

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 24, 1989

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

Prayer was offered by the Chaplain, Rev. Nathan Tuff.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Frank and Larson were excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today at 2:50 p.m.

REPORTS OF COMMITTEES

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1143: A bill for an act relating to the environment; regulating genetic engineering; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Delete everything after the enacting clause and insert:

“Section 1. [116C.91] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 5.

Subd. 2. [BOARD.] "Board" means the environmental quality board.

Subd. 3. [GENETIC ENGINEERING.] "Genetic engineering" means the introduction of new genetic material to an organism or the regrouping of an organism's genes using techniques or technology designed by humans. Genetic engineering does not include selective breeding or hybridization of nondirected mutagenesis.

Subd. 4. [GENETICALLY ENGINEERED ORGANISM.] "Genetically engineered organism" means an organism derived from genetic engineering.

Subd. 5. [ORGANISM.] "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Subd. 6. [RELEASE.] "Release" means the placement or use of a genetically engineered organism outside a contained laboratory, greenhouse, building, structure, or other similar facility or under any other conditions not specifically determined by the board to be adequately contained.

Sec. 2. [116C.92] [COORDINATION OF ACTIVITIES.]

The environmental quality board shall coordinate state and federal regulatory activities relating to genetically engineered organisms.

Sec. 3. [116C.93] [ADVISORY COMMITTEE.]

The board shall establish an advisory committee on genetically engineered organisms to provide advice at the request of the board on general issues involving genetic engineering and on issues relating to specific proposals, including the identification of research needed for adequate regulation of field trials.

Sec. 4. [116C.94] [RULES.]

Subdivision 1. [AUTHORITY.] (a) The board shall adopt rules consistent with sections 1 to 3 that require an environmental assessment worksheet for a proposed release and a permit for a release.

(b) The rules shall provide that a permit from the board is not required if the proposer can demonstrate to the board that a significant environmental permit is required for the proposal by another state agency.

(c) The board shall consult with local units of government and with private citizens before adopting any rules.

Subd. 2. [RULES MAY NOT AFFECT LIABILITY.] The board may not adopt rules affecting the liability under any other law for adverse effects resulting from activities relating to genetically engineered organisms.

Sec. 5. [APPROPRIATION.]

\$. . . . is appropriated to the chair of the environmental quality board to administer sections 1 to 4 to be available until July 1, 1991."

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

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

S.F. No. 1585: A resolution memorializing the President and Congress of the United States to take action to review and revise the statutory framework of the laws of the United States with respect to hostile takovers and stock accumulations having certain adverse effects and to permit certain state regulation.

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

Page 1, line 10, delete "takovers" and insert "takeovers"

Page 3, line 6, delete "coercering" and insert "coercing"

Page 4, lines 29, 32, and 35, delete "takovers" and insert "takeovers"

Page 5, line 17, after "President" insert "of the United States, the President"

Amend the title as follows:

Page 1, line 5, delete "takovers" and insert "takeovers"

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

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

S.F. No. 258: A bill for an act relating to state government; regulating state employment practices; amending Minnesota Statutes 1988, sections 43A.02, subdivision 33; 43A.04, subdivision 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.18, subdivision 4; 43A.191, subdivisions 2 and 3; 43A.316, subdivision 5; 43A.37, subdivision 1; and 299D.03, subdivision 7; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 15A.083, subdivision 5, is amended to read:

Subd. 5. [TAX COURT.] Salaries of judges of the tax court ~~shall be~~ *are* the same as the base salary for district judges as ~~provided in~~ *set under* section 15A.082, subdivision ~~4~~ 3.

Sec. 2. Minnesota Statutes 1988, section 15A.083, subdivision 7, is amended to read:

Subd. 7. [WORKERS' COMPENSATION COURT OF APPEALS AND COMPENSATION JUDGES.] Salaries of judges of the workers' compensation court of appeals ~~shall be~~ *are* 90 percent of the salary for district judges as ~~provided in~~ *set under* section 15A.082, subdivision ~~4~~ 3. Salaries of compensation judges ~~shall be~~ *are* 75 percent of the salary of district court judges as ~~provided in~~ *subdivision 4*. The chief workers' compensation settlement judge at the department of labor and industry may be paid an annual salary that is up to five percent greater than the salary of workers'

compensation settlement judges at the department of labor and industry.

Sec. 3. Minnesota Statutes 1988, section 43A.02, subdivision 33, is amended to read:

Subd. 33. [PROTECTED GROUPS.] "Protected groups" means females; ~~handicapped persons~~ *persons with disabilities*; members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native; and, until 1989, veterans who served in the military service of this country during the period from August 5, 1964 to May 7, 1975, and separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or because of disability incurred while serving on active duty and who are permanent residents of the state of Minnesota.

Sec. 4. Minnesota Statutes 1988, section 43A.04, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE LEADERSHIP] (a) The commissioner ~~shall be~~ *is* the chief personnel and labor relations manager of the civil service in the executive branch.

(~~a~~) Whenever any power or responsibility is given to the commissioner by any provision of Laws 1981, chapter 210, unless otherwise expressly provided, the power or authority ~~shall apply~~ *applies* to all employees of agencies in the executive branch and to employees in classified positions in the office of the legislative auditor, the Minnesota state retirement system, the public employees retirement association, and the teacher's retirement association. Unless otherwise provided by law, the power or authority ~~shall does~~ not apply to unclassified employees in the legislative and judicial branches.

(b) The commissioner shall operate an information system from which personnel data, as defined in section 13.43, concerning employees and applicants for positions in the classified service can be retrieved.

The commissioner ~~shall have~~ *has* access to all public and private personnel data kept by appointing authorities ~~which that~~ will aid in the discharge of the commissioner's duties.

(c) The commissioner may consider and investigate any matters concerned with the administration of provisions of Laws 1981, chapter 210, and may order any remedial actions consistent with law.

(d) *The commissioner has sole authority to settle state employee workers' compensation claims.*

(e) *The commissioner may assess all state entities for the costs of programs under section 15.46.*

Sec. 5. Minnesota Statutes 1988, section 43A.04, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner shall ~~promulgate~~ *adopt* rules ~~pur-~~ *suant to* under the administrative procedure act to implement the provisions of this chapter ~~which that~~ directly affect the rights of or processes available to the general public. The rules ~~shall~~ have the force and effect of law and ~~shall~~ *may* include but are not limited to:

(~~a~~) (1) the processes for determining the extent of competition for filling

vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

(b) (2) the process for effecting noncompetitive and qualifying appointments;

(c) (3) the process for temporary designation of positions in the unclassified service and for effecting appointments to the unclassified service;

(d) (4) a statewide affirmative action program to include requirements for agency affirmative action plans, statewide policies and procedures, reporting requirements, accountability and responsibility of employees in the executive branch, and overall objectives of the program;

(e) (5) conditions under which moving and other expenses may be authorized and paid prior to appointment to persons who have accepted state employment;

(f) (6) procedures for administration of the code of ethics for employees of the executive branch; ~~and~~

(g) (7) examination procedures for candidates with ~~handicaps~~ disabilities as described in section 43A.10, subdivision 8-; ~~and~~

(8) *procedures or policies that affect the operation of or participation in the public employees insurance program.*

Sec. 6. Minnesota Statutes 1988, section 43A.04, is amended by adding a subdivision to read:

Subd. 9. [EXPERIMENTAL OR RESEARCH PROJECTS.] The commissioner of employee relations may conduct experimental or research projects designed to improve recruitment, selection, referral, or appointment processes for the filling of state classified positions.

The commissioner shall meet and confer with the affected exclusive bargaining representative of state employees concerning the design and implementation of experimental and research projects under this subdivision.

Any provision in sections 43A.09 to 43A.15, associated personnel rules adopted under section 43A.04, subdivision 3, or administrative procedures established under section 43A.04, subdivision 4, is waived for the purposes of these projects. The number of appointments under this subdivision may not exceed five percent of the total number of appointments in the preceding fiscal year.

The commissioner shall report by September 1 to the legislative commission on employee relations the results of the experimental research projects conducted in the preceding fiscal year.

Sec. 7. Minnesota Statutes 1988, section 43A.10, subdivision 7, is amended to read:

Subd. 7. [EXAMINATION ACCOMMODATIONS.] Upon request, the commissioner shall provide examination accommodations to a candidate with a ~~handicap~~ disability that does not prevent performance of the duties of the class. The accommodations ~~shall~~ *must* provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the ~~handicap~~ disability but ~~shall~~ *must* preserve, to the

extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without ~~handicaps~~ disabilities.

Sec. 8. Minnesota Statutes 1988, section 43A.10, subdivision 8, is amended to read:

Subd. 8. [~~ELIGIBILITY FOR QUALIFIED HANDICAPPED DISABLED EXAMINATIONS.~~] The commissioner shall establish examination procedures for candidates whose ~~handicaps~~ disabilities are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures ~~shall~~ *must* consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the disabled person has the option of being paid or unpaid. Up to three persons with severe disabilities and their job coach ~~shall~~ *may* be allowed to demonstrate their job competence as a unit through the on-the-job trial work experience examination procedure. This work experience ~~shall~~ *must* be limited to candidates for appointment, promotion, or transfer who have a physical or mental impairment for which there is no reasonable accommodation in the examination process. Implementation of provisions of this subdivision ~~shall~~ *may* not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363.

Sec. 9. Minnesota Statutes 1988, section 43A.12, subdivision 5, is amended to read:

Subd. 5. [~~QUALIFIED HANDICAPPED DISABLED LISTS.~~] On qualified ~~handicapped~~ disabled lists eligibles ~~shall~~ *must* be ranked in alphabetical order.

Sec. 10. Minnesota Statutes 1988, section 43A.13, subdivision 4, is amended to read:

Subd. 4. [~~COMPETITIVE OPEN.~~] (a) For positions to be filled by competitive open examination, the commissioner shall certify the first 20 eligibles on the list plus those eligibles having the same score as the 20th eligible certified.

(b) When the position to be filled by competitive open examination is in a class for which the initially established eligible list contained the names of more than 200 eligibles and that list has existed for more than 12 months and been referred to more than ten vacancies, the commissioner shall certify the first 40 eligibles on the list plus those eligibles having the same score as the 40th eligible certified.

Sec. 11. Minnesota Statutes 1988, section 43A.13, subdivision 5, is amended to read:

Subd. 5. [~~COMPETITIVE PROMOTIONAL.~~] For positions to be filled by competitive promotional examination *limited to employees of one or more agencies or organizational units*, the commissioner shall certify the first ten eligibles on the list plus those eligibles having the same score as the tenth eligible certified. *For positions to be filled by competitive promotional examination extended to all employees of the civil service, the commissioner shall certify the first 20 eligibles on the list, plus those eligibles having the same score as the 20th eligible certified.*

Sec. 12. Minnesota Statutes 1988, section 43A.13, subdivision 6, is amended to read:

Subd. 6. [~~QUALIFIED HANDICAPPED DISABLED.~~] For a position to be filled by qualified ~~handicapped disabled~~ examination, the commissioner shall certify only the one eligible who has successfully completed the examination processes provided in section 43A.10, subdivision 8 for the position.

Sec. 13. Minnesota Statutes 1988, section 43A.13, subdivision 7, is amended to read:

Subd. 7. [EXPANDED CERTIFICATION.] When the commissioner determines that a disparity as defined in rules exists between an agency's work force and its affirmative action plan approved in accordance with section 43A.19, the commissioner shall ensure to the extent possible that eligibles who are members of the protected groups for which the disparity exists are certified for appointment. When fewer than two eligibles of each protected group for which a disparity has been determined to exist would be certified under subdivisions 4 and 5, the commissioner shall certify two eligibles from each protected group for which a disparity exists *or four from each group for which a disparity exists if the number of names referred has been increased under subdivision 4, paragraph (b).* Implementation of this subdivision shall not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363.

Sec. 14. Minnesota Statutes 1988, section 43A.15, subdivision 10, is amended to read:

Subd. 10. [ROUTINE SERVICE AND ENTRY CLERICAL APPOINTMENTS.] The commissioner may authorize the administration of a qualifying selection process if a class is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. ~~Appointing authorities may consider any candidate found so qualified for probationary appointment to such a position.~~ *The commissioner may also authorize the administration of qualifying skill tests for entry level clerical positions as an alternative to certification from an eligible list as provided in section 43A.13.*

Sec. 15. Minnesota Statutes 1988, section 43A.17, subdivision 1, is amended to read:

Subdivision 1. [SALARY LIMITS.] As used in subdivisions 1 to 8 9, "salary" means hourly, monthly, or annual rate of pay including any lump-sum payments and cost-of-living adjustment increases but excluding payments due to overtime worked, shift or equipment differentials, work out of class as required by collective bargaining agreements or plans established under section 43A.18, and back pay on reallocation or other payments related to the hours or conditions under which work is performed rather than to the salary range or rate to which a class is assigned.

The salary, as established in section 15A.081, of the head of a state agency in the executive branch is the upper limit of compensation in the agency. The salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. However, if an agency head is assigned a salary that is lower than the current salary of another agency employee, the employee retains the salary, but may not receive an increase in salary as long as the salary is above that of the agency head. The commissioner may grant exemptions from these upper limits as provided in subdivisions 3 and 4.

Sec. 16. Minnesota Statutes 1988, section 43A.18, subdivision 4, is amended to read:

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

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

(b) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause ~~(h)~~ *(i)*, ~~in the higher education coordinating board, and in the state board of vocational technical education shall in the state universities and the community colleges not covered by a collective bargaining agreement must be determined by the state university board and the state board for community colleges, the higher education coordinating board, and the state board of vocational technical education,~~ respectively.

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

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

(e) Total compensation for employees of the state agricultural society, the world trade center corporation, the greater Minnesota corporation, and the Minnesota state high school league must be set by the state agricultural society, the world trade center corporation board of directors, the greater Minnesota corporation board of directors, and the governing board of the Minnesota state high school league, respectively.

Sec. 17. Minnesota Statutes 1988, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO RECOMMEND CERTAIN SALARIES.] (a) The governor shall, by July 1 of each odd-numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in section 15A.081, subdivisions 1 and 7. The governor may also propose additions or deletions of positions from those listed.

~~(a)~~ (b) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations.

~~(b)~~ (c) In making recommendations, the governor shall consider ~~only~~ the criteria established in subdivision 8 and ~~may not shall~~ take into account

performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

(e) Before the governor's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which must be submitted and approved in the same manner as provided in this subdivision.

(d) (e) The governor shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(e) (f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on employee relations and the full legislature for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2. If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change.

Sec. 18. Minnesota Statutes 1988, section 43A.191, subdivision 2, is amended to read:

Subd. 2. [AGENCY AFFIRMATIVE ACTION PLANS.] (a) The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules issued under section 43A.04, subdivision 3.

(b) The agency plan must include a plan for the provision of reasonable accommodation in the hiring and promotion of qualified ~~handicapped~~ *disabled* persons. The reasonable accommodation plan ~~shall~~ *must* consist of at least the following:

(1) procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended;

(2) methods and procedures for providing reasonable accommodation for ~~handicapped~~ *disabled* job applicants, current employees, and employees seeking promotion; and

(3) provisions for funding reasonable accommodations.

(c) The agency plan must be prepared by the agency head with the assistance of the agency affirmative action officer and the director of equal employment opportunity. The council on disability shall provide assistance with the agency reasonable accommodation plan.

(d) An agency affirmative action plan may not be implemented without the commissioner's approval.

Sec. 19. Minnesota Statutes 1988, section 43A.191, subdivision 3, is amended to read:

Subd. 3. [SANCTIONS AND INCENTIVES.] (a) The director of equal employment opportunity shall annually audit the record of each agency to determine the rate of compliance with annual hiring goals of each goal unit and to evaluate the agency's overall progress toward its affirmative action goals and objectives.

(b) By March 1 of each year, the commissioner shall submit a report on affirmative action progress of each agency and the state as a whole to the governor and to the finance committee of the senate, the appropriations committee of the house of representatives, the governmental operations committees of both houses of the legislature, and the legislative commission on employee relations. The report must include noncompetitive appointments made under section 43A.08, subdivision 2a, or 43A.15, *subdivisions 3 to 13*, and cover each agency's rate of compliance with annual hiring goals. In addition, any agency that has not met its affirmative action hiring goals, that fails to make an affirmative action hire, or fails to justify its nonaffirmative action hire in 25 percent or more of the appointments made in the previous calendar year must be designated in the report as an agency not in compliance with affirmative action requirements.

(c) The commissioner shall study methods to improve the performance of agencies not in compliance with affirmative action requirements.

(d) The commissioner shall establish a program to recognize agencies that have made significant and measurable progress toward achieving affirmative action objectives.

Sec. 20. Minnesota Statutes 1988, section 43A.27, subdivision 4, is amended to read:

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] A ~~(a)~~ Retired judge ~~judges~~ or a former legislator ~~legislators~~ may elect to purchase coverage for themselves or their dependents at their own expense as provided ~~below~~ in paragraphs (b) and (c).

~~(a)~~ (b) A retired judge of the state supreme court, the court of appeals, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c); ~~provided that the retired judge exercises this option within 30 days of the effective date of retirement; or. The commissioner shall notify judges no later than the effective date of their retirement of their right to exercise the option provided in this subdivision. A retired judge must notify the commissioner or designee of the commissioner within 30 days after the effective date of retirement if the judge intends to exercise the option.~~

~~(b)~~ (c) A former member of the legislature may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (a).

Sec. 21. Minnesota Statutes 1988, section 43A.316, subdivision 5, is amended to read:

Subd. 5. [PUBLIC EMPLOYEE PARTICIPATION.] Participation in the plan is subject to the conditions in this subdivision.

(a) Each exclusive representative for an eligible employer determines whether the employees it represents shall participate in the plan. The exclusive representative ~~must~~ shall give the employer notice of intent to participate at least 90 days before the *originally stated* expiration date of the collective bargaining agreement *in force* preceding the collective bargaining agreement that covers the date of entry into the plan. The exclusive representative and the eligible employer shall give notice to the commissioner of the determination to participate in the plan at least 90 days prior to entry into the plan. Entry into the plan ~~shall~~ must be according to a schedule established by the commissioner.

(b) Employees not represented by exclusive representatives may become members of the plan upon a determination of an eligible employer to include these employees in the plan. Either all or none of the employer's unrepresented employees must participate. The eligible employer shall give at least 90 days' notice to the commissioner prior to entering the plan. Entry into the plan ~~shall~~ must be according to a schedule established by the commissioner.

(c) Participation in the plan ~~shall~~ must be for a three-year term if coverage begins in an even-numbered year and a four-year term if coverage begins in an odd-numbered year. Participation is automatically renewed for an additional four-year term unless the exclusive representative, or the employer for unrepresented employees, gives the commissioner notice of withdrawal at least 90 days prior to expiration of the participation period. A group that withdraws must wait two years before rejoining. An exclusive representative, or employer for unrepresented employees, may also withdraw if premiums increase 50 percent or more from one insurance year to the next.

(d) The exclusive representative shall give the employer notice of intent to withdraw to the commissioner at least 90 days before the *originally stated* expiration date of ~~a~~ the collective bargaining agreement that includes the date on which the term of participation expires.

(e) Each participating eligible employer shall notify the commissioner of names of individuals who will be participating within two weeks of the commissioner receiving notice of the parties' intent to participate. The employer ~~must~~ shall also submit other information as required by the commissioner for administration of the plan.

Sec. 22. Minnesota Statutes 1988, section 43A.37, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATION.] Neither the commissioner of finance nor any other fiscal officer of this state ~~shall~~ may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state, nor ~~shall~~ may the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the civil service, unless a payroll register for the salary or compensation containing the name of every person to be paid ~~shall bear~~ bears the certificate of the commissioner that the persons named in the payroll register have been appointed, as required by law, rules, or administrative procedures and that the salary or compensation is within the compensation plan fixed ~~pursuant to~~ by law. The appointing authority shall certify that all employees named in the payroll register are performing service as required by law. This provision ~~shall~~ does not apply to positions defined in section 43A.08, subdivision 1, clauses ~~(g)~~, (h), (i), (j), and ~~(k)~~ (l). Employees to whom this subdivision does not apply may be paid on the state's payroll system,

and the appointing authority or fiscal officer submitting their payroll register ~~shall be~~ *is* responsible for the accuracy and legality of the payments.

Salary or compensation claims presented against existing appropriations, which have been deemed in violation of the provisions of this subdivision, may be certified for payment if, upon investigation, the commissioner determines the personal services for which payment is claimed actually have been rendered in good faith without collusion and without intent to defraud.

Sec. 23. Minnesota Statutes 1988, section 176.421, is amended by adding a subdivision to read:

Subd. 6a. [TIME LIMIT FOR DECISION.] The court shall issue a decision in each case within 90 days after certification of the record to the court by the chief administrative law judge, the filing of a cross-appeal, oral argument, or a final submission of briefs or memoranda by the parties, whichever is latest. No part of the salary of a workers' compensation court of appeals judge may be paid unless the judge, upon accepting the payment, certifies that decisions in cases in which the judge has participated have been issued within the time limits prescribed by this subdivision.

Sec. 24. Minnesota Statutes 1988, section 299D.03, subdivision 7, is amended to read:

Subd. 7. [DISCHARGE OF TROOPER.] ~~Every~~ A person employed and designated as a state trooper under ~~and pursuant to the provisions of~~ this section, after ~~six months of continuous employment~~ completing a probationary period, ~~shall continue~~ continues in service and ~~hold~~ holds the position without demotion, until suspended, demoted, or discharged in the manner ~~hereinafter~~ provided in subdivisions 9 to 11 for one or more of the causes specified ~~herein~~ in subdivision 8. The probationary period is six months of continuous employment or another period of continuous employment, of no less than six months and no more than two years, to be determined by the commissioner of employee relations and the exclusive representative of the troopers through collective bargaining.

Sec. 25. [RETIRED JUDGES; OPTION TO PURCHASE INSURANCE.]

The following judges may exercise the option provided in section 20 within 30 days after the effective date of that section:

(1) judges who retired before July 1, 1981; and

(2) judges who retired after July 1, 1981, but who were not notified of the option available under Minnesota Statutes, section 43A.27, subdivision 4.

Sec. 26. [RATIFICATIONS.]

Subdivision 1. [RESIDENTIAL SCHOOLS.] The labor agreement between the state of Minnesota and the state residential schools education association, approved by the legislative commission on employee relations on October 11, 1988, is ratified.

Subd. 2. [HIGHER EDUCATION.] The salaries for the chancellor of the state university system, the chancellor of the community college system, the director of vocational technical education, and the executive director of the higher education coordinating board, approved by the legislative commission on employee relations on December 20, 1988, are ratified.

Subd. 3. [OTHER POSITIONS.] The salary plan for positions listed in

Minnesota Statutes, section 15A.081, approved by the legislative commission on employee relations on December 20, 1988, is ratified.

Sec. 27. [REVENUE SALARY.]

Effective July 1, 1989, the salary of the commissioner of revenue is \$77,173 until modified under Minnesota Statutes, section 43A.18, subdivision 5.

Sec. 28. [REPEALER.]

Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5, are repealed.

Sec. 29. [EFFECTIVE DATES.]

Sections 1, 2, 15, and 17 are effective July 1, 1989. Sections 22 and 24 to 26 are effective the day following final enactment. Section 23 is effective August 1, 1990."

Delete the title and insert:

"A bill for an act relating to state government; regulating state employment practices; regulating the setting of certain salaries; authorizing an alternative procedure for discharges of state troopers; ratifying certain salaries; amending Minnesota Statutes 1988, sections 15A.083, subdivisions 5 and 7; 43A.02, subdivision 33; 43A.04, subdivisions 1 and 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivision 1; 43A.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.27, subdivision 4; 43A.316, subdivision 5; 43A.37, subdivision 1; 176.421, by adding a subdivision; and 299D.03, subdivision 7; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5."

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. 745: A bill for an act relating to human services; presuming paternity when blood tests are 99 percent positive; excluding public assistance from income for maintenance and support determinations in divorce; establishing an administrative process to obtain and enforce support orders; appropriating money; amending Minnesota Statutes 1988, sections 15A.083, by adding a subdivision; 257.55, subdivision 1; 257.62, subdivision 5; 518.54, subdivision 6; 518.551, subdivision 10; 518.611, subdivision 4; and 518.613; repealing Minnesota Statutes 1988, section 518.613, subdivision 5.

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

Page 2, lines 35 and 36, delete the new language

Page 3, line 8, delete "*completed in a laboratory*"

Page 3, line 9, delete everything before "*indicate*"

Page 7, line 12, delete "*to be used by all*"

Page 7, line 13, delete "*Minnesota courts*"

Page 7, lines 31 and 33, delete "*May*" and insert "*November*"

Page 8, line 11, delete "*one of the parties demonstrates, and*"

Page 8, line 12, delete the comma

Page 8, line 29, delete everything after "*maintenance*"

Page 8, line 30, delete "*exceed \$5*"

Amend the title as follows:

Page 1, lines 8 and 9, delete "15A.083, 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. 890: A bill for an act relating to judicial administration; providing for the transfer of referees, judicial officers, court reporters, law clerks, and district administration staff from county to state employment; providing that guardians ad litem are county employees for purposes of tort claims and clarifying tort liability for other court employees; providing for inclusion of the second and fourth judicial districts in the public defender system; providing for appointment of public defenders in the second and fourth judicial districts; authorizing the supreme court to adopt transition rules; appropriating money; amending Minnesota Statutes 1988, sections 3.732, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 352.01, subdivision 2b; 353.01, subdivision 2a; 466.01, subdivision 6; 484.545, subdivisions 1, 2, and 3; 484.62; 484.64, subdivision 3; 484.65, subdivisions 3 and 7; 484.68, subdivision 5; 486.05; 486.055; 486.06; 487.08, subdivision 5; and 611.26, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 480 and 611; repealing Minnesota Statutes 1988, sections 383B.63, subdivisions 4 and 5; 486.07; 488A.05; 488A.111; 488A.22; 488A.281; 611.12; and 611.214; and Laws 1975, chapter 258, section 6, subdivisions 1, 3, 4, and 5.

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

Page 12, line 1, delete the first "*and*"

Page 12, line 2, after "*time*" insert "*; and other benefits*" and after "*county*" insert "*for similarly situated employees under the terms of a collective bargaining agreement or personnel policy.*"

Page 12, line 5, after "*association*" insert "*or the Minneapolis employees retirement fund*"

Page 12, line 10, after the period, insert "*The state shall make the employer contribution to the public employees retirement association or the Minneapolis employees retirement fund on behalf of employees who make an election under clause (2).*"

Page 13, line 4, strike "*, except the fourth judicial district,*"

Page 17, line 16, before "*and*" insert "*within the range established under section 7, as provided in the judicial branch personnel rules.*"

Page 17, after line 17, insert:

"Sec. 20. Minnesota Statutes 1988, section 488A.119, is amended to read:

488A.119 [BAILIFFS, AND DEPUTY COURT ADMINISTRATORS AND LAW CLERKS; APPOINTMENT, TENURE; OATH AND BOND; SALARIES.]

A majority of the judges may appoint an individual or individuals to perform the function of court room bailiff, or deputy court administrator and law clerk or any combination thereof. The appointment may be terminated by a majority of the judges without hearing or notice. A majority of the judges may establish requirements as to oath and bond. The salary or salaries of said individual or individuals shall be set by the Hennepin county board of commissioners and shall be paid by the Hennepin county treasurer."

Page 18, line 4, after the period, insert "*The supreme court shall also study practices regarding legal counsel for juveniles and make recommendations to the legislature by December 31, 1990.*"

Page 18, line 13, delete "19" and insert "20"

Page 18, line 14, delete "23" and insert "24"

Page 18, line 17, delete "20" and insert "21"

Renumber the sections of article 1 in sequence

Page 19, line 7, delete "*second,*" and after "*third*" delete the comma

Page 19, line 8, before "*fourth*" insert "*second,*"

Page 20, line 2, delete "1991" and insert "1992"

Amend the title as follows:

Page 1, line 20, before "and" insert "488A.119;"

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

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

S.F. No. 653: A bill for an act relating to agriculture; requiring certain disposable waste containers to be degradable; requiring a minimum content of corn starch in certain disposable waste containers; amending Minnesota Statutes 1988, section 325E.045, subdivision 1, and by adding a subdivision.

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 1988, section 325E.045, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Degradable" means capable of being decomposed by natural biological processes, including exposure to ultraviolet rays of the sun, within five years after the date of disposal.

(b) "Person" means an individual, partnership, corporation, sole proprietorship, association, or other for-profit or nonprofit organization, including the state and its political subdivisions.

(c) "Polyethylene disposal bag" means a bag made of polyethylene that is used or intended to be used for disposal of mixed municipal solid waste as defined in section 115A.03.

(d) "Polyethylene beverage ring" means a device made of polyethylene that is used or intended to be used to hold beverage bottles or other beverage containers together.

(e) "Public agency" means the state, an office, agency, or institution of the state, a county, a statutory or home rule charter city, a town, a school district, or another special taxing district.

(f) "Yard waste" has the meaning given in section 115A.931, paragraph (b), and includes garden wastes, leaves, lawn cuttings, weeds, and prunings.

Sec. 2. Minnesota Statutes 1988, section 325E.045, is amended by adding a subdivision to read:

Subd. 5. [CRITERIA ESTABLISHED.] The commissioner of agriculture must establish criteria and implement processes to certify that the products required by this section to be degradable:

(1) are degradable under conditions typical of a program or facility for composting or cocomposting; and

(2) contain only food grade components as defined by the United States Food and Drug Administration and are listed as approved for food contact in Code of Federal Regulations, title 21, section 175.300 (1988).

Sec. 3. Minnesota Statutes 1988, section 325E.045, is amended by adding a subdivision to read:

Subd. 6. [DEGRADABLE YARD WASTE BAGS REQUIRED FOR COMPOSTING.] A person may not dispose of yard waste in a facility or program for composting or cocomposting unless the disposal bags are degradable as defined in subdivision 1.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective 12 months after the commissioner of agriculture certifies under section 2 that products meeting the standards of degradability are commercially available."

Amend the title as follows:

Page 1, line 3, delete "requiring a minimum"

Page 1, delete line 4

Page 1, line 5, delete "containers;"

Page 1, line 6, delete "a subdivision" and insert "subdivisions"

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

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

S.F. No. 1279: A bill for an act relating to agriculture; establishing an agricultural landlord rental incentive program under the rural finance authority;

authorizing certain payments to owners of farmland; redirecting distributions of certain unclaimed property; appropriating money; amending Minnesota Statutes 1988, section 308.12, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 41B.

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

Delete everything after the enacting clause and insert:

“Section 1. [41B.0395] [AGRICULTURAL LANDLORD RENTAL INCENTIVE PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The authority shall establish, develop criteria for, and administer an agricultural landlord rental incentive program to encourage owners of farmland to help beginning farmers enter farming.

Subd. 2. [ELIGIBILITY.] (a) An owner of farmland is eligible to participate in the agricultural landlord rental incentive program if the owner rents the land to a farmer who:

(1) is a resident of Minnesota or a domestic family farm corporation, as defined in section 500.24, subdivision 2;

(2) is the principal operator of the farm;

(3) has not previously received assistance under chapter 41 or sections 41B.01 to 41B.23;

(4) has sufficient education, training, or experience in the type of farming to be undertaken on the rented farmland;

(5) has a total net worth, including assets and liabilities of the renter's spouse and dependents, of less than \$100,000;

(6) shows an ability to pay the rent;

(7) shows that the agricultural land to be rented will be used for agricultural purposes;

(8) shows that farming will be the principal occupation of the renter;

(9) agrees to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the tenancy;

(10) agrees to implement an approved soil and water conservation plan on the farm;

(11) is not related to the landlord within the second degree of kindred according to common law; and

(12) does not own more than 80 acres of agricultural land.

(b) A renter may not participate in the program under this section for more than five years.

Subd. 3. [RESTRICTIONS ON MARGINAL LAND.] (a) The owner must agree to place all marginal land of United States Department of Agriculture capability classes VI to VIII in a permanent conservation easement under section 40.43. The commissioner of agriculture may compensate the landowner for the easement under section 40.43, subdivision 6, but is not required to do so.

(b) The owner must agree to reduce the amount of rent by the amount paid to the landowner under subdivision 4. The reduction may be by reduction of the lease payments or other stated value that is given to the renter to reflect a subtraction from the prevailing county rental rate according to the most recent determination by the University of Minnesota.

Subd. 4. [PAYMENT TO LANDOWNER.] After approving an application by an eligible owner of land, the authority shall pay the landowner 20 percent of the gross property tax on up to 320 acres, but not more than \$1,000.

Sec. 2. [APPROPRIATION.]

\$500,000 is appropriated from the general fund to the rural finance authority for the biennium ending June 30, 1991, for the purposes of section 1."

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "certain unclaimed property;"

Page 1, delete line 7

Page 1, line 8, delete "subdivision 5;"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 827: A bill for an act relating to game and fish; authorizing the taking of certain muskrats that are causing damage; providing that license applications need not be notarized; regulating the purchase of raw furs; amending Minnesota Statutes 1988, sections 97A.481; 97B.655, subdivision 1; and 97B.905, subdivision 1.

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

Page 1, after line 8, insert:

"Section 1. [97A.037] [HUNTER AND ANGLER HARASSMENT PROHIBITED.]

Subdivision 1. [INTERFERENCE WITH TAKING WILD ANIMALS PROHIBITED.] A person who has the intent to prevent or disrupt the taking of a wild animal may not disturb or interfere with another person who is lawfully taking a wild animal or preparing to take a wild animal.

Subd. 2. [DISTURBING WILD ANIMALS PROHIBITED.] A person who has the intent to prevent or disrupt a person from lawfully taking the animals may not disturb or engage in an activity that will tend to disturb wild animals.

Sec. 2. Minnesota Statutes 1988, section 97A.065, is amended by adding a subdivision to read:

Subd. 5. [RESTITUTION FOR WILD ANIMALS.] Money collected from restitution under section 3 or civil penalties under section 4 for wild animals killed or injured in violation of the game and fish laws must be

used by the commissioner for replacement, propagation, or protection of wild animals.

Sec. 3. [97A.341] [RESTITUTION FOR WILD ANIMALS ILLEGALLY TAKEN.]

Subdivision 1. [LIABILITY FOR RESTITUTION.] (a) A person that kills or injures a wild animal in violation of the game and fish laws is liable to the state for the value of the wild animal as provided in this section.

(b) For purposes of this section, illegal possession of a wild animal in excess of the limit is prima facie evidence that the wild animal in excess of the limit was killed in violation of the game and fish laws.

Subd. 2. [ARREST AND CHARGING PROCEDURE.] (a) An enforcement officer making an arrest for a violation that involves a wild animal that was killed or injured in violation of the game and fish laws must describe the number and species of wild animals illegally killed, injured, or possessed in excess of the limit on the warrant or the notice to appear in court.

(b) As part of the charge against a person arrested for killing or injuring a wild animal in violation of the game and fish laws, the prosecuting attorney may include a demand that restitution be made to the state for the value of the wild animal killed or injured. A demand for restitution is in addition to the criminal penalties for the violation.

Subd. 3. [COURT DETERMINATION.] (a) If a person is convicted of killing or injuring a wild animal in violation of the game and fish laws, the court may require the person to pay restitution to the state for replacement of the wild animal as part of the sentence. The court shall state a reason or reasons for failure to impose restitution.

(b) In lieu of paying restitution, the court may consider the economic circumstances of the convicted person and order the person to perform conservation work representing the amount of restitution that will aid the propagation of wild animals.

(c) The court administrator must send a copy of the court order to the commissioner.

Subd. 4. [AMOUNT OF RESTITUTION.] The amount of restitution shall be determined by the court by a preponderance of the evidence. In determining the amount of restitution, the court must consider the value of the wild animal under section 5.

Subd. 5. [RESTITUTION CREDITED TO GAME AND FISH FUND.] Restitution collected under this section must be deposited in the state treasury and credited to the game and fish fund.

Subd. 6. [RESTITUTION DOES NOT BAR CIVIL REMEDIES.] The provision for restitution under this section does not bar the state from other civil actions and remedies.

Sec. 4. [97A.345] [CIVIL PENALTY FOR VIOLATIONS RELATING TO WILD ANIMALS KILLED OR INJURED.]

Subdivision 1. [CIVIL PENALTY.] (a) A person that kills or injures a wild animal in a manner prohibited by the game and fish laws is subject to a civil penalty for the value of the wild animal killed or injured.

(b) Illegal possession of a wild animal in excess of the limit is prima facie evidence that the wild animal was killed or injured in violation of the game and fish laws.

Subd. 2. [CIVIL ACTION.] (a) The commissioner may bring a civil action to impose the civil penalty. In determining the amount of the penalty, the court must consider the value of the wild animal under section 5.

(b) An order for a civil penalty shall be docketed as a civil judgment by the court administrator.

(c) In lieu of paying a civil penalty, the court may consider the economic circumstances of the person subject to the penalty and order the person to perform conservation work representing the amount of the civil penalty that will aid the propagation of wild animals.

Subd. 3. [ENFORCEMENT OF PENALTY.] The commissioner or the attorney general, at the commissioner's request, may enforce the order for the civil penalty in the same manner as a judgment in a civil action.

Subd. 4. [PENALTY CREDITED TO GAME AND FISH FUND.] Civil penalties collected under this section shall be deposited in the state treasury and credited to the game and fish fund.

Sec. 5. [97A.351] [RESTITUTION VALUE OF WILD ANIMALS.]

(a) The commissioner may, by rules adopted under chapter 14, prescribe the value to the state, in dollars, of species of wild animals. The value may reflect the value to other persons to legally take the wild animal, the replacement cost, or the intrinsic value to the state of the wild animals. Species of wild animals with similar values may be grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima facie evidence of a wild animal's value under sections 3 and 4.

(c) The commissioner shall report annually to the legislature the amount collected under sections 3 and 4 and the manner in which the collections were spent.

Sec. 6. Minnesota Statutes 1988, section 97A.401, subdivision 4, is amended to read:

Subd. 4. [TAKING WILD ANIMALS FROM GAME REFUGES AND WILDLIFE MANAGEMENT, AND OTHER AREAS.] Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, ~~and~~ state parks, ~~and other areas of the state that the commissioner may open for the taking of a wild animal during a special season.~~ In addition, an application fee may be charged for a special permit. Fees to be collected shall be based upon the estimated cost of conducting the special season."

Page 1, line 11, strike "OATH" and insert "PENALTY OF PERJURY"

Page 1, lines 13 and 14, delete the new language

Page 1, line 15, strike "oath" and insert "penalty of perjury"

Page 1, after line 15, insert:

"Sec. 8. Minnesota Statutes 1988, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

~~(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose.~~

Sec. 9. Minnesota Statutes 1988, section 97B.001, is amended by adding a subdivision to read:

Subd. 9. [SUSPENSION OF CERTAIN TRESPASS LAWS.] Notwithstanding subdivision 2, a person may enter nonposted agricultural land on foot to take fox during the months of January and February.

Sec. 10. [97B.603] [SMALL GAME PARTY HUNTING.]

While two or more persons are hunting small game as a party, a member of the party may take more than one limit of small game, but the total number of small game taken by the party may not exceed the limit of the number of persons in the party that may take small game. Persons hunting in a party must:

(1) be hunting in the same area or field at the same time;

(2) be within unaided visual or unaided vocal contact; and

(3) have licenses and game readily available for inspection by an enforcement officer."

Page 2, line 6, strike "RESIDENT" and after "LICENSE" insert "REQUIREMENT"

Page 2, delete lines 7 to 14 and insert:

“(a) A resident that has a license to buy and sell raw furs person may not buy and or sell raw furs in the state including:

- (1) selling raw furs to a manufacturer, representing nonresidents;
- (2) selling raw furs to a broker or agent, representing a nonresident; and
- (3) conducting a fur auction that makes sales to resident manufacturers and nonresidents without a fur buying and selling license, except a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses.”

Page 2, delete lines 20 to 22 and insert:

“Sec. 13. [97C.317] [FISHING AS A PARTY.]

While two or more persons are taking fish by angling as a party, the total number of fish taken and the total number of fish possessed by the party may not exceed the limit of the number of persons in the party that may take and possess fish by angling. For the purpose of this section a party means, for persons who are not on the water the persons are maintaining unaided visual and vocal contact, and for persons who are on the water the persons are angling from a single watercraft.

Sec. 14. Minnesota Statutes 1988, section 97C.403, subdivision 3, is amended to read:

Subd. 3. [OPEN SEASON.] The open season for walleye in the Rainy River is from ~~the third Saturday in~~ May 15 until April 14.

Sec. 15. Minnesota Statutes 1988, section 97C.605, subdivision 2, is amended to read:

Subd. 2. [SALES LICENSE.] A person may not take, possess, transport, or purchase unprocessed turtles for sale without a turtle seller's license. ~~A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner.~~

Sec. 16. Minnesota Statutes 1988, section 97C.605, subdivision 3, is amended to read:

Subd. 3. [TAKING; METHODS PROHIBITED.] (a) *Except as allowed in paragraph (b), a person may take turtles in any manner, except by use of:*

(1) *explosives, drugs, poisons, lime, and other harmful substances, or by the use of;*

(2) *turtle hooks or traps; or*

(3) *nets other than anglers' fish landing nets.*

(b) *A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner.*

Sec. 17. Minnesota Statutes 1988, section 97C.611, is amended to read:
97C.611 [SNAPPING TURTLES; LIMITS.]

A person may not possess more than ~~ten~~ three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. ~~The size of the turtles must have a dorsal surface of the shell that measures at least~~

~~ten inches long.~~ *A person may not take snapping turtles of a size less than ten inches wide including the curvature, measured from side to side across the shell at the midpoint.*

Sec. 18. [REPEALER.]

Minnesota Statutes 1988, section 97C.615, is repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 2 to 5 are effective August 1, 1989, and apply to violations of the game and fish laws committed on or after that date.

Sections 6, 10, 13, and 14 are effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to game and fish; prohibiting the interference or disturbance of a person taking wild animals under certain conditions; requiring restitution for a person who illegally takes wild animals; authorizing the commissioner to determine the value of wild animals by rule; authorizing application fees for special permits to take game from areas during special seasons; requiring applications to be made under penalty of perjury; eliminating provisions for a person over age 65 to receive a refund on an angling license; allowing persons to enter nonposted agricultural land on foot to take fox during January and February; allowing party hunting of small game and party angling under certain conditions; allowing taxidermists and fur manufacturers to buy raw furs without a fur buying and selling license; changing the open season for walleye in the Rainy River; requiring a person to have a turtle seller's license to possess unprocessed turtles for sale; prohibiting the taking of turtles by turtle hooks; reducing the limit of snapping turtles possessed without a turtle seller's license; amending Minnesota Statutes 1988, sections 97A.065, by adding a subdivision; 97A.401, subdivision 4; 97A.481; 97A.485, subdivision 6; 97B.001, by adding a subdivision; 97B.655, subdivision 1; 97B.905, subdivision 1; 97C.403, subdivision 3; 97C.605, subdivisions 2 and 3; 97C.611; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; and 97C; repealing Minnesota Statutes 1988, section 97C.615."

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

H.F. No. 1440 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.
1440	1408				

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. 1338 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.
1338	1563				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1338 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1338 and insert the language after the enacting clause of S.F. No. 1563, the first engrossment; further, delete the title of H.F. No. 1338 and insert the title of S.F. No. 1563, the first engrossment.

And when so amended H.F. No. 1338 will be identical to S.F. No. 1563, and further recommends that H.F. No. 1338 be given its second reading and substituted for S.F. No. 1563, 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. 1492 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.
1492	1369				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1492 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1492 and insert the language after the enacting clause of S.F. No. 1369, the first engrossment; further, delete the title of H.F. No. 1492 and insert the title of S.F. No. 1369, the first engrossment.

And when so amended H.F. No. 1492 will be identical to S.F. No. 1369, and further recommends that H.F. No. 1492 be given its second reading and substituted for S.F. No. 1369, 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. 472 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.
472	512				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 472 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 472 and insert the language after the enacting clause of S.F. No. 512, the first engrossment; further, delete the title of H.F. No. 472 and insert the title of S.F. No. 512, the first engrossment.

And when so amended H.F. No. 472 will be identical to S.F. No. 512, and further recommends that H.F. No. 472 be given its second reading and substituted for S.F. No. 512, 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. 33 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.
33	78				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 33 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 33 and insert the language after the enacting clause of S.F. No. 78, the first engrossment; further, delete the title of H.F. No. 33 and insert the title of S.F. No. 78, the first engrossment.

And when so amended H.F. No. 33 will be identical to S.F. No. 78, and further recommends that H.F. No. 33 be given its second reading and substituted for S.F. No. 78, 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. 166 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.
166			985		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 166 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 166 and insert the language after the enacting clause of S.F. No. 985, the first engrossment; further, delete the title of H.F. No. 166 and insert the title of S.F. No. 985, the first engrossment.

And when so amended H.F. No. 166 will be identical to S.F. No. 985, and further recommends that H.F. No. 166 be given its second reading and substituted for S.F. No. 985, 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. 811 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.
811			1085		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 811 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 811 and insert the language after the enacting clause of S.F. No. 1085, the first engrossment; further, delete the title of H.F. No. 811 and insert the title of S.F. No. 1085, the first engrossment.

And when so amended H.F. No. 811 will be identical to S.F. No. 1085, and further recommends that H.F. No. 811 be given its second reading and substituted for S.F. No. 1085, 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. 996 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.
996			1321		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 996 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 996 and insert the language after the enacting clause of S.F. No. 1321, further, delete the title of H.F. No. 996 and insert the title of S.F. No. 1321.

And when so amended H.F. No. 996 will be identical to S.F. No. 1321, and further recommends that H.F. No. 996 be given its second reading and substituted for S.F. No. 1321, 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. 1355 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.
1355	1184				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1355 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1355 and insert the language after the enacting clause of S.F. No. 1184; further, delete the title of H.F. No. 1355 and insert the title of S.F. No. 1184.

And when so amended H.F. No. 1355 will be identical to S.F. No. 1184, and further recommends that H.F. No. 1355 be given its second reading and substituted for S.F. No. 1184, 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. 1530 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.
1530	1441				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1530 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1530 and insert the language after the enacting clause of S.F. No. 1441, the first engrossment; further, delete the title of H.F. No. 1530 and insert the title of S.F. No. 1441, the first engrossment.

And when so amended H.F. No. 1530 will be identical to S.F. No. 1441, and further recommends that H.F. No. 1530 be given its second reading

and substituted for S.F. No. 1441, 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. 826 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.
826	854				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 826 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 826 and insert the language after the enacting clause of S.F. No. 854, the first engrossment; further, delete the title of H.F. No. 826 and insert the title of S.F. No. 854, the first engrossment.

And when so amended H.F. No. 826 will be identical to S.F. No. 854, and further recommends that H.F. No. 826 be given its second reading and substituted for S.F. No. 854, 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 SENATE BILLS

S.F. Nos. 1585 and 258 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 827, 1440, 1338, 1492, 472, 33, 166, 811, 996, 1355, 1530 and 826 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. Marty be added as a co-author to S.F. No. 145. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 974. The motion prevailed.

Mr. Peterson, R.W. introduced—

Senate Resolution No. 112: A Senate resolution congratulating Chisago Lakes High School on winning the 1989 Minnesota High School Mock Trial Competition.

Referred to the Committee on Rules and Administration.

Mr. Spear introduced—

Senate Resolution No. 113: A Senate resolution congratulating Kenwood School, of Minneapolis, Minnesota, on its 100th Anniversary.

Referred to the Committee on Rules and Administration.

Mr. Frank moved that the name of Mr. Kroening be added as a co-author to S.F. No. 1022. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Orders of Business of the Calendar and Consent Calendar.

CALENDAR

H.F. No. 595: A bill for an act relating to housing; exempting relocated residential buildings from certain provisions of the state building code; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3; and 462.357, 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 701: A bill for an act relating to environment; eliminating the PCB exemption program; repealing Minnesota Statutes 1988, sections 116.36; and 116.37.

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 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam and Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F No. 501: A bill for an act relating to education; vocational technical; allowing purchase of real property by independent school district No. 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F No. 695: A bill for an act relating to education; reducing the Askov school board from seven to six members; requiring local approval.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby S.F. No. 986 failed to pass the Senate on April 20, 1989, be now reconsidered. The motion prevailed.

S.F. No. 986: A bill for an act relating to weights and measures; simplifying definition of a firewood "cord"; requiring sale of firewood by volume; specifying firewood advertising and delivery ticket terminology; requiring a written firewood sales invoice; removing exemption from delivery ticket requirement; amending Minnesota Statutes 1988, sections 239.33; and 325E.01.

Mr. Pehler moved that S.F. No. 986 be re-referred to the Committee on Commerce. The motion prevailed.

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.

Mr. Johnson, D.E. introduced—

S.F. No. 1594: A bill for an act relating to Kandiyohi county; permitting the county to merge the offices of county treasurer and county auditor.

Referred to the Committee on Local and Urban Government.

Mr. Samuelson introduced—

S.F. No. 1595: A bill for an act relating to state agencies; contracting for professional and technical services; requiring publicizing the availability of contracts at least 21 days before proposals from prospective contractors are due; amending Minnesota Statutes 1988, section 16B.17, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.E. introduced—

S.F. No. 1596: A resolution memorializing the heads of the federal departments and agencies holding records concerning reported live sightings of American military personnel classified as prisoners of war or missing in action in Southeast Asia to make the records available to the public.

Referred to the Committee on Veterans and Military Affairs.

Mr. Cohen introduced—

S.F. No. 1597: A bill for an act relating to taxation; providing that an individual may be relieved of joint liability for income tax under certain circumstances; amending Minnesota Statutes 1988, section 290.38; Laws

1988, chapter 719, article 1, section 13.

Referred to the Committee on Taxes and Tax Laws.

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 Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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. 1227: A bill for an act relating to commerce; providing for the regulation of real estate closing agents; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivisions 7, 9, and 10; 82.18; 82.19, subdivisions 1, 2, 3, and 4; 82.20, subdivisions 1, 2, 3, 4, 5, 8, and 12; 82.21, subdivision 1; 82.22, subdivisions 1, 5, 6, 10, and 11; 82.23, subdivisions 2 and 3; 82.24, subdivisions 1, 2, 3, 4, 5, 6, and 7; 82.27, subdivisions 1 and 2; 82.30, subdivision 1; 82.31, subdivision 1; 82.33, subdivision 1; 82.34, subdivisions 3, 4, 6, 7, 13, and 14; and 609.52, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, section 82.34, subdivision 12.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for April 20, 1989, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”.

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. 1524: A bill for an act relating to agriculture; establishing a board of directors of the agricultural utilization research institute; allocating certain amounts of the greater Minnesota fund for agriculture-related uses; amending Minnesota Statutes 1988, sections 116O.09, subdivisions 1, 2, and by adding a subdivision; and 116O.12.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Rural Development, shown in the Journal for April 17, 1989, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”.

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. 1356: A bill for an act relating to workers' compensation; regulating compensation benefits; charging administrative costs of the workers' compensation system to the state's general fund; regulating vendors; regulating the workers' compensation court of appeals; regulating insurers;

establishing a legal assistance pilot project program; appropriating money; amending Minnesota Statutes 1988, sections 15A.083, subdivision 7; 79.58, by adding a subdivision; 175A.01; 175A.02; 175A.05; 175A.07, subdivision 2; 176.011, subdivision 18, and by adding a subdivision; 176.021, subdivision 3; 176.041, subdivision 4; 176.061, subdivision 10; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, 4, 5, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 7, and 11; 176.105, subdivision 1; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 20, and 21; 176.131, subdivisions 1, 1a, 2, 8, and by adding a subdivision; 176.132, subdivisions 1, 2, and 3; 176.135, subdivision 5; 176.136, subdivisions 1 and 5; 176.179; 176.221, subdivision 6a; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1988, sections 176.011, subdivision 26; 176.101, subdivisions 3a to 3u, and 6; and 176.111, subdivision 8a.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 18, 1989, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Judiciary”.

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. 1196: A bill for an act relating to nursing home admission agreements; prohibiting use of blanket waivers of liability by continuing care facilities and nursing homes; requiring nursing home admission agreements to be available to the public and clarifying that such agreements are consumer contracts; prohibiting nursing homes from requiring third party guarantors; requiring nursing homes to identify their status as medical assistance providers; prohibiting use of blanket consents for treatment; requiring written acknowledgment that residents have received a copy of the patients' bill of rights; providing penalties; amending Minnesota Statutes 1988, section 80D.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for April 17, 1989, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”.

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. 1173: A bill for an act relating to human services; requiring counties to contract with post-secondary education institutions regarding child care payments for students on AFDC; guaranteeing continued child care assistance to eligible students who change their county of residence; appropriating money; amending Minnesota Statutes 1988, sections 256.736, subdivision 8; and 256H.08.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for

April 17, 1989, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance”.

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. 957: A bill for an act relating to economic development; transferring programs under the Minnesota agricultural and economic development board to the department of trade and economic development; changing the governing structure of the certified development company; transferring program responsibilities for the allocation of bonding authority to the department of finance; eliminating certain reporting requirements; amending Minnesota Statutes 1988, sections 41A.01; 41A.02, subdivisions 7a, 15, 16, and by adding subdivisions: 41A.021; 41A.022; 41A.023; 41A.03, subdivision 3; 41A.035; 41A.036, subdivisions 1, 4, 5, and 6; 41A.04; 41A.05, subdivisions 1, 2, 3, and 4; 41A.051; 41A.06, subdivisions 2, 4, and 5; 41A.07; 41A.08; 469.175, subdivision 2; and 474A.02, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1988, sections 41A.02, subdivision 3; 41A.065; and 469.012, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Housing, shown in the Journal for April 17, 1989, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance”.

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. 1416: A bill for an act relating to workers' compensation; regulating insurance for truckers and loggers; imposing a tax on certain purchasers of wood to subsidize insurance costs of loggers; regulating coverages and rates; appropriating money; amending Minnesota Statutes 1988, sections 79.251, subdivision 3; 79.252, by adding a subdivision; 176.011, by adding a subdivision; 176.041, subdivision 1; 176.102, by adding a subdivision; 176.184, by adding a subdivision; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; proposing coding for new law as Minnesota Statutes, chapter 297E.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 20, 1989, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance”.

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. 510: A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees;

requiring employers to provide advance notice of certain actions related to plant closings and mass layoffs; appropriating money; amending Minnesota Statutes 1988, section 268.07, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 268A.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 20, 1989, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S.F. No. 1569 reports the same back with the recommendation that the bill be re-referred as follows:

S.F. No. 1569 to the Committee on Taxes and Tax Laws.

Mr. Moe, R.D. moved the adoption of the foregoing Committee Reports.

Mr. Knaak requested that the report on S.F. No. 510 be divided out.

Mr. Moe, R.D. moved the adoption of the Committee Reports, with the exception of the report on S.F. No. 510. The motion prevailed. Amendments adopted. Reports adopted.

The question was taken on the motion to adopt the report on S.F. No. 510.

The roll was called, and there were yeas 32 and nays 29, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lessard	Morse	Reichgott
Berglin	Frederickson, D.J.	Luther	Novak	Schmitz
Brandl	Freeman	Marty	Pehler	Solon
Chmielewski	Hughes	Merriam	Peterson, D.C.	Spar
Cohen	Kroening	Metzen	Peterson, R.W.	
Dahl	Langseth	Moe, D.M.	Piper	
Dicklich	Lantry	Moe, R.D.	Purfeerst	

Those who voted in the negative were:

Anderson	Bertram	Frederickson, D.R.	McGowan	Renneke
Beckman	Brataas	Gustafson	McQuaid	Samuelson
Belanger	Davis	Johnson, D.E.	Mehrkens	Storm
Benson	Decker	Knaak	Olson	Stumpf
Berg	DeCramer	Knutson	Pariseau	Vickerman
Bernhagen	Frederick	Laidig	Ramstad	

The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1227 and 1196 were read the second time.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 25, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate