

**SEVENTY-FOURTH DAY**

St. Paul, Minnesota, Wednesday, March 23, 1988

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

Mr. Luther 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. Phyllis Taylor.

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

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R. D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

March 22, 1988

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. 1594.

Sincerely,  
Rudy Perpich, Governor

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2224, 2272, 2419, 1796, 1971, 2185, 2470, 2487, 453, 2422 and 2568.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 1988

**FIRST READING OF HOUSE BILLS**

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

H.F. No. 2224: A bill for an act relating to landlord tenant law; providing an action for damages for accepting rent on condemned property; proposing coding for new law in Minnesota Statutes, chapter 504.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2170, now on General Orders.

H.F. No. 2272: A bill for an act relating to natural resources; making changes in certain laws relating to forestry; amending Minnesota Statutes 1986, sections 88.19; 89.01, subdivision 5, and by adding a subdivision; 89.17; and 89.19.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1687, now on the Calendar.

H.F. No. 2419: A bill for an act relating to criminal procedure; defining "crime" in the law governing issuance of search warrants to include violations of municipal ordinances; amending Minnesota Statutes 1986, section 626.05, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2156, now on the Calendar.

H.F. No. 1796: A bill for an act relating to counties; exempting the issuance of certain county bonds from the election requirement; authorizing county building fund levies; amending Minnesota Statutes 1986, sections 373.25, subdivision 1; 475.52, subdivision 3; and 475.58, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 373.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1877.

H.F. No. 1971: A bill for an act relating to guardianship; permitting appointment of any number of guardians; permitting the appointment of guardians who reside outside the state; amending Minnesota Statutes 1986, sections 525.54, subdivision 1; and 525.544, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2068, now on General Orders.

H.F. No. 2185: A bill for an act relating to game and fish; adjusting the height of deer stands; regulating placing decoys in public waters or on

public lands; amending Minnesota Statutes 1986, sections 97B.325; and 97B.811.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2199, now on General Orders.

H.F. No. 2470: A bill for an act relating to crimes; increasing the penalties for issuing dishonored checks with aggregate value greater than \$200; amending Minnesota Statutes 1986, section 609.535, subdivision 2, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2472, now on General Orders.

H.F. No. 2487: A bill for an act relating to local government; changing a procedure for detachment and annexation of incorporated land; amending Minnesota Statutes 1986, section 414.061, subdivision 5.

Referred to the Committee on Local and Urban Government.

H.F. No. 453: A bill for an act relating to state investments; limiting investments in companies doing business in Northern Ireland; protecting public pension investment policy; authorizing early unreduced retirement under the rule of 90 for the Minnesota state retirement system and the teachers retirement association; amending Minnesota Statutes 1986, sections 354.44, subdivision 6; 354A.23, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 352.116, by adding a subdivision; 354A.31, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 722, now on General Orders.

H.F. No. 2422: A bill for an act relating to agriculture; clarifying certain exemptions; specifying property exempt from final process issued by a court; modifying the exemption for employee benefits; amending Minnesota Statutes 1986, sections 323.24; and 550.37, subdivisions 5 and 24.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2278, now on General Orders.

H.F. No. 2568: A bill for an act relating to agriculture; providing for terms and compensation for members of the Minnesota agricultural and economic development board; changing and clarifying the small business development loan portion of the agricultural resource loan guarantee program; establishing requirements for revenues that can be used in a local revolving fund; amending Minnesota Statutes 1987 Supplement, sections 41A.02, subdivisions 3 and 16; 41A.036, by adding subdivisions; and 116N.08, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2345, now on General Orders.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2277. The motion prevailed.

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

H.F. No. 577: A bill for an act relating to termination of parental rights; clarifying the purposes of the laws on termination of parental rights; altering certain grounds and procedures for termination of parental rights; amending Minnesota Statutes 1986, sections 257.071, subdivisions 3 and 4; 260.011, subdivision 2; 260.012; 260.015, subdivision 10; and 260.155, subdivisions 4a and 7; and Minnesota Statutes 1987 Supplement, section 260.221.

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 257.071, subdivision 3, is amended to read:

Subd. 3. [REVIEW OF VOLUNTARY PLACEMENTS.] Subject to the provisions of ~~subdivision~~ *subdivisions 3 and 4*, if the child has been placed in a residential facility pursuant to a voluntary release by the parent or parents, and is not returned home within ~~48~~ *12* months after initial placement in the residential facility, the social service agency responsible for the placement shall:

(a) Return the child to the home of the parent or parents; or

(b) File an appropriate petition pursuant to section 260.131, subdivision 1, or 260.231, and if the petition is dismissed, petition the court within two years, pursuant to section 260.131, subdivision 1a, to determine if the placement is in the best interests of the child.

Sec. 2. Minnesota Statutes 1986, section 257.071, subdivision 4, is amended to read:

Subd. 4. [REVIEW OF DEVELOPMENTALLY DISABLED AND EMOTIONALLY HANDICAPPED CHILD PLACEMENTS.] If a developmentally disabled child, as that term is defined in United States Code, title 42, section 6001 (7), as amended through December 31, 1979, *or a child diagnosed with an emotional handicap as defined in section 252.27, subdivision 1*, has been placed in a residential facility pursuant to a voluntary release by the child's parent or parents because of the child's handicapping conditions *or need for long-term residential treatment or supervision*, the social service agency responsible for the placement shall bring a petition for review of the child's foster care status, pursuant to section 260.131, subdivision 1a, rather than a petition as required by subdivision 3, clause (b) of this section, *after the child has been in foster care for 18 months or, in the case of a child with an emotional handicap, after the child has been in a residential facility for six months*. Whenever a petition for review is brought pursuant to this subdivision, a guardian ad litem shall be appointed for the child.

Sec. 3. Minnesota Statutes 1986, section 260.011, subdivision 2, is amended to read:

Subd. 2. (a) The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated neglected or dependent and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to provide judicial

procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the parents.

*(b) The purpose of the laws relating to termination of parental rights is to ensure that:*

*(1) reasonable efforts have been made by the social service agency to reunite the child with the child's parents in a placement that is safe and permanent; and*

*(2) if placement with the parents is not reasonably foreseeable, to secure for the child a safe and permanent placement, preferably with adoptive parents.*

*The paramount consideration in all proceedings for the termination of parental rights is the best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.*

*(c) The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.*

*(d) The laws relating to juvenile courts shall be liberally construed to carry out these purposes.*

Sec. 4. Minnesota Statutes 1986, section 260.012, is amended to read:

**260.012 [DUTY TO ENSURE FAMILY REUNIFICATION OF JUVENILE COURT.]**

*At all stages of juvenile court proceedings, if a child is under the court's dependency or neglect jurisdiction, the court shall ensure that reasonable efforts by the social service agency are made to reunite the child with the child's family at the earliest possible time, consistent with the best interests of the child. If a child is under the court's delinquency jurisdiction, it shall be the duty of the court to ensure that all reasonable efforts are made to reunite a the child with the child's family at the earliest possible time, consistent with the best interests of the child and the safety of the child and the public.*

Sec. 5. Minnesota Statutes 1986, section 260.015, subdivision 10, is amended to read:

Subd. 10. "Neglected child" means a child:

(a) who is abandoned by a parent, guardian, or other custodian; or

(b) who is without proper parental care because of the faults or habits of a parent, guardian, or other custodian; or

(c) who is without necessary subsistence, education or other care necessary for physical or mental health or morals because the parent, guardian or other custodian neglects or refuses to provide it; or

(d) who is without the special care made necessary by a physical or mental condition because the parent, guardian, or other custodian neglects or refuses to provide it; or

(e) who is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(1) the infant is chronically and irreversibly comatose;

(2) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(3) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane; or

(f) whose occupation, behavior, condition, environment or associations are such as to be injurious or dangerous to the child or others; or

(g) who is living in a facility for foster care which is not licensed as required by law, unless the child is living in the facility under court order; or

(h) whose parent, guardian, or custodian has made arrangements for the child's placement in a manner detrimental to the welfare of the child or in violation of law; or

(i) who comes within the provisions of subdivision 5, but whose conduct results in whole or in part from parental neglect; or

(j) who is a victim of domestic child abuse as defined in section 260.015, subdivision 24.

Sec. 6. Minnesota Statutes 1986, section 260.155, subdivision 4a, is amended to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any dependency, neglect, or neglected and in foster care, or termination of parental rights proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with

subdivision 5.

Sec. 7. Minnesota Statutes 1986, section 260.155, subdivision 7, is amended to read:

Subd. 7. [FACTORS IN DETERMINING NEGLECT.] In determining whether a child is neglected and in foster care, the court shall consider, among other factors, the following:

- (1) The length of time the child has been in foster care;
- (2) The effort the parent has made to adjust circumstances, conduct, or condition to make it in the child's best interest to be returned to the parent's home in the foreseeable future, including the use of rehabilitative services offered to the parent;
- (3) Whether the parent has visited the child within the ~~nine~~ three months preceding the filing of the petition, unless ~~it was physically or financially impossible for the parent to visit or~~ extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from visiting the child or it was not in the best interests of the child to be visited by the parent;
- (4) The maintenance of regular contact or communication with the agency or person temporarily responsible for the child;
- (5) The appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion;
- (6) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time; and
- (7) The nature of the effort made by the responsible social service agency to rehabilitate and reunite the family.

Sec. 8. Minnesota Statutes 1987 Supplement, section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.]

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. *Abandonment is presumed when:*

(i) *the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age; or for 12 months in the case of a child ages six to 11; and*

(ii) *the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding*

*abandonment in the absence of this presumption; or*

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, *and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or*

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be ~~permanently detrimental to the physical or mental health of the child~~ of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. *It is presumed that reasonable efforts under this clause have failed upon a showing that:*

*(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;*

*(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and*

*(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.*

*This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home; or*

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

*Subd. 2. [ADOPTIVE PARENT.] For purposes of subdivision 1, clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under subdivision 1, clause (a).*



*Subd. 3. [WHEN PRIOR FINDING REQUIRED.] For purposes of subdivision 1, clause (b), no prior judicial finding of dependency, neglect, or neglected and in foster care is required, except as provided in subdivision 1, clause (b), item (5).*

*Subd. 4. [BEST INTERESTS OF CHILD PARAMOUNT.] In any proceeding under this section, the best interests of the child must be the paramount consideration, provided that the conditions in subdivision 1, clause (a), or at least one condition in subdivision 1, clause (b), are found by the court. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq. Where the interests of parent and child conflict, the interests of the child are paramount.*

*Subd. 5. [FINDINGS REGARDING REASONABLE EFFORTS.] In any proceeding under this section, the court shall make specific findings regarding the nature and extent of efforts made by the social service agency to rehabilitate the parent and reunite the family.*

#### Sec. 9. [STUDY.]

*By January 1, 1989, the commissioner of human services shall study and make recommendations to the legislature on what constitutes reasonable efforts by the social service agency to provide families with placement prevention and family reunification services and under what circumstances information and notice should be provided to parents. The commissioner shall consult with community-based family advocacy organizations, representatives of minority communities, groups representing mentally or physically disabled children and their families, representatives of public and private social service agencies, members of the judiciary, and attorneys who represent all parties in juvenile protection proceedings.*

#### Sec. 10. [EFFECTIVE DATE; APPLICATION.]

*This act is effective August 1, 1988, and applies to petitions for termination of parental rights filed and placements begun on and after that date."*

Delete the title and insert:

*"A bill for an act relating to termination of parental rights; clarifying the purposes of the laws on termination of parental rights; altering certain grounds and procedures for termination of parental rights; providing for a study of placement prevention and family reunification services; amending Minnesota Statutes 1986, sections 257.071, subdivisions 3 and 4; 260.011, subdivision 2; 260.012; 260.015, subdivision 10; and 260.155, subdivisions 4a and 7; and Minnesota Statutes 1987 Supplement, section 260.221."*

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

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

S.F. No. 2277: A bill for an act relating to education; establishing a records destruction schedule for chemical abuse preassessment teams; requiring law enforcement reports of certain violations to preassessment teams; amending Minnesota Statutes 1987 Supplement, sections 126.034; 126.035; 126.037; and 260.161, subdivision 3; proposing coding for new

law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, section 126.033, subdivision 4.

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 1987 Supplement, section 126.034, is amended to read:

**126.034 [SCHOOL PREASSESSMENT TEAMS.]**

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent possible they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

*Within 45 days after receiving an individual reported case, the preassessment team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse. Data may be disclosed without consent in health and safety emergencies pursuant to section 13.32 and applicable federal law and regulations.*

*Notwithstanding section 138.163, destruction of records identifying individual students shall be governed by this section. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.*

Sec. 2. Minnesota Statutes 1987 Supplement, section 126.035, is amended to read:

**126.035 [SCHOOL AND COMMUNITY ADVISORY TEAM.]**

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. The school and community advisory team must be composed of representatives from the school preassessment team established in section 126.034, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:

(1) build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools

and other community agencies; and

(2) develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team established under section 126.034 when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian; and

(3) develop a written memorandum of understanding between school personnel and law enforcement agencies identifying when the school shall notify the local law enforcement agency that a violation of its drug and alcohol policy has occurred, and when the law enforcement agency shall notify the school chemical abuse preassessment team of incidents occurring off the school premises involving chemical abuse by students enrolled in that school pursuant to the possession or purchase of alcohol in violation of section 340A.503, subdivision 2 or 3, or in the case of controlled substances, a violation of section 152.09, subdivision 1 in the case of a minor student.

Sec. 3. [126.036] [LAW ENFORCEMENT RECORDS.]

*A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.09, subdivision 1, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.*

Sec. 4. Minnesota Statutes 1987 Supplement, section 126.037, is amended to read:

126.037 [REPORTING; CHEMICAL ABUSE.]

*Subdivision 1. [TEACHER'S DUTY.] A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.*

*Subd. 2. [OTHER REPORTS.] Nothing in this section prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.*

Sec. 5. Minnesota Statutes 1987 Supplement, section 260.161, subdivision 3, is amended to read:

*Subd. 3. Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except by order of the juvenile court or except as required by a written memorandum of understanding adopted under section 126.035 section 3 or as authorized under chapter 13; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. No photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is*

alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

**Sec. 6. [REPEALER.]**

*Minnesota Statutes 1987 Supplement, section 126.033, subdivision 4, is repealed."*

Delete the title and insert:

"A bill for an act relating to education; establishing a records destruction schedule for chemical abuse preassessment teams; requiring law enforcement reports of certain violations to preassessment teams; amending Minnesota Statutes 1987 Supplement, sections 126.034; 126.035; 126.037; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 126; repealing Minnesota Statutes 1987 Supplement, section 126.033, subdivision 4."

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1704: A bill for an act relating to taxation; property tax refunds; restoring the full amount for 1986 claims; removing the appropriation limit for 1987 claims; appropriating money; amending Laws 1987, chapter 268, article 3, section 12.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2388 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2388	2414				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2388 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2388 and insert the language after the enacting clause of S.F. No. 2414, the first engrossment; further, delete the title of H.F. No. 2388 and insert the title of S.F. No. 2414, the first engrossment.

And when so amended H.F. No. 2388 will be identical to S.F. No. 2414, and further recommends that H.F. No. 2388 be given its second reading and substituted for S.F. No. 2414, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2232 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2232	2244				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1980 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1980	2344				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1980 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1980 and insert the language after the enacting clause of S.F. No. 2344, the first engrossment; further, delete the title of H.F. No. 1980 and insert the title of S.F. No. 2344, the first engrossment.

And when so amended H.F. No. 1980 will be identical to S.F. No. 2344, and further recommends that H.F. No. 1980 be given its second reading and substituted for S.F. No. 2344, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2490 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2490	2238				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1957 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1957	2207				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1957 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1957 and insert the language after the enacting clause of S.F. No. 2207, the first engrossment; further, delete the title of H.F. No. 1957 and insert the title of S.F. No. 2207, the first engrossment.

And when so amended H.F. No. 1957 will be identical to S.F. No. 2207, and further recommends that H.F. No. 1957 be given its second reading and substituted for S.F. No. 2207, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2000 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2000	1741				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1585 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1585	1427				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1585 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1585 and insert the language after the enacting clause of S.F. No. 1427, the first engrossment; further, delete the title of H.F. No. 1585 and insert the title of S.F. No. 1427, the first engrossment.

And when so amended H.F. No. 1585 will be identical to S.F. No. 1427, and further recommends that H.F. No. 1585 be given its second reading and substituted for S.F. No. 1427, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1897 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1897	1802				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1897 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1897 and insert the language after the enacting clause of S.F. No. 1802, the first engrossment; further, delete the title of H.F. No. 1897 and insert the title of S.F. No. 1802, the first engrossment.

And when so amended H.F. No. 1897 will be identical to S.F. No. 1802, and further recommends that H.F. No. 1897 be given its second reading and substituted for S.F. No. 1802, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2703 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2703	2471				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2059 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2059	1820				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2059 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2059 and insert the language after the enacting clause of S.F. No. 1820, the first engrossment; further, delete the title of H.F. No. 2059 and insert the title of S.F. No. 1820, the first engrossment.

And when so amended H.F. No. 2059 will be identical to S.F. No. 1820, and further recommends that H.F. No. 2059 be given its second reading and substituted for S.F. No. 1820, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1939 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:



**GENERAL ORDERS**

H.F. No.

S.F. No.

1939

**CONSENT CALENDAR**

H.F. No.

S.F. No.

1743

**CALENDAR**

H.F. No.

S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2554 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.

S.F. No.

2554

**CONSENT CALENDAR**

H.F. No.

S.F. No.

2210

**CALENDAR**

H.F. No.

S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2155 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.

S.F. No.

**CONSENT CALENDAR**

H.F. No.

S.F. No.

**CALENDAR**

H.F. No.

S.F. No.

2155

2212

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2155 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2155 and insert the language after the enacting clause of S.F. No. 2212, the second engrossment; further, delete the title of H.F. No. 2155 and insert the title of S.F. No. 2212, the second engrossment.

And when so amended H.F. No. 2155 will be identical to S.F. No. 2212, and further recommends that H.F. No. 2155 be given its second reading and substituted for S.F. No. 2212, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2190 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2190	2046

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2190 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2190 and insert the language after the enacting clause of S.F. No. 2046, the second engrossment; further, delete the title of H.F. No. 2190 and insert the title of S.F. No. 2046, the second engrossment.

And when so amended H.F. No. 2190 will be identical to S.F. No. 2046, and further recommends that H.F. No. 2190 be given its second reading and substituted for S.F. No. 2046, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2049 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2049	1844				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2049 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2049 and insert the language after the enacting clause of S.F. No. 1844, the first engrossment; further, delete the title of H.F. No. 2049 and insert the title of S.F. No. 1844, the first engrossment.

And when so amended H.F. No. 2049 will be identical to S.F. No. 1844, and further recommends that H.F. No. 2049 be given its second reading and substituted for S.F. No. 1844, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1983 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1983	2125				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1983 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1983 and insert the language after the enacting clause of S.F. No. 2125, the first engrossment; further, delete the title of H.F. No. 1983 and insert the title of S.F. No. 2125, the first engrossment.

And when so amended H.F. No. 1983 will be identical to S.F. No. 2125, and further recommends that H.F. No. 1983 be given its second reading and substituted for S.F. No. 2125, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2246 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2246	2405				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2246 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2246 and insert the language after the enacting clause of S.F. No. 2405, the first engrossment; further, delete the title of H.F. No. 2246 and insert the title of S.F. No. 2405, the first engrossment.

And when so amended H.F. No. 2246 will be identical to S.F. No. 2405, and further recommends that H.F. No. 2246 be given its second reading and substituted for S.F. No. 2405, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1935 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1935	1838				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1935 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1935 and insert the language after the enacting clause of S.F. No. 1838, the first engrossment; further, delete the title of H.F. No. 1935 and insert the title of S.F. No. 1838, the first engrossment.

And when so amended H.F. No. 1935 will be identical to S.F. No. 1838, and further recommends that H.F. No. 1935 be given its second reading and substituted for S.F. No. 1838, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2041 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2041	1996				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2041 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2041 and insert the language after the enacting clause of S.F. No. 1996, the first engrossment; further, delete the title of H.F. No. 2041 and insert the title of S.F. No. 1996, the first engrossment.

And when so amended H.F. No. 2041 will be identical to S.F. No. 1996, and further recommends that H.F. No. 2041 be given its second reading and substituted for S.F. No. 1996, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 577, 1704, 2388, 2232, 1980, 2490, 1957, 2000, 1585, 1897, 2703, 2059, 1939, 2554, 2155, 2190, 2049, 1983, 2246, 1935 and 2041

were read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Marty moved that the name of Mr. Laidig be added as a co-author to S.F. No. 1761. The motion prevailed.

Mr. Davis moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 2150. The motion prevailed.

Mr. Bertram moved that Senate Resolution No. 115 be taken from the table. The motion prevailed.

Senate Resolution No. 115: A Senate resolution proclaiming April 9 as American Ex-Prisoner of War Recognition Day in Minnesota.

WHEREAS, thousands of Minnesota service men and women have served the United States honorably, and through events and circumstances of war beyond their control, have been imprisoned by enemy forces; and

WHEREAS, these prisoners of war from the Civil War through the conflicts of the present century, have survived their ordeal; and

WHEREAS, these men and women bore valiantly the cruelties of their captors, and the loss of their freedom; and

WHEREAS, these ex-prisoners of war bear the scars of their incarceration and the insensitivity of society; and

WHEREAS, they are imminently deserving of the recognition of their fellow citizens, and have earned the right to wear their "badge of courage" proudly; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it proclaims April 9 of 1988, and every succeeding year, American Ex-Prisoner of War Recognition Day in the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee.

Mr. Bertram moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Bertram moved that S.F. No. 1598, No. 60 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Mr. Morse moved that S.F. No. 2406, No. 82 on General Orders, be stricken and re-referred to the Committee on Agriculture. The motion prevailed.

Mr. Schmitz moved that S.F. No. 1688, No. 5 on General Orders, be stricken and re-referred to the Committee on Local and Urban Government. The motion prevailed.

Mr. Jude moved that S.F. No. 1944, No. 103 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2368, No. 78 on General Orders, be stricken and returned to its author. The motion prevailed.

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

### CALENDAR

S.F. No. 2217: A bill for an act relating to state lands; authorizing transfer of certain state lands in Ramsey county to the city of Mounds View.

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

So the bill passed and its title was agreed to.

S.F. No. 2090: A bill for an act relating to state lands; authorizing a certain conveyance by the commissioner of natural resources to the city of Big Fork.

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

So the bill passed and its title was agreed to.

S.F. No. 1328: A bill for an act relating to public safety; altering certain requirements concerning fencing of unused mine pits and shafts; providing modification to certain public and private liability laws; providing penalties;

amending Minnesota Statutes 1986, sections 87.024; 180.01; 180.03, subdivisions 2 and 3; 180.06; 180.10; 466.03, subdivisions 6c and 13; Minnesota Statutes 1987 Supplement, sections 3.732, subdivision 1; and 3.736, subdivision 3.

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

So the bill passed and its title was agreed to.

H.F. No. 2312: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Itasca county.

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

So the bill passed and its title was agreed to.

S.F. No. 2214: A bill for an act relating to natural resources; authorizing the commissioner to sell certain surplus lands to local governments for local recreation or natural resource purposes; authorizing the commissioner of natural resources to convey road and flowage easements in certain circumstances; transferring duties and powers of county auditors and treasurers relating to sales of certain classes of state land to the commissioner; transferring the authority to issue state land patents from the governor to the commissioner; specifying the amount above appraised value that the commissioner may pay when acquiring land; authorizing long-term leases of state land for certain purposes; modifying certain provisions of land exchange laws relating to appraisals and fees; implementing exchanges of

public land authorized by the constitution; authorizing exchange of school trust land located within a state park; appointing an independent trustee and legal counsel for land exchanges involving school trust land; providing a procedure for exchange of Class B land with Class A or Class C land; authorizing governmental units to exchange land in the same manner as private persons; amending Minnesota Statutes 1986, sections 84.027, by adding a subdivision; 84.631; 85.015, subdivision 1; 92.16, subdivision 1; 92.23; 92.24; 92.26; 92.27; 92.29; 92.50, subdivision 1; 94.342, subdivision 3, and by adding subdivisions; 94.343, subdivisions 3 and 9; 94.344, subdivisions 1, 3, 7, and 10; 94.348; Minnesota Statutes 1987 Supplement, sections 84.0272; and 105.392, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 84 and 92; repealing Minnesota Statutes 1986, section 92.25.

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

So the bill passed and its title was agreed to.

S.F. No. 1689: A bill for an act relating to game and fish; prescribing limits and seasons for angling in the Rainy River; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 1987 Supplement, section 97C.402.

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

So the bill passed and its title was agreed to.



S.F. No. 1674: A bill for an act relating to environment; prescribing criminal penalties for violation of certain statutes, rules, or permits relating to pollution control; amending Minnesota Statutes 1987 Supplement, section 115.071, subdivision 2; and 609.671.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1388: A bill for an act relating to health; setting forth requirements for statements of exclusions and limitations; requiring detailed statement when coverage is denied; clarifying statement of enrollee bill of rights; setting forth requirements for marketing materials; requiring membership card; requiring written denial of service; prohibiting denial of coverage in certain circumstances; requiring report; amending Minnesota Statutes 1986, sections 62D.07, subdivision 3; 62D.09, subdivision 1, and by adding subdivisions; 62D.11, by adding subdivisions; and 62D.20.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2120: A bill for an act relating to public meetings; authorizing the governing board of a joint vocational technical district to establish meeting sites; amending Minnesota Statutes 1986, section 136C.61, by adding a subdivision.

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

So the bill passed and its title was agreed to.

S.F. No. 2102: A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis park and recreation board to establish compensation for its members; amending Laws 1974, chapter 181, section 1, as amended.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1652: A bill for an act relating to marriage dissolution; providing for the valuation of pension benefits; amending Minnesota Statutes 1987 Supplement, section 518.582, subdivision 1.

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

Mr. Davis voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1744: A bill for an act relating to animals; regulating dangerous and potentially dangerous dogs; providing penalties; amending Minnesota Statutes 1986, sections 609.226; and 609.227; proposing coding for new law in Minnesota Statutes, chapter 347.

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

So the bill passed and its title was agreed to.

S.F. No. 1761: A bill for an act relating to crime; traffic safety; providing that operating a vehicle at a speed of 85 miles per hour or more is a misdemeanor; amending Minnesota Statutes 1986, section 169.13, 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 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski and Pogemiller voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1835: A bill for an act relating to crime; providing that burglary occurs if a person enters a building without consent and commits a crime while in the building; extending first degree burglary to instances where an assault occurs on the property appurtenant to the entered building; providing that it is a felony to possess tools used in theft; making technical corrections; amending Minnesota Statutes 1986, sections 609.582, subdivisions 1, 2, 3, and 4; and 609.59; Minnesota Statutes 1987 Supplement, sections 256.98, subdivision 1; 268.18, subdivision 3; 609.52, subdivision 3; 609.531, subdivision 1; 609.631, subdivision 4; 609.821, subdivision 3; and 628.26.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 994: A bill for an act relating to employment; providing workers' compensation to coverage for certain infectious diseases; amending Minnesota Statutes 1986, section 176.011, subdivision 15.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1304: A bill for an act relating to workers' compensation; providing a presumption for finding an occupational disease in the case of firefighters having a disabling cancer; amending Minnesota Statutes 1986, section 176.011, subdivision 15.

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

So the bill passed and its title was agreed to.

S.F. No. 2376: A resolution memorializing the Congress of the United States to reinstate diesel fuel tax exemptions for farmers and other off-road users.

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 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Freeman; Moe, D.M. and Peterson, R.W. voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 1795: A bill for an act relating to alcoholic beverages; increasing the time period for notification to licensing authorities of cancellation of liquor liability insurance; specifying that hearings by licensing authorities on license suspensions or revocations need not be before an administrative hearing officer; amending Minnesota Statutes 1986, section 340A.409, subdivision 1; and Minnesota Statutes 1987 Supplement, section 340A.415.

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

So the bill passed and its title was agreed to.

S.F. No. 1700: A bill for an act relating to metropolitan government; scheduling the payment of certain watershed improvement costs; amending Minnesota Statutes 1986, section 473.883, subdivisions 2 and 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1695: A bill for an act relating to education; prohibiting aversive and deprivation procedures for handicapped children with certain exceptions; requiring the state board of education to adopt rules; proposing coding for new law in Minnesota Statutes, chapter 127.

With the unanimous consent of the Senate, Ms. Peterson, D.C. moved to amend S.F. No. 1695 as follows:

Page 1, delete line 26

Page 2, delete lines 1 to 6

Page 2, line 7, delete "Subd. 2. [ADOPTION OF RULES.]"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "certain exceptions;"

Page 1, line 5, after "rules" insert "regulating aversive and deprivation procedures"

The motion prevailed. So the amendment was adopted.

S.F. No. 1695 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 974: A resolution memorializing the President, Congress, and the Federal Aviation Administration to accelerate the modernization of commercial aircraft fleets operating in and to the United States by requiring the use of quieter, Stage 3 aircraft.

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 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Mrs. Brataas, Messrs. Knaak and Merriam voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 1800: A bill for an act relating to commerce; exempting certain educational foundations from public disclosure requirements; amending Minnesota Statutes 1987 Supplement, section 309.556, by adding a subdivision.

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

So the bill passed and its title was agreed to.

S.F. No. 1882: A bill for an act relating to education; requiring school districts to make certain accommodations for lactose intolerant children, if requested; proposing coding for new law in Minnesota Statutes, chapter 124.

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

So the bill passed and its title was agreed to.

S.F. No. 1681: A bill for an act relating to insurance; accident and health; exempting child health supervision services and perinatal care services from any requirement of coinsurance or dollar limitation; proposing coding for new law in Minnesota Statutes, chapter 62A.

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	Davis	Jude	Merriam	Reichgott
Anderson	Decker	Knaak	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	Pehler	Stumpf
Bertram	Frederickson, D.R.	Lessard	Peterson, D.C.	Taylor
Brataas	Freeman	Luther	Peterson, R.W.	Vickerman
Chmielewski	Hughes	Marty	Pogemiller	Waldorf
Cohen	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Mehrkins	Ramstad	

So the bill passed and its title was agreed to.

S.F. No. 2097: A bill for an act relating to the board of the arts; regulating distribution of funds to regional arts councils; regulating conflict of interest; amending Minnesota Statutes 1986, section 139.10.

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 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DeCramer	Olson	Renneke	Spear	Vickerman
Merriam	Peterson, R.W.			

So the bill passed and its title was agreed to.

S.F. No. 2191: A bill for an act relating to animals; modifying regulations of kennels and dealers of certain animals used for research purposes; amending Minnesota Statutes 1987 Supplement, sections 347.31, subdivision 4; and 347.37.

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

So the bill passed and its title was agreed to.

S.F. No. 2323: A bill for an act relating to financial institutions; authorizing certain investments for banks; amending Minnesota Statutes 1986, sections 48.152, subdivision 10; 48.24, subdivision 5; and 48.61, by adding a subdivision.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2206: A bill for an act relating to human services; requiring county community social service plans to address the county's responsibility to establish a system of early intervention services for handicapped children;

amending Minnesota Statutes 1987 Supplement, section 256E.09, subdivision 3.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2150: A bill for an act relating to state contracts; prohibiting the state from requiring Indian tribes or bands to deny their sovereignty to contract with the state; amending Minnesota Statutes 1986, section 16B.06, by adding a subdivision.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2203: A bill for an act relating to human services; authorizing a county to establish an adult protection team; requiring records to be maintained; proposing coding for new law in Minnesota Statutes, chapter 626.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2456: A bill for an act relating to energy; creating a legislative advisory task force on energy policies for low-income persons and providing for the duties of the task force.

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 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam; Moe, D.M.; Ms. Olson and Mr. Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1632: A bill for an act relating to Ramsey County; authorizing a coordinated erosion and sediment control pilot program.

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 66 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Knaak	Moe, D.M.	Samuelson
Anderson	DeCramer	Knutson	Moe, R.D.	Schmitz
Beckman	Dicklich	Kroening	Morse	Solon
Belanger	Diessner	Laidig	Novak	Spear
Benson	Frank	Langseth	Olson	Storm
Berg	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Metzen	Renneke	

Mr. Brandl voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2355: A bill for an act relating to the cities of Bloomington and West St. Paul; authorizing the city to expend and loan public funds for flood mitigation measures to protect residential structures.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkins	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1661: A bill for an act relating to charitable gambling; changing the definition of lawful purpose expenditures; clarifying the definition of organization; increasing the percentage of profit that may be used for expenses for certain organizations; licensing bingo halls; changing the definition of bingo occasion; requiring organizations to be directly responsible for the conducting of bingo; changing the definition of gross receipts for the purposes of bingo; changing the prize limits for bingo; amending Minnesota Statutes 1986, sections 349.19, subdivision 1; 349.211, subdivision 1; Minnesota Statutes 1987 Supplement, sections 349.12, subdivision 11; 349.17, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1986, section 349.211, 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 62 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bertram	Chmielewski	Merriam	Ramstad	Vickerman
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So the bill passed and its title was agreed to.

S.F. No. 1932: A bill for an act relating to transportation; exempting certain private carriers of fuel for use in agriculture-related businesses from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 1, and by adding a subdivision.

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 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dahl	Johnson, D.E.	Luther	Marty	Merriam
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So the bill passed and its title was agreed to.

S.F. No. 2243: A bill for an act relating to vocational rehabilitation; providing employment program rights to persons with disabilities; requiring inclusion of these programs in county social services plans; amending Minnesota Statutes 1987 Supplement, section 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256E.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1955: A bill for an act relating to Ramsey county; authorizing the county to use certain land dedicated as open space for highway purposes; authorizing the sale of certain land.

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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Moe, R.D. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2292: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Pine county.

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 57 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brandl	Frank	Luther	Merriam	Peterson, R.W.
Dahl	Johnson, D.E.	Marty	Pehler	Purfeerst

So the bill passed and its title was agreed to.

S.F. No. 2289: A bill for an act relating to the environment; authorizing the waste management board to enter agreements providing for the development and operation of a wholly or partially state owned stabilization and containment facility; directing the board to make recommendation for legislative changes needed to implement facility development and operation;

amending Minnesota Statutes 1987 Supplement, sections 115C.04, subdivisions 1 and 3; and 115C.09, subdivisions 1, 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115A.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1851: A bill for an act relating to public safety; providing for certain emergency communications procedures at tank farms; proposing coding for new law in Minnesota Statutes, chapter 17.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 308: A bill for an act relating to animals; establishing requirements for establishments that convey unredeemed dogs and cats to institutions for research; prohibiting establishments from transferring dogs or cats to dealers; requiring establishments to post a notice that the animals may be conveyed to institutions for research; amending Minnesota Statutes 1986, section 35.71, subdivision 3, and by adding subdivisions; repealing Minnesota Statutes 1986, section 346.54.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Samuelson
Anderson	Decker	Knaak	Moe, D.M.	Schmitz
Beckman	DeCramer	Knutson	Moe, R.D.	Solon
Belanger	Dicklich	Kroening	Morse	Spear
Benson	Diessner	Laidig	Novak	Storm
Berg	Frank	Langseth	Olson	Stumpf
Berglin	Frederick	Lantry	Pehler	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	
Chmielewski	Hughes	McQuaid	Ramstad	
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. 1553: A bill for an act relating to crimes; prohibiting unauthorized access to computers; imposing penalties; amending Minnesota Statutes 1986, section 609.87, subdivision 1, and by adding a subdivision; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Samuelson
Anderson	Decker	Knaak	Moe, D.M.	Schmitz
Beckman	DeCramer	Knutson	Moe, R.D.	Solon
Belanger	Dicklich	Kroening	Morse	Spear
Benson	Diessner	Laidig	Novak	Storm
Berg	Frank	Langseth	Olson	Stumpf
Berglin	Frederick	Lantry	Pehler	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	
Chmielewski	Hughes	McQuaid	Ramstad	
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. 1871: A bill for an act relating to family law; prohibiting certain false allegations of child abuse; regulating child custody hearings; providing a penalty; amending Minnesota Statutes 1986, section 518.17, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2119: A bill for an act relating to child abuse reporting; clarifying the assessment duties of the local welfare agency; providing for the retention of records in certain circumstances; amending Minnesota Statutes 1986, section 626.556, subdivisions 5, 10d, and by adding subdivisions; and Minnesota Statutes 1987 Supplement, section 626.556, subdivision 11.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Spear
Benson	Diessner	Laidig	Novak	Storm
Berg	Frank	Langseth	Olson	Stumpf
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1879: A bill for an act relating to agriculture; providing penalties and liability for damages for unauthorized release of domestic animals; proposing coding for new law in Minnesota Statutes, chapter 346.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1830: A bill for an act relating to crimes; making it a crime to enter into a contract to serve as the agent of a student athlete or represent a student athlete or professional sports organization in obtaining a professional sports contract with a student athlete before expiration of the student athlete's collegiate eligibility unless the athlete has executed an effective waiver of eligibility; making it a crime to offer anything of value to an employee of an educational institution in return for the employee's influence on a student athlete to enter into contracts with agents or professional sports contracts or for the referral of student athlete clients; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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 66 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1735: A bill for an act relating to game and fish; providing for restitution for wild animals that are illegally killed or injured; providing for civil penalties for wild animals killed or injured; restricting expenditures from restitution to replacement and propagation of wild animals illegally killed or injured; amending Minnesota Statutes 1986, section 97A.065, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 30: A bill for an act relating to crimes; requiring health professionals to report certain burn injuries; amending Minnesota Statutes 1986, sections 626.52, subdivision 1, and by adding a subdivision; 626.53; and 626.55, subdivision 1.

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 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2017: A bill for an act relating to Gillette children's hospital; authorizing the hospital board to incorporate as a nonprofit corporation; terminating its status as a public corporation; transferring its ownership of hospital property to the city of St. Paul; repealing Minnesota Statutes 1986, section 250.05, subdivisions 1, 2a, 3, 4, 5, and 6; and Minnesota Statutes 1987 Supplement, section 250.05, subdivisions 2 and 7.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 2245: A bill for an act relating to health; limiting reporting

requirements for epidemiologic studies; providing grants for AIDS evaluation and counseling; amending Minnesota Statutes 1986, section 144.053, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 145.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 335: A bill for an act relating to occupations and professions; authorizing physical therapy treatment without referral by a physician; prohibiting certain business relationships in the practice of physical therapy; amending Minnesota Statutes 1986, sections 148.74; 148.75; and 148.76, 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 62 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bertram	Davis	Frederickson, D.R.	Reichgott	Taylor
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So the bill passed and its title was agreed to.

S.F. No. 1769: A bill for an act relating to human rights; clarifying marital status discrimination and housing discrimination; enforcing comparable worth and affirmative action requirements; making procedural and administrative changes; amending Minnesota Statutes 1986, sections 363.01, by

adding a subdivision; 363.02, subdivision 2a, and by adding a subdivision; 363.03, subdivision 2; 363.06, subdivision 3; 363.073, subdivisions 1 and 3; 363.091; 363.121; and 363.14, subdivisions 1 and 3; Minnesota Statutes 1987 Supplement, sections 363.06, subdivision 1; and 363.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 363.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 2395: A bill for an act relating to nonprofit corporations; requiring a notice of meetings or elections to inform members whether proxy voting is permitted and the manner of doing so; providing that proxies are prohibited unless authorized by the articles or bylaws; amending Minnesota Statutes 1986, sections 317.22, subdivisions 4 and 6; and 317.28.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Renneke
Anderson	Decker	Knaak	Moe, D.M.	Samuelson
Beckman	DeCramer	Knutson	Moe, R.D.	Schmitz
Belanger	Dicklich	Kroening	Morse	Solon
Benson	Diessner	Laidig	Novak	Spear
Berg	Frank	Langseth	Olson	Storm
Berglin	Frederick	Lantry	Pehler	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 2266: A bill for an act relating to child abuse; authorizing counties to establish pilot programs; allowing the appointment of a child intermediary in certain criminal child abuse proceedings; prescribing powers and duties of the intermediary.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Knaak	Moe, D.M.	Samuelson
Anderson	DeCramer	Knutson	Moe, R.D.	Schmitz
Beckman	Dicklich	Kroening	Morse	Solon
Belanger	Diessner	Laidig	Novak	Spear
Benson	Frank	Langseth	Olson	Storm
Berg	Frederick	Lantry	Pehler	Stumpf
Berglin	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	Pogemiller	Wegscheid
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkins	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Metzen	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 2255: A bill for an act relating to agriculture; extending certain benefits under the family farm security act; amending Minnesota Statutes 1986, section 41.57, 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 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1821: A bill for an act relating to crimes; police pursuit; requiring certain driver's manual information; providing for civil forfeiture of vehicle used to flee a peace officer; requiring local governments to establish pursuit procedures and training requirements by October 1, 1989; authorizing peace officer standards and training board to assist local governments in establishing procedures and training requirements; requiring reporting of all police pursuits to department of public safety; amending Minnesota Statutes 1986, sections 171.13, by adding a subdivision; 626.843, subdivision 1; and 626.845, subdivision 1; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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

So the bill passed and its title was agreed to.

S.F. No. 2009: A bill for an act relating to family law; modifying and clarifying provisions for the collection and enforcement of child support; providing for cost-of-living adjustments in spousal maintenance awards; providing for grandparent visitation rights in all family law proceedings; providing for reopening of judgments; providing for custody rights; clarifying and modifying provisions relating to pension plan rights in marriage dissolutions; amending Minnesota Statutes 1986, sections 69.62; 256.978; 257.022, subdivision 2; 270A.03, subdivision 4; 383B.51; 423A.16; 424A.02, subdivision 6; 490.126, by adding a subdivision; 518.145; 518.156, subdivision 1; 518.17, subdivision 3; 518.171, by adding a subdivision; 518.175, by adding a subdivision; 518.551, by adding a subdivision; 518.552, by adding a subdivision; 518.54, by adding a subdivision; 518.611, subdivision 10; 518.64, subdivision 2; and 518.641; Minnesota Statutes 1987 Supplement, sections 356.80; 518.54, subdivision 10; 518.58, subdivision 2; 518.581, subdivision 4; and 518.611, 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 55 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.E.	McQuaid	Ramstad
Anderson	Decker	Johnson, D.J.	Mehrkens	Reichgott
Beckman	DeCramer	Jude	Moe, D.M.	Renneke
Belanger	Dicklich	Knaak	Moe, R.D.	Schmitz
Benson	Frank	Knutson	Morse	Spear
Berglin	Frederick	Laidig	Olson	Storm
Bernhagen	Frederickson, D.J.	Langseth	Pehler	Stumpf
Bertram	Frederickson, D.R.	Lantry	Peterson, D.C.	Taylor
Brandl	Freeman	Larson	Piper	Vickerman
Brataas	Gustafson	Luther	Pogemiller	Waldorf
Dahl	Hughes	Marty	Purfeerst	Wegscheid

Those who voted in the negative were:

Berg	Diessner	Merriam	Peterson, R.W.	Samuelson
Chmielewski	Lessard	Metzen		

So the bill passed and its title was agreed to.

S.F. No. 2226: A bill for an act relating to state government; amending certain provisions governing advisory councils, committees, and task forces;



amending Minnesota Statutes 1986, sections 3.922, subdivision 3; 3.9225, subdivision 1; 3.9226, subdivision 1; 6.65; 15.059, subdivision 5; 79.51, subdivision 4; 84B.11, subdivision 1; 85A.02, subdivision 4; 115.54; 116C.59, subdivisions 1, 2, and 4; 116C.839; 121.83; 124.48, subdivision 3; 126.56, subdivision 5; 128A.03, subdivision 3; 135A.05; 136A.02, subdivision 7; 138.97, subdivision 3; 162.02, subdivision 2; 162.09, subdivision 2; 174.031, subdivision 2; 175.008; 182.653, subdivision 4e; 214.141; 248.10, subdivision 2; 254A.035, subdivision 2; 256C.28, subdivision 2; 299F.097; 611A.34, subdivision 1; 611A.71, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 15.059, subdivision 6; 16B.20, subdivision 2; 43A.316, subdivision 4; 115A.12, subdivision 1; 116J.971, by adding a subdivision; 120.17, subdivision 11a; 121.934, subdivision 1; 123.935, subdivision 7; 126.665; 129C.10, subdivision 3; 136A.02, subdivision 6; 144.672, subdivision 1; 175.007, subdivision 1; 245.697, subdivision 1; 245.97, subdivision 6; 246.56, subdivision 2; 256.482, subdivision 1; 256.73, subdivision 7; 256B.064, subdivision 1a; 256B.27, subdivision 3; 256B.433, subdivisions 1 and 4; 299A.23, subdivision 2; 299J.06, subdivision 4; repealing Minnesota Statutes 1986, sections 116J.04; 160.80, subdivision 6; 177.28, subdivision 2; 326.66; Minnesota Statutes 1987 Supplement, section 115A.12, 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 53 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.J.	Mehrkens	Reichgott
Anderson	Dahl	Jude	Metzen	Renneke
Beckman	Davis	Knaak	Moe, D.M.	Schmitz
Belanger	Decker	Kroening	Morse	Storm
Benson	Dicklich	Laidig	Novak	Stumpf
Berg	Diessner	Langseth	Pehler	Taylor
Berglin	Frank	Larson	Peterson, D.C.	Vickerman
Bernhagen	Frederick	Lessard	Piper	Waldorf
Bertram	Frederickson, D.J.	Luther	Pogemiller	Wegscheid
Brandl	Frederickson, D.R.	Marty	Purfeerst	
Brataas	Hughes	McQuaid	Ramstad	

Those who voted in the negative were:

Freeman	Knutson	Merriam	Olson	Samuelson
Gustafson	Lantry	Moe, R.D.	Peterson, R.W.	Spear
Johnson, D.E.				

So the bill passed and its title was agreed to.

S.F. No. 2384: A bill for an act relating to trade practices; providing for payment to farm implement retailer by successor in interest of the manufacturer, wholesaler, or distributor who repurchases stock and inventory; amending Minnesota Statutes 1986, sections 325E.05; and 325E.06, subdivisions 1, 4, and 5, and by adding a subdivision.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2096: A bill for an act relating to commerce; regulating and governing business relations between manufacturers of agricultural equipment and independent retail dealers of those products; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

So the bill passed and its title was agreed to.

S.F. No. 2235: A bill for an act relating to workers' compensation; regulating the location of certain medical examinations; amending Minnesota Statutes 1987 Supplement, section 176.155, subdivision 1.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2452: A bill for an act relating to public safety; providing that bomb disposal workers are state employees when disposing of bombs outside the jurisdiction of their municipal employer, for purposes of tort claims and workers' compensation; amending Minnesota Statutes 1987 Supplement, section 3.732, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 176.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Benson; Frederickson, D.R.; Larson; Laidig and Mehrkens introduced—

S.F. No. 2560: A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

Referred to the Committee on Governmental Operations.

Messrs. Frederick, Decker, Anderson, Renneke and Bernhagen introduced—

S.F. No. 2561: A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

Referred to the Committee on Governmental Operations.

Mr. Metzen introduced—

S.F. No. 2562: A bill for an act relating to health; requiring roller skating rinks to have an employee on the premises with first aid training; creating a penalty; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 2563: A bill for an act relating to traffic regulations; creating an affirmative defense to a charge of being in physical control of a vehicle while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, section 169.121, by adding a subdivision.

Referred to the Committee on Judiciary.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### 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. 2491, 1610, 1540, 2525, 752, 2071, 1788, 2185 and 1582, which the committee recommends to pass.

S.F. No. 2506, which the committee reports progress, subject to the following motions:

Mr. Pogemiller moved to amend S.F. No. 2506 as follows:

Page 2, line 7, before "*The*" insert "*If the court finds there is no arrearage in child support or maintenance as of the date of the court hearing,*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2506 as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 518.613, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Notwithstanding any provision of section 518.611, subdivision 2 or 3, to the contrary, whenever an obligation for child support or maintenance is initially determined and ordered or modified by the court in a county in which this section applies, the amount of child support or maintenance ordered by the court must be withheld from the income, regardless of source, of the person obligated to pay the support. For purposes of this section, "modified" does not ~~mean~~ include modification of an order initially determined before August 1, 1987, or a cost-of-living adjustment without any other modification of the ~~support~~ order."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "providing that automatic income withholding does not apply to modification of orders issued prior to the effective date"

Page 1, line 9, delete "by adding a subdivision" and insert "subdivision 1"

The motion prevailed. So the amendment was adopted.

S.F. No. 2506 was then progressed.

S.F. No. 1573, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 1986, section 97A.451, subdivision 3, is amended to read:

Subd. 3. [PERSONS UNDER AGE 16; SMALL GAME.] (a) A ~~person~~ *resident* under age 16 may not obtain a small game license but may take small game by firearms or ~~bow and arrow~~ *by archery* without a license ~~if the person is a resident as provided in paragraph (c).~~

*(b) A nonresident under age 16 may take small game by firearms or by archery as provided in paragraph (c) with a license.*

*(c) A person under paragraph (a) or (b) may take small game if the person is:*

*(1) age 14 or 15 and possesses a firearms safety certificate;*

*(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; or*

*(3) age 12 or under and is accompanied by a parent or guardian.*

~~(b)~~ *(d) A resident under age 16 may take small game by trapping without a small game license, but a resident over age 13 must have a trapping license. A resident under age 14 may trap without a trapping license.*

Sec. 3. Minnesota Statutes 1986, section 97B.015, subdivision 5, is amended to read:

Subd. 5. [FIREARMS SAFETY CERTIFICATE.] *(a) The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction or provides documentation of having completed a course of instruction approved by the commissioner. The commissioner shall maintain a list of approved firearms safety courses from other jurisdictions.*

*(b) A certificate may not be issued to a person under age 12. A person that is age 11 may take the firearms safety course and may receive a firearms safety certificate at age 12.*

*(c) The form and content of the firearms safety certificate shall be prescribed by the commissioner. The certificate must be of a permanent material except that temporary certificates may be issued until the permanent certificates are prepared.*

*(d) The commissioner shall maintain a record of all persons who have been issued firearms safety certificates.*

Sec. 4. [97B.023] [HUNTING WITH FIREARMS BY PERSONS AGE 16 OR OLDER.]

*(a) A person age 16 or older and born after December 31, 1973, must have a firearms safety certificate to purchase a license to take big game with firearms or by archery.*

*(b) The person does not have to personally possess the firearms safety certificate to hunt with a firearm or by archery. A firearms safety certificate must be presented before purchasing a license to take big game with firearms or by archery."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1575, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1575: A bill for an act relating to game and fish; clarifying when a trout and salmon stamp is required and responsibility for road-kill deer; amending Minnesota Statutes 1986, section 97C.305; Minnesota Statutes 1987 Supplement, sections 97A.475, subdivisions 6 and 7; 97A.485, subdivision 6; and 97A.502; repealing Minnesota Statutes 1987 Supplement, section 97A.451, subdivision 1.

Senate File No. 1575 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1988

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2095: A bill for an act relating to education; establishing general education revenue for fiscal year 1990; modifying aspects of educational programs for American Indian people; providing for certain levying authority and limitations; modifying certain levies, aid, and grant programs; establishing learning year program sites; providing for revenue for school facilities; appropriating money; amending Minnesota Statutes 1986, sections 120.08, subdivision 2; 121.15; 124.214, subdivision 2; 124.48, subdivision 2; 126.151; 126.45; 126.46; 126.47; 126.49, subdivision 1; 126.51, subdivisions 1, 2, 4, and by adding a subdivision; 126.52; 126.531; 126.56, subdivision 2; 129B.20, subdivision 1; 136D.74, by adding subdivisions; 136D.81; 275.125, by adding subdivisions; 354.52, subdivision 4; 354A.12, subdivision 2; Minnesota Statutes 1987 Supplement, sections 120.17, subdivision 3b; 121.912, subdivision 1; 124.17, subdivision 1; 124.214, subdivision 3; 124.225, subdivision 8a; 124.244; 124A.22, subdivision 2; 124A.23, subdivisions 1 and 5; 124A.28, subdivision 1; 126.22, subdivisions 2 and 3; 126.23; 129B.11, subdivision 2, and by adding a subdivision; 129B.53, by adding a subdivision; 129B.55, by adding a subdivision; 136D.27; 136D.87; 275.125, subdivision 5; Laws 1959, chapter 462, section 3, subdivision 4, as amended; Laws 1987, chapter 398, articles 3, section 39, subdivisions 2 and 7; and 10, section 2, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 120, 121, 124, 124A, 125, 126, 129B, and 135A; repealing Minnesota Statutes 1986, sections 120.0752, as amended; 126.51, subdivision 3; Minnesota Statutes 1987 Supplement, sections 123.3515; 124A.27, subdivision 10; and Laws 1984, chapter 463, article 7, section 45.

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

Page 4, after line 32, insert:

"Sec. 4. Minnesota Statutes 1987 Supplement, section 124A.22, is amended by adding a subdivision to read:

*Subd. 7. [DEFINITIONS FOR SUPPLEMENTAL REVENUE.] (a) The definitions in this subdivision apply only to subdivision 8.*

*(b) "1987-1988 revenue" means the sum of the following categories of revenue for a district for the 1987-1988 school year:*

*(1) basic foundation revenue, tier revenue, and declining pupil unit revenue, according to Minnesota Statutes 1986, as supplemented by Minnesota Statutes 1987 Supplement, chapter 124A, plus any reduction to second tier revenue, according to Minnesota Statutes 1986, section 124A.08, subdivision 5;*

*(2) teacher retirement and FICA aid, according to Minnesota Statutes 1986, sections 124.2162 and 124.2163;*

*(3) chemical dependency aid, according to Minnesota Statutes 1986, section 124.246;*

*(4) gifted and talented education aid, according to Minnesota Statutes 1986, section 124.247;*

*(5) interdistrict cooperation aid and levy, according to Minnesota Statutes 1986, sections 124.272 and 275.125, subdivision 8a;*

(6) *arts education aid, according to Minnesota Statutes 1986, section 124.275;*

(7) *summer program aid and levy, according to Minnesota Statutes 1986, sections 124A.03 and 124A.033;*

(8) *programs of excellence grants, according to Minnesota Statutes 1986, section 126.60; and*

(9) *liability insurance levy, according to Minnesota Statutes 1986, section 466.06.*

*For the purpose of this subdivision, intermediate districts and other employing units, as defined in Minnesota Statutes 1986, section 124.2161, shall allocate the amount of their teacher retirement and FICA aid for fiscal year 1988 among their participating school districts.*

(c) *"Minimum allowance" for a district means:*

(1) *the district's 1987-1988 revenue, according to subdivision 1; divided by*

(2) *the district's 1987-1988 actual pupil units, adjusted for the change in secondary pupil unit weighting from 1.4 to 1.35 made by Laws 1987, chapter 398; plus*

(3) *\$40 for fiscal year 1989 and \$95 for fiscal year 1990."*

Renumber the sections of article 1 in sequence

Page 24, line 1, delete *"Upon request of"*

Page 24, line 2, delete *"for a"* and insert *"who contracts with, or is employed by, the council may request an extended"* and delete the comma and insert *"under section 125.60."*

Page 24, line 3, delete everything after *"and"*

Page 24, line 4, delete everything before *"Minnesota"*

Page 24, line 5, delete *"subdivisions 3, 4, 5, 6a, 6b, and 8, govern"* and insert *"governs"*

Page 35, after line 1, insert:

*"(ii) the relationship between educational expenditures and student achievement;"*

Page 35, line 2, delete *"(ii)"* and insert *"(iii)"*

Page 35, line 4, delete *"(iii)"* and insert *"(iv)"*

Page 35, line 7, delete *"(iv)"* and insert *"(v)"*

Page 42, line 5, delete everything after the period

Page 42, delete lines 6 and 7

Page 46, line 5, after the period, insert *"The governing board of a public pension or retirement fund may waive the penalty or any portion of the penalty if it is in the financial interest of the fund."*

Page 47, line 21, after the period, insert *"The governing board of a public pension or retirement fund may waive the penalty or any portion of the penalty if it is in the financial interest of the fund."*

Page 55, line 5, delete *"this section and"*



Page 55, delete lines 6 to 8

Page 55, line 10, delete *"approves of the construction"* and insert *"submits a positive review and comment for a proposal"*

Page 55, lines 10 and 15, after *"121.15,"* insert *"subdivision 2, clause (b), or subdivision 8,"*

Page 55, line 14, delete *"disapproves of the construction"* and insert *"submits a negative review and comment for a proposal,"*

Page 55, line 16, delete everything after the period and insert *"If, upon reconsideration, the school board decides to proceed with construction, it may initiate proceedings for issuing bonds to finance construction under sections 475.51 to 475.76."*

Page 55, delete line 17

Page 55, line 18, delete everything before *"Unless"*

Page 55, line 19, delete *"constructing"* and insert *"issuing"*

Page 55, delete line 20 and insert *"the obligations, the board is not authorized to issue the obligations."*

Renumber the subdivisions in sequence

Page 55, line 23, reinstate the stricken *"REVIEW AND COMMENT"* and delete *"APPROVAL"*

Page 55, line 25, reinstate the stricken *"CONSULTATION"* and delete *"APPLICATION"*

Page 55, line 26, reinstate the stricken *"consult with"* and delete *"apply to"*

Page 55, lines 30 and 35, reinstate the stricken *"consultation"* and delete *"application"*

Page 56, line 35, reinstate the stricken *"REVIEW AND COMMENT"* and delete *"APPROVAL"*

Page 57, line 3, reinstate the stricken *"review and comment"* and delete *"approval"*

Page 57, line 25, before the semicolon, insert *"and within school districts adjacent to the area to be served"*

Page 58, lines 6 to 9, reinstate the stricken language and delete the new language

Page 58, line 11, after the period, insert *"If the commissioner submits a negative review and comment for a portion of a proposal, the review and comment shall clearly specify which portion of the proposal received a negative review and comment and which portion of the proposal received a positive review and comment."*

Page 58, delete lines 12 to 18

Page 58, line 22, reinstate the stricken *"review and comment"* and delete *"approval or disapproval"* and strike *"a"* and insert *"the"*

Page 58, line 23, reinstate the stricken *"legal"* and strike *"general circulation in the area"* and insert *"the district"*

Page 58, lines 28 to 30, reinstate the stricken language and delete the

new language

Page 59, line 31, delete everything after the period

Page 59, line 32, delete everything before "If"

Page 59, line 36, delete "annually" and insert "biannually"

Page 60, line 1, delete "subsequent" and insert "odd-numbered"

Page 60, line 11, after the period, insert "*For the purpose of determining revenue for the 1989-1990 and the 1990-1991 school years, the unreserved balance in the school facilities account on June 30 of the second prior school year is zero.*"

Page 60, line 29, delete everything after the first "for"

Page 60, delete lines 30 and 31

Page 60, line 32, delete "including"

Page 61, line 1, before the semicolon, insert "*, including the costs of building repair or improvement that are part of a lease agreement*"

Page 61, delete lines 27 to 32

Renumber the subdivisions in sequence

Page 62, line 2, delete "*, subject to subdivisions 6 and 7,*"

Page 64, line 1, before the period, insert "*; or interest income attributable to the down payment account shall be credited to the account*"

Page 64, line 3, delete "may" and insert "shall"

Page 65, after line 19, insert:

"Sec. 8. [1988 LEVY FOR LEASING BUILDINGS.]

*In addition to the levy authorized in section 4, a district may levy in 1988 the amount the district would have been authorized to levy in 1987 for the cost of renting or leasing buildings according to Minnesota Statutes, section 275.125, subdivision 12, had the authority to levy for this purpose not been repealed."*

Renumber the sections of article 7 in sequence

Amend the title as follows:

Page 1, line 21, before the second semicolon, insert "*, and by adding a subdivision*"

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. 2183: A bill for an act relating to crimes; increasing penalties for certain crimes when committed because of the victim's race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1986, sections 609.223; 609.605, by adding a subdivision; 609.79, by adding a subdivision; and Minnesota Statutes 1987 Supplement, sections 609.595, subdivisions 2, 3, and by adding a subdivision; 609.746, by adding a subdivision; and 609.795.

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 609.2231, is amended by adding a subdivision to read:

*Subd. 4. [ASSAULTS MOTIVATED BY BIAS.] (a) Whoever assaults another because of the victim's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.*

*(b) Whoever does either of the following is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than \$3,000, or both:*

*(1) assaults another because of the victim's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin and inflicts demonstrable bodily harm; or*

*(2) violates the provisions of paragraph (a) within five years of a previous conviction under paragraph (a).*

Sec. 2. Minnesota Statutes 1987 Supplement, section 609.595, is amended by adding a subdivision to read:

*Subd. 1a. [CRIMINAL DAMAGE TO PROPERTY IN THE SECOND DEGREE.] (a) Whoever intentionally causes damage described in subdivision 2, paragraph (a), because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than \$3,000, or both.*

*(b) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.*

Sec. 3. Minnesota Statutes 1987 Supplement, section 609.595, subdivision 2, is amended to read:

*Subd. 2. [CRIMINAL DAMAGE TO PROPERTY IN THE ~~SECOND~~ THIRD DEGREE.] (a) Except as otherwise provided in section 2, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by more than \$250 but not more than \$500 as measured by the cost of repair and replacement.*

*(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by not more than \$250.*

(c) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that ~~clause~~ *paragraph* within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 4. Minnesota Statutes 1987 Supplement, section 609.595, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL DAMAGE TO PROPERTY IN THE ~~THIRD~~ *FOURTH* DEGREE.] Whoever intentionally causes damage described in subdivision 2 under ~~any other~~ *circumstances other than those described in section 2 or subdivision 2* is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1986, section 609.605, is amended by adding a subdivision to read:

Subd. 3. [TRESPASSES MOTIVATED BY BIAS.] *Whoever commits an act described in subdivision 1, clause (13), because of the property owner's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.*

Sec. 6. Minnesota Statutes 1987 Supplement, section 609.746, is amended by adding a subdivision to read:

Subd. 3. [INTRUSION ON PRIVACY; AGGRAVATED VIOLATION.] *Whoever commits an act described in subdivision 2 because of the victim's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.*

Sec. 7. Minnesota Statutes 1986, section 609.79, is amended by adding a subdivision to read:

Subd. 1a. [OBSCENE TELEPHONE CALLS; AGGRAVATED VIOLATION.] *Whoever commits an act described in subdivision 1 because of the victim's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.*

Sec. 8. Minnesota Statutes 1987 Supplement, section 609.795, is amended to read:

609.795 [LETTER, TELEGRAM, OR PACKAGE; OPENING; HARASSMENT.]

*Subdivision 1. [MISDEMEANORS.] Whoever does any of the following is guilty of a misdemeanor:*

(1) knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) with the intent to harass, abuse, or threaten, repeatedly uses the mails

or delivers letters, telegrams, or packages.

*Subd. 2. [GROSS MISDEMEANOR.] Whoever commits an act described in subdivision 1, clause (3), because of the victim's actual or perceived race, color, religion, sex, sexual orientation, age, disability, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.*

Sec. 9. [EFFECTIVE DATE.]

*Sections 1 to 8 are effective August 1, 1988, and apply to crimes committed on or after that date."*

Amend the title as follows:

Page 1, line 6, delete "609.223" and insert "609.2231, by adding a subdivision"

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

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

S.F. No. 2196: A bill for an act relating to economic development; authorizing the commissioner to award set-aside procurements to local small businesses; amending Minnesota Statutes 1986, section 16B.19, subdivision 5; Minnesota Statutes 1987 Supplement, sections 16B.19, subdivision 6; and 645.445, subdivision 5.

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

Page 1, line 26, before the period, insert "*and shall report annually to the governmental operations committees of the house of representatives and the senate on the use and impact of this provision*"

Page 2, lines 11 to 18, delete the new language

Pages 2 to 4, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after "commissioner" and insert "to report on geographical distribution of set-aside awards for"

Page 1, line 6, delete everything after the first comma and insert "section"

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

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

S.F. No. 2175: A bill for an act relating to retirement; local government correctional service retirement plan; clarifying coverage periods; adjusting member and employer contribution rates; clarifying annuity calculations for fractional service; clarifying the duration of initial annuity payments; providing for the augmentation of deferred annuities; amending Minnesota Statutes 1987 Supplement, sections 353C.03; 353C.05; 353C.06, subdivisions 3 and 4; and 353C.07.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1  
TEACHERS RETIREMENT ASSOCIATION

Section 1. Minnesota Statutes 1987 Supplement, section 136.82, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The executive director of the teachers retirement fund shall redeem shares in the accounts of the Minnesota supplemental retirement investment fund standing in an employee's share account record under the following circumstances, but always in accordance with the laws and rules governing the Minnesota supplemental retirement investment fund:

(1) (b) *The executive director shall redeem shares under this subdivision when requested to do so in writing on forms provided by the executive director of the teachers retirement fund by a person having shares to the credit of the employee's share account record; if the person is age 55 years of age or older and is no longer employed by the state university board or state board for community colleges. In such case the person shall must receive the cash realized on the redemption of the shares. The person may direct the redemption of not more than 20 percent of the person's shares in the employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board or its designee, in the case of a person employed by the state university board, and the state board for community colleges or its designee, in the case of a person employed by the state board for community colleges, may, upon application, in at their sole discretion, permit greater withdrawals in any one year.*

(2) (c) *The executive director shall redeem shares under this subdivision when requested to do so in writing; on forms provided by the executive director of the teachers retirement fund, by a person having shares to the credit of the employee's share account record; if the person has left employment by the state university board or state board for community colleges because of a total and permanent disability as defined in section 354.05, subdivision 14; and. If the executive director of the teachers retirement fund finds that the person is totally and permanently disabled and will as a result be unable to return to similar employment, the person shall must receive the cash realized on the redemption of the shares. The person may direct the redemption of not more than 20 percent of the shares in the employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board or its designee, in the case of a person employed by the state university board, and the state board for community colleges or its designee, in the case of a person employed by the state board for community colleges, may, upon application, in at their sole discretion, permit greater withdrawals in any one year. If the person returns to good health, the person shall owe owes no restitution to the state or any a fund created established by its laws for a redemption directed pursuant to under this paragraph.*

(3) (d) *The executive director shall redeem shares under this subdivision in the event of the death of a person having shares to the credit of the*

employee's share account record and leaving a surviving spouse, ~~then~~ when requested to do so in writing, on forms provided by the executive director ~~of the teachers retirement fund~~, by the surviving spouse. The surviving spouse ~~shall~~ *must* receive the cash realized on the redemption of the shares. The surviving spouse may direct the redemption of not more than 20 percent of the shares in the deceased spouse's employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board *or its designee*, in the case of a person employed by the state university board, and the state board for community colleges *or its designee*, in the case of a person employed by the state board for community colleges, may, upon application, ~~in~~ *at* their sole discretion, permit greater withdrawals in any one year. In that case the surviving spouse ~~shall~~ *must* receive the cash realized from the redemption of the shares. Upon the death of the surviving spouse any shares remaining in the employee's share account record ~~shall~~ *must* be redeemed by the executive director ~~of the teachers retirement fund~~ and the cash realized ~~therefrom~~ *from the redemption must be* distributed to the estate of the surviving spouse.

(4) (e) In the event of the death of a person having shares to the credit of the employee's share account record and leaving no surviving spouse, ~~then~~ the executive director ~~of the teachers retirement fund~~ shall redeem all shares to the credit of the employee's share account record and pay the cash realized ~~therefrom~~ *from the redemption* to the estate of the deceased person.

(5) (f) *The executive director shall redeem shares under this subdivision when requested to do so in writing, on forms provided by the executive director of the teachers retirement fund, by a person having shares to the credit of the employee's share account record; if the person is no longer employed by the state university board or state board for community colleges, but does not qualify under the provisions of paragraphs (4) (b) to (4) (e). In that case one-half of the cash realized on the redemption of shares shall must be received by the person and one-half shall become becomes the property of the supplemental retirement plan account of the teachers retirement fund. Annually on July 1 the cancellations of the previous 12 months shall must be prorated among the employees share accounts in proportion to the value which that each account bears to the total value of all share accounts.*

## Sec. 2. [354.095] [UNREQUESTED LEAVE OF ABSENCE.]

*Subdivision 1. [SERVICE CREDIT CONTRIBUTIONS.] A member placed on unrequested leave of absence for reasons other than for cause under section 125.12, subdivision 6a or 6b, or 125.17, may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter for each year of the leave if the member or the school board or both make the required employer contribution in any proportion they may agree upon during the period of the leave, which may not exceed five years. The state may not pay employer contributions into the fund for a year in which a member is on unrequested leave. Employee and employer contributions must be based on the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the unrequested leave. Payments for the years for which a member is receiving service credit while on unrequested leave must be made before July 1 of each fiscal year for which service credit is received or within 30 days after first notification by the association of the amount due, if requested by the member, whichever is later. No payment may be*

made after the following September 30. Payments received after June 30 must include six percent interest from June 30 to the end of the month in which payment is received.

**Subd. 2. [MEMBERSHIP RETENTION.]** Notwithstanding section 354.49, subdivision 4, clause (3), a member on unrequested leave whose employee and employer contributions are paid into the fund according to subdivision 1 retains membership in the association for as long as the contributions are paid, under the same terms and conditions as if the member had continued to teach in the reporting unit.

**Subd. 3. [EFFECT OF NONPAYMENT.]** A member on unrequested leave who does not pay employee contributions or whose employer contribution is not paid into the fund in any year is deemed to cease to render teaching services beginning in that year for purposes of this chapter and may not pay employee or employer contributions into the fund in any subsequent year of the leave. Nonpayment of contributions into the fund does not affect the rights or obligations of the member or the member's employer under section 125.12.

**Subd. 4. [NONRESUMPTION OF TEACHING.]** If a member who pays employee contributions into the fund for the maximum duration of an unrequested leave does not resume teaching in the first school year after that maximum duration has elapsed, the member is deemed to cease to render teaching services beginning in that year for purposes of this chapter.

**Subd. 5. [APPLICABILITY.]** This section does not apply to a member who is discharged, on extended leave of absence or layoff, or whose contract is terminated while the member is on an unrequested leave of absence.

**Subd. 6. [LIMITATION.]** A member who pays employee contributions and receives allowable service credit in the fund under this section may not pay employee contributions or receive allowable service credit for the same fiscal year in any other Minnesota public employee pension plan, except a volunteer firefighters relief association governed by sections 69.771 to 69.776. This subdivision may not be construed to prohibit a member who pays employee contributions and receives allowable service credit in the fund according to this section in any year from being employed as a substitute teacher by a school district during that year. Notwithstanding the provisions of sections 354.091 and 354.42, a member may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of a year for which the member pays retirement contributions or receives allowable service credit under this section or section 354A.091 while on an unrequested leave of absence.

### **Sec. 3. [354A.095] [UNREQUESTED LEAVE OF ABSENCE.]**

**Subdivision 1. [RETIREMENT CONTRIBUTIONS.]** Notwithstanding any provision to the contrary in this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, an elementary, secondary, or area vocational-technical school teacher in the public schools of a city of the first class who is placed on unrequested leave of absence for reasons other than for cause under section 125.17 may pay employee contributions to the association of which the person is a member and be entitled to receive allowable service credit in that association for each year of leave, provided the member or the school board or both make the required employer contributions, in any proportion they



may agree upon, to that association during the period of leave, which may not exceed five years. The state may not make an employer contribution on behalf of the teacher. Employee and employer contributions must be based upon the rates of contribution prescribed by section 354A.12 as applied to a salary figure equal to the teacher's actual covered salary for the plan year immediately preceding the leave. Payment of the employee and employer contributions authorized under this section must be made before July 1 of the fiscal year for which service credit is to be received or within 30 days after first notification by the association of the amount due, if requested by the member, whichever is later. No payment may be made after the following September 30. Payments received after June 30 must include six percent interest from June 30 to the end of the month in which payment is received. No allowable service with respect to a year of unrequested leave of absence may be credited to a teacher until payment of the required employee and employer contributions has been received by the association.

**Subd. 2. [MEMBERSHIP RETENTION.]** A teacher on unrequested leave of absence under section 125.17 whose employee and employer contributions are made to an association under subdivision 1 retains membership in the association for each year during which the contributions are made, under the same terms and conditions as if the teacher had continued to teach in the district.

**Subd. 3. [EFFECT OF NONPAYMENT.]** A teacher on unrequested leave of absence under section 125.17 who does not make employee contributions or whose employer contribution is not made to an association under subdivision 1 in any year is deemed to have ceased to be an active member of the association and to have ceased to render teaching services beginning in that year, for purposes of this chapter and the articles of incorporation and bylaws of the association, and may not pay employee or employer contributions into the fund in any subsequent year of the leave. Nonpayment of contributions into the fund does not affect the rights or obligations of the teacher or the teacher's employing school district under section 125.17.

**Subd. 4. [NONRESUMPTION OF TEACHING.]** If a teacher who has made employee contributions to an association for the agreed maximum duration of an unrequested leave of absence does not resume teaching service in the first school year after that maximum duration has elapsed, the teacher is deemed to have ceased to be an active member of the association and to have ceased to render teaching services beginning in the first school year after that maximum duration has elapsed, for purposes of this chapter and the articles of incorporation and bylaws of the association.

**Subd. 5. [APPLICABILITY.]** This section does not apply to a teacher who is discharged under section 125.17 while the teacher is on an unrequested leave of absence.

**Subd. 6. [LIMITATION.]** A teacher who makes employee contributions to and receives allowable service credit in an association under this section may not make employee contributions or receive allowable service credit for the same period of time in any other Minnesota public employee pension plan, except a volunteer firefighters relief association governed by sections 69.771 to 69.776. This subdivision may not be construed to prohibit a member who pays employee contributions and receives allowable service credit in the fund under this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding

*the provisions of this chapter or the bylaws of a retirement association, a teacher may not pay retirement contributions or receive allowable service credit in the fund for teaching service rendered for any part of a year for which the teacher pays retirement contributions or receives allowable service credit under section 354.094 or this section while on an unrequested leave of absence under section 125.17.*

#### Sec. 4. [BUY-BACK IF CURRENTLY ON UNREQUESTED LEAVE.]

*Notwithstanding any law to the contrary, a member of the teachers retirement association or a teachers retirement fund association governed by chapter 354A who is on unrequested leave of absence during the 1987 or 1988 fiscal year may make employee contributions and receive allowable service credit toward annuities and other benefits under chapter 354 or 354A for each year the member has been on leave, but not more than five years. A member and a school board may make the required employer contributions in any proportion they agree upon. If a school board does not agree to make any of the required employer contributions, the member shall make the entire employer contributions. Payments for the amount of the 1987 or 1988 fiscal year and preceding years for which the member is eligible must be made before July 1, 1989, or within 30 days after first notification by the association of the amount due, if requested by the member, whichever is later. No payment may be made after September 30, 1989. Payments must include six percent interest compounded annually from the end of the fiscal year for which payment is made to the end of the month in which payment is received. Except as otherwise provided, the provisions of section 1 apply to members covered by this section.*

#### Sec. 5. [REPEALER.]

*Minnesota Statutes 1986, sections 125.60; 136.88; 354.094, subdivisions 1a, 1b, 2, 3, 4, 5, and 6; and 354A.091, are repealed effective June 30, 1992. Minnesota Statutes 1987 Supplement, section 354.094, subdivision 1, is repealed effective June 30, 1992. Sections 2, 3, and 4 are repealed effective June 30, 1992.*

#### Sec. 6. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1988.*

### ARTICLE 2

#### HISTORICAL SOCIETY EMPLOYEES

Section 1. Minnesota Statutes 1987 Supplement, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

- (a) (1) elected or appointed officers and employees of elected officers.
- (b) (2) district court reporters.
- (c) (3) officers and employees of the public employees retirement association.
- (d) (4) employees of the league of Minnesota cities.
- (e) (5) officers and employees of public hospitals; owned or operated by, or an integral part of, ~~any~~ a governmental subdivision or governmental subdivisions.

(f) (6) employees of a school district who receive separate salaries for driving their own buses.

(g) (7) employees of the association of Minnesota counties.

(h) (8) employees of the metropolitan intercounty association.

(i) (9) employees of the Minnesota Municipal utilities association.

(j) (10) employees of the metropolitan airports commission if employment initially ~~commences on or~~ commenced after July 1 June 30, 1979.

(k) (11) employees of the Minneapolis employees retirement fund, if employment initially ~~commences on or~~ commenced after July 1 June 30, 1979.

(l) (12) employees of the range association of municipalities and schools.

(m) (13) employees of the soil and water conservation districts.

(n) (14) employees of a county historical society who are county employees.

(o) (15) *employees of a county historical society located in the county whom the county, at its option, certifies to the executive director to be county employees for purposes of retirement coverage under this chapter, which status must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society and is not excluded under subdivision 2b.*

(16) employees of an economic development authority created under sections 458C.01 to 458C.23.

(p) (17) employees of the department of military affairs of the state of Minnesota who are full-time firefighters.

Sec. 2. Minnesota Statutes 1986, section 471.61, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS, EMPLOYEES.] ~~Any~~ A county, municipal corporation, town, school district, county extension committee, other political subdivision or other body corporate and politic of this state, other than the state or any department ~~thereof of the state~~, through its governing body, and any two or more subdivisions acting jointly through their governing bodies, may insure or protect its or their officers and employees, and their dependents, or any class or classes ~~thereof of officers, employees, or dependents~~, under a policy or policies, or contract or contracts of group insurance or benefits covering life, health, and accident, in the case of employees, and medical and surgical benefits, and hospitalization insurance or benefits, for both employees and dependents, or dependents of an employee whose death was due to causes arising out of and in the course of employment, or any one or more of ~~such those~~ forms of insurance or protection. ~~Any such~~ A governmental unit, including county extension committees and those paying their employees, may pay all or any part of the premiums or charges on ~~such the~~ insurance or protection. ~~Any such~~ A payment ~~shall be~~ is deemed to be additional compensation paid to ~~such the~~ officers or employees, but for purposes of determining contributions or benefits under ~~any a~~ public pension or retirement system it ~~shall is not be~~ deemed to be additional compensation. ~~Any~~ One or more of ~~such~~ governmental units may determine that a person is an officer or employee if ~~such officer or employee the~~ person receives income from ~~such the~~ governmental subdivisions without

regard to the manner of election or appointment, *including but not limited to employees of county historical societies that receive funding from the county.* The appropriate officer of ~~such~~ the governmental unit, or those disbursing county extension funds, shall deduct from the salary or wages of each officer and employee who elects to become insured or so protected, on the officer's or employee's written order, all or part of the officer's or employee's share of ~~such~~ premiums or charges and remit the ~~same share or portion~~ to the insurer or company issuing ~~such~~ the policy or contract.

~~Any~~ A governmental unit, other than a school district, ~~which~~ that pays all or ~~any~~ part of ~~such~~ the premiums or charges is authorized to levy and collect a tax, if necessary, in the next annual tax levy for the purpose of providing the necessary ~~funds~~ money for the payment of ~~such~~ the premiums or charges, and ~~such~~ the sums so levied and appropriated ~~shall~~ are not, in the event ~~such~~ the sum exceeds the maximum sum allowed by any law or the charter of a municipal corporation, ~~be~~ considered part of the cost of government of ~~such~~ the governmental unit as defined in any tax levy or per capita expenditure limitation; provided at least 50 percent of the cost of benefits on dependents ~~shall~~ must be contributed by the employee or be paid by levies within existing per capita tax limitations.

The word "dependents" as used ~~herein shall mean~~ in this subdivision means spouse and minor unmarried children under the age of 18 years actually dependent upon the employee.

#### ARTICLE 3

#### PURCHASES OF PRIOR SERVICE AND RELATED PROVISIONS

##### Section 1. [PURCHASES OF PRIOR SERVICE.]

*Subdivision 1. [ELIGIBILITY.] The following persons are eligible to purchase credit for the specified period or periods of prior service from the indicated retirement fund:*

(1) *from the public employees retirement association, a person whose employment with the city of Hibbing began in June 1971, but for whom no salary deductions were taken until June 1973, for the period for which the deductions were omitted;*

(2) *from the public employees retirement association, a person who is currently a state employee and who has prior service as an employee of the Fond du Lac Indian reservation from July 2, 1973, to December 29, 1980, for that period of employment by the Fond du Lac Indian reservation for which the person has not previously received service credit;*

(3) *from the general state employees retirement fund of the Minnesota state retirement system, a permanent employee of the metropolitan sports facilities commission who was an employee of the metropolitan sports facilities commission on May 17, 1977, and who was born on January 10, 1930, and began employment by the commission in 1956 or who was born on November 14, 1937, and began employment by the commission in 1961, and who did not exercise an option to purchase the prior service under Minnesota Statutes, section 473.565, subdivision 3 or 4, for that period of direct or indirect employment by the commission for which the person has not previously received service credit;*

(4) *from the teachers retirement association, a member who rendered teaching service, as defined in Minnesota Statutes, section 354.05, before July 1, 1957, and who did not make contributions for the service because*

of the limited or permanent exempt status of the person and optional membership, for that period of teaching service for which the person has not previously received service credit; and

(5) from the public employees retirement association, a person employed by a public hospital as defined in Minnesota Statutes, section 355.71, subdivision 3, who exercised an option under Laws 1963, chapter 793, section 3, subdivision 5, between July 1, 1963, and June 30, 1967, to terminate membership in the coordinated program of the public employees retirement association and who elects to resume public employees retirement association coordinated program membership under article 2, section 40, of a bill styled as H.F. No. 1709, if enacted by the legislature during the 1988 session.

**Subd. 2. [PURCHASE PAYMENT AMOUNT.]** For a person eligible to purchase credit for prior service under subdivision 1, there must be paid to the retirement fund of which the person is a member an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity that would be obtained by virtue of the purchase of the additional service credit, using the applicable preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the retirement fund and assuming continuous future service in the retirement fund until, and retirement at, the age at which the minimum requirements of the retirement association for normal retirement or retirement with an annuity unreduced for retirement at an early age, including Minnesota Statutes, section 356.30, are met with the additional service credit purchased, and also assuming a future salary history that includes annual salary increases at the applicable salary increase rate specified in Minnesota Statutes, section 356.215, subdivision 4d. The person requesting the purchase of prior service shall establish in the records of the retirement fund proof of the service for which the purchase of prior service is requested. The manner of the proof of service must be in accordance with procedures prescribed by the executive director of the retirement fund.

**Subd. 3. [PAYMENT; CREDITING SERVICE.]** Payment must be made in one lump sum, unless the executive director of the retirement fund agrees to accept payment in installments over a period not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service may be credited to the account of the person only after receipt of full payment by the executive director.

**Subd. 4. [OPTIONAL EMPLOYER PARTIAL PAYMENT.]** Payment must be made by the person entitled to purchase prior service. However, the current or former employer of a person specified in subdivision 1, clause (1), (2), (4), or (5), may, at its discretion, and the metropolitan sports facilities commission for a person specified in subdivision 1, clause (3), shall pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent a year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

**Sec. 2. [PAYMENT OF CERTAIN OMITTED EMPLOYEE AND**

**EMPLOYER CONTRIBUTIONS.]**

*Notwithstanding any provision of Minnesota Statutes, section 353.27, subdivision 12, to the contrary, a person who was the elected clerk of court for Fillmore county from 1969 to 1976, who was appointed court administrator for Fillmore county in January 1977, who was discovered in 1985 not to have had appropriate member and employer contributions made on behalf of the person, and who retired before March 1, 1988, is entitled to receive credit in the public employees retirement association for public service during calendar years 1979, 1980, and 1981; to have omitted member deductions and employer contributions for those years treated as omitted amounts that are the obligation of Fillmore county without respect to any time limitation; and to have the retirement annuity of the person recomputed based on the additional service credit as of the first day of the month after the effective date of this section.*

**Sec. 3. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. Section 2 is effective on approval by the board of county commissioners of Fillmore county and compliance with section 645.021.*

**ARTICLE 4**

Section 1. Minnesota Statutes 1986, section 422A.02, is amended to read:

**422A.02 [RETIREMENT BOARD; MEMBERS.]**

A retirement board of ~~seven~~ *nine* members is hereby constituted which shall consist of the following:

- (1) Mayor, or a designee selected by the mayor;
- (2) One member of the city council selected by the council; ~~and~~
- (3) *The commissioner of finance or the commissioner's designee;*
- (4) *One member who is knowledgeable in retirement fund administration, is not a current or former elected or appointed official or employee of the city of Minneapolis or a public corporation as defined in section 422A.01, subdivision 9, and is not a resident of Hennepin county, appointed by the governor; and*
- (5) Five legally qualified voters to be chosen by the members of the retirement fund created by sections 422A.01 to 422A.25 at least two of whom shall be retired members. The members may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to the association. The persons selected shall serve for staggered terms of three years from the first of the next succeeding January after their election, and until their successors are duly elected. The selection shall be made by the members of the association during the first week of December of each year. Vacancies occurring by death, resignation, or removal of representatives shall be filled by representatives chosen by the members of the association.

Sec. 2. Minnesota Statutes 1986, section 422A.03, subdivision 2, is amended to read:

Subd. 2. The executive director may be removed by a ~~four-sevenths~~ *five-ninths* vote of all members of the board at a meeting called for that purpose. Before exercising the power of removal, 15 days written notice ~~shall~~ *must*

be given to the executive director setting forth the cause for removal and stating the time and place where the charges will be heard. The hearing ~~shall must~~ be open to the public. Other employees under the supervision of the board ~~and employees appointed hereafter shall be~~ are subject to applicable civil service laws and rules of the city unless the board determines that they should be unclassified. The *board shall fix the* compensation of the executive director and the other employees under the supervision of the board ~~shall be fixed by the board~~.

Sec. 3. [EFFECTIVE DATE.]

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

ARTICLE 5

TRANSIT COMMISSION EMPLOYEES

Section 1. Minnesota Statutes 1986, section 473.418, is amended to read:

473.418 [DISABILITY AND SURVIVORSHIP COVERAGE.]

From and after the effective date of Laws 1978, chapter 538, the metropolitan transit commission shall provide for all active employees of the transit operating division of the metropolitan transit commission disability and survivorship coverage which, when added to the disability benefit or the survivorship benefit payable from the Minnesota state retirement system pursuant to sections 352.113 or 352.12, subdivision 2, will at least equal the disability benefit or the survivorship benefit which that employee at the time of disability or the employee's surviving spouse at the time of the death of the employee while on active duty would have been entitled to receive under the disability benefit or survivor of active employee deceased while on active duty benefit provisions of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission shall not be required to provide any supplementary disability benefit coverage or benefit amount to replace the amount of any reduction in any disability payable from the Minnesota state retirement system due to the receipt of benefits under the workers' compensation law unless no offset of the amount of workers' compensation benefits from the amount of a disability benefit was required pursuant to the provisions of article 10 of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission may elect to provide the additional disability and survivorship coverage either through contract with an insurance carrier or through self insurance. If the commission elects to provide the coverage through an insurance contract, the chair of the metropolitan transit commission is authorized to request bids from, or to negotiate with, insurance carriers and to enter into contracts with carriers which in the judgment of the commission are best qualified to underwrite and service this insurance benefit coverage. The commission shall consider factors such as the cost of the contracts as well as the service capabilities, character, financial position and reputation with respect to carriers under consideration, as well as any other factors which the commission deems appropriate. The disability and survivorship insurance contract with the particular insurance carrier shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in absence of notice of termination by either party. The disability and survivorship insurance contract

shall contain a detailed statement of benefits offered, maximums, limitations and exclusions. A summary description of the essential terms of the contract shall be provided by the commission to the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission and to each active employee of the transit operating division. The determination of whether the disability or survivorship insurance coverage meets the minimum requirements of this section shall be made by the commission upon consultation with the executive director of the Minnesota state retirement system. If the disability or survivorship coverage provided by the metropolitan transit commission fails at any time after the effective date of Laws 1978, chapter 538 to meet the requirements of this section as to the level of disability or survivorship coverage to be provided, the deficiency in the actual benefits provided shall continue to be an obligation of the commission. Notwithstanding any provisions of chapter 179 to the contrary, the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission may meet and bargain with the commission on an increase in the level of disability or survivor of active employee deceased while on active duty coverage to be provided by the commission at the same time that wages and other terms and conditions of employment are considered. *This section does not apply to employees hired after December 31, 1977.*"

Delete the title and insert:

"A bill for an act relating to retirement; making technical changes in the law governing the teachers retirement association; providing for service credit contributions during unrequested leaves of absence; including certain county historical society employees in the membership of the public employees retirement association; authorizing certain persons to purchase prior service; adding members to the board of the Minneapolis employees retirement fund; excluding certain metropolitan transit commission employees from additional disability and survivorship coverage; amending Minnesota Statutes 1986, sections 422A.02; 422A.03, subdivision 2; 471.61, subdivision 1; and 473.418; Minnesota Statutes 1987 Supplement, sections 136.82, subdivision 1; and 353.01, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 354 and 354A; repealing Minnesota Statutes 1986, sections 125.60; 136.88; 354.094, subdivisions 1a, 1b, 2, 3, 4, 5, and 6; and 354A.091; Minnesota Statutes 1987 Supplement, section 354.094, subdivision 1."

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

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

H.F. No. 1077: A bill for an act relating to retirement; conforming mandatory retirement provisions for public employees to the federal Age Discrimination in Employment Amendments of 1986; amending Minnesota Statutes 1986, sections 43A.34, subdivisions 1 and 4; 181.81, subdivision 1; 181.811; 354.44, subdivision 1a; 354A.21; 422A.09, subdivision 3; and 423.076; repealing Minnesota Statutes 1986, sections 43A.34, subdivision 2; 125.12, subdivision 5; and 473.419.

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



Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATIONS**

**Section 1. [60A.40] [APPROVAL OF VOLUNTEER FIRE ANNUITY CONTRACT BUSINESS.]**

*No insurance company that issues single premium annuity contracts may enter into an annuity contract with a volunteer firefighters relief association in this state unless the insurance company has been authorized to conduct this type of business by the commissioner. If the commissioner finds that the insurance company is rated according to a recognized national rating agency or organization among the top 25 percent of all insurance companies doing this type of business and is so situated and has sufficient capabilities to service these contracts throughout the state, the commissioner shall approve the insurance company for the conduct of this type of business.*

**Sec. 2. Minnesota Statutes 1986, section 424A.02, is amended by adding a subdivision to read:**

**Subd. 8a. [PURCHASE OF ANNUITY CONTRACTS.]** *A relief association providing a lump-sum service pension, if the governing articles of incorporation or bylaws so provide, may purchase an annuity contract on behalf of a retiring member in an amount equal to the service pension otherwise payable at the request of the person and in place of a direct payment to the person. The annuity contract must be purchased from an insurance carrier licensed to do business in this state and approved for this product by the commerce commissioner under section 1.*

**Sec. 3. Minnesota Statutes 1986, section 424A.02, is amended by adding a subdivision to read:**

**Subd. 12a. [COMBINED SERVICE PENSIONS.]** *If the articles of incorporation or bylaws of the associations so provide, a volunteer firefighter with total service credit of ten years or more as a member of two or more relief associations is entitled, when otherwise qualified, to a prorated service pension from each association in which the member has two years or more of service credit. The prorated service pension must be based on the service pension amount in effect for the relief association on the date volunteer firefighting services covered by that relief association terminate. To receive a service pension under this subdivision, the firefighter must become a member of the second or succeeding association and give notice of membership to the prior association within two years of termination of active service with the prior association. The notice must be attested to by the association secretary.*

**Sec. 4. [EFFECTIVE DATE.]**

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

*Section 3 is effective July 1, 1988, and applies to service performed by a volunteer serving with a fire department on that date or thereafter.*

**ARTICLE 2**

**LOCAL POLICE AND FIRE RELIEF ASSOCIATIONS**

**Section 1. [VIRGINIA FIREFIGHTERS RELIEF ASSOCIATION; PRIOR LEGISLATION.]** *Laws 1987, chapter 372, article 2, section 16, is amended*

to read:

Sec. 16. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. Sections 2 to 6 and 15 are effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Sections 7 to 9 are effective upon approval by the Hibbing city council and compliance with Minnesota Statutes, section 645.021. Section 10 is effective as approved by the governing body of the city of West St. Paul and if there is compliance with Minnesota Statutes, section 645.021, and the increase in service pensions payable due to section 10 is initially payable on January 1, 1988, and is applicable to any member of the West St. Paul police relief association who retired on or after February 1, 1985. Section 11 is effective upon approval by the Clifton independent nonprofit firefighting corporation and the approval of the governing body of the township of Duluth and compliance with Minnesota Statutes, section 645.021. Section 12 is effective upon approval by the Mankato city council and compliance with Minnesota Statutes, section 645.021. Section 13 is effective upon approval by the governing body of the city of Millerville and compliance with Minnesota Statutes, section 645.021. Section 14 is effective *retroactive to January 1, 1987*, upon approval by the Virginia city council and compliance with Minnesota Statutes, section 645.021.

Sec. 2. [VIRGINIA FIREFIGHTERS RELIEF ASSOCIATION; SURVIVOR BENEFITS.]

*Survivor benefits accrued to a member of the Virginia firefighters relief association up to the date of death must be paid to surviving children, if any, if the spouse of the member predeceases the member. If no children survive the member, survivor benefits accrued to the member up to the date of death must be paid to the beneficiary designated by the member.*

Sec. 3. [EVELETH POLICE AND FIREFIGHTERS; BENEFIT INCREASE.]

*Notwithstanding any general or special law to the contrary, in addition to other benefits payable, retirement benefits payable to retired police officers and firefighters and their surviving spouses by the Eveleth police and fire trust fund may be increased by \$50 a month. Increases may be made retroactive to January 1, 1988.*

Sec. 4. [FRIDLEY FIREFIGHTERS; DEFINED CONTRIBUTION PLAN.]

*Notwithstanding any law to the contrary, the Fridley volunteer firefighters relief association may amend its articles of incorporation or bylaws to convert its defined benefit pension plan to a defined contribution plan. The conversion plan must provide for allocation of special fund assets among individual accounts to be established for each active firefighters association member. Instead of providing further defined pension plan benefits, the association shall purchase annuity contracts with existing special fund assets for retired members and for active members who may not qualify as a "volunteer firefighter" under Minnesota Statutes, chapter 424A. All provisions of Minnesota Statutes not inconsistent with this section govern the defined contribution plan established under this section.*

Sec. 5. Laws 1955, chapter 151, section 9, subdivision 7, as amended by Laws 1963, chapter 271, section 6, is amended to read:

Subd. 7. The association shall pay to any member who, after not less than ~~ten~~ five years of service in the police department, retires because of sickness or injury occurring while not on duty and not engaged in police work and the retirement is necessary because the member is unable to perform police duties, a pension of ~~20~~ ten units per month, and for each additional year of service over ~~ten~~ five years, a pension of two units per month, but not to exceed a total of 40 units. If a member is entitled to more than 40 units through years of service, he shall receive those additional units over 40 when he becomes 50 years of age, but the total of these pension payments shall not exceed 50 units per month.

**Sec. 6. [MINNETONKA VOLUNTEER FIREFIGHTERS.]**

*Subdivision 1. [EXCLUSION FROM COVERAGE.] Notwithstanding any law to the contrary, a volunteer firefighter serving with the Minnetonka fire department is excluded from the definition of "public employee" in Minnesota Statutes, section 353.01, subdivision 2, for activities undertaken as part of volunteer firefighter duties. Compensation paid to a Minnetonka volunteer firefighter for volunteer firefighting duties must be excluded from the definition of "salary" in section 353.01, subdivision 10. A Minnetonka volunteer firefighter is not a member of the public employees police and fire fund as a result of volunteer firefighter duties.*

*Subd. 2. [QUALIFICATION FOR CERTAIN PERSONS.] A person who is a Minnetonka volunteer firefighter may qualify as a "public employee" under section 353.01, subdivision 2, and may be a member of the public employees police and fire fund for compensation received from employment and activities other than volunteer firefighter duties.*

*Subd. 3. [REFUND.] A volunteer firefighter who is excluded from membership by subdivision 1 is entitled to a refund of member contributions to the public employees retirement association or the public employees police and fire fund based on compensation as a volunteer firefighter, plus interest at the rate of six percent a year, compounded annually, if the person or the city of Minnetonka demonstrates to the satisfaction of the executive director of the association the amount of contributions made by the person on behalf of service as a volunteer firefighter.*

**Sec. 7. [THIEF RIVER FALLS VOLUNTEER FIRE RELIEF ASSOCIATION; VALIDATION OF CERTAIN SERVICE PENSIONS.]**

*The payment of a service pension before January 1, 1988, by the Thief River Falls volunteer firefighters relief association to a person who terminated active service with the Thief River Falls fire department with at least 20 years of active service before attaining age 50 and who complies with all other conditions of the articles of incorporation or bylaws of the relief association are validated.*

**Sec. 8. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION FIVE-YEAR VESTING.]**

*In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the St. Paul teachers retirement fund association to amend the bylaws of the association in effect on June 1, 1978, as amended, governing the benefits of the basic division of the association, article IV, section 3, paragraph 1, clauses (b), applicable to limited service pensions, and (d), applicable to deferred pensions, and article IV, section 3, paragraph 10, applicable to survivor benefits, by replacing the ten years of accredited service vesting requirement with a five years of accredited*

*service vesting requirement.*

**Sec. 9. [MINNEAPOLIS TEACHERS PARTICIPATING ANNUITY; EXTENSION TO CERTAIN RETIREES.]**

*In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation to permit annual participating annuity adjustments under article IX, subsection (19), to be applied, effective January 1, 1989, to minimum normal retirement annuities payable to eligible recipients under article IX, subsection (14), as amended pursuant to Laws 1987, chapter 372, article 3, section 1, paragraph (f).*

**Sec. 10. [LOCAL APPROVAL.]**

*Sections 1 and 2 are effective upon approval by the Virginia city council and compliance with Minnesota Statutes, section 645.021.*

*Section 3 is effective upon approval by the Eveleth city council and compliance with Minnesota Statutes, section 645.021.*

*Section 4 is effective upon approval by the Fridley city council and compliance with Minnesota Statutes, section 645.021.*

*Section 5 is effective upon approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021, subdivision 3.*

*Section 6 is effective upon approval by the Minnetonka city council and compliance with Minnesota Statutes, section 645.021.*

*Section 7 is effective upon approval by the Thief River Falls city council and compliance with Minnesota Statutes, section 645.021.*

*Sections 8 and 9 are effective the day following final enactment.*

**ARTICLE 3**

**MINNESOTA PUBLIC PENSION PLAN**

**FIDUCIARY RESPONSIBILITY AND LIABILITY ACT**

**Section 1. [356A.01] [DEFINITIONS.]**

*Subdivision 1. [SCOPE.] For purposes of this chapter, the following terms have the meanings given them in this section.*

*Subd. 2. [BENEFIT.] "Benefit" means an amount, other than an administrative expense, paid or payable from a pension plan, including a retirement annuity, service pension, disability benefit, survivor benefit, death benefit, funeral benefit, or refund.*

*Subd. 3. [BENEFIT PLAN.] "Benefit plan" means the portion of a pension plan that deals specifically with the benefit coverage provided by the plan, including the kinds of coverage, the eligibility for and entitlement to benefits, and the amount of benefits.*

*Subd. 4. [BENEFIT RECIPIENT.] "Benefit recipient" means a person who has received a benefit from a pension plan or to whom a benefit is payable under the terms of the plan document of the pension plan.*

*Subd. 5. [BUSINESS ENTITY.] "Business entity" means a corporation, business trust, trust, partnership, firm, group of two or more persons having a joint or common interest, or any other legal or commercial enterprise.*

Subd. 6. [CHIEF ADMINISTRATIVE OFFICER.] "Chief administrative officer" means the person who has primary responsibility for the execution of the administrative or management affairs of a pension plan.

Subd. 7. [COFIDUCIARY.] "Cofiduciary" means a fiduciary of a pension plan, other than a fiduciary directly undertaking a fiduciary activity or directly and primarily responsible for a fiduciary activity, who serves in a position or exercises a function covered by section 2.

Subd. 8. [COVERED GOVERNMENTAL ENTITY.] "Covered governmental entity" means a governmental subdivision or other governmental entity that employs persons who are plan participants in a covered pension plan and who are eligible for that participation because of their employment.

Subd. 9. [COVERED PENSION PLAN.] "Covered pension plan" means a pension plan or fund listed in section 356.20, subdivision 2, or 356.30, subdivision 3, or any other retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained, or supported by the state, a governmental subdivision, or another public body whose revenues are derived from taxes, fees, or other public sources.

Subd. 10. [DIRECT OR INDIRECT PROFIT.] "Direct or indirect profit" means a payment of money, the provision of a service or an item of other than nominal value, an extension of credit, a loan, or any other special consideration to a fiduciary or a direct relative of a fiduciary on behalf of the fiduciary in consideration for the performance of a fiduciary activity or a failure to perform a fiduciary activity.

Subd. 11. [DIRECT RELATIVE.] "Direct relative" means any of the persons or spouses of persons related to one another within the third degree of kindred under civil law.

Subd. 12. [EXERCISE OR PERFORMANCE.] "Exercise or performance" means the completion of an act or of a substantial step consistent with the eventual completion of an act, even if short of actual completion.

Subd. 13. [FIDUCIARY.] "Fiduciary" means a person described in section 2.

Subd. 14. [FIDUCIARY ACTIVITY.] "Fiduciary activity" means an activity described in section 2, subdivision 2.

Subd. 15. [FIDUCIARY POSITION.] "Fiduciary position" means a position listed in section 2, subdivision 3.

Subd. 16. [FINANCIAL INSTITUTION.] "Financial institution" means a bank, savings institution, or credit union organized under federal or state law.

Subd. 17. [GOVERNING BOARD OF A PENSION PLAN.] "Governing board of a pension plan" means the body of a pension plan that is assigned or that undertakes the chief policy-making powers and management duties of the plan.

Subd. 18. [LIABILITY.] "Liability" means a secured or unsecured debt or an obligation for a future payment of money, including an actuarial accrued liability or an unfunded actuarial accrued liability, except where the context clearly indicates another meaning.

Subd. 19. [LOCAL PENSION PLAN.] "Local pension plan" means a pension plan not included in the definition of a statewide plan in subdivision

26.

*Subd. 20. [MODIFICATION IN BENEFIT PLAN.] "Modification in benefit plan" means a change in a benefit plan of a pension plan that results in an increase or decrease in benefit coverage provided to current or future plan participants or benefit recipients.*

*Subd. 21. [OFFICE OF THE PENSION PLAN.] "Office of the pension plan" means an administrative facility or portion of a facility where the primary business or administrative affairs of a pension plan are conducted and the primary and permanent records and files of the plan are retained.*

*Subd. 22. [PENSION FUND.] "Pension fund" means the assets amassed and held by a pension plan, other than the general fund, as reserves for present and future payment of benefits and administrative expenses.*

*Subd. 23. [PENSION PLAN.] "Pension plan" means all aspects of an arrangement between a public employer and its employees concerning the pension benefit coverage provided to the employees.*

*Subd. 24. [PLAN DOCUMENT.] "Plan document" means a written document or series of documents containing the eligibility requirements and entitlement provisions constituting the benefit coverage of a pension plan, including any articles of incorporation, bylaws, governing body rules and policies, municipal charter provisions, municipal ordinance provisions, or general or special state law.*

*Subd. 25. [PLAN PARTICIPANT.] "Plan participant" means a person who is an active member of a pension plan by virtue of the person's employment or who is making a pension plan member contribution.*

*Subd. 26. [STATEWIDE PLAN.] "Statewide plan" means any of the following pension plans:*

*(1) the Minnesota state retirement system or a pension plan administered by it;*

*(2) the public employees retirement association or a pension plan administered by it; and*

*(3) the teachers retirement association or a pension plan administered by it.*

**Sec. 2. [356A.02] [FIDUCIARY STATUS, ACTIVITIES, AND POSITIONS.]**

*Subdivision 1. [GENERAL RULE.] A person is a fiduciary if the person is in a fiduciary position and exercises discretion over a fiduciary activity in connection with a covered pension plan.*

*Subd. 2. [FIDUCIARY ACTIVITY.] Fiduciary activity includes, but is not limited to:*

*(1) the investment of plan assets;*

*(2) the determination of benefits;*

*(3) the determination of eligibility for membership or benefits;*

*(4) the determination of the amount or duration of benefits;*

*(5) the determination of funding requirements or the amounts of contributions;*

- (6) the determination of actuarial assumptions;
- (7) the maintenance of membership or financial records; and
- (8) the direct or indirect expenditure of plan assets.

Subd. 3. [FIDUCIARY POSITION.] A person serves in a fiduciary position if the person is:

- (1) a member of the governing board of a covered pension plan or of the state board of investment;
- (2) an investment broker, investment advisor, investment manager, investment manager selection consultant, or investment performance evaluation consultant who provides services directly to a covered pension plan and is not an employee of the plan or of the state board of investment or a member of the investment advisory council of the state board of investment;
- (3) an investment security custodian, depository, or nominee who provides services directly to a covered pension plan;
- (4) an actuary, accountant, auditor, medical advisor, or legal counsel who provides services directly or indirectly to a covered pension plan and is not an employee of the plan or of the state board of investment; or
- (5) the chief administrative officer of a covered pension plan or of the state board of investment.

Sec. 3. [356A.03] [PROHIBITION OF CERTAIN PERSONS FROM FIDUCIARY STATUS.]

Subdivision 1. [INDIVIDUAL PROHIBITION.] For the prohibition period established by subdivision 3, a person, other than a constitutional officer of the state, who has been convicted of a violation listed in subdivision 4 may not assume a fiduciary position, engage in a fiduciary activity, or accept a position that is connected with a covered pension plan, including that of employee, consultant, manager, or advisor.

Subd. 2. [BUSINESS PROHIBITION.] For the prohibition period established by subdivision 3, a business entity that is not a publicly held corporation and for which more than five percent of the equity or ownership interest is held by a person who, in an individual capacity, would be prohibited under subdivision 1 may not provide consulting, management, or advisory services to a covered pension plan.

Subd. 3. [PROHIBITION PERIOD.] A prohibition under subdivision 1 or 2 is for a period of five years, beginning on the day following conviction for a violation listed in subdivision 4 or, if the person convicted is incarcerated, the day following unconditional release from incarceration.

Subd. 4. [APPLICABLE VIOLATIONS.] A prohibition under subdivision 1 or 2 is imposed as a result of any of the following violations of law:

- (1) a violation of federal law specified in United States Code, title 29, section 1111, as amended;
- (2) a violation of Minnesota law that is a felony under Minnesota law; or
- (3) a violation of the law of another state, United States territory or possession, or federally recognized Indian tribal government, or of the Uniform Code of Military Justice, that would be a felony under the offense definitions and sentences in Minnesota law.

*Subd. 5. [DOCUMENTATION.] In determining the applicability of this section, the state board of investment or a public pension plan may rely on a disclosure form meeting the requirements of the federal Investment Adviser Act of 1940, as amended through the effective date of this section, and filed with the state board of investment or the pension plan.*

**Sec. 4. [356A.04] [GENERAL STANDARD OF FIDUCIARY CONDUCT.]**

*Subdivision 1. [DUTY.] A fiduciary of a covered pension plan, in performing a fiduciary duty or serving in a fiduciary position, owes a fiduciary duty to:*

- (1) the state of Minnesota, which established the plan;*
- (2) the taxpayers of the state or political subdivision, who help to finance the plan; and*
- (3) the active, deferred, and retired members of the plan, who are its beneficiaries.*

*Subd. 2. [PRUDENT PERSON STANDARD.] (a) A fiduciary shall act in good faith, shall exercise that degree of judgment and care, under the circumstances then prevailing, that persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, and shall undertake steps reasonably calculated to gain and to retain the capacity to make informed fiduciary judgments and to undertake an informed exercise of fiduciary discretion.*

*(b) If a fiduciary activity involves the investment of plan assets, a fiduciary shall act for the purpose of investment, not for speculation, considering the probable safety of the plan capital as well as the probable investment return to be derived from the assets.*

**Sec. 5. [356A.05] [DUTIES APPLICABLE TO ALL ACTIVITIES.]**

*(a) A fiduciary activity of a covered pension plan must be carried out solely for the following purposes:*

- (1) to provide authorized benefits to plan participants and beneficiaries;*
  - (2) to incur and pay reasonable and necessary administrative expenses;*
- or*
- (3) to manage a covered pension plan in accordance with the purposes and intent of the plan document.*
- (b) A fiduciary activity must be carried out faithfully, without prejudice, and in a manner consistent with law and the plan document.*

**Sec. 6. [356A.06] [INVESTMENTS; ADDITIONAL DUTIES.]**

*Subdivision 1. [TITLE TO ASSETS.] Assets of a covered pension plan may be held only by the plan treasurer, the state board of investment, or the depository agent of the plan or of the state board of investment. Legal title to plan assets must be vested in the plan, the state board of investment, the governmental entity that sponsors the plan, or the nominee of the plan or the depository agent. The holder of legal title shall function as a trustee for a person or entity with a beneficial interest in the assets of the plan.*

*Subd. 2. [DIVERSIFICATION.] The investment of plan assets must be diversified to minimize the risk of substantial investment losses unless the circumstances at the time an investment is made clearly indicate that diversification would not be prudent.*



**Subd. 3. [ABSENCE OF PERSONAL PROFIT.]** No fiduciary may personally profit, directly or indirectly, as a result of the investment or management of plan assets. This subdivision, however, does not preclude the receipt by a fiduciary of reasonable compensation, including membership in or the receipt of benefits from a pension plan, for the fiduciary's position with respect to the plan.

**Subd. 4. [ECONOMIC INTEREST STATEMENT.]** A member of the governing board of a covered pension plan and the chief administrative officer of the plan shall file with the plan a statement of economic interest. The statement must contain the information required by section 10A.09, subdivision 5, and any other information that the fiduciary or the governing board of the plan determines is necessary to disclose a reasonably foreseeable potential or actual conflict of interest. The statement must be filed annually with the chief administrative officer of the plan and be available for public inspection during regular office hours at the office of the pension plan. A disclosure form meeting the requirements of the federal Investment Adviser Act of 1940, as amended, and filed with the state board of investment or the pension plan meets the requirements of this subdivision.

**Subd. 5. [INVESTMENT BUSINESS RECIPIENT DISCLOSURE.]** The chief administrative officer of a covered pension plan, with respect to investments made by the plan, and the executive director of the state board of investment, with respect to investments of plan assets made by the board, shall annually disclose in writing the recipients of investment business placed with or investment commissions allocated among commercial banks, investment bankers, brokerage organizations, or other investment managers. The disclosure document must be prepared within 60 days after the close of the fiscal year of the plan and must be available for public inspection during regular office hours at the office of the plan. The disclosure document must also be filed with the executive director of the legislative commission on pensions and retirement within 90 days after the close of the fiscal year of the plan. For the state board of investment, a disclosure document included as part of a regular annual report of the board is considered to have been filed on a timely basis.

**Subd. 6. [LIMITED LIST OF AUTHORIZED INVESTMENT SECURITIES.]** (a) A covered pension plan may invest its assets only in investment securities authorized by this subdivision if the plan does not:

(1) have assets with a book value in excess of \$1,000,000;

(2) use the services of an investment advisor registered with the Securities and Exchange Commission in accordance with the federal Investment Advisers Act of 1940, United States Code, title 15, sections 80b-1 to 80b-21, as amended, or licensed as an investment advisor in accordance with sections 80A.04, subdivision 3, and 80A.14, subdivision 9, for the investment of at least 60 percent of its assets, calculated on book value;

(3) use the services of the state board of investment for the investment of at least 60 percent of its assets, calculated on book value; or

(4) use a combination of the services of an investment advisor meeting the requirements of clause (2) and the services of the state board of investment for the investment of at least 75 percent of its assets, calculated on book value.

(b) Investment securities authorized for a pension plan covered by this subdivision are:

(1) certificates of deposit issued, to the extent of available insurance or collateralization, by a financial institution that is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, is insured by the National Credit Union Administration, or is authorized to do business in this state and has deposited with the chief administrative officer of the plan a sufficient amount of marketable securities as collateral in accordance with section 118.01;

(2) savings accounts, to the extent of available insurance, with a financial institution that is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(3) governmental obligations, including bonds, notes, bills, or other fixed obligations, issued by the United States, an agency or instrumentality of the United States, an organization established and regulated by act of Congress or by a state, state agency or instrumentality, municipality, or other governmental or political subdivision that:

(i) for the obligation in question, issues an obligation that equals or exceeds the stated investment yield of debt securities not exempt from federal income taxation and of comparable quality; and

(ii) for an obligation that is a revenue bond, has been completely self-supporting for the last five years; or

(iii) for an obligation other than a revenue bond, has issued an obligation backed by the full faith and credit of the applicable taxing jurisdiction and has not been in default on the payment of principal or interest on the obligation in question or any other nonrevenue bond obligation during the preceding ten years;

(4) corporate obligations, including bonds, notes, debentures, or other regularly issued and readily marketable evidences of indebtedness issued by a corporation organized under the laws of any state that during the preceding five years has had on average annual net pretax earnings at least 50 percent greater than the annual interest charges and principal payments on the total issued debt of the corporation during that period and that, for the obligation in question, has issued an obligation rated in one of the top three quality categories by Moody's Investors Service, Incorporated, or Standard and Poor's Corporation; and

(5) shares in an open-end investment company registered under the federal Investment Company Act of 1940, if the portfolio investments of the company are limited to investments that meet the requirements of clauses (1) to (4).

**Subd. 7. [EXPANDED LIST OF AUTHORIZED INVESTMENT SECURITIES.]** A covered pension plan not described by subdivision 6, paragraph (a), may invest its assets only in investment securities authorized by section 11A.24.

**Subd. 8. [MINIMUM LIQUIDITY REQUIREMENTS.]** A covered pension plan described by subdivision 6, paragraph (a), shall invest a portion of its assets in authorized short-term debt obligations that can be immediately liquidated without accrual of a substantial determinable penalty or loss and that have an average maturity of no more than 90 days. The portion of assets to be invested in accordance with this subdivision must be an amount equal to the actual or potential benefits reasonably anticipated as payable over the succeeding two years to current benefit recipients

and to active members who are within two years of their normal retirement ages or, if they are older, of their assumed retirement age. The chief administrative officer of the plan shall determine the minimum liquidity requirement of the plan as of the first day of each quarter. Documentation of each quarterly determination must be retained in the permanent records of the plan for three years after the date of the documentation.

Subd. 9. [PROHIBITED TRANSACTIONS.] (a) No fiduciary or plan participant of a covered pension plan may engage in a prohibited transaction. No plan fiduciary may allow the plan to engage in a transaction that the fiduciary knows or should know is a prohibited transaction.

(b) A prohibited transaction is any of the following transactions, whether direct or indirect:

(1) the sale, exchange, or lease of real estate between the pension plan and a fiduciary of the plan;

(2) the lending of money or other extension of credit between the plan and a fiduciary of the plan or a plan participant;

(3) the furnishing to a plan by a fiduciary, for compensation or remuneration, of goods, services other than those performed in the capacity of fiduciary, or facilities;

(4) the furnishing to a fiduciary by a plan of goods, services, or facilities other than office and related space, office equipment and supplies, and administrative services appropriate to the recipient's fiduciary position;

(5) the transfer of plan assets to a plan fiduciary or participant for use by or the benefit of the fiduciary or participant, other than the payment of benefits to which a fiduciary or participant is entitled or the payment to a fiduciary of a reasonable salary and of necessary and reasonable expenses incurred by the fiduciary in the performance of fiduciary duties; and

(6) the sale, exchange, loan, or lease of any item of value between a plan and a fiduciary of the plan other than for a fair market value and as a result of an arms-length transaction.

#### Sec. 7. [356A.07] [BENEFIT COVERAGE; ADDITIONAL DUTIES.]

Subdivision 1. [BENEFIT PROVISIONS SUMMARY.] The chief administrative officer of a covered pension plan shall prepare and provide each plan participant and benefit recipient with a summary of the benefit provisions of the plan document. The summary must be provided within 30 days of the start or resumption of a participant's membership in the plan, or within 30 days of the date on which the start or resumption of membership was reported, whichever is later. The summary must contain a notice that it is a summary of the plan document but is not itself the plan document and that, in the event of a discrepancy between the summary and the plan document, the plan document governs. A copy of the plan document covering the plan must be furnished to a plan participant or benefit recipient upon request. Amendments to the plan document must be communicated to plan participants and benefit recipients in a manner specified by the governing body of the pension plan. The chief administrative officer may utilize the services of the covered governmental entity in providing the summary. The summary must be in a form reasonably calculated to be understood by an average plan participant or benefit recipient.

*Subd. 2. [DISTRIBUTION.] A covered pension plan may distribute the summaries required by this section and section 8 through covered governmental entities so long as the plan has made arrangements with the entities to assure, with reasonable certainty, that the summaries will be distributed, or easily available, to plan participants.*

*Subd. 3. [REVIEW PROCEDURE.] If a review procedure is not specified by law for a covered pension plan, the chief administrative officer of the plan shall propose, and the governing board of the plan shall adopt and implement, a procedure for reviewing a board determination of eligibility, benefits, or other rights under the plan that is adverse to a plan participant or benefit recipient. A statewide plan for which a review procedure is not specified by law shall adopt a review procedure by rule. The review procedure may afford the plan participant or benefit recipient an opportunity to present views at any review proceeding conducted and may, but need not be, a contested case under chapter 14. The chief administrative officer of the plan shall prepare a summary of the review procedure. A copy of the summary must be furnished to a plan participant at the participant's request and must be included in the summary required by subdivision 1. The summary must be in a form reasonably calculated to be understood by an average plan participant or benefit recipient.*

**Sec. 8. [356A.08] [FUNDING; ADDITIONAL DUTIES.]**

*Subdivision 1. [DEFINED BENEFIT PLAN FUNDING PROCEDURE SUMMARY.] The chief administrative officer of a covered pension plan shall prepare a summary of the method used in funding the plan, the procedure for calculating the rate of funding, and the timing of the funding. The summary must be provided to each plan participant and benefit recipient along with the benefit summary required by section 7, subdivision 1, and may be combined with it.*

*Subd. 2. [ANNUAL FINANCIAL REPORT.] A covered pension plan shall provide each plan participant and benefit recipient with a copy of the most recent annual financial report required by section 356.20 and a copy of the most recent actuarial valuation, if any, required by section 69.77, 69.773, 356.215, or 356.216, or a synopsis of those reports.*

**Sec. 9. [356A.09] [PLAN ADMINISTRATION; ADDITIONAL DUTIES.]**

*Subdivision 1. [PUBLIC MEETINGS.] A meeting of the governing board of a covered pension plan or of a committee of the plan is governed by section 471.705.*

*Subd. 2. [LIMIT ON COMPENSATION.] No fiduciary of a covered pension plan or a direct relative of a fiduciary may receive any direct or indirect compensation, fee, or other item of more than nominal value from a third party in consideration for a pension plan disbursement.*

**Sec. 10. [356A.10] [FIDUCIARY BREACH.]**

*Subdivision 1. [OCCURRENCE OF BREACH.] A fiduciary breach occurs if a fiduciary of a covered pension plan engaging in a fiduciary activity is directly responsible for a violation of the general standard of fiduciary conduct with respect to a specific fiduciary duty or any other fiduciary activity.*

*Subd. 2. [INTENTIONAL AND UNINTENTIONAL BREACH.] (a) An intentional fiduciary breach is a breach that is the result of bad intent and that is willful, deliberate, or the product of gross negligence.*

(b) *An unintentional fiduciary breach is a breach that results from negligence.*

**Sec. 11. [356A.11] [FIDUCIARY LIABILITY.]**

*Subdivision 1. [AVAILABLE REMEDIES.] Remedies potentially available for a fiduciary breach by a fiduciary of a covered pension plan are compensatory damages or equitable remedies.*

*Subd. 2. [COMPENSATORY DAMAGES.] A fiduciary other than a public employee who serves as legal counsel to a covered pension plan or the state board of investment is personally liable to restore the monetary amount of a loss incurred or to turn over a profit earned as a result of an intentional breach of the fiduciary's duty. Liability for compensatory damages is to the plan that has suffered the loss or was entitled to the assets used to make the profit, and may be joint and several. Damages must be based on the measurable amount of any monetary loss or profit or, if the amount is not measurable or readily determinable, the liability that would be imposed by the court in a substantially equivalent tort action. Compensatory damages are subject to the limits imposed by section 14, subdivision 6.*

*Subd. 3. [EQUITABLE REMEDIES.] In addition to or instead of awarding compensatory damages, the district court may determine equitable remedies as would be appropriate.*

**Sec. 12. [356A.12] [COFIDUCIARY RESPONSIBILITY AND LIABILITY.]**

*Subdivision 1. [COFIDUCIARY RESPONSIBILITY IN GENERAL.] A cofiduciary has a general responsibility to oversee the fiduciary activities of all other fiduciaries unless the activity has been allocated or delegated in accordance with subdivision 3. A cofiduciary also has a general responsibility to correct or alleviate a fiduciary breach of which the cofiduciary had or ought to have had knowledge.*

*Subd. 2. [COFIDUCIARY LIABILITY.] A cofiduciary is liable for a fiduciary breach committed by another fiduciary when the cofiduciary has a responsibility to oversee the fiduciary activities of the other fiduciary or to correct or alleviate a breach by that fiduciary.*

*Subd. 3. [LIMITATION ON COFIDUCIARY RESPONSIBILITY.] A cofiduciary may limit cofiduciary responsibility and liability through the allocation or delegation of fiduciary activities if the allocation or delegation:*

- (1) follows appropriate procedures;*
- (2) is made to an appropriate person or to appropriate persons; and*
- (3) is subject to continued monitoring of performance.*

*Subd. 4. [BAR TO LIABILITY IN CERTAIN INSTANCES.] A properly made delegation or allocation of a fiduciary activity is a bar to liability on the part of a fiduciary making the delegation or allocation unless the fiduciary has or ought to have knowledge of the breach and takes part in the breach, conceals it, or fails to take reasonable steps to remedy it.*

*Subd. 5. [EXTENT OF COFIDUCIARY LIABILITY.] (a) Unless liability is barred under subdivision 4, a cofiduciary is jointly and severally liable with a responsible fiduciary for compensatory damages, but has the right to recover from the responsible fiduciary any compensatory damages paid*

by the cofiduciary.

(b) If a cofiduciary had or ought to have had knowledge of a fiduciary breach and took part in the breach, concealed the breach, or failed to take reasonable steps to remedy it, the cofiduciary may be subject to any equitable remedies imposed on the responsible fiduciary.

Sec. 13. [356A.13] [FIDUCIARY INDEMNIFICATION.]

*Subdivision 1. [GENERAL PROHIBITION OF INDEMNIFICATION.] Except as provided in subdivision 2, an arrangement or plan provision that would exculpate or indemnify a fiduciary of a covered pension plan, or otherwise relieve the fiduciary of liability for a fiduciary breach, is prohibited as contrary to public policy.*

*Subd. 2. [INDEMNIFIED FIDUCIARIES.] A fiduciary who is a member of the governing board of a pension plan, an employee of a covered pension plan or of the state board of investments, or an attorney who provides legal advice to a covered pension plan or to the state board of investments in the capacity of an employee of the state or of a governmental subdivision may at the discretion of the governing board of the plan or of the state board of investments be indemnified from liability for an unintentional fiduciary breach. A board decision to indemnify a fiduciary must apply to all eligible fiduciaries of similar rank and must be prospective.*

*Subd. 3. [ALLOWABLE INDEMNIFICATION.] An indemnified fiduciary of a covered pension plan must be held harmless from reasonable costs or expenses incurred as a result of any actual or threatened litigation or other proceedings arising from the good-faith performance of fiduciary duties.*

Sec. 14. [356A.14] [LEGAL CHALLENGES TO FIDUCIARY ACTIONS.]

*Subdivision 1. [JURISDICTION.] The district court has jurisdiction over a challenge of a fiduciary action or inaction.*

*Subd. 2. [VENUE.] (a) Venue for a legal action challenging a fiduciary action or inaction of a statewide plan is Ramsey county.*

*(b) Venue for a legal action challenging a fiduciary action or inaction of a covered pension plan other than a statewide plan is the county in which the governmental entity that established and maintains the plan is located or predominantly located.*

*Subd. 3. [SERVICE OF PROCESS.] (a) For a fiduciary alleged in the complaint to be wholly or primarily responsible for an alleged breach, personal service of process must be obtained.*

*(b) For a fiduciary alleged in the complaint to have, or who may have, cofiduciary responsibility and liability, service of process may be obtained by certified or registered mail on the chief administrative officer of the pension plan on behalf of the fiduciary. The chief administrative officer, within ten days of service, shall provide written notice of the legal action to all affected fiduciaries who were not personally served.*

*Subd. 4. [STANDING.] (a) The following persons and no others have standing to bring a legal action challenging a fiduciary action or inaction:*

*(1) a fiduciary of the plan;*

*(2) for a statewide plan, the Ramsey county attorney;*

(3) for a plan other than a statewide plan, the attorney general or the county attorney of the county in which the governmental entity that established and maintains the plan is located or predominantly located; and

(4) the commissioner of finance.

(b) The legislative auditor shall investigate an alleged fiduciary breach at the request, by majority vote, of the senate finance committee, the house of representatives appropriations committee, the governmental operations committees of both houses, or the legislative commission on pensions and retirement. The legislative auditor shall file a report of an investigation with the appropriate county attorney. Upon receiving the report, the county attorney shall take whatever legal action the attorney deems appropriate to remedy a fiduciary breach substantiated by the report.

Subd. 5. [LIMITATIONS ON LEGAL ACTIONS.] A legal action challenging a fiduciary action or inaction must be timely. Notwithstanding any limitation in chapter 541, an action is timely if it is brought within the earlier of the following periods:

(1) the period ending three years after the date of the last demonstrable act representing the alleged fiduciary breach or after the final date for performance of the act the failure to perform which constitutes the alleged breach; or

(2) the period ending one year after the date of the discovery of the alleged fiduciary breach.

Subd. 6. [LIMITATION ON FIDUCIARY DAMAGES.] (a) For a legal action challenging an alleged fiduciary breach other than one involving theft, embezzlement, or other conversion of money or property, compensatory damages may not exceed \$250,000 for an individual who is a prevailing party or \$1,000,000 for a covered pension plan that is a prevailing party or on behalf of which a legal action was brought.

(b) For a legal action challenging a fiduciary breach involving theft, embezzlement, or other conversion of money or property, compensatory damages may not exceed the greater of the amounts specified in paragraph (a) or the amount of money or value of the property stolen, embezzled, or otherwise converted.

(c) Costs and reasonable attorney fees may be awarded to a prevailing party, to be paid by a nonprevailing party, for all or part of a legal action challenging a fiduciary breach.

Subd. 7. [OTHER RIGHTS PRESERVED.] Nothing in this section abrogates or limits a person's right to bring an action under other statutory or common law.

## Sec. 15. [356A.15] [CONTINUING FIDUCIARY EDUCATION.]

Subdivision 1. [OBLIGATION OF FIDUCIARIES.] A fiduciary of a covered pension plan shall make all reasonable efforts to obtain knowledge and skills sufficient to enable the fiduciary to perform fiduciary duties adequately. At a minimum, the fiduciary shall comply with the program established in accordance with subdivision 2.

Subd. 2. [CONTINUING FIDUCIARY EDUCATION PROGRAM.] The governing board of each covered pension plan shall develop, monitor, and periodically revise a program for the continuing education of members of its governing board and of its fiduciary employees who are not reasonably

*considered to be expert in fiduciary activities. The program must be designed to provide those persons with knowledge and skills sufficient to enable them to perform fiduciary duties adequately. By January 1 of each year, a statewide plan must file the program and revisions of the program with the executive director of the legislative commission on pensions and retirement, and a local pension plan must file the program and revisions of the program with the state auditor.*

Sec. 16. [EFFECTIVE DATE.]

*Sections 1 to 15 are effective the day following final enactment.*

ARTICLE 4

CONFORMING AMENDMENTS TO FIDUCIARY PROVISIONS

Section 1. [3A.011] [ADMINISTRATION OF PLAN.]

*The Minnesota state retirement system shall administer the legislators retirement plan in accordance with article 3.*

Sec. 2. Minnesota Statutes 1986, section 11A.01, is amended to read:

11A.01 [STATEMENT OF PURPOSE.]

The purpose of ~~sections 11A.01 to 11A.25~~ *this chapter* is to establish standards ~~which will~~, *in addition to the applicable standards of article 3,* to insure that state and pension assets subject to this legislation will be responsibly invested to maximize the total rate of return without incurring undue risk.

Sec. 3. Minnesota Statutes 1987 Supplement, section 11A.04, is amended to read:

11A.04 [DUTIES AND POWERS.]

The state board shall:

(1) Act as trustees for each fund for which it invests or manages money in accordance with the standard of care set forth in section 11A.09 *if state assets are involved or in accordance with article 3 if pension assets are involved.*

(2) Formulate policies and procedures deemed necessary and appropriate to carry out its functions. Procedures adopted by the board ~~shall must~~ allow fund beneficiaries and members of the public to become informed of proposed board actions. Procedures and policies of the board ~~shall are not be~~ subject to the administrative procedure act.

(3) Employ an executive director as provided in section 11A.07.

(4) Employ investment advisors and consultants as it deems necessary.

(5) Prescribe policies concerning personal investments of all employees of the board to prevent conflicts of interest.

(6) Maintain a record of its proceedings.

(7) As it deems necessary, establish advisory committees subject to ~~the provisions of~~ section 15.059 to assist the board in carrying out its duties.

(8) Not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

(9) Direct the state treasurer to sell property other than money ~~which~~



that has escheated to the state when the board determines that sale of the property is in the best interest of the state. Escheated property ~~shall~~ *must* be sold to the highest bidder in the manner and upon terms and conditions prescribed by the board.

(10) Undertake any other activities necessary to implement the duties and powers set forth in this section.

(11) Establish a formula or formulas to measure management performance and return on investment. All Public pension funds in the state shall utilize the formula or formulas developed by the state board.

(12) Except as otherwise provided in article XI, section 8, of the constitution of the state of Minnesota, employ, at its discretion, qualified private firms to invest and manage the assets of funds over which the state board has investment management responsibility. There is annually appropriated to the state board, from the assets of the funds for which the state board utilizes a private investment manager, sums sufficient to pay the costs ~~therefor~~ *of employing private firms*. Each year, by January 15, the board shall report to the governor and legislature on the cost and the investment performance of each investment manager employed by the board.

(13) Adopt an investment policy statement that includes investment objectives, asset allocation, and the investment management structure for the retirement fund assets under its control. The statement may be revised at the discretion of the state board. The state board shall seek the advice of the council regarding its investment policy statement. Adoption of the statement is not subject to chapter 14.

Sec. 4. Minnesota Statutes 1986, section 11A.07, subdivision 4, is amended to read:

Subd. 4. [DUTIES AND POWERS.] The director, at the direction of the state board, shall:

(1) Plan, direct, coordinate and execute administrative and investment functions in conformity with the policies and directives of the state board *and the requirements of this chapter and of article 3*.

(2) Employ ~~such~~ professional and clerical staff as is necessary within the complement limits established by the legislature. Employees whose primary responsibility is to invest or manage money or employees who hold positions designated as unclassified ~~pursuant to~~ *under* section 43A.08, subdivision 1a ~~shall be~~ *are* in the unclassified service of the state. Other employees ~~shall be~~ *are* in the classified service.

(3) Report to the state board on all operations under the director's control and supervision.

(4) Maintain accurate and complete records of securities transactions and official activities.

(5) Establish a policy relating to the purchase and sale of ~~all~~ securities on the basis of competitive offerings or bids. The policy is subject to board approval.

(6) Cause ~~all~~ securities acquired to be kept in the custody of the state treasurer or ~~such~~ other depositories *consistent with article 3*, as the state board deems appropriate.

(7) Prepare and file with the director of the legislative reference library

~~on or before~~, by December 31 of each year, a report summarizing the activities of the state board, the council, and the director during the preceding fiscal year. The report ~~shall~~ *must* be prepared so as to provide the legislature and the people of the state with a clear, comprehensive summary of the portfolio composition, the transactions, the total annual rate of return, and the yield to the state treasury and to each of the funds whose assets are invested by the state board, and the recipients of business placed or commissions allocated among the various commercial banks, investment bankers, and brokerage organizations. ~~This~~ *The* report ~~shall~~ *must* contain financial statements for funds managed by the board prepared in accordance with generally accepted accounting principles.

(8) Require state officials from any department or agency to produce and provide access to any financial documents the state board deems necessary in the conduct of ~~their~~ *its* investment activities.

(9) Receive and expend legislative appropriations.

(10) Undertake any other activities necessary to implement the duties and powers set forth in this subdivision *consistent with article 3*.

Sec. 5. Minnesota Statutes 1986, section 11A.08, subdivision 6, is amended to read:

Subd. 6. [CONFLICT OF INTEREST; ECONOMIC INTEREST STATEMENT.] No member of the council may participate in deliberations or vote on any matter before the council which *violates article 3 or which will or is likely to result in direct, measurable economic gain to the member.* Additionally, no member of the council appointed by the state board may participate in deliberations or vote on any matter before the council which will or is likely to result in direct, measurable economic gain to that member's employer. Members of the council shall file with the board of ethical practices an economic interest statement in a manner as prescribed by section 10A.09, subdivisions 5 and 6.

Sec. 6. Minnesota Statutes 1986, section 11A.09, is amended to read:

#### 11A.09 [STANDARD OF CARE.]

In the discharge of their respective duties, the members of the state board, director, board staff, *and members of the council and any other person charged with the responsibility of investing money pursuant to the standards set forth in sections 11A.01 to 11A.25, for the investment of funds other than pension fund assets,* shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived therefrom *and, for the investment of pension fund assets, shall act in accordance with article 3*.

Sec. 7. Minnesota Statutes 1986, section 11A.13, subdivision 1, is amended to read:

Subdivision 1. [LEGAL TITLE TO FUND ASSETS.] Legal title to the assets of state funds to be invested by the state board ~~shall~~ *must* be in the state of Minnesota, or its nominees. Legal title to pension funds to be invested by the state board ~~shall~~ *must* be in the state board, or its nominees, as trustees for any person having a beneficial interest in the applicable

fund subject to the rights of the particular funds maintaining shares, investment participation or units in the accounts to their credit as specified in article 3, section 6.

Sec. 8. Minnesota Statutes 1986, section 69.30, is amended to read:

69.30 [OFFICERS, DUTIES, BONDS.]

*Subdivision 1. [RELIEF ASSOCIATION OFFICERS.]* The officers of a relief association ~~shall be~~ *are* a president, one or more vice-presidents, a secretary, and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the bylaws of any such association.

*Subd. 2. [RELIEF ASSOCIATION MANAGEMENT.]* The affairs of ~~such~~ *the* association ~~shall must~~ be managed by a board of trustees elected in the manner prescribed by the articles of incorporation of the association *and in accordance with article 3.*

*Subd. 3. [BONDING.]* The secretary and the treasurer of each such relief association shall each furnish a corporate bond to the association for the faithful performance of duties in ~~such an~~ amount as the association ~~from time to time~~ may determine. Each relief association shall, ~~and it is hereby authorized to,~~ pay the premiums on these bonds from its general fund.

Sec. 9. Minnesota Statutes 1986, section 69.77, subdivision 2g, is amended to read:

Subd. 2g. [INVESTMENT OF RELIEF ASSOCIATION FUNDS.] The funds of the association ~~shall must~~ be invested in securities ~~which that are proper authorized investments pursuant to under article 3, section 11A.24.~~ Notwithstanding the foregoing, up to 75 percent of the market value of the assets of the fund may be invested in open-end investment companies registered under the federal Investment Company Act of 1940, if the portfolio investments of the investment companies comply with the type of securities authorized for investment by section 11A.24, subdivisions 2 to 5 6, subdivision 6 or 7. Securities held by the association before March 20, 1986, ~~which the effective date of this section that~~ do not meet the requirements of this paragraph subdivision may be retained after that date if they were proper investments for the association on that date.

The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under the provisions of section 11A.17. The governing board of the association may select and appoint a qualified private firm to measure management performance and return on investment, and the firm shall use the formula or formulas developed by the state board ~~pursuant to under~~ section 11A.04, clause (11).

Sec. 10. Minnesota Statutes 1986, section 69.775, is amended to read:

69.775 [INVESTMENTS.]

The special fund assets of the relief associations governed by sections 69.771 to 69.776 ~~shall must~~ be invested in securities ~~which that are proper authorized investments pursuant to under article 3, section 11A.24.~~ Notwithstanding the foregoing, up to 75 percent of the market value of the assets of the fund may be invested in open-end investment companies registered under the federal Investment Company Act of 1940, if the portfolio investments of the investment companies comply with the type of securities authorized for investment by section 11A.24, subdivisions 2 to

§ 6, subdivision 6 or 7. Securities held by the associations before ~~March 20, 1986, which the effective date of this section~~ that do not meet the requirements of this section may be retained after that date if they were proper investments for the association on that date. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under ~~the provisions of~~ section 11A.17. *The governing board of the association may select and appoint a qualified private firm to measure management performance and return on investment, and the firm shall use the formula or formulas developed by the state board under section 11A.04, clause (11).*

Sec. 11. Minnesota Statutes 1986, section 136.80, subdivision 1, is amended to read:

Subdivision 1. A supplemental retirement plan for personnel employed by the state university board and the state board for community colleges who are in the unclassified service of the state commencing July 1 following the completion of the second year of their full time contract is ~~hereby established and shall be. The supplemental retirement plan is governed pursuant to by~~ sections 136.81 to ~~136.85~~ 136.87 and ~~must be administered by the teachers retirement association in accordance with article 3. Any~~ An unclassified employee who is employed by the state university board or the state board for community colleges in subsidized on-the-job training, work experience, or public service employment as an enrollee under the federal comprehensive employment and training act ~~shall~~ may not be included in the supplemental retirement plan provided for in sections 136.81 to ~~136.85 from and~~ 136.87 after March 30, 1978, unless the unclassified employee has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement fund providing primary retirement coverage to meet the minimum vesting requirements for a deferred retirement annuity, or the board agrees in writing to make the employer contribution required by section 136.81 on account of ~~that the~~ the unclassified employee from revenue sources other than funds provided under the federal comprehensive employment and training act, or the unclassified employee agrees in writing to make the employer contribution required by section 136.81 in addition to the member contribution.

Sec. 12. Minnesota Statutes 1986, section 136.84, is amended to read:  
136.84 [TITLE TO ASSETS, PERSONAL RIGHTS.]

The right of a person who has shares to the credit of the person's employee's share account record to redeem the shares or any portion ~~thereof of the shares~~ is a personal right only and ~~shall is not be~~ assignable. Legal title to the assets of the supplemental ~~retirement investment fund shall be in the state of Minnesota or the state board of investment or the nominee of either is as specified in article 3, section 6, subdivision 1,~~ subject to the rights of the teachers retirement fund. ~~Any~~ An assignment or attempted assignment of shares to the credit of an employee's share account record by ~~any person~~ is null and void. Such Shares are exempt from garnishment or levy under attachment or execution and from all taxation by the state of Minnesota, ~~except that none shall be but are not exempt from taxation under chapter 291, unless transferred to a surviving spouse or minor or dependent child of the decedent or a trust for their benefit:~~

Sec. 13. Minnesota Statutes 1987 Supplement, section 352.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] (a) The policy-making function of the system is vested in a board of 11 members, ~~who shall be~~ known as the board of directors.

(b) ~~This~~ The board ~~shall consist~~ consists of three members appointed by the governor, one of whom must be a constitutional officer or appointed state official and two of whom must be public members knowledgeable in pension matters, four state employees elected by state employees covered by the system excluding employees in categories specifically authorized to designate or elect a member by this subdivision, one employee of the transit operating division of the metropolitan transit commission designated by the executive committee of the labor organization that is the exclusive bargaining agent representing employees of the transit division, one member of the state patrol retirement fund elected by members of that fund at a time and in a manner fixed by the board, one employee covered by the correctional employees plan elected by employees covered by that plan, and one retired employee elected by retired employees at a time and in a manner to be fixed by the board. Two state employee members, whose terms of office begin on the first Monday in March after their election, must be elected biennially. Elected members and the appointed transit operating division member hold office for a term of four years, except the retired member, whose term is two years, and until their successors are elected or appointed, and have qualified. A state employee on leave of absence is not eligible for election or reelection to membership on the board of directors. The term of any board member who is on leave for more than six months automatically ends on expiration of this period.

(c) *The board shall act in accordance with article 3.*

Sec. 14. Minnesota Statutes 1987 Supplement, section 352.03, subdivision 4, is amended to read:

Subd. 4. [DUTIES AND POWERS OF BOARD OF DIRECTORS.] The board shall:

(1) elect a chair;

(2) appoint an executive director;

(3) establish rules to administer this chapter and chapters 3A, 352B, 352C, 352D, and 490 *and article 3* and transact the business of the system, subject to the limitations of law;

(4) consider and dispose of, or take any other action the board of directors deems appropriate concerning denials of applications for annuities or disability benefits under this chapter, and complaints of employees and others pertaining to the retirement of employees and the operation of the system; and

(5) advise the director on any matters relating to the system and carrying out functions and purposes of this chapter. The board's advice shall control.

The director and assistant director ~~must be~~ *are* in the unclassified service, but appointees may be selected from civil service lists if desired. The salary of the executive director ~~must be~~ *is* as provided by section 15A.081, subdivision 1. The salary of the assistant director must be set in accordance with section 43A.18, subdivision 3.

Sec. 15. Minnesota Statutes 1987 Supplement, section 352.03, subdivision 6, is amended to read:

Subd. 6. [DUTIES AND POWERS OF EXECUTIVE DIRECTOR.] The management of the system is vested in the director, who is the executive and administrative head of the system. The director shall be advisor to the board on matters pertaining to the system and shall also act as the secretary of the board. The director shall:

- (1) attend meetings of the board;
- (2) prepare and recommend to the board appropriate rules to carry out this chapter;
- (3) establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) designate an assistant director with the approval of the board;
- (5) appoint any employees, both permanent and temporary, that are necessary to carry out the provisions of this chapter *and chapters 3A, 352B, 352C, 352D, and 490*;
- (6) organize the work of the system as the director deems necessary to fulfill the functions of the system, and define the duties of its employees and delegate to them any powers or duties, subject to the control of the director and under conditions the director may prescribe *and so long as appointments to exercise delegated power must be by written order and shall be filed with the secretary of state*;
- (7) with the advice and consent of the board, contract for the services of an approved actuary, professional management services, and any other consulting services as necessary and fix the compensation for those services. ~~The contracts are not subject to competitive bidding under chapter 16B. Any approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director, and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. Any supplemental actuarial valuations or experience studies shall be filed with the executive director of the legislative commission on pensions and retirement. Professional management services may not be contracted for more often than once in six years. Copies of professional management survey reports must be transmitted to the secretary of the senate, the chief clerk of the house of representatives, and the legislative reference library as provided by section 3-195, to the executive director of the commission, and to the legislative auditor at the time as reports are furnished to the board. Only management firms experienced in conducting management surveys of federal, state, or local public retirement systems are qualified to contract with the director;~~
- (8) with the advice and consent of the board provide in-service training for the employees of the system;
- (9) make refunds of accumulated contributions to former state employees and to the designated beneficiary, surviving spouse, legal representative, or next of kin of deceased state employees or deceased former state employees, as provided in this chapter *or chapter 3A, 352B, 352C, 352D, or 490*;
- (10) determine the amount of the annuities and disability benefits of employees covered by the system and authorize payment of the annuities and benefits beginning as of the dates on which the annuities and benefits begin to accrue, in accordance with the provisions of this chapter *or chapter 3A, 352B, 352C, 352D, or 490*;

(11) pay annuities, refunds, survivor benefits, salaries, and necessary operating expenses of the system;

(12) certify funds available for investment to the state board of investment;

(13) with the advice and approval of the board request the state board of investment to sell securities when the director determines that funds are needed for the system;

(14) prepare and submit to the board and the legislature an annual financial report covering the operation of the system, as required by section 356.20;

(15) prepare and submit biennial and quarterly budgets to the board and with the approval of the board submit the budgets to the department of finance; and

(16) with the approval of the board, perform other duties required to administer the retirement and other provisions of this chapter and to do its business.

*Contracts are not subject to competitive bidding under chapter 16B. An approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director, and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. Any supplemental actuarial valuations or experience studies must be filed with the executive director of the legislative commission on pensions and retirement. Professional management services may not be contracted for more often than once in six years. Copies of professional management survey reports must be transmitted to the secretary of the senate, the chief clerk of the house of representatives, the legislative reference library as provided by section 3.195, the executive director of the commission, and the legislative auditor at the same time as reports are furnished to the board. Only management firms experienced in conducting management surveys of federal, state, or local public retirement systems are qualified to contract with the director.*

Sec. 16. Minnesota Statutes 1987 Supplement, section 352.03, subdivision 7, is amended to read:

Subd. 7. [DIRECTORS' FIDUCIARY OBLIGATION.] The board and, the director, and any other fiduciary of the Minnesota state retirement system shall administer the law faithfully without prejudice and undertake their activities consistent with the expressed intent of the legislature. They shall act in their respective capacities with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers who aid in financing it, and the state employees who are its beneficiaries article 3.

Sec. 17. Minnesota Statutes 1987 Supplement, section 352.03, subdivision 11, is amended to read:

Subd. 11. [LEGAL ADVISER, ATTORNEY GENERAL.] The attorney general shall be is the legal adviser of the board and of the director. The board may sue or be sued in the name of the board of directors of the system. In actions brought by it or against it, the board shall must be represented by the attorney general. Venue of actions shall be in the Ramsey county district court is as provided in article 3, section 14, subdivision 2.

Sec. 18. Minnesota Statutes 1987 Supplement, section 352.05, is amended

to read:

352.05 [STATE TREASURER TO BE TREASURER OF SYSTEM.]

The state treasurer is ex officio treasurer of the retirement funds of the system. The general bond to the state ~~shall~~ *must* cover all liability for actions as treasurer of these funds, *including liability imposed by article 3*. Funds of the system received by the treasurer must be set aside in the state treasury to the credit of the proper fund. The treasurer shall deliver to the director copies of all payroll abstracts of the state together with the commissioner of finance's warrants covering the deductions made on these payroll abstracts for the retirement fund. The director shall have a list made of the commissioner of finance's warrants. These warrants must then be deposited with the state treasurer to be credited to the retirement fund. The treasurer shall pay out of this fund only on warrants issued by the commissioner of finance, upon abstracts signed by the director, or by the finance officer designated by the director during the disability or the absence of the director from the city of St. Paul, Minnesota. Abstracts for investments may be signed by the executive director of the state board of investment.

Sec. 19. Minnesota Statutes 1987 Supplement, section 352.92, is amended by adding a subdivision to read:

*Subd. 3. [PLAN ADMINISTRATION.] The Minnesota state retirement system shall administer the correctional employees retirement plan established by sections 352.90 to 352.951 in accordance with this chapter and chapter 356 and article 3.*

Sec. 20. Minnesota Statutes 1987 Supplement, section 352.96, subdivision 3, is amended to read:

*Subd. 3. [EXECUTIVE DIRECTOR TO ADMINISTER SECTION.] This section shall be administered by the executive director of the system under subdivision 4. Fiduciary activities of the deferred compensation plan must be undertaken in a manner consistent with article 3. If the state board of investment so elects, it may solicit bids for options under subdivision 2, clauses (2) and (3). All contracts must be approved before execution by the state board of investment. Contracts must provide that all options in subdivision 2 must: be presented in an unbiased manner, be ~~presented and in a manner conforming that conforms to applicable~~ rules adopted by the executive director, be reported on a periodic basis to all employees participating in the deferred compensation program, and not be the subject of unreasonable solicitation of state employees to participate in the program. The contract may not call for any person to jeopardize the tax-deferred status of money invested by state employees under this section. All costs or fees in relation to the options provided under subdivision 2, clause (3), must be paid by the underwriting companies ultimately selected by the state board of investment.*

Sec. 21. Minnesota Statutes 1987 Supplement, section 352B.03, subdivision 1, is amended to read:

*Subdivision 1. [OFFICERS.] The policy-making, management, and administrative functions governing the operation of the state patrol retirement fund are vested in the board of directors and executive director of the Minnesota state retirement system with duties, authority, and responsibility as provided in chapter 352. Fiduciary activities of the fund must be undertaken in a manner consistent with article 3.*



Sec. 22. Minnesota Statutes 1987 Supplement, section 352B.07, is amended to read:

352B.07 [ACTIONS BY OR AGAINST.]

The board may sue or be sued in the name of the board of directors of the state retirement system. In all actions brought by or against it, the board ~~shall~~ *must* be represented by the attorney general. The attorney general shall also be the legal adviser for the board. Venue of all actions is ~~in the Ramsey county district court as provided in article 3, section 14, subdivision 2.~~

Sec. 23. Minnesota Statutes 1986, section 352C.091, subdivision 1, is amended to read:

352C.091 [ADMINISTRATION.]

Subdivision 1. [ADMINISTRATIVE AGENCY AND STANDARDS.] ~~The provisions of This chapter shall~~ *must* be administered by the Minnesota state retirement system. ~~The elected state officers retirement plan must be administered consistent with this chapter and chapter 356 and article 3.~~

Sec. 24. Minnesota Statutes 1986, section 352D.09, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE AGENCY AND STANDARDS.] The unclassified employees retirement plan and the provisions of this chapter ~~shall~~ *must* be administered by the Minnesota state retirement system. The provisions of chapter 352 ~~shall~~ govern in all instances where not inconsistent with the provisions of this chapter. ~~Fiduciary activities of the unclassified employees retirement plan must be undertaken in a manner consistent with article 3.~~

Sec. 25. Minnesota Statutes 1986, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is vested in a board of trustees consisting of the state auditor and eight members. The governor shall appoint five trustees to four-year terms, one of whom shall be designated to represent school boards, one to represent cities, one to represent counties, one who ~~shall be~~ *is* a retired annuitant, and one who is a public member knowledgeable in pension matters. The membership of the association shall elect three trustees for terms of four years. Trustees elected by the membership of the association shall be public employees and members of the association. For seven days beginning November 1 of each year preceding a year in which an election is held, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund. No name may be withdrawn from nomination by the nominee after November 15. At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements, timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. Disputes between the board and a candidate concerning application of these policies to a particular statement ~~shall~~ *must* be resolved by the secretary of state. A candidate who:

(a) (1) receives contributions or makes expenditures in excess of \$100; or

(b) (2) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100;

for the purpose of bringing about the candidate's election, ~~must~~ *shall* file a report with the ethical practices board disclosing the source and amount of all contributions to the candidate's campaign. The ethical practices board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate ~~must~~ *shall* file a report within 30 days from the day that the results of the election are announced. The ethical practices board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position ~~shall be~~ *is* void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund ~~shall be~~ *is* January 31. Terms expire on January 31 of the fourth year, and positions are vacant until newly elected members are qualified. The ballot envelopes ~~shall~~ *must* be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret.

The elections shall be supervised by the secretary of state. It ~~shall be~~ *is* the duty of the board of trustees, ~~the executive director, and any other fiduciary of the public employees retirement association to faithfully administer the law without prejudice and undertake their activities consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries. They shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs~~ *article 3.*

Sec. 26. Minnesota Statutes 1987 Supplement, section 353.03, subdivision 3a, is amended to read:

Subd. 3a. [EXECUTIVE DIRECTOR.] (a) [APPOINTMENT.] The board shall appoint, with the advice and consent of the senate, an executive director on the basis of education, experience in the retirement field, and leadership ability. The executive director shall have had at least five years' experience in an executive level management position, which has included responsibility for pensions, deferred compensation, or employee benefits. The executive director serves at the pleasure of the board. The salary of the executive director is as provided by section 15A.081, subdivision 1.

(b) [DUTIES.] The management of the association is vested in the executive director who ~~shall be~~ *is* the executive and administrative head of the association. The executive director shall act as adviser to the board on all matters pertaining to the association and shall also act as the secretary of the board. The executive director shall:

- (1) attend all meetings of the board;
- (2) prepare and recommend to the board appropriate rules to carry out the provisions of this chapter;
- (3) establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) designate an assistant director, with the approval of the board, ~~who shall~~ to serve in the unclassified service and whose salary is set in accordance with section 43A.18, subdivision 3, appoint a confidential secretary in the unclassified service, and appoint employees to carry out this chapter, who are subject to chapters 43A and 179A in the same manner as are executive branch employees;
- (5) organize the work of the association as the director deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any powers or duties, subject to the control of, and under such conditions as, the executive director may prescribe;
- (6) with the approval of the board, contract for the services of an approved actuary, professional management services, and any other consulting services as necessary to fulfill the purposes of this chapter. ~~All contracts are subject to chapter 16B. The commissioner of administration shall not approve, and the association shall not enter into, any contract to provide lobbying services or legislative advocacy of any kind. Any approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. Any supplemental actuarial valuations or experience studies shall be filed with the executive director of the legislative commission on pensions and retirement. Copies of professional management survey reports shall be transmitted to the secretary of the senate, the chief clerk of the house of representatives, and the legislative reference library as provided by section 3.195, to the executive director of the commission and to the legislative auditor at the same time as reports are furnished to the board. Only management firms experienced in conducting management surveys of federal, state, or local public retirement systems shall be qualified to contract with the director hereunder;~~
- (7) with the approval of the board provide in-service training for the employees of the association;
- (8) make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, as provided in this chapter;
- (9) determine the amount of the annuities and disability benefits of members covered by the association and authorize payment of the annuities and benefits beginning as of the dates on which the annuities and benefits begin to accrue, in accordance with the provisions of this chapter;
- (10) pay annuities, refunds, survivor benefits, salaries, and necessary operating expenses of the association;
- (11) prepare and submit to the board and the legislature an annual financial report covering the operation of the association, as required by section 356.20;

(12) prepare and submit biennial and annual budgets to the board for its approval and submit the approved budgets to the department of finance for approval by the commissioner; and

(13) with the approval of the board, perform ~~such~~ other duties as *that* may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.

*Contracts made by the executive director under clause 6 are subject to chapter 16B. The commissioner of administration may not approve, and the association may not enter into, a contract to provide lobbying services or legislative advocacy of any kind. An approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. A supplemental actuarial valuation or experience study must be filed with the executive director of the legislative commission on pensions and retirement. Copies of professional management survey reports must be transmitted to the secretary of the senate, the chief clerk of the house of representatives, the legislative reference library as provided by section 3.195, the executive director of the commission, and the legislative auditor at the same time as reports are furnished to the board. Only a management firm experienced in conducting management surveys of federal, state, or local public retirement systems is qualified to contract with the director.*

Sec. 27. Minnesota Statutes 1986, section 353.05, is amended to read:

353.05 [CUSTODIAN OF FUNDS.]

The state treasurer ~~shall be~~ is ex officio treasurer of the retirement funds of the association, and the treasurer's general bond to the state ~~shall must~~ be so conditioned as to cover all liability for acts as treasurer of these funds, *including liability imposed by article 3*. All ~~moneys~~ money of the association received by the treasurer ~~shall must~~ be set aside in the state treasury to the credit of the proper fund. The treasurer shall transmit monthly to the executive director a detailed statement of all amounts so received and credited to the fund. Payments out of the fund ~~shall may~~ be made only on warrants issued by the commissioner of finance, upon abstracts signed by the executive director; provided that abstracts for investment may be signed by the secretary of the state board of investment.

Sec. 28. Minnesota Statutes 1986, section 353.06, is amended to read:

353.06 [STATE BOARD OF INVESTMENT TO INVEST FUNDS.]

The executive director shall from time to time certify to the state board of investment for investment such portions of the retirement fund as in ~~its~~ *the executive director's* judgment may not be required for immediate use. Assets from the public employees retirement fund ~~shall must~~ be transferred to the Minnesota postretirement investment fund as provided in section 11A.18. The state board of investment shall ~~thereupon~~ invest and reinvest the sum so certified, or transferred, in ~~such~~ securities as ~~that are~~ *are* duly authorized as legal investments for state employees retirement fund under section 11A.24 and ~~shall have authority to~~ may sell, convey, and exchange such securities and invest and reinvest the securities when it deems it desirable to do so and shall sell securities upon request of the board of trustees when such funds are needed for its purposes. ~~All of the~~ Provisions regarding accounting procedures and restrictions and conditions for the

purchase and sale of securities for the state employees retirement fund ~~shall~~ apply to the accounting, purchase, and sale of securities for the public employees retirement fund.

Sec. 29. Minnesota Statutes 1986, section 353.08, is amended to read:  
353.08 [LEGAL ADVISER, ATTORNEY GENERAL; VENUE.]

The attorney general ~~shall be~~ is the legal adviser of the board of trustees. The board may sue or be sued in the name of the board of trustees of the public employees retirement association ~~and~~. In all actions brought by it or against it, the board ~~shall must~~ be represented by the attorney general. The venue of all actions against and by the public employees retirement association ~~shall be Ramsey county is as provided in article 3, section 14, subdivision 2.~~

Sec. 30. Minnesota Statutes 1986, section 353.68, subdivision 1, is amended to read:

Subdivision 1. [GENERAL LAW APPLICABILITY.] The general provisions of this chapter apply to all police officers and firefighters who are members of the police and fire fund and also to all governmental subdivisions employing such members except where otherwise specifically provided in sections 353.63 to 353.68. *Fiduciary activities of the public employees police and fire fund must be undertaken in a manner consistent with article 3.*

Sec. 31. Minnesota Statutes 1987 Supplement, section 354.06, subdivision 1, is amended to read:

Subdivision 1. The management of the fund ~~shall be~~ is vested in a board of eight trustees ~~which shall be~~ known as the board of trustees of the teachers retirement fund. It ~~shall be~~ is composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of commerce, four members of the fund ~~who shall be~~ elected by the members of the fund, and one retiree ~~who shall be~~ elected by the retirees of the fund. The five elected members of the board of trustees ~~shall must~~ be chosen by mail ballot in a manner ~~which shall be~~ fixed by the board of trustees of the fund. In every odd-numbered year ~~there shall be elected~~ two members of the fund ~~must be elected~~ to the board of trustees for terms of four years commencing on the first of July next succeeding their election. In every odd-numbered year ~~there shall be elected~~ one retiree of the fund ~~must be elected~~ to the board of trustees for a term of two years commencing on the first of July next succeeding the election. The filing of candidacy for a retiree election must include a petition of endorsement signed by at least ten retirees of the fund. Each election ~~shall must~~ be completed by June first of each succeeding odd-numbered year. In the case of elective members, any vacancy ~~shall must~~ be filled by appointment by the remainder of the board, and the appointee shall serve until the members or retirees of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by the vacancy. No member or retiree ~~shall may~~ be appointed by the board, or elected by the members of the fund as a trustee, if the person is not a member or retiree of the fund in good standing at the time of the appointment or election.

Subd. 1a. [FIDUCIARY DUTY.] It ~~shall be~~ is the duty of the board of trustees, the executive director, and any other fiduciary of the teachers retirement association to ~~faithfully administer the law without prejudice~~

and undertake their duties consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries article 3.

Sec. 32. Minnesota Statutes 1987 Supplement, section 354.06, subdivision 2a, is amended to read:

Subd. 2a. [DUTIES OF EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director, who shall be the executive and administrative head of the association. The executive director shall act as advisor to the board on all matters pertaining to the association and shall also act as the secretary of the board. The executive director shall:

- (1) attend all meetings of the board;
- (2) prepare and recommend to the board appropriate rules to carry out the provisions of this chapter;
- (3) establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;
- (4) designate an assistant executive director in the unclassified service and two assistant executive directors in the classified service with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;
- (5) organize the work of the association as the director deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any powers or duties, subject to the director's control and under such conditions as the director may prescribe;
- (6) with the approval of the board, contract for the services of an approved actuary, professional management services, and any other consulting services as may be necessary and fix the compensation therefor. ~~Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16B. Professional management services may not be contracted for more often than once in every six years. Any approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. Any supplemental actuarial valuations or experience studies shall be filed with the executive director of the legislative commission on pensions and retirement. Copies of professional management survey reports shall be transmitted to the secretary of the senate, the chief clerk of the house of representatives, and the legislative reference library as provided by section 3.195, to the executive director of the commission and to the legislative auditor at the same time as reports are furnished to the board. Only management firms experienced in conducting management surveys of federal, state, or local public retirement systems shall be qualified to contract with the director hereunder for those services;~~
- (7) with the approval of the board, provide in-service training for the employees of the association;
- (8) make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative, or next of kin of deceased members or deceased former members, as provided in

this chapter;

(9) determine the amount of the annuities and disability benefits of members covered by the association and authorize payment of the annuities and benefits beginning as of the dates on which the annuities and benefits begin to accrue, in accordance with the provisions of this chapter;

(10) pay annuities, refunds, survivor benefits, salaries, and necessary operating expenses of the association;

(11) prepare and submit to the board and the legislature an annual financial report covering the operation of the association, as required by section 356.20;

(12) certify funds available for investment to the state board of investment;

(13) with the advice and approval of the board, request the state board of investment to sell securities on determining that funds are needed for the purposes of the association;

(14) prepare and submit biennial and annual budgets to the board and with the approval of the board submit those budgets to the department of finance; and

(15) with the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.

*Contracts are not subject to the competitive bidding procedure prescribed by chapter 16B. Professional management services may not be contracted for more often than once in every six years. An approved actuary retained by the executive director shall function as the actuarial advisor of the board and the executive director and may perform actuarial valuations and experience studies to supplement those performed by the actuary retained by the legislative commission on pensions and retirement. A supplemental actuarial valuation or experience study must be filed with the executive director of the legislative commission on pensions and retirement. Copies of professional management survey reports must be transmitted to the secretary of the senate, the chief clerk of the house of representatives, the legislative reference library as provided by section 3.195, the executive director of the commission, and the legislative auditor at the same time as reports are furnished to the board. Only a management firm experienced in conducting management surveys of federal, state, or local public retirement systems is qualified to contract with the director.*

Sec. 33. Minnesota Statutes 1986, section 354.06, subdivision 3, is amended to read:

Subd. 3. [TREASURER.] The state treasurer ~~shall be~~ is ex officio treasurer of the fund ~~and~~. The treasurer's general bond to the state ~~shall must~~ cover any liabilities for acts as treasurer of the fund, *including liabilities imposed by article 3*. The state treasurer shall receive all ~~moneys~~ money payable to the fund and pay out the same only on warrants issued by the commissioner of finance upon forms signed by the executive director.

Sec. 34. Minnesota Statutes 1987 Supplement, section 354.07, subdivision 3, is amended to read:

Subd. 3. The attorney general shall be legal advisor to the board and the executive director. The board may sue or be sued in the name of the board of trustees of the teachers retirement fund and in all actions brought

by or against it the board ~~shall~~ *must* be represented by the attorney general. Venue of all actions is in the Ramsey county district court as provided in article 3, section 14, subdivision 2.

Sec. 35. Minnesota Statutes 1986, section 354.07, subdivision 4, is amended to read:

Subd. 4. [INVESTMENT OF ASSETS.] ~~It shall be the duty of The board from time to time to shall~~ certify to the state board of investment for investment as much of the funds in its hands as ~~shall are~~ not be needed for current purposes. ~~Such~~ Funds that are certified to the variable annuity division ~~shall must~~ include employee deductions as well as an equal amount for state's matching. ~~Such~~ Funds that are certified as to investment in the postretirement investment fund ~~shall must~~ include the amount as required for the total reserves needed for the purposes described in section 354.63. The state board of investment shall ~~thereupon~~ transfer ~~such~~ assets to the appropriate fund ~~provided herein~~, in accordance with the procedure set forth in sections 354.62 and 354.63, or invest and reinvest an amount equal to the sum so certified in ~~such the~~ securities as ~~that are now or may hereafter be~~ duly authorized legal investments for state employees retirement fund under section 11A.24, and all ~~such~~ securities so transferred or purchased ~~shall must~~ be deposited with the state treasurer. All Interest from these investments ~~shall must~~ be credited to the appropriate funds and used for current purposes or investments, except as ~~hereinafter~~ provided by this section. The state board of investment ~~shall have authority to~~ may sell, convey, and exchange ~~such~~ securities and invest and reinvest the funds when it deems it desirable to do so, and shall sell securities upon request of the officers of the association when such officers determine funds are needed for ~~its the~~ association's purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the state employees retirement fund ~~shall~~ apply to the accounting, purchase, and sale of securities for the teachers' retirement fund.

Sec. 36. Minnesota Statutes 1986, section 354A.021, subdivision 6, is amended to read:

Subd. 6. [TRUSTEES' FIDUCIARY OBLIGATION.] ~~It is the duty of The trustees or directors of each teachers retirement fund association to shall~~ administer each fund in accordance with the applicable portions of this chapter, of the articles of incorporation, and of the bylaws, ~~and of article 3. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it, and the teachers who are its beneficiaries.~~ The purpose of this subdivision is to establish each teachers retirement fund association as a trust under the laws of the state of Minnesota for all purposes related to section 401(a) of the Internal Revenue Code of the United States, including all amendments.

Sec. 37. Minnesota Statutes 1986, section 354A.08, is amended to read:  
354A.08 [AUTHORIZED INVESTMENTS.]

Any A teachers retirement fund association may receive, hold, and dispose of real estate or personal property acquired by it, whether the acquisition was by gift, purchase or any other lawful means, as provided in this chapter or in the association's articles of incorporation. In addition to other authorized real estate investments, an association may also invest funds in Minnesota situs nonfarm real estate ownership interests or loans secured



by mortgages or deeds of trust only in investments authorized by article 3, section 6. Types and amounts at cost or book of investment securities or other investments held by the association before the effective date of this section may be retained after that date if they were proper investments for the teachers retirement fund association on that date.

Sec. 38. Minnesota Statutes 1986, section 422A.05, subdivision 2a, is amended to read:

Subd. 2a. [FIDUCIARY DUTY.] In the discharge of their respective duties, the members of the board, the executive director, the board staff, and any other person charged with the responsibility of investing money pursuant to the standards set forth in accordance with this chapter or engaging in any other fiduciary activity shall act in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived therefrom a manner consistent with article 3.

Sec. 39. Minnesota Statutes 1986, section 422A.05, subdivision 2c, is amended to read:

Subd. 2c. [INVESTMENTS.] The board may invest funds only in investments authorized by article 3, section 42A.24 6. In addition to other authorized real estate investments, the board may also invest funds in Minnesota situs nonfarm real estate ownership interests or loans secured by mortgages or deeds of trust.

Sec. 40. Minnesota Statutes 1986, section 422A.05, subdivision 2d, is amended to read:

Subd. 2d. [ACCOUNT TRANSFERS.] Notwithstanding any law to the contrary, the retirement board, subject to the standards of subdivision 2a of this section article 3, may transfer assets between accounts established by section 422A.06.

Sec. 41. Minnesota Statutes 1986, section 423.374, is amended to read:  
423.374 [OFFICERS OF ASSOCIATION.]

Subdivision 1. [RELIEF ASSOCIATION OFFICERS.] The officers of the relief association shall be are a president, one or more vice-presidents, a secretary, and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the bylaws of any such associations.

Subd. 2. [RELIEF ASSOCIATION MANAGEMENT.] The affairs of each association shall must be managed by a board of directors elected in the manner prescribed by the articles of incorporation of the association and article 3.

Subd. 3. [BONDING.] The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in such amounts as the association from time to time may determine. Each relief association shall and is hereby authorized to pay the premiums on such bonds from its special fund.

Sec. 42. Minnesota Statutes 1986, section 423.45, is amended to read:  
423.45 [OFFICERS; DIRECTORS; BOND.]

Subdivision 1. [RELIEF ASSOCIATION OFFICERS.] The officers of

the relief association ~~shall be~~ are a president, one or more vice-presidents, a secretary, and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the bylaws of any such associations.

*Subd. 2. [RELIEF ASSOCIATION MANAGEMENT.]* The affairs of each association ~~shall must~~ be managed by a board of directors elected in the manner prescribed by the articles of incorporation of the association *and article 3.*

*Subd. 3. [BONDING.]* The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in such amounts as the association from time to time may determine. Each relief association shall ~~and is hereby authorized to~~ pay the premiums on such bonds from its special fund.

Sec. 43. Minnesota Statutes 1986, section 423.805, is amended to read: 423.805 [POLICE PENSION FUND.]

The association shall establish a police pension fund or continue to maintain the police pension fund now existing in the city and shall ~~have the management manage~~ and control of the fund. *Fiduciary activities of the fund must be undertaken in a manner consistent with article 3.*

Sec. 44. Minnesota Statutes 1986, section 423A.21, subdivision 4, is amended to read:

*Subd. 4. [FIDUCIARY RESPONSIBILITY.]* In the discharge of their respective duties, the officers and trustees ~~shall be~~ are held to the general standard of care ~~enumerated in section 44A.09 and specific duties of article 3.~~

Each member of the board is a fiduciary *and shall undertake all fiduciary activities in a manner consistent with article 3. No fiduciary of a relief association shall cause a relief association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:*

(1) sale or exchange or leasing of any real property between the relief association and a board member;

(2) lending of money or other extension of credit between the relief association and a board member or member of the relief association;

(3) furnishing of goods, services, or facilities between the relief association and a board member; or

(4) transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.

Sec. 45. Minnesota Statutes 1986, section 424.06, is amended to read: 424.06 [OFFICERS; TRUSTEES.]

*Subdivision 1. [RELIEF ASSOCIATION OFFICERS.]* The officers of the relief association ~~shall be~~ are a president, one or more vice-presidents, a secretary, and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the bylaws of any such associations.

*Subd. 2. [RELIEF ASSOCIATION MANAGEMENT.]* The affairs of each association ~~shall must~~ be managed by a board of trustees elected in the

manner prescribed by the articles of incorporation of the association *and article 3.*

*Subd. 3. [BONDING.]* The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in amounts as the association from time to time may determine. Each relief association ~~shall be and is hereby authorized to~~ may pay the premiums on such bonds from its general fund.

Sec. 46. Minnesota Statutes 1986, section 424A.001, subdivision 7, is amended to read:

*Subd. 7. [FIDUCIARY RESPONSIBILITY.]* In the discharge of their respective duties, the officers and trustees ~~shall be and any other fiduciary of the association are held to the general standard of care enumerated in section 424A.09 provided in article 3.~~

Each member of the board is a fiduciary *and shall undertake all fiduciary activities in a manner consistent with article 3.* ~~No fiduciary of a relief association shall cause a relief association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:~~

(1) ~~sale or exchange or leasing of any real property between the relief association and a board member;~~

(2) ~~lending of money or other extension of credit between the relief association and a board member or member of the relief association;~~

(3) ~~furnishing of goods, services, or facilities between the relief association and a board member; or~~

(4) ~~transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.~~

Sec. 47. Minnesota Statutes 1986, section 424A.04, subdivision 2, is amended to read:

*Subd. 2. [FIDUCIARY DUTY.]* ~~It shall be the duty of The board of trustees to faithfully administer any provisions of statute or special law applicable to the relief association without prejudice and any other fiduciary of the relief association shall undertake their activities consistent with the expressed intent of the legislature. The members of the board shall act as trustees with a fiduciary obligation to the state of Minnesota which authorized the creation of the relief association; to the taxpayers who aid in its financing; and to the firefighters who are its beneficiaries article 3.~~

Sec. 48. [490.021] [ADMINISTRATION OF VARIOUS JUDGES RETIREMENT PLANS.]

*The Minnesota state retirement system shall administer the judges retirement plans established by sections 490.025 to 490.12 in accordance with article 3.*

Sec. 49. Minnesota Statutes 1986, section 490.122, is amended to read:

490.122 [ADMINISTRATION OF JUDGES' RETIREMENT.]

The policymaking, management, and administrative functions governing

the operation of the judges' retirement fund and the administration of sections ~~490.025~~ 490.121 to 490.132 ~~shall be~~ are vested in the board of directors and executive director of the Minnesota state retirement system with such duties, authority, and responsibility as are provided in chapter 352. Except as otherwise specified, no provision of chapter 352 ~~shall apply~~ applies to the judges' retirement fund or any judge. *Fiduciary activities of the uniform retirement and survivors' annuities for judges must be undertaken in a manner consistent with article 3.*

Sec. 50. Minnesota Statutes 1986, section 490.123, subdivision 2, is amended to read:

Subd. 2. [TREASURER.] The state treasurer ~~shall be~~ is ex officio treasurer of the judges' retirement fund, and the treasurer's general bond to the state ~~shall must~~ be so conditioned as to cover all liability for acting as treasurer of this fund, *including liability imposed by article 3.* All ~~moneys~~ money received by the treasurer pursuant to this section ~~shall must~~ be set aside in the state treasury to the credit of the judges' retirement fund. The treasurer shall transmit monthly to the executive director described in section 352.03, subdivision 5, a detailed statement of all amounts so received and credited to the fund. The treasurer shall pay out the fund only on warrants issued by the commissioner of finance, upon vouchers signed by ~~said~~ the executive director; provided that vouchers for investment may be signed by the secretary of the state board of investment.

Sec. 51. [REPEALER.]

*Minnesota Statutes 1986, sections 356.71 and 423.812, are repealed.*

Sec. 52. [EFFECTIVE DATE.]

*Sections 1 to 51 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to retirement; regulating volunteer firefighters annuity contracts; authorizing changes in certain local police and firefighters relief associations; establishing standards for fiduciaries of public retirement funds; amending Minnesota Statutes 1986, sections 11A.01; 11A.07, subdivision 4; 11A.08, subdivision 6; 11A.09; 11A.13, subdivision 1; 69.30; 69.77, subdivision 2g; 69.775; 136.80, subdivision 1; 136.84; 352C.091, subdivision 1; 352D.09, subdivision 1; 353.03, subdivision 1; 353.05; 353.06; 353.08; 353.68, subdivision 1; 354.06, subdivision 3; 354.07, subdivision 4; 354A.021, subdivision 6; 354A.08; 422A.05, subdivisions 2a, 2c, and 2d; 423.374; 423.45; 423.805; 423A.21, subdivision 4; 424.06; 424A.001, subdivision 7; 424A.02, by adding subdivisions; 424A.04, subdivision 2; 490.122; 490.123, subdivision 2; Minnesota Statutes 1987 Supplement, sections 11A.04; 352.03, subdivisions 1, 4, 6, 7, and 11; 352.05; 352.92, by adding a subdivision; 352.96, subdivision 3; 352B.03, subdivision 1; 352B.07; 353.03, subdivision 3a; 354.06, subdivisions 1 and 2a; and 354.07, subdivision 3; Laws 1955, chapter 151, section 9, subdivision 7, as amended; and Laws 1987, chapter 372, article 2, section 16; proposing coding for new law in Minnesota Statutes, chapters 3A; 60A; 356A; and 490; repealing Minnesota Statutes 1986, sections 356.71 and 423.812."

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1517: A bill for an act relating to traffic regulations; providing for allocation of civil fines for motor vehicle maximum weight violations; amending Minnesota Statutes 1986, section 169.871, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Transportation, shown in the Journal for March 17, 1988, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S.F. No. 2545 reports the same back with the recommendation that the bill be re-referred as follows:

S.F. No. 2545 to the Committee on Transportation.

Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 2183, 2196 and 2175 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. No. 1077 was read the second time.

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1486 a Special Order to be heard immediately.

## SPECIAL ORDER

H.F. No. 1486: A bill for an act relating to railroads; providing reporting and disclosure requirements for railroad acquisitions; preserving contracts between acquiring railroad carriers and shippers and governmental entities; proposing coding for new law in Minnesota Statutes, chapter 222.

Mr. Pehler moved to amend H.F. No. 1486, as amended pursuant to Rule 49, adopted by the Senate March 21, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1442.)

Page 3, delete section 4 and insert:

"Sec. 4. [222.88] [PRIORITY IN HIRING.]

*An acquiring carrier under sections 1 to 3 shall give priority in hiring, based upon length of service on the affected rail line, to employees of the divesting carrier performing service in connection with the affected rail line. To assert priority, the employee must be qualified by experience and training to perform the available job."*

The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.R. moved to amend H.F. No. 1486, as amended pursuant to Rule 49, adopted by the Senate March 21, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1442.)

Page 1, line 17, after "railroad" insert ", except carriers acquiring an abandoned line."

The motion prevailed. So the amendment was adopted.

H.F. No. 1486 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Ramstad
Anderson	Davis	Jude	Mehrkens	Reichgott
Beckman	Decker	Knaak	Merriam	Renneke
Belanger	DeCramer	Knutson	Moe, R. D.	Schmitz
Benson	Diessner	Kroening	Morse	Storm
Berg	Frank	Laidig	Olson	Stumpf
Berglin	Frederick	Langseth	Pehler	Taylor
Bernhagen	Frederickson, D.J.	Lantry	Peterson, D.C.	Vickerman
Bertram	Frederickson, D.R.	Larson	Peterson, R.W.	Waldorf
Brataas	Gustafson	Luther	Piper	Wegscheid
Chmielewski	Hughes	Marty	Purfeerst	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1816 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 1816: A bill for an act relating to probate; providing for adult health care decisions; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 145B.

Mr. Waldorf moved to amend S.F. No. 1816 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [145.99] [CITATION.]

*Sections 1 to 11 may be cited as the medical treatment for vulnerable adults act.*

Sec. 2. [145.991] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] For the purposes of sections 1 to 11, the terms in this section have the meanings given.*

*Subd. 2. [COMPETENT PERSON.] "Competent person" means an adult or emancipated minor who is able to make decisions about that person's medical treatment or care.*

*Subd. 3. [DECLARATION.] "Declaration" means a writing made in accordance with the requirements of section 5.*

**Subd. 4. [HEALTH CARE FACILITY.]** "Health care facility" means a hospital or other entity licensed under sections 144.50 to 144.58 or a nursing home licensed to serve adults under section 144A.02.

**Subd. 5. [HEALTH CARE PROVIDER.]** "Health care provider" means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care directly or through an arrangement with other health care providers.

**Subd. 6. [HMO.]** "HMO" means an organization licensed under sections 62D.01 to 62D.30.

**Subd. 7. [INCOMPETENT PERSON.]** "Incompetent person" means any natural person who: (1) is an unemancipated minor; (2) has been declared legally incompetent to make decisions affecting medical treatment or care; or (3) is unable to make decisions affecting medical treatment or care.

**Subd. 8. [MEDICAL TREATMENT.]** "Medical treatment" means medically appropriate surgical techniques, medications, or technologies used to reverse or alleviate a life-threatening or health-impairing condition, or a complication arising from that condition. Medical treatment does not include: (1) administration of nutrition through the gastrointestinal tract, or by any other means customarily used by health care providers; or (2) administration of hydration.

**Subd. 9. [NUTRITION.]** "Nutrition" means nutrition as administered through the gastrointestinal tract, or by any other means customarily applied by health care providers.

**Subd. 10. [PHYSICIAN.]** "Physician" means a person licensed to practice medicine in Minnesota.

**Subd. 11. [TERMINAL ILLNESS OR INJURY.]** "Terminal illness or injury" means an incurable and irreversible medical condition that, regardless of medical treatment and the administration of nutrition and hydration, will result in the death of a person from that condition or a complication arising from that condition. Terminal illness or injury does not include mental retardation, mental illness, or any other chronic mental or physical impairment, including comatose conditions, that alone do not result in death.

### **Sec. 3. [145.992] [PRESUMPTIONS.]**

It shall be presumed that every incompetent person has directed that person's health care providers to provide nutrition and hydration, in order to sustain life and minimize pain and discomfort, unless one of the following conditions is met:

(1) the patient has voluntarily, while competent, issued a declaration that provides for the provision, maintenance, withholding, or withdrawing of medical care or nutrition and hydration except that nutrition and hydration may be withheld or withdrawn only if the patient is in a terminal condition;

(2) the patient has voluntarily, while competent, issued a declaration that appoints a proxy to make decisions regarding the provision, maintenance, withholding, or withdrawing of medical care except that nutrition and hydration may be withheld or withdrawn only if the patient is in a

*terminal condition and death is imminent; provided, however, that withholding or withdrawing of nutrition or hydration would not result in death from malnutrition or dehydration rather than from an underlying terminal illness or injury;*

*(3) there is clear and convincing evidence that the patient while competent, voluntarily decided, after diagnosis of a terminal illness or injury and after receiving information sufficient to establish informed consent, that a specific form of medical care or nutrition and hydration should be withheld or withdrawn;*

*(4) in the reasonable medical judgment of the consulting physician and a second consulting physician the patient is: (i) in a terminal condition; (ii) chronically and irreversibly incompetent; and (iii) death is imminent; provided, however, that withholding or withdrawing of nutrition or hydration would not result in death from malnutrition or dehydration rather than from an underlying terminal illness or injury; or*

*(5) the provision of nutrition and hydration would itself cause severe, intractable, and long-lasting pain to the person.*

#### Sec. 4. [145.993] [LIMITATIONS; REVOCATION.]

*Subdivision 1. [LIMITATIONS.] (a) Declarations and proxy decisions take effect only when the attending physician makes a reasonable medical judgment that the patient is incompetent.*

*(b) Declarations and proxy appointments have no effect if the form was supplied by the health care providers.*

*(c) Declarations take effect only after the patient has had the opportunity to review and revise them after having been diagnosed with a life-threatening illness or injury, or the attending physician certifies on the medical record that the patient is unable to make that review.*

*(d) An informed consent decision made by a competent person at the time care is needed takes precedence over a preceding declaration or directive made by a proxy. A declaration takes precedence over a directive of a proxy.*

*(e) No proxy, guardian, or other person has the authority to make a decision on behalf of another person to withhold or withdraw nutrition and hydration except when the circumstances and conditions of section 3 apply.*

*Subd. 2. [REVOCATION.] A declaration directing the provision, withdrawal, or withholding of treatment or care or authorizing another to do so may be revoked by the person who issued it in a manner that evidences an intention to revoke, whether or not the declarant is competent at the time of revocation.*

#### Sec. 5. [145.994] [DECLARATION.]

*Subdivision 1. [SCOPE.] A competent adult may make a declaration of preferences or instructions regarding medical treatment, including, but not limited to, consent or refusal of any medical treatment or provision of nutrition and hydration under section 3, service, procedure, or placement. A declaration may include preferences or instructions regarding medical treatment, the designation of a proxy to make medical treatment decisions on behalf of the declarant, or both.*



*Subd. 2. [WITNESSING; ALTERNATIVE TO WITNESSING.] The declaration is effective when signed by the declarant and two witnesses or a notary public. If the declarant is physically unable to sign the document, the declaration may be given orally, in which case one of the witnesses shall subscribe the document at the declarant's direction. One of the witnesses must be someone who is not entitled to any part of the estate of the declarant under a will then existing or by operation of law. Neither of the witnesses may be named as a proxy in the declaration. Each witness shall substantially make the following declaration on the document:*

*"I certify that the declarant voluntarily signed this declaration in my presence and that the declarant is personally known to me. I am not named as a proxy by the declaration."*

**Sec. 6. [145.995] [SUGGESTED FORM.]**

*A declaration executed under this chapter may, but need not, be in the following form. Forms printed for public distribution must be substantially in the following form:*

**"Notice: Health Care Declaration**

*This is an important legal document. Before signing this document, you should know these important facts:*

*(a) This document gives your health care providers or your designated proxy the power and guidance to make medical treatment decisions according to your wishes when you are unable to, with some limitations. These decisions may include what kind of treatment you want or do not want and under what circumstances you want these decisions to be made. You may designate places where you want or do not want treatment.*

*(b) If you name a proxy in this document, that person has a duty to act consistent with your desires as stated in this document or otherwise made known, or if not known, to act in your best interests. If you do not name a proxy, your health care providers have a duty to act consistent with your instructions, or tell you that they are unwilling to do so.*

*(c) This document will remain valid and in effect until and unless you amend or revoke it. You are encouraged to review this document periodically to make sure it continues to reflect your preferences. You may amend or revoke the declaration at any time by notifying your health care providers.*

*(d) Your named proxy has the same right as you have to examine your medical records and to consent to their disclosure unless you limit this right in this document.*

*(e) If there is anything in this document that you do not understand, you should ask for professional assistance to have it explained to you.*

**TO MY FAMILY, DOCTORS, AND ALL THOSE CONCERNED WITH MY CARE:**

*I, . . . . ., being an adult of sound mind, willfully and voluntarily make this statement as a directive to be followed if I become unable to participate in decisions regarding my medical treatment. I understand that my health care providers are legally and morally bound to act consistent with my wishes, within the limits of applicable law. I also understand that I have the right to make medical and health care decisions for myself as long as I am able to do so, and to revoke this declaration at any time.*

(1) *The following are my feelings and wishes regarding my health care. (You may state the circumstances under which this declaration applies.):*

.....  
.....  
.....

(2) *I particularly want to have all appropriate medical treatment that will help in the following ways. (You may give instructions for care you do want.):*

.....  
.....  
.....

(3) *I particularly do not want the following. (You may list specific treatment you do not want in certain circumstances.):*

.....  
.....

(4) *Thoughts I feel are relevant to my instructions. (You may, but need not, give your religious beliefs, philosophy, or other personal values that you feel are important. You may also state preferences concerning the location of your care.):*

.....  
.....  
.....

(5) *Proxy Designation. (If you wish, you may name someone to see that your wishes are carried out, but you do not have to do this. You may also name a proxy without including specific instructions regarding your care. If you name a proxy, you should discuss your wishes with that person.)*

*Should I become unable to communicate my instructions, I designate the following person(s) to act on my behalf consistent with my instructions, if any, as stated above. Unless I write instructions that set limits on my proxy's authority, my proxy has full power and authority to make medical treatment decisions for me within the limits of applicable law.*

Name: .....

Address: .....

Phone Number: .....

Relationship: (If any) .....

*If the person I have named above is unable or unavailable to act on my behalf, or if I revoke that person's authority to act as my proxy, I authorize the following person to do so:*

Name: .....

Address: .....

Phone Number: .....

Relationship: (If any) .....

*I understand that I have the right to revoke the appointment of the persons named above to act on my behalf at any time by communicating that decision to the proxy or my health care provider.*

DATE: .....  
SIGNED: .....  
STATE OF ..... )  
..... ) SS.  
COUNTY OF ..... )

Subscribed, sworn to, and acknowledged before me by .....  
on this ..... day of ..... 19 .....

.....  
Notary Public

Or

(Sign and date here in the presence of two adult witnesses; at least one of whom is not entitled to any part of your estate under a will or by operation of law, and neither of whom is your proxy.)

I certify that the declarant voluntarily signed this declaration in my presence and that the declarant is personally known to me. I am not named as a proxy by the declaration.

Witness ..... Address .....

Witness ..... Address .....

(In addition, one of the witnesses must execute the following declaration):

To the best of my knowledge, I am not entitled to any part of the estate of the declarant under a will or by operation of law.

Witness ..... Address .....

Reminder: Keep the signed original with your personal papers. Give signed copies to your doctors, family, and proxy."

#### Sec. 7. [145.996] [COMPLIANCE WITH DECLARATION.]

A physician or other health care provider shall make the declaration a part of the declarant's medical record and if unwilling at any time to comply with the declaration, shall promptly notify the declarant and document the notification in the declarant's medical record. After notification, if a competent declarant fails to transfer to a different physician or provider, no duty arises on the part of the physician or provider to transfer the patient.

#### Sec. 8. [145.997] [RIGHTS AND DUTIES OF HEALTH CARE PROVIDERS.]

(a) A health care provider is not required to provide medical care or nutrition and hydration if that treatment or care is not medically possible.

(b) Notwithstanding any other provision of law, a health care provider is not required to participate in or provide facilities for a patient for whom medical treatment or nutrition and hydration are to be withheld or withdrawn if this would violate the policy or conscientious belief of the health care provider.

(c) Sections 1 to 11 do not require or alter any duty that requires a health care provider to provide medical care or nutrition and hydration for which the health care provider will not be reimbursed.

(d) Nothing in this section, including the existence of a declaration or proxy appointment made under section 5, relieves a physician of the duty

*to seek informed consent from the patient concerning reasonably foreseeable treatment and care options during a likely future period of incompetence if there is a reasonable opportunity to do so after the diagnosis of the illness or injury while the patient is still competent.*

**Sec. 9. [145.998] [DECISION OF INCOMPETENT PREGNANT WOMEN.]**

*Notwithstanding section 5, unless the woman has specifically otherwise provided pursuant to the requirements of section 3, clause (3), if an incompetent person is a woman known to be pregnant, it is presumed that she has directed the use of medical treatment, and nutrition and hydration if the attending physician makes a reasonable medical judgment that the use of the medical treatment and nutrition and hydration will enable the woman's child to develop to a sufficient degree that the child would sustain life apart from the woman's body.*

**Sec. 10. [145.999] [SEVERABILITY.]**

*If a portion of section 2, 3, or 4, or its application to any person or circumstance is held invalid, the entire act is invalid.*

**Sec. 11. [145.9995] [CONSTRUCTION.]**

*Nothing in this act may be construed to affect or diminish any state interest in the preservation of human life, the maintenance of the ethical integrity of the medical profession, the protection of third parties, or the prevention of suicide."*

Delete the title and insert:

*"A bill for an act relating to health; establishing a medical treatment for vulnerable adults act; regulating the withdrawal, withholding, or administration of medical care to vulnerable adults; proposing coding for new law in Minnesota Statutes, chapter 145."*

## **CALL OF THE SENATE**

Mr. Jude imposed a call of the Senate for the balance of the proceedings on S.F. No. 1816. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Belanger moved to amend the Waldorf amendment to S.F. No. 1816 as follows:

Page 8, delete lines 19 to 21

Reletter the paragraphs in sequence

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the adoption of the Waldorf amendment.

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Knaak	Merriam	Taylor
Anderson	Frank	Knutson	Metzen	Vickerman
Beckman	Frederickson, D.R.	Kroening	Olson	Waldorf
Benson	Gustafson	Laidig	Pehler	Wegscheid
Bernhagen	Hughes	Langseth	Renneke	
Bertram	Johnson, D.E.	Larson	Samuelson	
Chmielewski	Johnson, D.J.	Lessard	Schmitz	
Dahl	Jude	McQuaid	Stumpf	

Those who voted in the negative were:

Belanger	DeCramer	Lantry	Morse	Purfeerst
Berg	Dicklich	Luther	Novak	Ramstad
Berglin	Diessner	Marty	Peterson, D.C.	Reichgott
Brataas	Frederick	Mehrkens	Peterson, R.W.	Solon
Cohen	Frederickson, D.J.	Moe, D.M.	Piper	Spear
Davis	Freeman	Moe, R.D.	Pogemiller	Storm

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved that S.F. No. 1816 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Berg moved that S.F. No. 1748, No. 36 on General Orders, be stricken and returned to its author. The motion prevailed.

### MEMBERS EXCUSED

Mr. Cohen was excused from the Session of today from 1:30 to 3:00 p.m. Mr. Lessard was excused from the Session of today from 2:00 to 3:00 p.m. Messrs. Gustafson and Solon were excused from the Session of today from 12:00 noon to 1:15 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Thursday, March 24, 1988. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate