit commission.*

#### **Sec. 15. [APPROPRIATION; DISTRIBUTION.]**

*§\_\_\_\_\_ is appropriated from the general fund to the commissioner of energy and economic development for disbursement to the cities of Min-*



*neapolis and Saint Paul as provided in section 10, to be available until June 30, 1989.*

**Sec. 16. [EFFECTIVE DATE; LOCAL APPROVAL.]**

*Section 4 is effective for taxable years beginning after December 31, 1986.*

*Sections 7 to 15 are effective for the city of Minneapolis the day after compliance with section 645.021, subdivision 3, by the governing body of the city of Minneapolis.*

*Sections 7 to 15 are effective for the city of Saint Paul the day after compliance with section 645.021, subdivision 3, by the governing body of the city of Saint Paul."*

Delete the title and insert:

"A bill for an act relating to neighborhood revitalization; providing for the creation of urban revitalization action programs for the cities of Minneapolis and Saint Paul; providing a low income housing credit; providing for changes in certain special assessment payment procedures; appropriating money; amending Minnesota Statutes 1986, sections 281.17; 287.05, subdivision 1; 287.21, subdivision 1; 290.06, by adding a subdivision; 429.061, subdivision 2; and 462.445, subdivision 1."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 788: A bill for an act relating to human services; clarifying chemical dependency consolidated fund administration procedures; amending Minnesota Statutes 1986, sections 246.51; 246.511; 254B.01, subdivision 5; 254B.02, subdivisions 1, 2, 3, and 5; 254B.03, subdivisions 1, 2, 3, 4, and 5; 254B.04, subdivision 2; 254B.06, subdivision 1; and 254B.09, subdivisions 3, 5, and 7; repealing Minnesota Statutes 1986, section 256.968.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 1986, section 254B.04, is amended to read:

**254B.04 [ELIGIBILITY FOR CHEMICAL DEPENDENCY FUND SERVICES.]**

Subdivision 1. [ELIGIBILITY.] Persons eligible for benefits under sections 256D.01 to 256D.21 or for federal benefits under title 25, part 20, of the Code of Federal Regulations and persons eligible for federal health care benefits under section 256B.06, are entitled to chemical dependency fund services.

Subd. 2. [AMOUNT OF CONTRIBUTION.] The commissioner shall adopt a sliding fee scale to determine the amount of contribution to be required from persons whose income ~~and nonexempt property are~~ is greater than the standard of assistance under sections 256B.06 and 256D.01 to 256D.21. The commissioner may adopt an existing fee scale from another assistance program or from the state facilities by publication in the State

Register. *The commissioner shall establish a separate fee scale for recipients of chemical dependency transitional rehabilitation services that provides for the collection of fees for board and lodging expenses. The fee schedule shall ensure that employed persons are allowed the income disregards and savings accounts that are allowed residents of community mental illness facilities under section 256D.06, subdivisions 1 and 1b. The fee scale must not provide assistance to persons whose income is more than 115 percent of the state median income. Payments of liabilities under this section are medical expenses for purposes of determining spend-down under sections 256B.06 and 256D.01 to 256D.21."*

Amend the title as follows:

Page 1, line 7, delete ", subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 735: A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1986, section 256C.28, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The council shall:

(1) advise the commissioner *and the governor* on the development of policies, programs, and services affecting the hearing impaired, and on the use of appropriate federal and state money;

(2) create a public awareness of the special needs and potential of hearing impaired persons; and

(3) provide the commissioner *and the governor* with a review of ongoing services, programs, and proposed legislation affecting the hearing impaired."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "subdivision 1" and insert "subdivisions 1 and 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 408: A bill for an act relating to human services; authorizing the commissioner of human services to establish a study committee on problems of elderly persons with mental retardation or related conditions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*of a*" and insert "*representing*"

Page 1, line 22, delete "*home trade association*" and insert "*homes*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 424: A bill for an act relating to the child abuse reporting act; providing a standard for the disclosure of the reporter's name; amending Minnesota Statutes 1986, section 626.556, subdivision 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 15, strike everything after "*confidential*"

Page 2, line 16, strike "*individual subject of the record upon*" and delete "*a finding by*"

Page 2, lines 17 and 18, delete the new language and insert. "*The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This provision does not alter disclosure responsibilities or obligations under the rules of criminal procedure*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 854: A bill for an act relating to government data practices; giving the department of energy and economic development access to certain employment data; amending Minnesota Statutes 1986, section 268.12, subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 32 to 34, delete the new language and insert "*The Minnesota department of energy and economic development or its successor agency for its internal use only shall have access to nonpublic data but not private data on individuals as defined in section 13.02, subdivisions 9 and 12;*"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 669: A bill for an act relating to transportation; authorizing special permits for 110-foot vehicle combinations to operate outside the metropolitan area on interstate highways; setting a fee for the permit; providing for the modification of certain interchanges, streets, and highways; amending Minnesota Statutes 1986, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 341: A bill for an act relating to insurance; regulating unfair settlement practices of automobile insurers; requiring repairs with original equipment parts; providing an exception; regulating insurance appraisals; revising the truth-in-repairs act to require disclosure of whether new parts are original equipment parts; amending Minnesota Statutes 1986, sections 72A.20, subdivision 12a; 72B.091, subdivision 2; 325F.56, subdivision 8; and 325F.60, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 13, line 22, after the period, insert "*The appraisal must disclose to the vehicle owner any parts to be used which are not original equipment parts or which are not covered by the manufacturer's warranty on such parts.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dicklich from the Committee on Public Utilities and Energy, to which was referred

S.F. No. 783: A bill for an act relating to public safety; local emergency telephone service; requiring automatic location identification for public safety answering points serving 50,000 telephones or more; increasing fee to cover service cost; amending Minnesota Statutes 1986, sections 403.02, subdivision 6, and by adding a subdivision; and 403.11, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 22 to 25, delete the new language and insert "*Minimum 911 service also includes the provision of automatic location identification if the public safety answering point has the capability of providing that service.*"

Page 2, delete section 3

Amend the title as follows:

Page 1, line 4, delete "serving 50,000" and insert "under certain circumstances;"

Page 1, delete line 5

Page 1, line 6, delete "cost;" and delete "sections" and insert "section"

Page 1, line 7, delete the semicolon and insert a period

Page 1, delete line 8

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 736: A bill for an act relating to public safety; regulating high pressure piping and pipefitters; providing penalties; amending Minnesota Statutes 1986, sections 326.461, subdivision 2; 326.47, subdivision 3; 326.48, subdivision 1; 326.50; 326.51; proposing coding for new law in Minnesota Statutes, chapter 326.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 23 to 25, reinstate the stricken language

Page 2, line 1, delete "*facilities utilizing*"

Page 2, lines 14 to 23, delete the new language

Page 2, lines 24 to 30, reinstate the stricken language

Page 3, line 8, after "passing" strike "a" and insert "an"

Page 3, line 9, delete "*written*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1015: A bill for an act relating to public safety; regulating boilers and their operation; amending Minnesota Statutes 1986, sections 183.375, subdivision 2; 183.411, by adding a subdivision; 183.42; 183.545, subdivision 4; and 183.56; repealing Minnesota Statutes 1986, section 183.545, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, reinstate the stricken language and after the reinstated "and" insert "*may appoint*"

Page 1, line 14, reinstate the stricken "chief"

Page 1, lines 23 and 24, reinstate the stricken language and delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1074: A bill for an act relating to labor; regulating the administration of the occupational safety and health act; clarifying employee rights to sue; amending Minnesota Statutes 1986, sections 182.659, subdivisions 6 and 8; 182.661, by adding a subdivision; 182.666, subdivisions

1, 2, 4, 5, and 6; and 182.669, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 820: A bill for an act relating to the department of administration; amending, creating, and deleting various duties of the commissioner of administration; creating the productivity loan fund; providing definitions; amending Minnesota Statutes 1986, sections 4.31, subdivisions 1 and 5; 14.04; 16B.08, subdivisions 3 and 7; 16B.09, subdivision 1; 16B.24, subdivision 6; 16B.29; 16B.51, subdivision 3; 138.17, subdivision 7; and 139.19; amending Laws 1979, chapter 333, section 18; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1986, section 138.22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, delete "*shall*" and insert "*must*"

Pages 4 to 6, delete section 8

Page 6, line 24, delete "*shall*" and insert "*must*"

Page 7, lines 5, 6, and 9, delete "*shall*" and insert "*must*"

Page 7, line 12, delete "*created as*"

Page 7, line 26, delete everything before the second "*committee*"

Page 8, line 1, delete "*shall*" and insert "*may*"

Page 8, line 4, delete "*shall*" and insert "*must*"

Page 16, line 17, delete "*9, 10, and 12*" and insert "*8, 9, and 11*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "16B.24, subdivision 6;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 90: A bill for an act relating to public safety; pipelines and underground facilities; enacting the Minnesota pipeline safety act; requiring a routing permit to construct a new pipeline; creating the office of pipeline safety and providing for its powers and duties; authorizing rulemaking for purposes of delegation of federal authority; creating the pipeline safety advisory commission; regulating the operation of certain pipelines; requiring the adoption of pipeline setback ordinances; providing for notification of excavation in the area of underground facilities; providing for a pipeline inspection fee; establishing the pipeline safety fund; requiring a study; providing penalties; appropriating money; amending Minnesota Statutes 1986, sections 116I.02, subdivisions 2 and 3; 216B.16, by adding a subdivision; 299F.56, by adding a subdivision; 299F.57; 299F.58; 299F.60;

299E61; 299E62; 299E63; and 299E64; proposing coding for new law in Minnesota Statutes, chapter 116I; proposing coding for new law as Minnesota Statutes, chapters 216C and 299J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, delete "*shall*"

Page 6, line 3, delete "*that*" and insert "*who*"

Page 6, line 13, delete "*, except that*" and insert a period and delete "*shall*" and insert "*may*"

Page 6, lines 33 and 36, delete "*must*" and insert "*shall*"

Page 7, lines 9, 21, and 32, delete "*must*" and insert "*shall*"

Page 8, lines 1, 8, 18, and 34, delete "*must*" and insert "*shall*"

Page 9, lines 4, 25, 27, 31, and 36, delete "*must*" and insert "*shall*"

Page 10, lines 11, 14, 17, 32, 34, and 36, delete "*must*" and insert "*shall*"

Page 11, lines 5 and 12, delete "*must*" and insert "*shall*"

Page 19, line 26, delete "*. The director shall be*"

Page 19, line 27, delete "*serve*" and insert "*serving*"

Page 20, line 5, delete "*must*" and insert "*shall*"

Page 22, lines 13 and 29, delete "*must*" and insert "*shall*"

Page 23, line 1, delete "*is created and*"

Page 23, line 6, delete "*shall*" and insert "*must*"

Page 23, line 24, delete "*must*" and insert "*shall*"

Page 24, line 19, delete "*must*" and insert "*shall*"

Page 25, lines 1 and 27, delete "*must*" and insert "*shall*"

Page 26, lines 24, 27, 29, and 32, delete "*must*" and insert "*shall*"

Page 27, lines 2 and 9, delete "*must*" and insert "*shall*"

Page 27, line 34, delete "*shall*" and insert "*must*"

Page 28, line 5, delete "*shall*" and insert "*must*"

Page 29, line 18, delete "*must*" and insert "*shall*"

Page 30, line 31, delete "*shall*" and insert "*may*"

Page 31, line 3, delete "*established as*"

Page 31, lines 4 and 8, delete "*shall*" and insert "*must*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 924: A bill for an act relating to human services; creating the office of ombudsman for older Minnesotans; proposing coding for new law

in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "*department of human*" and insert "*board on aging*"

Page 1, line 10, delete "*services*"

Page 1, line 15, delete "*of the state*" and insert "*pursuant to section 256.01, subdivision 7*"

Page 1, line 15, delete "*to*"

Page 1, line 16, delete "*enable area agencies on aging to grant money*" and after "*programs*" insert "*or area agencies on aging*"

Page 1, line 17, delete "*providing*" and insert "*for the provision of*"

Page 2, line 17, delete "*investigate*" and insert "*gather information and evaluate*"

Page 3, line 1, delete "*acting*" and insert "*designated*"

Page 3, line 2, delete "*or ombudsman representative*" and insert "*pursuant to this section*" and delete "*any*"

Page 3, line 3, delete "*or criminal*"

Page 3, line 4, delete "*that person is acting*" and insert "*the person's actions are*"

Page 3, line 5, before the period, insert "*, are within the scope of the person's responsibilities as an ombudsman, and do not constitute willful or reckless misconduct*"

Page 3, line 19, delete "*AND LOCAL*"

Page 3, line 20, delete "*or local government*"

Page 3, line 21, delete "*that is*"

Page 3, line 23, delete the period and insert "*, or any other law. The data requested must be related to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the office must first obtain the individual's consent.*"

Page 3, line 28, delete "*complaints,*"

Page 3, line 32, delete "*By February 1 of each year*" and insert "*At the request of the majority leader of the senate or the speaker of the house of representatives*"

Page 3, line 33, delete "*on the office*" and delete "*the governor,*" and after "*legislature*" delete "*, the*"

Page 3, delete line 34

Page 3, line 35, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.



Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 79: A bill for an act relating to occupations and professions; generally revising and updating the laws relating to licensure of podiatrists; providing for definitions, licensing, practice without a license, disciplinary action, and investigations; providing penalties; amending Minnesota Statutes 1986, sections 153.01, subdivisions 2 and 3; 153.02; 153.03; 214.01; and 319A.02; proposing coding for new law in Minnesota Statutes, chapter 153; repealing Minnesota Statutes 1986, sections 153.01, subdivision 4; 153.04 to 153.09; 153.13; 153.14; and 153.15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "*tuberosity*" insert "*, including amputation of the toe,*" and delete "*does*"

Page 1, line 22, delete "*include the*" and insert "*including*"

Page 1, line 28, delete "*The words*" and strike "*include*" and insert "*Podiatric medicine*" includes"

Page 2, line 16, reinstate the stricken "*resident*"

Page 2, line 34, delete "*secretary*" and insert "*director*"

Page 3, line 7, delete "*LICENSURE BY EXAMINATION; LICENSING*" and insert "*LICENSURE*"

Page 3, line 8, before "*The*" insert "*Subdivision 1. [LICENSE REQUIREMENTS.]*"

Page 3, line 21, delete "*and the federation of podiatric medical boards*"

Page 3, line 23, after "*medicine*" insert "*or a national clinical examination prepared and graded by the federation of podiatric medical boards*"

Page 3, line 25, delete "*1987*" and insert "*1986*"

Page 3, line 28, delete "*, or podiatric medical training*"

Page 4, line 13, after the period, insert "*No more than two reexaminations are allowed without a new application for a license.*"

Page 4, delete line 14

Page 4, line 15, delete "*Subdivision 1. [LICENSE.]*" and insert "*Subd. 2. [APPLICANTS LICENSED IN ANOTHER STATE.]*"

Page 4, line 16, after "*person*" insert "*currently or formerly licensed to practice podiatric medicine in another state*"

Page 4, line 19, delete everything after "*in*" and insert "*subdivision 1.*"

Page 4, delete lines 20 to 22

Page 4, line 24, delete "*that the applicant has a valid*" and insert "*indicating the current status of a*"

Page 4, line 27, after "*have*" insert "*had a license revoked,*"

Page 4, line 28, delete "*have*"

Page 4, line 29, after "*action*" insert a comma

Page 4, after line 33, insert:

*"(d) The applicant shall submit with the license application the following additional information for the five-year period preceding the date of filing of the application: (1) the name and address of the applicant's professional liability insurer in the other state; and (2) the number, date, and disposition of any podiatric medical malpractice settlement or award made to the plaintiff relating to the quality of podiatric medical treatment."*

Page 4, line 34, delete "2" and insert "3"

Page 5, delete section 7

Page 5, line 13, delete "8. [153.19]" and insert "6. [153.17]"

Page 5, line 16, after "license" insert "or permit"

Page 5, line 31, before "doctor" insert "foot"

Page 6, line 1, delete "9. [153.20]" and insert "7. [153.18]"

Page 6, line 2, delete "8" and insert "6"

Page 6, delete lines 10 and 11

Page 6, line 12, delete "(3)" and insert "(2)"

Page 6, line 17, delete "(4)" and insert "(3)"

Page 6, line 20, delete "10. [153.21]" and insert "8. [153.19]"

Page 7, line 5, delete ", or that claims" and insert a semicolon

Page 7, delete lines 6 to 8

Page 8, line 2, delete the comma and insert "or chemical dependency"

Page 8, delete line 3

Page 8, line 4, delete "type of material"

Page 8, line 27, delete "14" and insert "13"

Page 8, line 29, delete "10" and insert "9"

Page 9, line 1, delete "11. [153.22]" and insert "9. [153.20]"

Page 9, line 15, delete "12. [153.23]" and insert "10. [153.21]"

Page 9, line 19, delete "10" and insert "8"

Page 9, line 21, after "examination" insert "or chemical dependency evaluation"

Page 9, line 25, delete "examining"

Page 9, line 26, delete "physicians'" and insert "examiner's"

Page 10, line 11, delete "10" and insert "8"

Page 10, line 23, delete "13. [153.24]" and insert "11. [153.22]"

Page 10, line 25, delete "FORM" and insert "FORMS" and delete "ACTION GENERALLY" and insert "DISCIPLINARY ACTION"

Page 10, line 27, delete "sections 1 to 16" and insert "this chapter"

Page 10, line 32, before "medicine" insert "podiatric"

Page 12, line 12, delete "14. [153.26]" and insert "12. [153.23]"

Page 12, line 25, delete "15. [153.27]" and insert "13. [153.24]"

Page 12, line 28, delete "*sections 1 to 16*" and insert "*this chapter*"

Page 13, line 13, delete "*sections 1 to 16*" and insert "*this chapter*"

Page 13, lines 26, 28, and 32, delete "*medical*"

Page 14, line 6, delete "*sections 1 to 16*" and insert "*this chapter*"

Page 14, line 28, delete "16. [153.28]" and insert "14. [153.25]"

Page 14, line 32, delete "15" and insert "13"

Page 14, line 33, delete "10" and insert "8"

Page 15, lines 1 and 4, delete "*sections 1 to 13*" and insert "*this chapter*"

Page 15, line 5, delete "17" and insert "15"

Page 15, line 20, delete "18" and insert "16"

Page 16, line 2, delete "19" and insert "17"

And when so amended the bill do pass. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 787: A bill for an act relating to human services; providing for eligibility requirements for receiving medical assistance and general assistance medical care; allowing recovery of benefits paid after death of recipient; requiring assignment of benefits; providing services for pregnant women; allowing certain agencies to collect personal property by affidavit; amending Minnesota Statutes 1986, sections 256B.02, subdivision 8; 256B.06, subdivision 1, and by adding a subdivision; 256B.15; 256B.17, subdivisions 4 and 5; 256B.35, subdivisions 1 and 2; 256D.03, subdivision 3, and by adding a subdivision; and 524.3-1201; repealing Minnesota Statutes 1986, sections 256B.07; and 256D.051, subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 32, strike "*resources*" and insert "*assets*"

Page 7, delete line 36

Page 8, delete lines 1 and 2

Page 8, line 3, delete everything before the period

Page 9, line 10, reinstate the stricken "*unless*"

Page 9, line 14, strike "*unless*"

Page 10, line 4, delete "*before*" and insert "*at least 24 months prior to*"

Page 10, line 30, before the period, insert "*or, for families and children, not in excess of 116 percent of those income standards*"

Page 11, line 17, delete "100" and insert "116" and delete everything after "*of*" and insert "*that income standard*"

Page 11, delete line 18

Page 11, line 19, delete "*Budget*"

Page 15, line 29, after "*256D.05*" insert "*or 256D.051*"

Page 15, line 32, delete "; *and*" and insert a comma

Page 15, line 33, delete the paragraph coding and delete "(3)"

Page 15, line 35, delete the semicolon and insert a comma

Page 15, line 36, delete the paragraph coding and delete "(4)"

Page 17, after line 20, insert:

"Sec. 12. [APPROPRIATION.]

*\$210,000 is appropriated from the general fund to the commissioner of human services for three staff persons for purposes of section 256B.15."*

Page 17, line 21, delete "12" and insert "13"

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 598: A bill for an act relating to health; extending the moratorium on hospital capacity expansion; amending Laws 1984, chapter 654, article 5, section 57, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, strike "or"

Page 2, line 8, after "2" insert " ; *or*

*(5) a project involving consolidation of pediatric specialty hospital services within the Minneapolis-St. Paul metropolitan area that would not result in a net increase in the number of pediatric specialty hospital beds among the hospitals being consolidated"*

Page 2, after line 16, insert:

"Sec. 2. Laws 1984, chapter 654, article 5, section 57, subdivision 4, is amended to read:

Subd. 4. [DEFINITIONS.] Except as indicated in this subdivision, the terms used in this section have the meanings given them under Minnesota Statutes 1982, sections 145.832 to 145.845 and the rules adopted thereunder.

The term "hospital" has the meaning given it in section ~~144.696, subdivision 3~~ 144.50."

Page 2, line 17, delete "2" and insert "3"

Page 2, line 18, delete "*Section*" and insert "*Sections*" and delete "*is*" and insert "*and 2 are*"

Amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions" and after

"1" insert "and 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 737: A bill for an act relating to health; authorizing the board of medical examiners to release certain information about disciplinary investigations and proceedings; amending Minnesota Statutes 1986, section 147.01, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "*may*" and insert "*shall*"

Page 2, delete lines 11 to 13

Amend the title as follows:

Page 1, line 2, delete "authorizing" and insert "requiring"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 459: A bill for an act relating to the zoo board; exempting members of the board from filing statements of economic interest; amending Minnesota Statutes 1986, section 85A.01, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Elections and Ethics. Report adopted.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 922: A bill for an act relating to horse racing; regulating license suspensions and revocations of class C licenses; modifying the time periods and dollar limitations used to trigger contested case hearings; requiring rules that prohibit horses from carrying foreign substances when they race; requiring medical testing fee rules; making permanent the statutory provisions authorizing the use of certain medications; amending Minnesota Statutes 1986, sections 240.08, subdivision 5; 240.16, subdivision 1; 240.22; 240.24, subdivisions 1 and 3; and Laws 1985, chapter 211, section 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

H.F. No. 364: A bill for an act relating to cemeteries; increasing the limit on the permanent care and improvement fund; amending Minnesota Statutes 1986, section 306.41.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davis from the Committee on Agriculture, to which was referred

S.F. No. 717: A bill for an act relating to agriculture; strengthening the pesticide laws; imposing penalties; appropriating money; amending Minnesota Statutes 1986, sections 18A.21, subdivisions 1, 4, 5, 7, 8, 10, 12, 16, 19, 20, 21, 22, 23, 27, 29, 30, 31, 32, 33, 34, 35, 36, and by adding subdivisions; 18A.22, subdivisions 1, 2, 5, 7, and 8; 18A.23; 18A.24; 18A.25; 18A.27; 18A.28, subdivisions 1, 2, 3, 4, and by adding a subdivision; 18A.29, subdivisions 1, 3, and by adding subdivisions; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.37; 18A.39; 18A.41; 18A.42; 18A.43; 18A.44; and 18A.45; proposing coding for new law in Minnesota Statutes, chapter 18A; repealing Minnesota Statutes 1986, sections 18A.26; 18A.28, subdivisions 5 and 6; 18A.29, subdivision 2; and 18A.36.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"CHAPTER 18B  
PESTICIDE REGULATION

Section 1. [18B.01] [DEFINITIONS.]

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

*Subd. 2. [APPROVED AGENCY.] "Approved agency" means a state agency other than the department of agriculture or an agency of a county, municipality, or other political subdivision that has signed a joint powers agreement under section 471.59 with the commissioner.*

*Subd. 3. [BENEFICIAL INSECTS.] "Beneficial insects" means insects that are effective pollinators of plants, parasites or predators of pests, or are otherwise beneficial, during their life cycle.*

*Subd. 4. [BULK PESTICIDE.] "Bulk pesticide" means a pesticide that is held in an individual container, with a pesticide content of 56 United States gallons or more, or 100 pounds or greater net dry weight.*

*Subd. 5. [COMMERCIAL APPLICATOR.] "Commercial applicator" means a person who has a commercial applicator license.*

*Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.*

*Subd. 7. [DEVICE.] "Device" means an instrument or contrivance, other than a firearm, that is intended or used to destroy, repel, or mitigate a pest, a form of plant or animal life other than humans, or a bacterium, virus, or other microorganism on or in living animals, including humans. A device does not include equipment used for the application of pesticides if the equipment is sold separately from the instrument or contrivance.*

*Subd. 8. [DISTRIBUTE.] "Distribute" means offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, and offer to deliver pesticides in this state.*

*Subd. 9. [ENVIRONMENT.] "Environment" means surface water, groundwater, air, land, plants, humans, and animals and their interrelationships.*

*Subd. 10. [FIFRA.] "FIFRA" means the Federal Insecticide, Fungicide,*

*Rodenticide Act, United States Code, title 7, sections 136 to 136y.*

**Subd. 11. [HAZARDOUS WASTE.]** "Hazardous waste" means any substance identified or listed as hazardous waste in the rules adopted under section 116.07, subdivision 4.

**Subd. 12. [INCIDENT.]** "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, portable container rupture, leak, spill, or other event that releases or threatens to release a pesticide accidentally or otherwise, and may cause unreasonable adverse effects on the environment. "Incident" does not include the lawful use or intentional release of a pesticide in accordance with its approved labeling.

**Subd. 13. [LABEL.]** "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or their containers or wrappers.

**Subd. 14. [LABELING.]** "Labeling" means all labels and other written, printed, or graphic matter:

- (1) accompanying the pesticide or device;
- (2) referred to by the label or literature accompanying the pesticide or device; or
- (3) that relates or refers to the pesticide or to induce the sale of the pesticide or device.

"Labeling" does not include current official publications of the United States Environmental Protection Agency, United States Department of Agriculture, United States Department of Interior, United States Department of Health, Education and Welfare, state agricultural experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

**Subd. 15. [NONCOMMERCIAL APPLICATOR.]** "Noncommercial applicator" means a person with a noncommercial applicator license.

**Subd. 16. [PERSON.]** "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, unincorporated organization, the state, a state agency, or political subdivision.

**Subd. 17. [PEST.]** "Pest" means an insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism designated by rule as a pest, except a virus, bacteria, or other microorganism on or in living humans or other living animals.

**Subd. 18. [PESTICIDE.]** "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

**Subd. 19. [PESTICIDE DEALER.]** "Pesticide dealer" means a person with a pesticide dealer license.

**Subd. 20. [PLANT REGULATOR.]** "Plant regulator" means a substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant, or to otherwise alter the behavior of ornamental or crop plants or the produce of the plants. Plant regulator does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

*Subd. 21. [PRIVATE APPLICATOR.] "Private applicator" means a person certified to use or supervise use of restricted use pesticides.*

*Subd. 22. [REGISTRANT.] "Registrant" means a person that has registered a pesticide under this chapter.*

*Subd. 23. [RESPONSIBLE PARTY.] "Responsible party" means a person who at the time of an incident has custody of, control of, or responsibility for a pesticide, pesticide container, or pesticide rinsate.*

*Subd. 24. [RESTRICTED USE PESTICIDE.] "Restricted use pesticide" means a pesticide formulation designated as a restricted use pesticide under FIFRA or by the commissioner under this chapter.*

*Subd. 25. [RINSATE.] "Rinsate" means a dilute mixture of a pesticide or pesticides with water, solvents, oils, commercial rinsing agents, or other substances, that is produced by or results from the cleaning of pesticide application equipment or pesticide containers.*

*Subd. 26. [SAFEGUARD.] "Safeguard" means a facility, device, or system, or a combination of these, designed to prevent the escape or movement of a pesticide from the place it is stored or kept under conditions that might otherwise result in contamination of the environment.*

*Subd. 27. [SITE.] "Site" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances, and machinery whether fixed or mobile, including anything used for transportation.*

*Subd. 28. [STRUCTURAL PEST.] "Structural pest" means a pest, other than a plant, in, on, under, or near a structure.*

*Subd. 29. [STRUCTURAL PEST CONTROL.] "Structural pest control" means the control of any structural pest through the use of a device, a procedure, or application of pesticides in or around a building or other structures, including trucks, boxcars, ships, aircraft, docks, and fumigation vaults, and the business activity related to use of a device, a procedure, or application of a pesticide.*

*Subd. 30. [STRUCTURAL PEST CONTROL APPLICATOR.] "Structural pest control applicator" means a person with a structural pest control license.*

*Subd. 31. [UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.] "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.*

*Subd. 32. [WILDLIFE.] "Wildlife" means all living things that are not human, domesticated, or pests.*

#### ADMINISTRATION

##### Sec. 2. [18B.02] [PREEMPTION OF OTHER LAW]

*Except as otherwise specifically provided in this chapter, this chapter has precedence over and preempts other state law, including ordinances by local governments, that prohibits or regulates any matter relating to the registration, labeling, distribution, sale, handling, transportation, use, application, or disposal of pesticides. Laws and ordinances that are preempted by this chapter are void.*



Sec. 3. [18B.03] [POWERS AND DUTIES OF COMMISSIONER.]

*Subdivision 1. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer, implement, and enforce this chapter and the department of agriculture is the lead state agency for the regulation of pesticides.*

*Subd. 2. [DELEGATION OF DUTIES.] The functions vested in the commissioner by this chapter may be delegated to designated employees or agents of the department of agriculture.*

*Subd. 3. [DELEGATION TO APPROVED AGENCIES.] The commissioner may, by written agreements, delegate specific inspection, enforcement, and other regulatory duties of this chapter to officials of approved agencies.*

Sec. 4. [18B.04] [WATER QUALITY PROGRAM.]

*The commissioner shall establish a water quality program to:*

*(1) determine the impact of pesticides on surface and groundwater in this state;*

*(2) develop recommendations for best management practices involving pesticide distribution, storage, handling, use, and disposal;*

*(3) establish regulations for protection of water resources from pesticide contamination; and*

*(4) cooperate with and assist other state agencies and local governments to protect public health and the environment from harmful exposure to pesticides.*

Sec. 5. [18B.05] [PESTICIDE REGULATORY ACCOUNT.]

*Subdivision 1. [ESTABLISHMENT.] A pesticide regulatory account is established in the state treasury. Fees and penalties collected under this chapter must be deposited in the state treasury and credited to the pesticide regulatory account.*

*Subd. 2. [ANNUAL APPROPRIATION.] Money in the account, including amount of interest attributable to money in the account and any money appropriated for the purposes of this chapter, is annually appropriated to the commissioner for the administration and enforcement of this chapter.*

Sec. 6. [18B.06] [RULES.]

*Subdivision 1. [AUTHORITY.] The commissioner shall adopt rules to implement and enforce this chapter including procedures addressing local control of pesticide regulation. The commissioner may adopt emergency rules.*

*Subd. 2. [CONFORMITY WITH FIFRA.] Rules adopted under this chapter:*

*(1) may not allow pesticide use that is prohibited by FIFRA and regulations or orders issued under FIFRA; or*

*(2) relating to private applicators of restricted use pesticides and special local needs registrations, may not be inconsistent with the requirements of FIFRA and regulations adopted under FIFRA.*

*Subd. 3. [PESTICIDE USE, HANDLING, AND DISPOSAL.] The commissioner shall adopt rules, including emergency rules, to govern the dis-*

tribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers.

### PESTICIDE USE AND REGULATION

#### Sec. 7. [18B.07] [PESTICIDE USE, APPLICATION, AND EQUIPMENT CLEANING.]

*Subdivision 1. [PESTICIDE USE.] Pesticides must be applied in accordance with the product label or labeling and in a manner that will not cause unreasonable adverse effects on the environment within limits prescribed by state and federal laws, rules, and regulations.*

*Subd. 2. [PROHIBITED PESTICIDE USE.] (a) Regardless of intent, a person may not use, store, handle, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:*

*(1) inconsistent with labeling;*

*(2) that endangers humans, damages agricultural products, food, livestock, fish, wildlife, or beneficial insects; or*

*(3) that contaminates the environment.*

*(b) A person may not direct a pesticide on property beyond the boundaries of the target site.*

*(c) A person may not directly apply a pesticide on a human by overspray or target site spray.*

*Subd. 3. [POSTING.] (a) If the pesticide labels prescribe specific hourly or daily intervals for human reentry following application, the person applying the pesticide must post fields, buildings, or areas where the pesticide has been applied. The posting must be done with placards in accordance with label requirements and rules adopted under this section.*

*(b) Fields being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment.*

*Subd. 4. [CHEMIGATION REQUIREMENTS.] (a) A person may apply pesticides through an irrigation system if the pesticide is suitable and labeled for this method of application and the systems are fitted with effective antisiphon devices or check valves that prevent the backflow of pesticides or pesticide-water mixtures into water supplies or other materials during times of irrigation system failure or equipment shutdown. The devices or valves must be installed between:*

*(1) the irrigation system pump discharge and the point of pesticide injection; and*

*(2) the point of pesticide injection and the pesticide supply.*

*(b) Chemigation under paragraph (a) may be used to apply pesticides on crops and land, including agricultural, nursery, turf, golf course, and greenhouse sites.*

*Subd. 5. [PESTICIDE SAFEGUARDS AT APPLICATION SITES.] A person may not allow a pesticide, rinsate, or unrinsed pesticide container to be stored, kept, or to remain in or on any site without safeguards adequate to prevent the escape or movement of the pesticides from the site.*

*Subd. 6. [USE OF PUBLIC WATERS FOR FILLING EQUIPMENT.] (a) A person may not fill pesticide application equipment directly from*

public waters of the state, as defined in section 105.37, subdivision 14, unless the equipment contains proper and functioning anti-back-siphoning mechanisms. The person may not introduce pesticides into the application equipment until after filling the equipment from the public waters.

(b) This subdivision does not apply to permitted applications of aquatic pesticides to public waters.

Subd. 7. [CLEANING EQUIPMENT IN OR NEAR SURFACE WATER.]

(a) A person may not:

(1) clean pesticide application equipment in surface waters of the state; or

(2) fill or clean pesticide application equipment adjacent to surface waters, ditches, or wells where, because of the slope or other conditions, pesticides or materials contaminated with pesticides could enter or contaminate the surface waters, groundwater, or wells, as a result of overflow, leakage, or other causes.

(b) This subdivision does not apply to permitted application of aquatic pesticides to public waters.

Subd. 8. [PESTICIDE, RINSATE, AND CONTAINER DISPOSAL.] A person may only dispose of pesticide, rinsate, and pesticide containers in accordance with state and federal laws, rules, and regulations. The manner of disposal must not cause unreasonable adverse effects on the environment.

Sec. 8. [18B.08] [PESTICIDE APPLICATION IN CITIES.]

Subdivision 1. [APPLICABILITY.] This section applies only to statutory and home rule charter cities.

Subd. 2. [AUTHORITY.] Statutory and home rule charter cities may enact an ordinance containing the pesticide application warning information contained in subdivision 3, including their own licensing, penalty, and enforcement provisions. Statutory and home rule charter cities may not enact an ordinance that contains more restrictive pesticide application warning information than is contained in subdivision 3.

Subd. 3. [WARNING SIGNS FOR PESTICIDE APPLICATION.] (a) All commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs on the street frontage of the property where the pesticides are applied, or for golf courses, parks, and playgrounds signs must be posted at the entrance points.

(b) Warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain-resistant for at least a 72-hour period and must remain in place up to 72 hours from the time of initial application.

(c) The following information must be printed on the warning sign in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the commissioner. The sign must provide the following information:

(1) the name of the business organization, entity, or person applying the pesticide; and

(2) the following language: "This area chemically treated. Keep children and pets off until \_\_\_\_\_ (date of safe entry) \_\_\_\_\_" or a universally accepted symbol and text approved by the commissioner that is recognized as having

the same meaning or intent as specified in this paragraph. The warning sign may include the name of the pesticide used.

(d) The warning sign must be posted on a lawn or yard between two feet and five feet from the sidewalk or right-of-way. For parks, golf courses, athletic fields, or other similar recreational property, the warning signs must also be posted immediately adjacent to areas within the property where pesticides have been applied at or near the entrances to the property.

#### Sec. 9. [18B.09] [ACTION TO PREVENT GROUNDWATER CONTAMINATION.]

The commissioner may, by rule, special order, or delegation through written regulatory agreement with officials of other approved agencies, take action necessary to prevent the contamination of groundwater resulting from leaching of pesticides through the soil, from the back-siphoning or back-flowing of pesticides through water wells, or from the direct flowage of pesticides to groundwater.

#### Sec. 10. [18B.10] [SALE AND USE OF TCDD.]

A person may not sell, offer for sale, or use a pesticide containing in excess of 0.1 parts per million of 2,3,7, 8-tetrachlorodibenzo-para-dioxin (TCDD).

#### Sec. 11. [18B.11] [PESTICIDE STORAGE.]

Subdivision 1. [DISPLAY AND STORAGE.] (a) A person may only store or display pesticides and their containers in the original container and separated from food, feed, seed, livestock remedies, drugs, plants, and other products or materials stored, displayed, or offered for sale in a manner that prevents contamination which would cause injury or damage to the other products or materials.

(b) A person may not allow open pesticide containers to be displayed for sale under any circumstances.

Subd. 2. [BULK PESTICIDE STORAGE.] (a) A person storing pesticides in containers of a rated capacity of 500 gallons or more must obtain a pesticide storage permit from the commissioner.

(b) Applications must be on forms provided by the commissioner containing information established by rule. The initial application for a permit must be accompanied by a nonrefundable application fee of \$100 for each location where the pesticides are stored.

(c) The commissioner shall by rule develop and implement a program to regulate bulk pesticides. The rules must include installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit approval, a schedule for compliance, and other appropriate requirements necessary to minimize potential adverse effects on the environment. The rules must conform with existing rules of the pollution control agency.

#### Sec. 12. [18B.12] [PESTICIDE RELEASE INCIDENTS.]

Subdivision 1. [DUTIES OF RESPONSIBLE PARTY.] (a) A person involved in an incident must immediately report the incident to the department of agriculture and provide information as requested by the commissioner. The responsible party must immediately take all action necessary to minimize or abate the release and to recover pesticides involved in the incident.

*The costs of cleanup must be borne solely by the responsible party.*

*(b) The responsible party must submit a written report of the incident to the commissioner containing the information requested by the commissioner within the time specified by the commissioner.*

*Subd. 2. [COMMISSIONER'S ACTION.] (a) If in the judgment of the commissioner the responsible party does not take immediate and sufficient action to abate the release of and to recover the pesticide, the commissioner may take action necessary to mitigate or correct the conditions resulting from an incident. The commissioner must be reimbursed by the responsible party for the costs incurred by the commissioner in the enforcement of this subdivision.*

*(b) The department of agriculture is the lead state agency for responding to and taking action with regard to pesticide incidents.*

#### **Sec. 13. [18B.13] [EMPLOYER LIABILITY FOR EMPLOYEES.]**

*Licensed applicators and dealers may be found criminally and civilly liable for violations of this chapter or rules made under this chapter by persons employed by them or otherwise working under their supervision.*

#### **Sec. 14. [18B.14] [PRIVATE APPLICATOR LIABILITY LIMITED.]**

*A private applicator is not liable for damages resulting from pesticide application or use if the label instructions were followed by the private applicator.*

### **INSPECTIONS AND ENFORCEMENT**

#### **Sec. 15. [18B.15] [COOPERATIVE INSPECTION AND ENFORCEMENT AGREEMENTS.]**

*The commissioner may enter into cooperative agreements with federal and state agencies for training, certification, inspection, and enforcement programs and may make reports to the United States Environmental Protection Agency and other federal agencies as required or requested. The commissioner may adopt and enforce federal standards, regulations, or orders relating to pesticide regulation when determined to be in the best interest of citizens of the state.*

#### **Sec. 16. [18B.16] [INSPECTION.]**

*Subdivision 1. [ACCESS AND ENTRY.] The commissioner, and the commissioner's agents, upon issuance of a notice of inspection, must be granted access at reasonable times to all sites where a person manufactures, formulates, distributes, uses, disposes of, stores, or transports a pesticide, rinsate, pesticide container, or device and to all sites affected, or possibly affected, by the use of a pesticide, rinsate, pesticide container, or device. The commissioner and commissioner's agents may enter sites for:*

*(1) inspection of equipment for the manufacture, formulation, distribution, disposal, or application of pesticides and the premises on which the equipment is stored;*

*(2) sampling of sites actually or reportedly exposed to pesticides;*

*(3) inspection of storage, handling, distribution, use, or disposal areas of pesticides or pesticide containers;*

*(4) inspection or investigation of complaints of injury to humans, wildlife, domesticated animals, crops, or the environment;*

- (5) sampling of pesticides;
- (6) observation of the use and application of a pesticide;
- (7) inspection of records related to the manufacture, distribution, use, or disposal of pesticides; and
- (8) other purposes necessary to implement this chapter.

*Subd. 2. [NOTICE OF INSPECTION SAMPLES AND ANALYSES.] Before leaving the premises inspected, the commissioner shall provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.*

*Subd. 3. [SEARCH WARRANT.] If the commissioner is denied access to a site, the commissioner may apply to a court with jurisdiction over the site for a search warrant authorizing access to the site. The court may issue the search warrant for the purpose requested upon a showing that cause exists to believe that a violation of this chapter may be occurring or may have occurred.*

**Sec. 17. [18B.17] [PRIVATE REQUEST FOR VIOLATION INSPECTION.]**

*Subdivision 1. [STATEMENT OF VIOLATION.] A person that suspects a violation of this chapter or rules adopted under this chapter may file a written inspection request with the commissioner. The written request must contain:*

- (1) the person's name and address;*
- (2) the name of the person for whom the application was done;*
- (3) the name of the applicator;*
- (4) the date of the application;*
- (5) a description of the suspected violation; and*
- (6) other information the commissioner may require.*

*Subd. 2. [INSPECTION FOR SUSPECTED VIOLATION.] If the request for inspection is filed within 60 days after the pesticide was applied or damage has occurred, the commissioner shall investigate to determine if provisions of this chapter have been violated. The commissioner may discontinue the investigation after determining this chapter has not been violated.*

*Subd. 3. [INSPECTION FILE DISCLOSURE.] Copies of completed inspection files are available to the person making the inspection request, the applicator, or their agents, upon written request.*

**Sec. 18. [18B.18] [ENFORCEMENT.]**

*Subdivision 1. [ENFORCEMENT REQUIRED.] (a) The commissioner shall enforce this chapter and any rules adopted under this chapter.*

*(b) Upon the request of the commissioner or an agent authorized by the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter, rules made under this chapter, special orders, standards, stipulations, and agreements.*

*Subd. 2. [CRIMINAL ACTIONS.] For a criminal action, the county attorney where a violation occurred is responsible for prosecuting a violation of this chapter or a rule adopted under this chapter. If the county attorney refuses to prosecute, the attorney general may prosecute.*

*Subd. 3. [CIVIL ACTIONS.] Civil judicial enforcement actions must be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and the attorney general.*

*Subd. 4. [INJUNCTION.] The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of this chapter and any rules made under this chapter.*

*Subd. 5. [AGENT FOR SERVICE OF PROCESS.] All nonresident commercial and structural pest control applicator licensees licensed as individuals must appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner is deemed to be service on the licensee.*

*Subd. 6. [SUBPOENAS.] The commissioner may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority or privilege granted by a license, registration, certification, or permit issued under this chapter.*

#### **Sec. 19. [18B.19] [ADMINISTRATIVE ACTION.]**

*Subdivision 1. [ADMINISTRATIVE REMEDIES.] The commissioner may seek to remedy violations by a written warning, administrative meeting, cease and desist, stop-use, stop-sale, or other special order, seizure, stipulation, or agreement, if the commissioner determines that the remedy is in the public interest.*

*Subd. 2. [REVOCATION AND SUSPENSION.] The commissioner may, after written notice and hearing, revoke, suspend, or refuse to renew a registration, permit, license, or certification if a person violates this chapter or a rule adopted under this chapter.*

*Subd. 3. [REMEDIAL ACTION ORDERS.] (a) If the commissioner has reasonable cause to believe a pesticide, pesticide container, rinsate, pesticide equipment, or device is being used, manufactured, distributed, stored, transported, or disposed of in violation of this chapter, or of rules adopted under this chapter, the commissioner may investigate and issue a written cease and desist, stop-sale, stop-use, or removal order or other remedial action to the owner, custodian, or other responsible party. If the owner, custodian, or other responsible party is not available for service of the order, the commissioner may attach the order to the pesticide, pesticide container, rinsate, pesticide equipment, or device or facility and notify the owner, custodian, other responsible party, or the registrant. The pesticide, pesticide container, rinsate, pesticide equipment, or device may not be sold, used, or removed until the violation has been corrected and the pesticide, pesticide container, rinsate, pesticide equipment, or device has been released in writing under conditions specified by the commissioner, or until the violation has been otherwise disposed of by a court.*

*(b) If violations of this chapter result in conditions that may have an unreasonable adverse effect on humans, domestic animals, wildlife, or the environment, the commissioner may, by order, require remedial action, including removal and proper disposal.*

**Sec. 20. [18B.20] [DAMAGES AGAINST STATE FOR ADMINISTRATIVE ACTION WITHOUT CAUSE.]**

*If there was no probable cause for an administrative action, including the issuance of a stop-sale, use, or removal order, a court may allow recovery for damages caused by the administrative action.*

**Sec. 21. [18B.21] [CIVIL PENALTIES.]**

*Subdivision 1. [GENERAL PENALTY.] Except as provided in subdivision 2, a person who violates this chapter or a rule adopted under this chapter, a special order, standard, stipulation, agreement, or schedule of compliance is subject to a civil penalty of up to \$10,000 per day of violation as determined by the court.*

*Subd. 2. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who violates this chapter or a rule adopted under this chapter, a special order, standard, stipulation, agreement, or schedule of compliance that relates to disposal of pesticides so that they become hazardous waste, is subject to a civil penalty of up to \$25,000 per day of violation as determined by the court.*

*Subd. 3. [CLEANUP COSTS.] A person who violates this chapter or a rule adopted under this chapter is liable for and must pay to the state a sum that will compensate the state for the reasonable value of cleanup and other expenses directly resulting from the illegal use, storage, handling, or disposal of pesticides, whether accidental or otherwise.*

*Subd. 4. [WILDLIFE AND OTHER DAMAGES.] A person who violates this chapter or a rule adopted under this chapter is liable for and must pay to the state a sum to constitute just compensation for the loss or destruction of wildlife, fish, or other aquatic life, and for actual damages to the state caused by the illegal use, storage, handling, or disposal of pesticides.*

*Subd. 5. [DEFENSE TO CIVIL REMEDIES AND DAMAGES.] As a defense to a civil penalty or claim for damages under subdivisions 1 to 4, the defendant may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.*

*Subd. 6. [ACTIONS TO COMPEL PERFORMANCE.] In an action to compel performance of an order of the commissioner to enforce this chapter or rules adopted under this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.*

*Subd. 7. [RECOVERY OF PENALTIES BY CIVIL ACTION.] The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.*

*Subd. 8. [RECOVERY OF LITIGATION COSTS AND EXPENSES.] In an action brought by the attorney general or a county attorney in the name of the state under this chapter for civil penalties, injunctive relief, or in an action to compel compliance, if the state finally prevails, the state, in addition to other penalties provided in this chapter, must be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses including attorneys' fees incurred by the state or county attorney. In determining the amount of these litigation expenses*



to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 22. [18B.22] [UNSATISFIED JUDGMENTS.]

(a) An applicant for a commercial, noncommercial, or structural pest control license and a commercial, noncommercial, or structural pest control applicator may not allow a final judgment against the applicant or applicator for damages arising from a violation of this chapter or rules made under this chapter to remain unsatisfied for a period of more than 30 days.

(b) Failure to satisfy within 30 days a final judgment resulting from these pest control activities will result in automatic suspension of the applicator's license.

Sec. 23. [18B.23] [CRIMINAL PENALTIES.]

Subdivision 1. [GENERAL VIOLATION.] Except as provided in subdivisions 2 and 3, a person is guilty of a misdemeanor who violates this chapter or a rule adopted under this chapter, a special order, standard, stipulation, agreement, or schedule of compliance.

Subd. 2. [REPEAT VIOLATION.] A person is guilty of a gross misdemeanor if a second misdemeanor violation is committed within three years.

Subd. 3. [VIOLATION ENDANGERING HUMANS.] A person is guilty of a gross misdemeanor who violates this chapter or a rule adopted under this chapter, a special order, standard, stipulation, agreement, or schedule of compliance, and if the violation endangers humans.

Subd. 4. [VIOLATION WITH KNOWLEDGE.] A person is guilty of a gross misdemeanor who knowingly violates this chapter or a rule adopted under this chapter, standard, a special order, stipulation, agreement, or schedule of compliance.

Subd. 5. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who knowingly, or with reason to know, disposes of a pesticide so that the product becomes hazardous waste is subject to the penalties in section 115.071.

PESTICIDE REGISTRATION

Sec. 24. [18B.24] [PESTICIDE REGISTRATION.]

Subdivision 1. [REQUIREMENT.] A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

Subd. 2. [APPLICATION.] (a) A person must file an application for registration with the commissioner. The application must include:

(1) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;

(2) the brand name of the pesticide;

(3) other necessary information required by the registration application form;

(4) a true and complete copy of the labeling accompanying the pesticide as provided for in FIFRA; and

(5) current material safety data sheets for each pesticide.

(b) As part of the application, the commissioner may require the submission of any relevant information including the complete formula of a pesticide, including the active and inert ingredients.

**Subd. 3. [APPLICATION FEE.]** (a) An application for initial registration and renewal must be accompanied by a nonrefundable application fee of \$100 for each pesticide to be registered.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before initial state registration.

**Subd. 4. [EFFECT OF REGISTRATION AFTER RENEWAL APPLICATION.]** If a registration is in effect on December 31 and a renewal application has been made and the application fee paid, the registration continues in full force and effect until the commissioner notifies the applicant that the registration is denied or canceled, or the renewed registration expires.

**Subd. 5. [APPLICATION REVIEW AND REGISTRATION.]** (a) The commissioner may not deny the registration of a pesticide because the commissioner determines the pesticide is not essential.

(b) The commissioner shall review each application and may approve, deny, or cancel the registration of any pesticide. The commissioner may impose state use restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

(c) The commissioner must notify the applicant of the approval, denial, cancellation, or state use restrictions within 30 days after the application and fee are received.

(d) The applicant may request a hearing on any adverse action of the commissioner within 30 days after being notified by the commissioner.

**Sec. 25. [18B.25] [PESTICIDE REGISTRATION FOR SPECIAL LOCAL NEEDS.]**

**Subdivision 1. [APPLICATION.]** (a) A person must file an application for a special local need application with the commissioner. The application must meet the requirements of section 24, subdivision 2, and the commissioner may require other relevant information.

(b) The commissioner may require a full description of tests and test results upon which claims are based for:

(1) a pesticide use that is not registered under section 24 or FIFRA; or

(2) a pesticide on which restrictions are being considered.

(c) The applicant may request in writing privacy of information submitted as provided in section 36.

*Subd. 2. [APPLICATION REVIEW.] (a) After reviewing the application accompanied by the application fee, the commissioner shall, subject to the terms and conditions of the authorization by the administrator of the United States Environmental Protection Agency to register pesticides to meet special local needs, register pesticides if the commissioner determines that:*

*(1) the pesticide's composition warrants the proposed claims for the pesticide;*

*(2) the pesticide's label and other material required to be submitted comply with this chapter;*

*(3) the pesticide will perform its intended function without unreasonable adverse effect on the environment;*

*(4) the pesticide will not generally cause unreasonable adverse effects on the environment when used in accordance with label directions; and*

*(5) a special local need for the pesticide exists.*

*(b) The commissioner may revoke or modify a special local need registration if the commissioner determines that the terms or conditions of the registration do not comply with paragraph (a).*

*Subd. 3. [APPLICATION FEE.] An application fee for a special local need registration must be accompanied by a nonrefundable fee of \$100.*

**Sec. 26. [18B.26] [EXPERIMENTAL USE REGISTRATION.]**

*Subdivision 1. [REQUIREMENT.] A person may not use or distribute an experimental use product pesticide in the state until it is registered with the commissioner. Experimental use product registrations expire on December 31 of each year and may be renewed on or before that date.*

*Subd. 2. [APPLICATION REVIEW AND REGISTRATION.] (a) After reviewing the application accompanied by the application fee, the commissioner may issue an experimental use product registration if the commissioner determines that the applicant needs the registration to accumulate information necessary to register a pesticide under section 24. The commissioner may prescribe terms, conditions, and a limited period of time for the experimental use product registration. After an experimental use product registration is issued, the commissioner may revoke or modify an experimental use product registration at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.*

*(b) The commissioner may deny issuance of an experimental use product registration permit if the commissioner determines that issuance of a registration is not warranted or that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment.*

*Subd. 3. [APPLICATION.] A person must file an application for experimental use product registration with the commissioner. An application to register an experimental use product must include:*

*(1) the name and address of the applicant;*

*(2) a federal environmental protection agency approval document;*

*(3) the purpose or objectives of the experimental use product;*

*(4) an accepted experimental use product label;*

(5) the name, address, and telephone number of cooperators or participants in this state;

(6) the amount of material to be shipped or used in this state; and

(7) other information requested by the commissioner.

**Subd. 4. [APPLICATION FEE.]** (a) An application for registration of an experimental use product must be accompanied by a nonrefundable application fee of \$100.

(b) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before an initial experimental use product registration was issued for the pesticide.

#### PESTICIDE LICENSES AND CERTIFICATION

##### **Sec. 27. [18B.27] [RECIPROCAL LICENSING AND CERTIFICATION AGREEMENTS.]**

The commissioner may waive all or part of the examination requirements provided for in sections 27 to 33 on a reciprocal basis with any other jurisdiction which has substantially the same requirements. Licenses or certificates issued under sections 27 to 33 may be suspended or revoked upon suspension or revocation of the license or certificate of another jurisdiction supporting the issuance of a Minnesota license or certificate and in the same manner as other licenses and certificates.

##### **Sec. 28. [18B.28] [PESTICIDE USE LICENSE REQUIREMENT.]**

A person may not use or supervise the use of a restricted use pesticide without a license or certification required under sections 27 to 33 and the use may only be done under conditions prescribed by the commissioner.

##### **Sec. 29. [18B.29] [PESTICIDE DEALER LICENSE.]**

**Subdivision 1. [REQUIREMENT.]** (a) Except as provided in paragraph (b), a person may not distribute or possess restricted use pesticides or bulk pesticides with an intent to distribute a restricted use pesticide or bulk pesticide to an ultimate user without a pesticide dealer license.

(b) The pesticide dealer license requirement does not apply to:

(1) a licensed commercial applicator, noncommercial applicator, or structural pest control applicator who uses restricted use pesticides only as an integral part of a pesticide application service;

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs;

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice; or

(4) a distributor or wholesaler shipping restricted use pesticides to commercial applicators who are the ultimate users.

(c) A licensed pesticide dealer may only sell restricted use pesticides to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

**Subd. 2. [RESPONSIBILITY.]** A pesticide dealer is responsible for the acts of a person who assists the dealer in the solicitation and sale of restricted use pesticides.

*Subd. 3. [LICENSE.] A pesticide dealer license:*

*(1) expires on December 31 of each year unless it is suspended or revoked before that date; and*

*(2) is not transferable to another person.*

*Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a pesticide dealer license on the forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to sell bulk pesticides or restricted use pesticides.*

*(b) The commissioner may require an additional demonstration of dealer qualification if the dealer has had a license suspended or revoked, or has otherwise had a history of violations of this chapter.*

*Subd. 5. [APPLICATION FEE.] (a) An application for a pesticide dealer license must be accompanied by a nonrefundable application fee of \$50.*

*(b) If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee of \$20 must be paid by the applicant before the license is issued.*

### **Sec. 30. [18B.30] [STRUCTURAL PEST CONTROL LICENSE.]**

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

*(1) for hire without a structural 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.*

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

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

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

*(2) is not transferable.*

*(b) The commissioner shall establish categories of master, journeyman, and fumigator for a person to be licensed under a structural pest control license.*

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

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

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

*(2) by direct experience as a full-time licensed master or licensed journeyman under a structural pest control license for at least two years by this state or a state with equivalent certification requirements, show practical knowledge and field experience in the actual selection and application of pesticides under varying conditions.*

*(c) The commissioner may license a person as a journeyman under a structural pest control license if the person:*

*(1) has the necessary qualifications in the practical selection and application of pesticides;*

*(2) has passed a closed-book examination given by the commissioner; and*

*(3) is engaged as an employee of or is working under the direction of a person licensed as a master under a structural pest control license.*

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

*(1) has the qualifications in the practical selection and application of fumigants;*

*(2) has passed a closed-book examination given by the commissioner; and*

*(3) is licensed by the commissioner as a master or journeyman under a structural pest control license.*

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

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

**Subd. 5. [FINANCIAL RESPONSIBILITY.]** *(a) A structural pest control license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by: (1) proof of net assets equal to or greater than \$50,000; or (2) a performance bond or insurance covering the applicant's pest control activities in an amount determined by the commissioner.*

*(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately*

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

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

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

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

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

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

#### Sec. 31. [18B.31] [COMMERCIAL APPLICATOR LICENSE.]

Subdivision 1. [REQUIREMENT.] (a) A person may not apply a pesticide for hire without a commercial applicator's license for the appropriate use categories except a structural pest control applicator.

(b) A person with a commercial applicator's license may not apply pesticides on or into surface waters without an aquatic category endorsement on a commercial applicator license.

(c) A commercial applicator 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 commissioner shall prescribe the information required on the license identification card.

Subd. 2. [RESPONSIBILITY.] A person required to be licensed under this section who performs pesticide applications for hire or who employs a licensed applicator to perform pesticide application for pro rata compensation is responsible for proper application of the pesticide or device.

Subd. 3. [LICENSE.] A commercial applicator license:

(1) expires on December 31 of the year for which it is issued, unless suspended or revoked before that date; and

(2) is not transferable to another person.

Subd. 4. [APPLICATION.] (a) A person must apply to the commissioner for a commercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible for the commercial applicator license.

(b) *Aerial applicators must also fulfill applicable requirements in chapter 360.*

(c) *An applicant that desires an aquatic category endorsement must pass an examination prepared by the commissioner of natural resources and administered by the department of agriculture.*

**Subd. 5. [RENEWAL APPLICATION.]** *A person must apply to the commissioner to renew a commercial applicator license. The commissioner may renew a commercial applicator's license accompanied by the application fee, subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The applicant may renew a commercial applicator license within 12 months after expiration of the license without having to meet initial testing requirements. The commissioner may require additional demonstration of applicator qualification if a person has had a license suspended or revoked or has had a history of violations of this chapter.*

**Subd. 6. [FINANCIAL RESPONSIBILITY.]** (a) *A commercial applicator license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by: (1) proof of net assets equal to or greater than \$50,000; or (2) by a performance bond or insurance covering the applicant's pest control activities in an amount determined by the commissioner.*

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

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

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

**Subd. 7. [APPLICATION FEES.]** (a) *A person initially applying or renewing a commercial applicator license must pay a nonrefundable application fee of \$50, except for a person who is an employee of a business that has a commercial applicator license the nonrefundable application fee is \$25.*

(b) *If a renewal application is not filed before March 1 of the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the commercial applicator license may be issued.*

**Sec. 32. [18B.32] [NONCOMMERCIAL APPLICATOR LICENSE.]**

**Subdivision 1. [REQUIREMENT.]** (a) *Except for a commercial applicator, private applicator, or structural pest control applicator, a person,*



including a government employee, may not use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) A person with a noncommercial applicator license may not apply pesticides into or on surface waters without an aquatic category endorsement on the license.

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

Subd. 2. [LICENSE.] A noncommercial applicator license:

(1) expires on December 31 of the year for which it is issued unless suspended or revoked before that date; and

(2) is not transferable.

Subd. 3. [APPLICATION.] A person must apply to the commissioner for a noncommercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to acquire a noncommercial applicator license. An applicant desiring to apply pesticides into or on surface waters must pass an examination prepared by the department of natural resources and administered by the commissioner of agriculture.

Subd. 4. [RENEWAL.] (a) A person must apply to the commissioner to renew a noncommercial applicator license. The commissioner may renew a license subject to reexamination, attendance at workshops approved by the commissioner of agriculture, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) An applicant has 12 months to renew the license after expiration without having to meet initial testing requirements.

Subd. 5. [FEES.] (a) A person initially applying for or renewing a noncommercial applicator license must pay a nonrefundable application fee of \$50, except an applicant who is a government employee who uses pesticides in the course of performing official duties must pay a nonrefundable application fee of \$10.

(b) If an application for renewal of a noncommercial license is not filed before March 1 in the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the renewal license may be issued.

Sec. 33. [18B.33] [APPLICATION CATEGORIES WITHIN APPLICATOR LICENSES.]

Subdivision 1. [ESTABLISHMENT.] (a) The commissioner may establish categories of structural pest control, commercial applicator, and noncommercial applicator licenses for administering and enforcing this chapter. The categories may include pest control operators and ornamental,

agricultural, aquatic, forest, and right-of-way pesticide applicators. Separate subclassifications of categories may be specified as to ground, aerial, or manual methods to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or weeds.

(b) Each category is subject to separate testing procedures and requirements.

Subd. 2. [NO ADDITIONAL FEE.] A person may not be required to pay an additional fee for a category or subclassification of a category of a license.

#### Sec. 34. [18B.34] [PRIVATE APPLICATOR CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] (a) Except for a commercial or non-commercial applicator, only a person certified as a private applicator may use or supervise the use of a restricted use pesticide to produce an agricultural commodity:

(1) as a traditional exchange of services without financial compensation; or

(2) on a site owned, rented, or managed by the person or the person's employees.

(b) A private applicator may not purchase a restricted use pesticide without presenting a private applicator card or the card number.

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training to certify persons as private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of five years from the applicant's nearest birthday.

(c) The commissioner shall issue a private applicator card to a private applicator.

Subd. 3. [FEES.] (a) A person applying to be certified as a private applicator must pay a nonrefundable \$10 application fee for the certification period.

(b) A \$5 fee must be paid for the issuance of a duplicate private applicator card.

#### Sec. 35. [18B.35] [RECORDS, REPORTS, PLANS, AND INSPECTIONS.]

Subdivision 1. [PESTICIDE DEALER.] (a) A pesticide dealer must maintain records of all sales of restricted use pesticides as required by the commissioner. Records must be kept on forms supplied by the commissioner or on the pesticide dealer's forms if they are approved by the commissioner.

(b) Records must be submitted with the application for a pesticide dealer license or upon request of the commissioner.

(c) Copies of records required under this subdivision must be maintained by the pesticide dealer for a period of five years after the date of the

pesticide sale.

**Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.]**

(a) A commercial or noncommercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. The record must include the:

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) pesticide and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name, license number, address, and signature of applicator; and
- (9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained on a single sheet of paper for each pesticide application. Invoices containing the required information may constitute the required record.

(d) A commercial applicator must give a copy of the record to the customer when the application is completed.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

**Subd. 3. [STRUCTURAL PEST CONTROL APPLICATORS.]** (a) A structural pest control applicator must maintain a record of each structural pest control application conducted by that person or by the person's employees. The record must include the:

- (1) date of structural pest control application;
- (2) target pest;
- (3) name of the pesticide used;
- (4) for fumigation, the temperature and exposure time;
- (5) name and address of the customer;
- (6) structural pest control applicator's company name and address, applicator's signature, and license number; and
- (7) any other information required by the commissioner.

(b) Invoices containing the required information may constitute the record.

(c) Records must be retained for five years after the date of treatment.

(d) A copy of the record must be given to an adult present at the site where the structural pest control application is conducted or left at the site where the structural pest control application is conducted immediately after the application of the pesticides.

**Subd. 4. [STORAGE, HANDLING, AND DISPOSAL PLAN.]** A com-

*mercial, noncommercial, or structural pest control applicator or the licensed business that the applicator is employed by must develop and maintain a plan that describes its pesticide storage, handling, and disposal practices. The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request on forms provided by the commissioner. The plan must be available for inspection by the commissioner.*

*Subd. 5. [INSPECTION OF RECORDS.] The commissioner may enter a commercial, noncommercial, or structural pest control applicator's business and inspect the records required in this section at any reasonable time and may make copies of the records. Unless required for enforcement of this chapter, the information in the records is private.*

**Sec. 36. [18B.36] [PROTECTION OF TRADE SECRETS.]**

*Subdivision 1. [REQUIREMENTS.] In submitting data required by this chapter, the applicant may:*

*(1) clearly mark any portions that in the applicant's opinion are trade secrets, commercial, or financial information; and*

*(2) submit the marked material separately from other material.*

*Subd. 2. [INFORMATION REVEALED.] After consideration of the applicant's request submitted under subdivision 1, the commissioner shall not make any information public that in the commissioner's judgment contains or relates to trade secrets or to commercial or financial information obtained from an applicant. When necessary, information relating to formulas of products may be revealed to any state or federal agency consulted with similar protection of trade secret authority and may be revealed at a public hearing or in findings of facts issued by the commissioner.*

*Subd. 3. [NOTIFICATION.] If the commissioner proposes to release information that the applicant or registrant believes to be protected from disclosure under subdivision 2, the commissioner shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether the information is subject to protection under this section.*

**Sec. 37. [PRIOR LIABILITY.]**

*This act does not terminate or in any way modify any civil or criminal liability for an act of commission or omission occurring prior to August 1, 1987.*

**Sec. 38. [EXISTING RULES.]**

*Rules of the commissioner of agriculture in effect on the effective date of this act relating to the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers remain in effect until they are superseded by new permanent or emergency rules adopted under section 6.*

**Sec. 39. [PESTICIDE CONTAINER DEPOSIT REPORT.]**

*The commissioner of agriculture in consultation with the director of the pollution control agency shall develop a program for pesticide container deposit and return of triple rinsed pesticide containers. The commissioner*

*shall prepare a report on a proposed program and legislative recommendations and submit the report to the house of representatives and senate committees on agriculture by January 15, 1988.*

Sec. 40. [APPROPRIATION.]

*Subdivision 1. [PESTICIDE REGULATORY ACCOUNT.] \$\_\_\_\_\_ is appropriated from the general fund to the pesticide regulatory account. The amount is appropriated from the pesticide regulatory account to the commissioner of agriculture for administration and enforcement of this act.*

*This amount must be repaid to the general fund from the pesticide regulatory account by June 30, 1989.*

*The general fund complement for the department is reduced by 15.5 positions and the special revenue complement is increased by 22.5 positions.*

*Subd. 2. [WATER QUALITY PROGRAM.] \$\_\_\_\_\_ is appropriated from the general fund to the commissioner of agriculture for the water quality program under section 4.*

*The complement of the department of agriculture is increased by eight positions.*

Sec. 41. [REPEALER.]

*Minnesota Statutes 1986, sections 18A.21; 18A.22; 18A.23; 18A.24; 18A.25; 18A.26; 18A.27; 18A.28; 18A.29; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.36; 18A.37; 18A.38; 18A.39; 18A.40; 18A.41; 18A.42; 18A.43; 18A.44; 18A.45; and 18A.48 are repealed.*

Sec. 42. [EFFECTIVE DATE.]

*This act is effective July 1, 1987."*

Delete the title and insert:

*"A bill for an act relating to agriculture; relating to environment; providing for pesticide registration and regulation; licensing applicators; clarifying and recodifying pesticide laws; providing penalties; requiring a report; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1986, sections 18A.21; 18A.22; 18A.23; 18A.24; 18A.25; 18A.26; 18A.27; 18A.28; 18A.29; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.36; 18A.37; 18A.38; 18A.39; 18A.40; 18A.41; 18A.42; 18A.43; 18A.44; 18A.45; and 18A.48."*

*And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.*

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 892: A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees; requiring employers to provide notice of certain actions related to work force reductions; appropriating money; amending Minnesota Statutes 1986, section 268.07, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 268A.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 267.05, is amended by adding a subdivision to read:

*Subd. 3. [SUBCOMMITTEE.] A subcommittee of the full productivity and opportunity council is created consisting of the coordinator, the commissioner of jobs and training, the commissioner of energy and economic development, the director of the vocational technical education system, the representative from organized labor, and the representative from business. The subcommittee shall meet within 14 days after the commissioner of jobs and training receives a plant closing notification as required under section 4 and shall develop a plan for coordinating existing programs and services provided by the state and federal government to assist employees, businesses, and municipalities affected by a plant closing or major work force reduction.*

*State agencies and units of local government shall, to the extent feasible, make available those programs called for in the subcommittee plan.*

**Sec. 2. [268.073] [ADDITIONAL UNEMPLOYMENT COMPENSATION BENEFITS.]**

*Subdivision 1. [ADDITIONAL BENEFITS; WHEN AVAILABLE.] Additional unemployment compensation benefits are authorized under this section only if the commissioner determines that:*

*(1) an employer has reduced operations at a facility employing 100 or more individuals for at least six months during the preceding year resulting in the reduction of at least 50 percent of the employer's work force and the lay-off of at least 50 employees at that facility;*

*(2) the employer does not intend to resume operations which would lead to the reemployment of those employees at any time in the future; and*

*(3) the unemployment rate for the county in which the facility is located was ten percent during the month of the reduction or any of the three months preceding or succeeding the reduction.*

*Subd. 2. [PAYMENT OF BENEFITS.] All benefits payable under this section are payable from the fund.*

*Subd. 3. [ELIGIBILITY CONDITIONS.] An individual is eligible to receive additional benefits under this section for any week during the individual's benefit year if the commissioner finds that:*

*(1) the individual's unemployment is the result of a reduction in operations as provided under subdivision 1;*

*(2) the individual is unemployed and meets the eligibility requirements for the receipt of unemployment benefits under section 268.08;*

*(3) the individual is not subject to a disqualification for benefits under section 268.09; for the purpose of this subdivision, the disqualifying conditions set forth in section 268.09, and the requalifying requirements thereunder, apply to the receipt of additional benefits under this section;*

*(4) the individual has exhausted all rights to regular benefits payable under section 268.07, is not entitled to receive extended benefits under*

section 268.071, and is not entitled to receive unemployment compensation benefits under any other state or federal law for the week in which the individual is claiming additional benefits;

(5) the individual has made a claim for additional benefits with respect to any week the individual is claiming benefits in accordance with the regulations as the commissioner may prescribe with respect to claims for regular benefits; and

(6) the individual has worked at least 26 weeks during the individual's base period in employment with an employer for whom the commissioner has determined there was a reduction in operations under subdivision 1.

**Subd. 4. [WEEKLY BENEFIT AMOUNT.]** A claimant's weekly benefit amount under this section shall be the same as the individual's weekly benefit amount payable during the individual's current benefit year under section 268.08.

**Subd. 5. [MAXIMUM BENEFITS PAYABLE.]** A claimant's maximum amount of additional benefits payable in the individual's benefit year shall be six times the individual's weekly benefit amount. Unemployment compensation benefits paid to an individual under any state or federal law other than regular benefits payable under section 268.07 shall be deducted from that individual's maximum amount of additional benefits.

**Subd. 6. [RETROACTIVITY.]** The additional benefits provided under this section are payable to any claimant who meets the eligibility conditions under subdivision 3 whose unemployment occurred on July 1, 1985, or thereafter, provided the claimant has filed a claim for additional benefits which is effective January 1, 1987, or thereafter.

### **Sec. 3. [268A.01] [DEFINITIONS.]**

**Subdivision 1. [SCOPE.]** For the purpose of sections 3 to 7, the terms defined in this section have the meanings given them.

**Subd. 2. [AFFECTED EMPLOYEE.]** "Affected employee" means an employee whose employment is terminated or will be terminated as a result of a plant closing.

**Subd. 3. [AFFECTED EMPLOYEE ORGANIZATION.]** "Affected employee organization" means a labor union, association, or other employee organization that represents affected employees.

**Subd. 4. [AFFECTED MUNICIPALITY.]** "Affected municipality" means each home rule or statutory city or town in which a facility engaged in a plant closing is located.

**Subd. 5. [COMMISSIONER.]** "Commissioner" means the commissioner of the department of jobs and training.

**Subd. 6. [EMPLOYER.]** "Employer" means a person, partnership, corporation, or other for profit or nonprofit legal entity that owns or is operating one or more facilities within this state, either directly or indirectly. If a change in ownership of a facility results in a plant closing, the "employer" is the legal entity owning or operating the facility at the time of the plant closing.

**Subd. 7. [PLANT CLOSING.]** "Plant closing" means a situation where, as a result of a closing, relocation, or reduction in operations, an employer terminates or will terminate 20 percent or more of the employees employed

at a facility employing 100 or more individuals for at least six months during the preceding year. "Plant closing" does not include the termination of employees at a construction site or other temporary work place.

Sec. 4. [268A.02] [NOTICES.]

An employer must notify in writing the commissioner, each affected employee, each affected employee organization, and each affected municipality of a plant closing at least 90 days before the commencement of a plant closing or before a change in ownership that may result in a plant closing. If an employer can establish that the employer could not reasonably have anticipated the plant closing 90 days prior to the commencement of the plant closing, notice is required as soon as the employer makes the decision that a plant closing will occur.

Sec. 5. [268A.03] [COLLECTIVE BARGAINING RIGHTS.]

A provision of a collective bargaining agreement that requires greater protection for an affected employee or places greater obligations upon an employer than that provided by sections 3 to 7 takes precedence over the requirements of sections 3 to 7.

Sec. 6. [268A.04] [SEVERANCE PAY.]

Subdivision 1. [SEVERANCE PAY.] Each employer owning or operating a facility engaged in a plant closing shall make a severance payment to an affected employee if the affected employee has been employed by the employer for three or more years. The payment may, at the option of the employer, be made before or at the termination of the affected employee. The severance payment must be equal to the gross weekly wage of the affected employee at the time of termination multiplied by the number of full and partial years for which the employee has been employed by the employer. For an affected employee whose gross weekly wage has been reduced within one year of a plant closing as a result of a reduction in the average weekly number of hours worked by the employee, the severance payment must be equal to the affected employee's gross weekly wage prior to the reduction in the average weekly number of hours worked multiplied by the number of full and partial years for which the employee has been employed by the employer.

Subd. 2. [OTHER PAYMENTS.] Vacation pay, accrued wages, and other types of payments made for any reason other than as compensation for termination of employment are not severance payments under subdivision 1.

Subd. 3. [HEALTH CARE COVERAGE.] Each employer commencing a plant closing who has a health insurance plan in place before or at the time of the plant closing shall continue to make the health insurance plan available to affected employees for a period of 12 months and shall notify affected employees of their rights under this section as provided in section 62A.17, subdivision 5. The employer shall continue the existing employer-paid health insurance coverage for an affected employee for at least 120 days; thereafter, the affected employee may elect to continue coverage at the employee's expense. The employer's obligation to pay for health care coverage under this subdivision is limited to the same portion of the premium which the employer paid prior to the termination of the affected employee. The employer's obligation under this subdivision ceases when an affected employee obtains coverage through new employment or receives equivalent coverage as a dependent. An affected employee may elect to be



*excluded from coverage under this subdivision.*

Sec. 7. [268A.05] [PRIORITY OF CLAIMS.]

*A money claim on behalf of an affected employee against an employer engaged in a plant closing has priority over all other claims against an employer except wage claims.*

Sec. 8. [268A.06] [ENFORCEMENT; DAMAGES.]

*Subdivision 1. [EMPLOYEE CLAIMS.] An employee may bring a civil action in district court to recover damages, including attorney's fees, caused by a violation of sections 3 to 7. The remedy provided by this subdivision is in addition to any other available remedy.*

*Subd. 2. [ATTORNEY GENERAL.] The attorney general may bring an action in district court on behalf of the state for (1) injunctive relief to restrain any violation or threatened violation of sections 3 to 7, or (2) a civil penalty of up to \$25,000 for a violation of sections 3 to 7. Money recovered by the attorney general under this subdivision must be deposited in the general fund of the state treasury and is annually appropriated to the commissioner of the department of jobs and training to carry out the commissioner's duties under sections 3 to 7."*

Delete the title and insert:

"A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees; requiring employers to provide notice of certain actions related to work force reductions; appropriating money; amending Minnesota Statutes 1986, section 267.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; proposing coding for new law as Minnesota Statutes, chapter 268A."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 853: A bill for an act relating to public safety; establishing the "McGruff" symbol as the sign for a safe house for children; creating a safe house program; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "provide" and insert "make available"

Page 1, line 17, delete "all"

Page 1, line 21, after "(4)" insert "require the appropriate local law enforcement agency to"

Page 1, line 22, before "law" insert "the appropriate"

Page 1, delete line 25

Page 2, delete lines 1 to 4 and insert:

"Subd. 3. [DISPLAY OF SYMBOL.] A person displaying the "McGruff" symbol so that it is visible from the outside of their house must be approved

*as a safe house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a "McGruff" house. Violation of this subdivision is a misdemeanor."*

Page 2, line 5, delete "All school districts"

Page 2, line 6, delete "and" and insert "The appropriate" and delete "agencies" and insert "agency"

Page 2, line 9, delete "a" and insert "the appropriate"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing penalties;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 348: A bill for an act relating to Cook county; permitting the sale of certain land.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [COOK COUNTY; LAND SALE.]

*Notwithstanding Minnesota Statutes, section 282.018, and the public sale provisions of Minnesota Statutes, chapter 282, Cook county may sell the property described in this section to Mr. Barney Peet, U.S. Highway 61, Lutsen, Minnesota, by private sale.*

*The property that may be sold is described as:*

*The East 500 feet of the West 700 feet of Government Lot 2, south of Highway 61, Section 12, Township 59 North, Range 4 West.*

*The county and state shall provide a proper conveyance. The price may not be less than the appraised value of the property.*

*The size and location of the property do not allow the property to be developed for public use and it is no longer beneficial for state ownership.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to state lands; allowing the private sale of certain land in Cook county."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 207: A bill for an act relating to wild animals; permits for possession of wildlife; amending Minnesota Statutes 1986, section 97A.041, subdivisions 2, 3, and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97A.043] [POSSESSION OF NON-DOMESTICATED WILD ANIMALS.]

*Subdivision 1. [PERMIT REQUIRED.] Except as provided in subdivision 5, a person may not possess a live, non-domesticated wild animal that endangers humans, other wild animals, or the environment without a permit from the commissioner. The commissioner shall charge an annual permit fee of \$50.*

*Subd. 2. [LIST OF NON-DOMESTICATED WILD ANIMALS.] The commissioner shall, by order, prescribe a list of non-domesticated wild animal species that require a permit under this section. A non-domesticated wild animal includes indigenous and nonindigenous wild animals that the commissioner determines cannot be domesticated to an extent that assures human safety, protects other wild animals, or assures protection of the environment. A non-domesticated wild animal does not include llama or the American bison or other livestock raised for food purposes.*

*Subd. 3. [PERMIT CONDITIONS.] The commissioner shall prescribe conditions in a permit for keeping non-domesticated wild animals to assure human safety, protect other wild animals, or assure protection of the environment. The conditions must provide for inspections of the wild animal and the area where the wild animal is kept. The commissioner shall charge a fee for the inspection that reflects the cost of the inspection. The commissioner shall prescribe the inspection fee in the permit.*

*Subd. 4. [PERMIT DOES NOT EXEMPT LIABILITY OR STANDARDS OF CARE.] A person that receives a permit to possess a non-domesticated wild animal is not exempt from:*

*(1) liability or damages resulting from the wild animal under chapter 346, section 609.205, or other laws;*

*(2) standards of care required under section 346.42, other provisions of chapter 346, or other provisions of law; or*

*(3) local zoning requirements.*

*Subd. 5. [PERMIT EXEMPTIONS.] This section does not apply to:*

*(1) a publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus, or a pet shop;*

*(2) wildlife in captivity for public exhibition purposes that are required to have a permit under section 97A.041;*

*(3) wild animals kept in captivity at an educational or research institution; or*

*(4) wild animals that are lawfully possessed by license or permit under the game and fish laws.*

## Sec. 2. [COMPLEMENT.]

*The complement of the department of natural resources, division of fish and wildlife, is increased by one position."*

Delete the title and insert:

"A bill for an act relating to game and fish; requiring a permit to possess dangerous non-domesticated wild animals; proposing coding for new law in Minnesota Statutes, chapter 97A."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 11: A bill for an act relating to tax forfeited land; providing for the sale of a certain tract.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [LAND SALE.]

*Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell the land described in this section to Fred Schmiede of Route 2, Aurora, Minnesota, by private sale.*

*The land is the Northerly 160 feet of Easterly 520 feet of NE 1/4 of NW 1/4, Section 30, Township 58, Range 15, St. Louis county.*

*The county and state shall provide a proper conveyance. The price may not be less than the appraised value of the property excluding the value of the improvements.*

*The tract is tax forfeited land on which Mr. Schmiede inadvertently constructed part of an improvement. The property is not otherwise improved or used for any purpose.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to state land; allowing the private sale of a certain tract in St. Louis county."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 450: A bill for an act relating to natural resources; changing certain provisions relating to state park motor vehicle permits; amending Minnesota Statutes 1986, section 85.05, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [85.0501] [SPECIAL USES OF STATE PARKS.]**

*Subdivision 1. [RULES.] The commissioner may make rules for the use of state parks including:*

*(1) special parking space for automobiles or other motor-driven vehicles in a state park or state recreation area;*

*(2) special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces, for the use of the individual charged for the space;*

*(3) improvement and maintenance of golf courses already established in state parks, and charging reasonable use fees;*

*(4) state park pageant areas that may be established in a state park to have historical or other pageants conducted by the commissioner of a state agency or other public agency; and*

*(5) providing water, sewer, and electric service to trailer or tent campsites and charging a reasonable use fee.*

*Subd. 2. [STATE PARK PAGEANTS.] The commissioner may stage state park pageants in a state park, municipal park, or on other land near or adjoining a state park and charge an entrance or use fee for the pageant. All receipts from the pageants must be used in the same manner as though the pageants were conducted in a state park.*

*Subd. 3. [FEE FOR CERTAIN PARKING AND CAMPSITE USE.] (a) An individual using spaces in state parks under subdivision 1, clause (2), shall be charged daily rates determined and set by the commissioner in a manner and amount consistent with the type of facility provided for the accommodation of guests in a particular park and with similar facilities offered for tourist camping and similar use in the area.*

*(b) The fee for special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces is one-half of the fee set in paragraph (a) on Sunday through Thursday of each week for:*

*(1) an individual age 65 or over who is a resident of the state and who furnishes satisfactory proof of age and residence;*

*(2) a physically handicapped person with a motor vehicle that has special plates issued under section 168.021, subdivision 1; or*

*(3) a physically handicapped person who possesses a certificate issued under section 169.345, subdivision 3.*

*Subd. 4. [DEPOSIT OF FEES.] (a) Fees paid for special state park uses under this section shall be deposited in the state treasury and credited to the state park maintenance and operation account.*

*(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and be credited to the state park maintenance and operation account.*

**Sec. 2. [85.0502] [STATE PARK PERMITS.]**

*Subdivision 1. [FORM, ISSUANCE, VALIDITY.] (a) The commissioner*

*shall prepare and provide state park permits for each calendar year that state a motor vehicle may enter and use state parks, state recreation areas, and state waysides over 50 acres in area. State park permits must be available and placed on sale by October 1 of the year preceding the calendar year that the permit is valid.*

*(b) A state park permit may be affixed when purchased and used from the time it is affixed until the end of the calendar year for which it is issued. State park permits in each category must be numbered consecutively for each year of issue.*

*(c) State park permits shall be issued by employees of the division of parks and recreation as designated by the commissioner.*

*Subd. 2. [REQUIREMENT.] Except as provided in section 3, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. The state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield.*

*Subd. 3. [SECOND VEHICLE PERMITS.] The commissioner shall prescribe and issue second vehicle state park permits for persons who own more than one motor vehicle and who request a second permit for the second vehicle on a form prescribed by the commissioner. The commissioner may issue an applicant only one second vehicle permit.*

*Subd. 4. [TWO-DAY PERMITS.] The commissioner shall prescribe a special state park permit for use of state parks, state recreation areas, or state waysides up to two days under conditions prescribed by the commissioner.*

*Subd. 5. [DAILY VEHICLE PERMIT FOR GROUPS.] The commissioner may authorize special daily vehicle state park permits for groups by rule.*

*Subd. 6. [EMPLOYEE'S PERMIT.] (a) The commissioner shall prescribe and issue an employee's state park permit to state employees, peace officers, and contractors, that must enter areas where state park permits are required to perform official duties. An employee, peace officer, or contractor must display the special permit on the motor vehicle in the same manner as state park permits are displayed.*

*(b) A motor vehicle displaying only an employee's state park permit may not enter a place where state park permits are required if the vehicle is used for purposes other than performing official duties.*

*Subd. 7. [HANDICAPPED PERSONS AND PERSONS OVER AGE 65.] (a) The commissioner shall prescribe and issue special state park permits for:*

*(1) an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;*

*(2) a physically handicapped person with a motor vehicle that has special plates issued under section 168.021, subdivision 1; and*

*(3) up to two days for a physically handicapped person who possesses a certificate issued under section 169.345, subdivision 3.*

*(b) The permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom*

*the permit is issued.*

**Sec. 3. [85.0503] [STATE PARK PERMIT EXEMPTIONS.]**

*Subdivision 1. [STATE PARK OPEN HOUSE DAY.] (a) A state park permit is not required for a motor vehicle to enter a state park, state monument, state recreation area, or state wayside, on one day each calendar year, which the commissioner may designate as state park open house day. The commissioner may designate two consecutive days as state park open house day, if the open house is held in conjunction with a special pageant described in section 1, subdivision 2.*

*(b) The commissioner shall announce the date of state park open house day at least 30 days in advance of the date it occurs.*

*(c) The state park open house day is to acquaint the public with state parks, recreation areas, and waysides.*

*Subd. 2. [WATER ACCESS SITES.] The commissioner may designate areas where a state park permit is not required to launch watercraft at a water access site within a state park, state recreation area, or state wayside where a state park permit is otherwise required, if the water access site is clearly separated from and is entered by an entrance separate from other park, recreation area, or wayside facilities. The commissioner must post the water access site and the necessary related area with appropriate signs that indicate that a state park permit is not required at the site.*

*Subd. 3. [FORT SNELLING MEMORIAL CHAPEL ISLAND.] A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Fort Snelling Memorial Chapel Island portion of Fort Snelling State Park.*

*Subd. 4. [INTERSTATE PARK.] A Minnesota state park permit is not required at Interstate Park if a valid, current, Wisconsin state park permit or sticker authorizing entry of a motor vehicle into Wisconsin state parks is appropriately displayed on the vehicle and the commissioner has entered into an agreement with appropriate officials of the state of Wisconsin that authorizes motor vehicles displaying Minnesota state park permits free entry into Interstate State Park of Wisconsin on a reciprocal basis.*

**Sec. 4. [85.0504] [STATE PARK PERMIT FEES.]**

*Subdivision 1. [FEES.] The fee for state park permits for:*

*(1) an annual use of state parks is \$15;*

*(2) a second vehicle state park permit is one-half the annual state park permit fee in clause (1);*

*(3) a special state park permit valid up to two days is \$3;*

*(4) a special daily vehicle state park permit for groups is as prescribed by the commissioner;*

*(5) an employee's state park permit is without charge;*

*(6) a special state park permit for handicapped persons and persons over age 65 under section 2, subdivision 7, clauses (1) and (2), is one-half the annual state park permit fee in clause (1) of this subdivision; and*

*(7) a special state park permit valid up to two days for handicapped persons and persons over age 65 under section 2, subdivision 7, clauses (1) and (3), is one-half of the special state park permit fee in clause (3)*

of this subdivision.

*Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees collected under this section shall be deposited in the state treasury and credited to the state park maintenance and operation account. Appropriations from the account shall be for state park maintenance and operation.*

**Sec. 5. [REPEALER.]**

*Minnesota Statutes 1986, section 85.05, is repealed.*

**Sec. 6. [EFFECTIVE DATE.]**

*This act is effective 30 days after final enactment."*

Delete the title and insert:

"A bill for an act relating to natural resources; changing certain provisions relating to state park permits; authorizing and assessing fees for state park permits for second vehicles, authorizing a state park permit exemption for Interstate Park under reciprocal agreement with Wisconsin; authorizing a state park permit exemption for water access sites designated by the commissioner; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 1986, section 85.05."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Veterans, to which was referred

S.F. No. 244: A bill for an act relating to public improvements; providing for a nursing care veterans facility at Moorhead under certain conditions; providing for a bond issue; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "200" and insert "250"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Veterans, to which was referred

S.F. No. 313: A bill for an act relating to veterans; providing for special motor vehicle license plates for former prisoners of war free of charge; amending Minnesota Statutes 1986, section 168.125.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation. Report adopted.

Mr. Dicklich from the Committee on Public Utilities and Energy, to which was referred the following appointment as reported in the Journal for March 12, 1987:

**DEPARTMENT OF PUBLIC SERVICE  
DIRECTOR**

**Tony Perpich**

Reports the same back with the recommendation that the appointment be confirmed.



Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

### SECOND READING OF SENATE BILLS

S.F. Nos. 641, 844, 617, 348, 424, 341, 783, 736, 1015, 1074, 598, 737, 922, 892, 853 and 450 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 364, 348 and 11 were read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Waldorf moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 444. The motion prevailed.

Mr. Dahl moved that the name of Mr. Frank be added as a co-author to S.F. No. 614. The motion prevailed.

Mrs. Adkins moved that the names of Mrs. Lantry and Ms. Berglin be added as co-authors to S.F. No. 735. The motion prevailed.

Mr. Dahl moved that the name of Mr. Merriam be added as a co-author to S.F. No. 865. The motion prevailed.

Mr. Dahl moved that the names of Messrs. Merriam and Wegscheid be added as co-authors to S.F. No. 934. The motion prevailed.

Mr. Dahl moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 935. The motion prevailed.

Mr. Davis moved that the name of Mr. Bernhagen be added as a co-author to S.F. No. 1016. The motion prevailed.

Mr. Solon moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 1030. The motion prevailed.

Ms. Berglin moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1040. The motion prevailed.

Mr. Dahl moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1061. The motion prevailed.

Mr. Willet moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1092. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Pehler be added as a co-author to S.F. No. 1103. The motion prevailed.

Mr. Pehler moved that the name of Mr. Cohen be added as a co-author to S.F. No. 1106. The motion prevailed.

Mrs. Adkins moved that S.F. No. 767 be withdrawn from the Committee on Economic Development and Housing and returned to its author. The motion prevailed.

Mr. Benson moved that the Conference Committee on H.F. No. 1 be discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House. The motion did not prevail.

### CALENDAR

H.F. No. 369: A bill for an act relating to human rights; changing certain requirements related to disabled persons; amending Minnesota Statutes 1986, sections 363.01, subdivision 25; 363.02, subdivision 3; and 363.03, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Samuelson
Anderson	DeCramer	Knutson	Moe, D.M.	Schmitz
Beckman	Dicklich	Kroening	Moe, R.D.	Solon
Belanger	Diessner	Laidig	Morse	Spear
Benson	Frank	Langseth	Novak	Storm
Berg	Frederick	Lantry	Olson	Stumpf
Berglin	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bernhagen	Frederickson, D.R.	Lessard	Peterson, R.W.	Vickerman
Bertram	Freeman	Luther	Piper	Waldorf
Brataas	Gustafson	Marty	Purfeerst	Wegscheid
Chmielewski	Hughes	McQuaid	Ramstad	Willet
Cohen	Johnson, D.E.	Mehrkens	Reichgott	
Dahl	Johnson, D.J.	Merriam	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 133: A resolution memorializing the President and Congress to enact legislation to exempt nonprofit organizations from the federal excise tax and the unrelated business income tax on charitable gambling it conducts.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Renneke
Anderson	Davis	Johnson, D.J.	Metzen	Samuelson
Beckman	DeCramer	Jude	Moe, D.M.	Schmitz
Belanger	Dicklich	Kroening	Moe, R.D.	Solon
Benson	Diessner	Laidig	Morse	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Peterson, R.W.	Taylor
Bertram	Frederickson, D.R.	Lessard	Piper	Vickerman
Brataas	Freeman	Luther	Purfeerst	Waldorf
Chmielewski	Gustafson	Marty	Ramstad	Willet
Cohen	Hughes	McQuaid	Reichgott	

Mr. Merriam voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 440: A bill for an act relating to statutes; removing certain substantive gender references in Minnesota Statutes; amending Minnesota Statutes 1986, sections 13.83, subdivision 2; 88.11, subdivision 1; 176.111, subdivisions 3, 15, and 21; 218.021, subdivision 2; 252.07; 315.44; 315.48; 353.01, subdivision 2b; 358.14; 387.15; 387.16; 540.05; 548.06; 593.01, subdivision 1; 631.412; 641.06; 641.14; and 642.08; repealing Minnesota Statutes 1986, sections 176.011, subdivision 13; 315.49; 382.17; 459.16; and 593.02.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Schmitz
Anderson	DeCramer	Knutson	Moe, D.M.	Solon
Beckman	Dicklich	Kroening	Moe, R. D.	Spear
Belanger	Diessner	Laidig	Morse	Storm
Benson	Frank	Langseth	Olson	Stumpf
Berg	Frederick	Lantry	Peterson, D.C.	Taylor
Berglin	Frederickson, D.J.	Larson	Peterson, R.W.	Vickerman
Bernhagen	Frederickson, D.R.	Lessard	Piper	Waldorf
Bertram	Freeman	Luther	Purfeerst	Wegscheid
Brataas	Gustafson	Marty	Ramstad	Willet
Chmielewski	Hughes	McQuaid	Reichgott	
Cohen	Johnson, D.E.	Mehrkins	Renneke	
Dahl	Johnson, D.J.	Merriam	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 291: A bill for an act relating to intoxicating liquor; allowing counties to issue seasonal intoxicating liquor licenses subject to certain restrictions; amending Minnesota Statutes 1986, section 340A.404, subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Metzen	Renneke
Anderson	Dicklich	Knutson	Moe, D.M.	Samuelson
Beckman	Diessner	Kroening	Moe, R.D.	Schmitz
Belanger	Frank	Laidig	Morse	Solon
Benson	Frederick	Lantry	Novak	Spear
Berglin	Frederickson, D.J.	Larson	Olson	Storm
Bernhagen	Frederickson, D.R.	Lessard	Peterson, D.C.	Stumpf
Bertram	Freeman	Luther	Peterson, R.W.	Taylor
Brataas	Gustafson	Marty	Piper	Vickerman
Cohen	Hughes	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkins	Ramstad	Wegscheid
Davis	Johnson, D.J.	Merriam	Reichgott	Willet

Mr. Chmielewski voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 128: A bill for an act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and nonintoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1986, section 340A.404, subdivision 5; repealing Laws 1979, chapter 200.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Moe, D.M.	Samuelson
Anderson	Dicklich	Kroening	Moe, R.D.	Schmitz
Beckman	Diessner	Langseth	Morse	Solon
Belanger	Frank	Lantry	Novak	Spear
Benson	Frederickson, D.J.	Larson	Olson	Storm
Berg	Frederickson, D.R.	Lessard	Peterson, D.C.	Stumpf
Berglin	Freeman	Luther	Peterson, R.W.	Taylor
Bertram	Gustafson	Marty	Piper	Vickerman
Brataas	Hughes	McQuaid	Purfeerst	Waldorf
Cohen	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Merriam	Reichgott	Willet
Davis	Jude	Metzen	Renneke	

Messrs. Bernhagen, Chmielewski, Frederick and Laidig voted in the negative.

So the bill passed and its title was agreed to.

S.F No. 333: A bill for an act relating to game and fish; allowing raccoon dog field trials to tree raccoons during certain periods by permit; amending Minnesota Statutes 1986, section 97B.621, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	DeCramer	Knutson	Moe, D.M.	Samuelson
Beckman	Dicklich	Laidig	Moe, R.D.	Schmitz
Belanger	Frank	Langseth	Morse	Solon
Benson	Frederick	Lantry	Novak	Spear
Berg	Frederickson, D.J.	Larson	Olson	Storm
Berglin	Frederickson, D.R.	Lessard	Peterson, D.C.	Stumpf
Bernhagen	Freeman	Luther	Peterson, R.W.	Taylor
Bertram	Gustafson	Marty	Piper	Vickerman
Brataas	Hughes	McQuaid	Purfeerst	Wegscheid
Cohen	Johnson, D.E.	Mehrkens	Ramstad	Willet
Dahl	Johnson, D.J.	Merriam	Reichgott	

Messrs. Chmielewski, Kroening and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H.F No. 400: A bill for an act relating to game and fish; authorizing commissioner to allow a person to take two deer; amending Minnesota Statutes 1986, section 97B.301, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Merriam	Renneke
Anderson	Davis	Jude	Metzen	Samuelson
Beckman	DeCramer	Knutson	Moe, D.M.	Schmitz
Belanger	Dicklich	Kroening	Moe, R.D.	Solon
Benson	Diessner	Laidig	Morse	Storm
Berg	Frank	Langseth	Novak	Stumpf
Berglin	Frederick	Lantry	Olson	Taylor
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Vickerman
Bertram	Frederickson, D.R.	Lessard	Peterson, R.W.	Waldorf
Brandl	Freeman	Luther	Piper	Wegscheid
Brataas	Gustafson	Marty	Purfeerst	Willet
Chmielewski	Hughes	McQuaid	Ramstad	
Cohen	Johnson, D.E.	Mehrkens	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 73: A bill for an act relating to game and fish; authorizing nonresident high school foreign exchange students to obtain resident licenses to take deer by archery; amending Minnesota Statutes 1986, section 97A.455.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Merriam	Renneke
Anderson	Davis	Jude	Metzen	Samuelson
Beckman	DeCramer	Knutson	Moe, D.M.	Schmitz
Belanger	Dicklich	Kroening	Moe, R.D.	Solon
Benson	Diessner	Laidig	Morse	Spear
Berg	Frank	Langseth	Novak	Storm
Berglin	Frederick	Lantry	Olson	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bertram	Frederickson, D.R.	Lessard	Peterson, R.W.	Waldorf
Brandl	Freeman	Luther	Piper	Wegscheid
Brataas	Gustafson	Marty	Purfeerst	Willet
Chmielewski	Hughes	McQuaid	Ramstad	
Cohen	Johnson, D.E.	Mehrkens	Reichgott	

Mr. Vickerman voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 397: A bill for an act relating to elections; setting times for changing election precincts and redistricting certain election districts; amending Minnesota Statutes 1986, sections 204B.14, subdivision 3; and 375.025, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Merriam	Renneke
Anderson	Davis	Jude	Metzen	Samuelson
Beckman	DeCramer	Knutson	Moe, D.M.	Schmitz
Belanger	Dicklich	Kroening	Moe, R.D.	Solon
Benson	Diessner	Laidig	Morse	Spear
Berg	Frank	Langseth	Novak	Storm
Berglin	Frederick	Lantry	Olson	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bertram	Frederickson, D.R.	Lessard	Peterson, R.W.	Vickerman
Brandl	Freeman	Luther	Piper	Waldorf
Brataas	Gustafson	Marty	Purfeerst	Wegscheid
Chmielewski	Hughes	McQuaid	Ramstad	Willet
Cohen	Johnson, D.E.	Mehrkens	Reichgott	

So the bill passed and its title was agreed to.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 324 and 420, which the committee recommends to pass.

S.F. No. 21, which the committee recommends be re-referred to the Committee on Judiciary.

S.F. No. 121, which the committee recommends to pass with the following amendment offered by Mr. Storm:

Page 1, line 26, after "15" insert ". *The department of public safety shall not record a violation of this subdivision on a person's driving record*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gustafson	Metzen	Samuelson
Beckman	Dahl	Johnson, D.E.	Novak	Schmitz
Benson	Davis	Jude	Olson	Storm
Berg	Diessner	Knutson	Pogemiller	Stumpf
Berglin	Frank	Larson	Purfeerst	Taylor
Bernhagen	Frederick	Lessard	Ramstad	
Bertram	Frederickson, D.R.	Mehrkens	Renneke	

Those who voted in the negative were:

Adkins	Dicklich	Laidig	Merriam	Solon
Belanger	Frederickson, D.J.	Langseth	Morse	Spear
Brandl	Freeman	Lantry	Peterson, D.C.	Vickerman
Brataas	Hughes	Luther	Peterson, R.W.	Waldorf
Cohen	Johnson, D.J.	Marty	Piper	Wegscheid
DeCramer	Kroening	McQuaid	Reichgott	Willet

The motion prevailed. So the amendment was adopted.

H.F. No. 23, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Amend H.F. No. 23, the unofficial engrossment, as follows:

Page 3, line 2, delete everything after the period

Page 3, delete lines 3 to 11

The motion prevailed. So the amendment was adopted.

H.F. No. 202, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1986, section 64B.08, is amended by adding a subdivision to read:

*Subd. 4. [ADVANCES.] If a person is made or threatened to be made a party to a proceeding, the person is entitled, upon written request to the society, to payment or reimbursement by the society of reasonable expenses, including attorneys' fees and disbursements, incurred by the person in advance of the final disposition of the proceeding, (1) upon receipt by the society of a written affirmation by the person of a good faith belief that the criteria for indemnification set forth in subdivision 2 and the bylaws of the society have been satisfied and a written undertaking by the person to repay all amounts so paid or reimbursed by the society, if it is ultimately determined that the criteria for indemnification have not been satisfied; and (2) after a determination that the facts then known to those making the determination would not preclude indemnification under this section. The written undertaking required by clause (1) is an unlimited general obligation of the person making it, but need not be secured and shall be accepted without reference to financial ability to make the repayment.*

Sec. 2. Minnesota Statutes 1986, section 64B.08, is amended by adding a subdivision to read:

*Subd. 5. [ELIMINATION OR LIMITATION OF LIABILITY.] A director's personal liability to the society, supreme governing body, or members for monetary damages for breach of fiduciary duty as a director may be eliminated or limited in the articles. The articles shall not eliminate or limit the liability of a director:*

*(1) for any breach of the director's duty of loyalty to the society, the supreme governing body, or its members;*

*(2) for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;*

*(3) for any transaction from which the director derived an improper personal benefit; or*

*(4) for any act or omission occurring prior to the date when the provision in the articles eliminating or limiting liability becomes effective."*

Page 2, lines 20 and 25, after "stockholders" insert "or members"

Page 2, line 24, delete "(a)" and insert "(1)"

Page 2, line 26, delete "(b)" and insert "(2)"

Page 2, line 28, delete "(c)" and insert "(3)"

Page 2, line 29, delete "(d)" and insert "(4)"

Page 2, line 30, delete "(e)" and insert "(5)"

Page 2, line 32, delete "(f)" and insert "(6)"

Page 2, line 36, delete "and 2" and insert "to 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "of certain corporations and fraternal benefit societies"

Page 1, line 3, after the semicolon, insert "authorizing certain advances by fraternal benefit societies;"

Page 1, line 4, after "sections" insert "64B.08, by adding subdivisions;"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time and referred to the committees indicated.

Mr. Solon introduced—

S.F. No. 1114: A bill for an act relating to liquor; items which may be sold in exclusive liquor stores; amending Minnesota Statutes 1986, section 340A.101, subdivision 10.

Referred to the Committee on Commerce.

Mr. Bertram introduced—

S.F. No. 1115: A bill for an act relating to game and fish; establishing a program to compensate landowners and lessees for damages done by wild animals; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Merriam introduced—

S.F. No. 1116: A bill for an act relating to taxation; providing for payment of refunds to certain purchasers of energy conservation equipment; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 1117: A bill for an act relating to crimes; taxes; providing for collection from convicted person's tax refund of court-ordered restitution to crime victims; amending Minnesota Statutes 1986, sections 270A.02; and 270A.03, subdivisions 2, 5, and by adding a subdivision.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C. and Mr. Pogemiller introduced—

S.F. No. 1118: A bill for an act relating to education; extending the authorization for a desegregation levy to certain additional districts; amending Minnesota Statutes 1986, section 275.125, subdivision 6e.

Referred to the Committee on Education.



Mses. Reichgott; Peterson, D.C.; Mr. Cohen, Ms. Olson and Mr. Laidig introduced—

S.F. No. 1119: A bill for an act relating to education; providing for capital expenditure funding by school districts; amending Minnesota Statutes 1986, sections 124.245, by adding a subdivision; and 275.125, by adding a subdivision.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 1120: A bill for an act relating to human services; establishing service principles and rate-setting procedures for day training and habilitation services provided to adults with mental retardation and related conditions; amending Minnesota Statutes 1986, sections 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.501, subdivisions 1, 2, and 8; 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

Referred to the Committee on Health and Human Services.

Mr. Stumpf introduced—

S.F. No. 1121: A bill for an act relating to motor vehicles; establishing titling system for salvage and rebuilt motor vehicles; providing penalties; amending Minnesota Statutes 1986, sections 168.27, subdivisions 1, 2, 3, 10, 16, and 17, and by adding subdivisions; 168A.01, subdivision 1, and by adding subdivisions; and 168A.15; proposing coding for new law in Minnesota Statutes, chapter 168A.

Referred to the Committee on Transportation.

Mr. Bertram introduced—

S.F. No. 1122: A bill for an act relating to taxation; sales and use; exempting farm machinery and replacement parts; amending Minnesota Statutes 1986, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther and Jude introduced—

S.F. No. 1123: A bill for an act relating to motor vehicles; authorizing confiscation of motor vehicle registration plates when dishonored check used to pay registration tax; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mr. Samuelson introduced—

S.F. No. 1124: A bill for an act relating to taxation; tax-forfeited lands; requiring payment for a certain tract in Morrison county by the state of Minnesota.

Referred to the Committee on Environment and Natural Resources.

Mr. Samuelson introduced—

S.F. No. 1125: A bill for an act relating to natural resources; allowing handicapped hunters to carry uncased weapons; amending Minnesota Statutes 1986, section 97B.055, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Mr. Mehrkens introduced—

S.F. No. 1126: A bill for an act relating to agriculture; making certain changes in the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 583.26, subdivisions 1 and 2; and 583.27, by adding a subdivision.

Referred to the Committee on Agriculture.

Mr. Mehrkens introduced—

S.F. No. 1127: A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1986, section 144A.071, subdivision 3.

Referred to the Committee on Health and Human Services.

Messrs. Frederickson, D.R.; Mehrkens; Beckman; Schmitz and Purfeerst introduced—

S.F. No. 1128: A bill for an act relating to taxation; sales; changing the requirements for designation of a distressed county for purposes of the capital equipment exemption; amending Minnesota Statutes 1986, section 297A.257, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 1129: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article VIII; providing for the recall of elected officials.

Referred to the Committee on Elections and Ethics.

Mr. Stumpf introduced—

S.F. No. 1130: A bill for an act relating to education; providing for loans to certain school districts having property tax delinquencies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Frederickson, D.R.; Davis; Willet; Renneke and Moe, R.D. introduced—

S.F. No. 1131: A bill for an act relating to the environment; disapproving a nuclear waste repository in Minnesota; approval of new nuclear power plants; proposing coding for new law in Minnesota Statutes, chapter 116C.

Referred to the Committee on Environment and Natural Resources.

Messrs. Moe, D.M.; Wegscheid; Waldorf; Renneke and Pogemiller introduced—

S.F. No. 1132: A bill for an act relating to retirement; teachers retirement association; making various changes in the law governing the association for the purpose of facilitating administration of retirement benefits and contributions; amending Minnesota Statutes 1986, sections 354.05, subdivision 35, and by adding a subdivision; 354.06, subdivision 1; 354.07, subdivision 3; 354.094, subdivision 1; 354.44, subdivision 5; 354.46, subdivision 5; 354.48, subdivision 7; 354.51, subdivision 5; 354.55, subdivision 11; 354.62, subdivision 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1986, section 354.44, subdivision 1a.

Referred to the Committee on Governmental Operations.

Messrs. Jude and Ramstad introduced—

S.F. No. 1133: A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1986, section 144A.071, subdivision 3.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Schmitz and Belanger introduced—

S.F. No. 1134: A bill for an act relating to taxation; property; modifying the metropolitan revenue distribution system; phasing out certain exemptions; decreasing the contribution percentage; changing certain definitions; prohibiting use of proceeds for special purposes; amending Minnesota Statutes 1986, sections 473F01; 473F02, subdivisions 3 and 12; 473F06; 473F07, subdivisions 1 and 3; 473F08, subdivisions 2 and 6; and 473F13, subdivision 1; repealing Minnesota Statutes 1986, sections 473F02, subdivisions 9, 11, 16, 17, 18, 19, and 20; 473F12; and 473F13, subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid, Merriam, Luther, Vickerman and Laidig introduced—

S.F. No. 1135: A bill for an act relating to tax increment financing; requiring an authority to obtain permission from the county wherein the proposed district is located before including the county's portion of the assessed value within the captured assessed value; amending Minnesota Statutes 1986, section 273.76, subdivision 2.

Referred to the Committee on Economic Development and Housing.

Messrs. Luther and Spear introduced—

S.F. No. 1136: A bill for an act relating to civil actions; clarifying the statute of limitations applicable to actions regarding manufacturers or suppliers of material containing asbestos; proposing coding for new law in Minnesota Statutes, chapter 541.

Referred to the Committee on Judiciary.

Messrs. Luther, Metzen, Dahl and Ms. Peterson, D.C. introduced—

S.F. No. 1137: A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Commerce.

Mr. Peterson, R.W. introduced—

S.F. No. 1138: A bill for an act relating to taxation; changing the aggregate material tax; amending Minnesota Statutes 1986, section 298.75.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knaak introduced—

S.F. No. 1139: A bill for an act relating to retirement; public employees retirement association; authorizing the purchase of credit for prior service as an employee of the Fond du Lac Indian Reservation.

Referred to the Committee on Governmental Operations.

Messrs. Stumpf; Langseth; Moe, R.D.; Davis and Bernhagen introduced—

S.F. No. 1140: A bill for an act relating to education; authorizing revenue for cooperating school districts for technology capital and operating purposes; appropriating money; amending Minnesota Statutes 1986, section 275.125, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Frederickson, D.J.; DeCramer; Johnson, D.E.; Mrs. Adkins and Mr. Vickerman introduced—

S.F. No. 1141: A bill for an act relating to transportation; providing for state park road account funds to be used for lake access roads; amending Minnesota Statutes 1986, section 162.06, subdivision 5.

Referred to the Committee on Transportation.

Ms. Reichgott, Messrs. Peterson, R.W.; Schmitz and Taylor introduced—

S.F. No. 1142: A bill for an act relating to local government; permitting the establishment of special service districts; providing taxing and other authority; proposing coding for new law as Minnesota Statutes, chapter 429A.

Referred to the Committee on Local and Urban Government.

Messrs. Davis and Pehler introduced—

S.F. No. 1143: A bill for an act relating to the administration of state property; extending the period for which the commissioner of administration may lease state property; amending Minnesota Statutes 1986, section 16B.24, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Berg introduced—

S.F. No. 1144: A bill for an act relating to Traverse county; allowing a property tax levy for the county agricultural society.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak, Purfeerst, Willet, Langseth and Bernhagen introduced—

S.F. No. 1145: A bill for an act relating to environment; requiring vehicle weighing scales at sanitary landfills; amending Minnesota Statutes 1986, section 169.872, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Samuelson introduced—

S.F. No. 1146: A bill for an act relating to local government aids; modifying the definition of municipal levy; amending Minnesota Statutes 1986, section 477A.011, subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 1147: A bill for an act relating to motor vehicles; providing for free license plates for former prisoners of war; amending Minnesota Statutes 1986, section 168.125, subdivision 1.

Referred to the Committee on Veterans.

Mr. Wegscheid introduced—

S.F. No. 1148: A bill for an act relating to financial institutions; authorizing certain charges on open-end loan accounts secured by real estate; amending Minnesota Statutes 1986, section 48.185, subdivision 4.

Referred to the Committee on Commerce.

Mr. Samuelson introduced—

S.F. No. 1149: A bill for an act relating to human services; establishing a floor for rate limitation ratios that apply to a nursing home's interim property-related cost rate; appropriating money; amending Minnesota Statutes 1986, section 256B.431, subdivision 3.

Referred to the Committee on Health and Human Services.

Messrs. Chmielewski, Brandl, Benson, Mrs. Adkins and Mr. Wegscheid introduced—

S.F. No. 1150: A bill for an act relating to state government; civil service; providing opportunities for persons with disabilities; amending Minnesota Statutes 1986, sections 43A.10, subdivision 8; 43A.13, subdivision 7; 43A.191, by adding a subdivision; 43A.42; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations.

Messrs. Samuelson and Kroening introduced—

S.F. No. 1151: A bill for an act relating to state contracts; requiring bidders on state construction contracts to submit lists of subcontractors and prohibiting subcontracts with persons not listed; providing penalties; amending Minnesota Statutes 1986, sections 16B.07, by adding a subdivision; and 161.32, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 1152: A bill for an act relating to alcoholic beverages; restricting sales to tax delinquent licensees; limiting imports by individuals; maximum volume for volume prices; purchases by delinquent licensees; restricting employment of minors in nonintoxicating liquor premises; repealing non-discriminatory price law; amending Minnesota Statutes 1986, sections 297A.151, subdivisions 2 and 3; 297C.09; 340A.302, subdivision 1; 340A.312, subdivision 2; 340A.318, subdivisions 1 and 3; and 340A.411, by adding a subdivision; repealing Minnesota Statutes 1986, section 340A.307, subdivision 3.

Referred to the Committee on Commerce.

Ms. Peterson, D.C.; Messrs. Stumpf; Johnson, D.J. and Ms. Berglin introduced—

S.F. No. 1153: A bill for an act relating to education; providing for long-range Indian education plans; amending Minnesota Statutes 1986, sections 124.481; and 126.48, by adding a subdivision.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 1154: A bill for an act relating to motor vehicles; taxation; imposing a \$25 sales tax on certain collector motor vehicles; amending Minnesota Statutes 1986, sections 297B.02, subdivision 2, and by adding a subdivision; and 297B.025.

Referred to the Committee on Transportation.

Mr. Schmitz introduced—

S.F. No. 1155: A bill for an act relating to Scott county; authorizing the issuance of county bonds for capital improvements.

Referred to the Committee on Local and Urban Government.

Ms. Peterson, D.C.; Messrs. Laidig and Frank introduced—

S.F. No. 1156: A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

Referred to the Committee on Judiciary.

Messrs. Samuelson and Willet introduced—

S.F. No. 1157: A bill for an act relating to local government; authorizing the organization of a Crow Wing-Cass county airport authority; providing for the appointment of directors; providing for the financing and operations of the authority.

Referred to the Committee on Local and Urban Government.

Messrs. Vickerman; Frederickson, D.J.; Davis and Bertram introduced—

S.F. No. 1158: A bill for an act relating to state parks; regulating the use of metal detectors in state parks; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

Messrs. Marty, Wegscheid, Pogemiller and Freeman introduced—

S.F. No. 1159: A bill for an act relating to corrections; removing the Minnesota correctional industries from state competitive bidding requirements; amending Minnesota Statutes 1986, section 241.27, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 1160: A bill for an act relating to state lands; providing for exchange of tax-forfeited peat lands in Aitkin county.

Referred to the Committee on Environment and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1161: A bill for an act relating to unemployment compensation; regulating administration of unemployment compensation; providing for benefits and contribution rates; amending Minnesota Statutes 1986, sections 268.04, subdivisions 2, 4, 24, and by adding subdivisions; 268.06, subdivisions 2, 3a, 8, and by adding a subdivision; 268.07, subdivisions 2, 2a, and 3; 268.071, subdivision 1; 268.08, subdivision 1; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2; repealing Minnesota Statutes 1986, section 268.04, subdivisions 29 and 30.

Referred to the Committee on Employment.

Mr. Pogemiller introduced—

S.F. No. 1162: A bill for an act relating to local improvements; permitting the issuance of general obligation bonds for certain pedestrian skyways; amending Minnesota Statutes 1986, section 429.091, subdivision 2.

Referred to the Committee on Local and Urban Government.

Messrs. Marty, Belanger and Jude introduced—

S.F. No. 1163: A bill for an act relating to statutes; revising the text of

certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1986, chapters 84A; 105; 112; 274; 276; 352; 352B; 365; 430; and 447.

Referred to the Committee on Judiciary.

Messrs. Vickerman; Frederickson, D.J.; Beckman and Morse introduced—

S.F. No. 1164: A bill for an act relating to traffic regulations; requiring damage vehicle release sticker on motor vehicle damaged in accident; requiring garages and vehicle towers to report to law enforcements agencies under certain circumstances; amending Minnesota Statutes 1986, section 169.09, subdivisions 9, 12, and by adding subdivisions.

Referred to the Committee on Transportation.

Messrs. Jude, Wegscheid, Freeman, Renneke and Johnson, D.E. introduced—

S.F. No. 1165: A bill for an act relating to state government; prohibiting certain mandated leaves of absence for state employees; amending Minnesota Statutes 1986, section 43A.32, subdivision 2, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Knutson and Peterson, R.W. introduced—

S.F. No. 1166: A bill for an act relating to civil actions; requiring future damages to be discounted in arbitration proceedings; requiring the court to instruct the jury on an award of future damages; amending Minnesota Statutes 1986, section 604.07, subdivisions 2, 3, 4, and by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Brandl, Ms. Berglin, Messrs. Chmielewski, Benson and Ms. Piper introduced—

S.F. No. 1167: A bill for an act relating to family law; providing for the unenforceability of surrogate parenting contracts; proposing coding for new law in Minnesota Statutes, chapter 257.

Referred to the Committee on Judiciary.

Messrs. Solon and Gustafson introduced—

S.F. No. 1168: A bill for an act relating to retirement; Duluth police pension association and Duluth firefighters relief association; authorizing the voluntary consolidation of those local relief associations with the public employees police and fire fund; authorizing the individual election of applicable benefit coverage upon the consolidation of those relief associations; amending Minnesota Statutes 1986, sections 353.01, subdivisions 2b, 10, and 16; 353.271; 353.64, subdivision 1; and 353.65, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 353; proposing coding for new law as Minnesota Statutes, chapters 353A and 353B.



Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 1169: A bill for an act relating to retirement; public employees retirement association; mandating plan membership by elected officials; authorizing purchases of credit for prior elected official service; amending Minnesota Statutes 1986, sections 353.01, subdivisions 7 and 16; and 353.36, subdivision 2b, and by adding subdivisions; repealing Minnesota Statutes 1986, sections 353.36, subdivisions 2, 2a, and 2c; and 353.69.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 1170: A bill for an act relating to retirement; first class city police officers and firefighters; authorizing extensions of employment beyond the mandatory retirement age upon meeting medical qualifications; amending Minnesota Statutes 1986, section 423.075, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Bertram introduced—

S.F. No. 1171: A resolution memorializing the United States Congress to maintain the Veteran's Administration system of health care facilities.

Referred to the Committee on Veterans.

Mr. Frederickson, D.R.; Ms. Reichgott, Olson, Mr. Pehler and Ms. Peterson, D.C. introduced—

S.F. No. 1172: A bill for an act relating to education; appropriating money for mastery learning sites.

Referred to the Committee on Education.

Messrs. Peterson, R.W.; Merriam; Pogemiller; Johnson, D.J. and Pehler introduced—

S.F. No. 1173: A bill for an act relating to education; changing the name of the school of the arts; increasing the powers of its board; permitting its staff and certain students to be in the unclassified service; appropriating money; amending Minnesota Statutes 1986, sections 43A.08, subdivisions 1 and 1a; 43A.18, subdivision 4; 129C.10, subdivisions 1, 3, 4, 5, 6, and by adding subdivisions.

Referred to the Committee on Governmental Operations.

Mr. Luther introduced—

S.F. No. 1174: A bill for an act relating to the office of the attorney general; removing the numerical limit on the number of assistant attorneys general; authorizing the attorney general to delegate contract review duties; amending Minnesota Statutes 1986, section 8.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 8.

Referred to the Committee on Governmental Operations.

Messrs. Luther and Cohen introduced—

S.F. No. 1175: A bill for an act relating to courts; authorizing the court to sell computer software and apply the proceeds to court functions; establishing a client security fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 480 and 481.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C. and Mr. Dicklich introduced—

S.F. No. 1176: A bill for an act relating to education; authorizing a school district to designate a day care site or the home of a relative as the home of a pupil for transportation aid purposes; amending Minnesota Statutes 1986, section 124.223.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Peterson, R.W.; Pehler and DeCramer introduced—

S.F. No. 1177: A bill for an act relating to education; requiring special instruction and services for handicapped children from birth to age two; expanding the definition of a handicapped child under age five; establishing an advisory council for interagency coordination; clarifying the duty to provide certain transportation for handicapped children and the eligibility for transportation aid; amending Minnesota Statutes 1986, sections 120.03, subdivision 1; 120.17, subdivisions 1, 2, 3, 3a, 5, 7a, 12, and by adding subdivisions; 123.39, subdivision 1; and 124.223; repealing Minnesota Statutes 1986, section 120.17, subdivision 13.

Referred to the Committee on Education.

Ms. Peterson, D.C.; Messrs. Luther, Willet and Marty introduced—

S.F. No. 1178: A bill for an act relating to health; requiring the elimination of designated smoking areas in certain instances; protecting complainants of smoke-induced discomfort; amending Minnesota Statutes 1986, sections 144.412; and 144.415; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1179: A bill for an act relating to education; establishing demonstration sites for coordinated interagency delivery of services for young children; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 1180: A bill for an act relating to veterans; transferring administration of the Minnesota veterans home to the commissioner of human services; requiring staff levels comparable to state nursing home staff; appropriating money; amending Minnesota Statutes 1986, sections 196.052; 198.001, subdivision 5; 198.03; 198.16; 198.161; 198.31; and 198.32,

subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 198.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Pogemiller, Cohen and Solon introduced—

S.F. No. 1181: A bill for an act relating to education; appropriating money for districts implementing mandatory desegregation plans.

Referred to the Committee on Education.

Mr. Cohen, Mrs. Lantry, Messrs. Marty; Moe, D.M. and Waldorf introduced—

S.F. No. 1182: A bill for an act relating to independent school district No. 625; authorizing the issuance of bonds for the purpose of deferred capital improvements; authorizing a tax levy for debt service; authorizing an excess levy for deferred capital maintenance; providing for local approval.

Referred to the Committee on Education.

Mr. Jude introduced—

S.F. No. 1183: A bill for an act relating to alcoholic beverages; authorizing the city of Minneapolis to issue an on-sale liquor license to the American Swedish Institute.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 1184: A bill for an act relating to state lands; authorizing the conveyance of certain lands in Pine county to the Amherst H. Wilder Foundation; amending Laws 1981, chapter 354, section 1, subdivisions 1 and 5; repealing Laws 1981, chapter 354, section 1, subdivisions 2 and 3.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.J. introduced—

S.F. No. 1185: A bill for an act relating to taxation; property; changing the meeting dates for local boards of review and the state board of equalization; changing other miscellaneous dates; providing for appraisal of commercial-industrial property by the county assessor; providing for assessment of commercial-industrial property in the city of St. Cloud; modifying the appeal process; suspending the annual assessment requirement for one year; amending Minnesota Statutes 1986, sections 270.11, subdivisions 1, 2, 5, and 7; 270.12, subdivisions 2 and 3; 270.13; 270.87; 271.21, subdivision 2; 273.061, subdivisions 7, 8, and 9; 273.063; 273.11, by adding a subdivision; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; 275.07, subdivision 1; and Laws 1974, chapter 175, section 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 1186: A bill for an act relating to local government; permitting the establishment of a joint economic development authority in Cook county.

Referred to the Committee on Economic Development and Housing.

Mr. Knaak introduced—

S.F. No. 1187: A bill for an act relating to retirement; removing age limits on commencement of membership in firefighters relief associations; amending Minnesota Statutes 1986, section 424.04.

Referred to the Committee on Governmental Operations.

Mr. Knaak introduced—

S.F. No. 1188: A bill for an act relating to traffic regulations; providing for the operation by certain police departments and sheriff's offices of specially marked vehicles for highway traffic law enforcement; amending Minnesota Statutes 1986, section 169.98, subdivision 1, and by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Cohen and Frank introduced—

S.F. No. 1189: A bill for an act relating to landlord and tenant; authorizing tenants in single-metered residential buildings to pay for gas and electric utilities and deduct the payments from rent due; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 504.

Referred to the Committee on Economic Development and Housing.

Mr. Kroening introduced—

S.F. No. 1190: A bill for an act relating to the Minneapolis park and recreation board; permitting the establishment of a park board personnel system; requiring the park board to adopt current Minneapolis civil service commission provisions; providing employee protections.

Referred to the Committee on Local and Urban Government.

Messrs. Marty and Dicklich introduced—

S.F. No. 1191: A bill for an act relating to utilities; providing for expedited hearings by public utilities commission to review adjustments to rates of public utilities and telephone companies due to tax reform act; providing for repeal.

Referred to the Committee on Public Utilities and Energy.

Messrs. Marty and Dicklich introduced—

S.F. No. 1192: A bill for an act relating to utilities; providing for investigation by and limited proceedings in certain cases before the public utilities commission; providing for triennial rate filing; prohibiting commission from ordering interim rate schedule for six months after final determination in previously filed rate change, with exceptions; providing that management practices be a factor in determining rates; providing for limited hearings

in certain circumstances; allowing the commission to order refunds of discriminatory rates; providing that appellants have ten days to apply for rehearing of commission order; providing for commission review of sales or acquisitions of utilities located outside of the state under certain circumstances; prohibiting utility from shutting off gas or electric service to tenant when utility contracted for service with defaulting landlord; exempting small utilities and telephone companies from indirect cost assessments; amending Minnesota Statutes 1986, sections 216.13; 216.14; 216.15; 216.16; 216B.16, subdivision 3, and by adding subdivisions; 216B.17, subdivision 1; 216B.23, subdivision 1; 216B.27, subdivisions 1 and 2; 216B.50, subdivision 1; 216B.62, subdivision 3; 237.075, subdivision 3, and by adding subdivisions; 237.081, subdivision 1a; 237.295, subdivision 2; and 325E.025, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 216B and 237.

Referred to the Committee on Public Utilities and Energy.

Messrs. Marty and Dicklich introduced—

S.F. No. 1193: A bill for an act relating to utilities; imposing minimum requirements for coin-operated telephones; providing that free or reduced telephone rates for employees of telephone companies not be paid for by ratepayers; providing for public utilities commission to reopen telephone rate case; requiring application for rehearing before judicial review; amending Minnesota Statutes 1986, sections 237.01, subdivision 2, and by adding a subdivision; and 237.14; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and Energy.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 1194: A bill for an act relating to utilities; requiring the public utilities commission to annually review authorized rates of return; requiring the commission to consider nonutility income under certain circumstances; amending Minnesota Statutes 1986, section 216B.16, by adding subdivisions.

Referred to the Committee on Public Utilities and Energy.

Mr. Dicklich introduced—

S.F. No. 1195: A bill for an act relating to state government; authorizing award of state contracts to other than lowest bidders in distressed counties; amending Minnesota Statutes 1986, section 16B.09, subdivision 1, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Knaak introduced—

S.F. No. 1196: A bill for an act relating to the White Bear Lake conservation district; providing for the membership of its governing board; amending Laws 1971, chapter 355, section 2, subdivision 2, as amended.

Referred to the Committee on Local and Urban Government.

Messrs. Dicklich; Johnson, D.J. and Ms. Peterson, D.C. introduced—

S.F. No. 1197: A bill for an act relating to state government; creating the

council on Martin Luther King, Jr. holidays and providing for the council's powers and duties; proposing coding for new law as Minnesota Statutes, chapter 44B.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

S.F. No. 1198: A bill for an act relating to public employees; prohibiting employees from commencing eligibility for certain benefits relating to accumulated sick leave; clarifying a related effective date; amending Minnesota Statutes 1986, section 465.72; subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Spear, Ms. Peterson, D.C.; Messrs. Marty and Moe, D.M. introduced—

S.F. No. 1199: A bill for an act relating to peace officers; requiring licensure as a prerequisite to exercising the authority of a peace officer; prohibiting persons from misrepresenting themselves as peace officers or part-time peace officers; prescribing penalties; amending Minnesota Statutes 1986, section 626.84; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

Messrs. Spear and Merriam introduced—

S.F. No. 1200: A bill for an act relating to family law; appropriating money to the University of Minnesota for the Hubert H. Humphrey Institute of Public Affairs to study mediation in marriage dissolution cases.

Referred to the Committee on Judiciary.

Mses. Reichgott; Peterson, D.C. and Mr. Cohen introduced—

S.F. No. 1201: A bill for an act relating to human rights; requiring certain boards and commissions to develop certain programs for persons subject to prejudice and discrimination; changing certain procedures in cases before the department of human rights; amending Minnesota Statutes 1986, sections 3.922, subdivision 6; 3.9222, by adding a subdivision; 3.9223, subdivision 3; 3.9225, subdivision 3; 3.9226, subdivision 3; 256.482, subdivision 5; 363.05, subdivision 1; 363.06, subdivisions 1 and 4; 363.071; 363.072, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 363.

Referred to the Committee on Judiciary.

Messrs. Pehler and Frederickson, D.R. introduced—

S.F. No. 1202: A bill for an act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834, subdivision 1; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.

Referred to the Committee on Environment and Natural Resources.

Messrs. Luther; Moe, R.D. and Cohen introduced—

S.F. No. 1203: A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; transforming the Minnesota world trade center board into a public corporation; changing the membership of its governing board; establishing the world trade center institute as a joint venture of the corporation and the Minnesota trade office; authorizing the corporation and the world trade center office to contract for certain services and programs; transferring assets and liabilities of the world trade center board to the corporation; appropriating money; amending Minnesota Statutes 1986, sections 15.057; 17.03, subdivision 1; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.02; 44A.031; 44A.08; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 17; 44A; 116J; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.06; 44A.07; 116J.404; and 116J.405.

Referred to the Committee on Economic Development and Housing.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 30, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate