

## FIFTY-SECOND DAY

St. Paul, Minnesota, Monday, May 15, 1989

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Daniel M. Cloeter.

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

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

The President declared a quorum present.

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

### REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 272: A bill for an act relating to veterans; providing for the establishment of a veterans home in Luverne; changing medical assistance income and asset limitations for veterans in community nursing homes to conform with those used for the veterans nursing homes; authorizing the commissioner of administration to conduct a study of the need for additional veterans homes in the state; appropriating money; amending Minnesota Statutes 1988, section 256B.056, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 198.

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 256B.056, is amended by adding a subdivision to read:

*Subd. 3a. [ASSET LIMITATIONS FOR VETERANS.] (a) Notwithstanding subdivision 3, the income and asset limitations for a veteran who is otherwise eligible for medical assistance are the income and asset limitations established by the board of directors of the Minnesota nursing homes for veterans applying for admission to a veterans home. The provisions concerning transfers of property in section 256B.17 do not apply to a veteran. For purposes of this subdivision, “veteran” has the meaning given in section 197.447.*

*(b) Paragraph (a) is effective only to the extent allowed by federal medical assistance laws and regulations and only if the federal health care financing agency approves the necessary amendments to the state medical assistance plan. The commissioner shall seek waivers of federal requirements to the extent necessary to implement paragraph (a).*

**Sec. 2. [VETERANS HOMES SITING STUDY.]**

*Subdivision 1. [STUDY AUTHORIZATION.] The commissioner of administration, in cooperation with the veterans home board of directors and the interagency board for quality assurance, must by January 1, 1990, complete a study that will assist the legislature to determine:*

*(1) if additional veterans homes should be established in any regions of the state; and*

*(2) in which communities homes should be sited if the legislature determines additional homes are necessary.*

*Subd. 2. [NEED FOR ADDITIONAL VETERANS HOMES.] In analyzing whether additional veterans homes should be established in the state, the study should consider the following factors:*

*(1) the number of veterans that are projected to need nursing home care in the state and in each region of the state;*

*(2) the availability and feasibility of other long-term care alternatives for veterans;*

*(3) the impact of additional veterans homes on existing community nursing homes;*

*(4) the availability of federal funding for construction and operation of additional veterans homes and the impact of other federal regulations;*

*(5) the overall cost to the state of a regional system of veterans nursing homes; and*

*(6) the veterans home board of directors' long-term plan for veterans health care.*

*Based on these factors, the study shall recommend in which regions of the state, if any, additional veterans homes should be established.*

*Subd. 3. [ANALYSIS OF SITING ALTERNATIVES.] If the commissioner of administration recommends that additional veterans homes should be established in one or more regions of the state, the study must analyze*

various potential sites for veterans homes based on the following factors:

- (1) proximity to a veterans administration medical center;
- (2) proximity to other medical services in the community;
- (3) availability of staff to operate a home;
- (4) construction costs;
- (5) operating costs;
- (6) local financial contributions toward construction and operating costs;
- (7) physical features of a site; and
- (8) the number of veterans needing nursing care in the area.

The commissioner must allow local communities in the affected regions to submit proposals for veterans homes, unless the region has been previously studied by the commissioner of administration. The study must recommend, in rank order within each affected region, sites for new veterans homes.

*Subd. 4. [SOUTHWEST MINNESOTA SITE.] If the need for a veterans home is found to exist in southwest Minnesota, the site of the home shall be in Luverne. This determination expires on July 1, 1992, unless the United States Veterans Administration has approved the request to establish a veterans home in Luverne.*

### Sec. 3. [APPROPRIATION.]

*\$200,000 is appropriated from the general fund to the commissioner of administration to conduct the study required by section 2."*

Delete the title and insert:

"A bill for an act relating to veterans; changing medical assistance income and asset limitations for veterans in community nursing homes to conform with those used for the veterans nursing homes; authorizing the commissioner of administration to conduct a study of the need for additional veterans homes in the state; appropriating money; amending Minnesota Statutes 1988, section 256B.056, by adding a subdivision."

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 539: A bill for an act relating to state parks; promoting the 100th anniversary of the state park system; appropriating money.

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

Page 1, line 24, after the period, insert "*\$41,000 is for fiscal year 1990, and \$59,000 is for fiscal year 1991.*"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1416: A bill for an act relating to workers' compensation; regulating insurance coverage and rates for truckers; establishing a rehabilitation pilot project for injured truckers; regulating the logging industry; regulating state claims; making miscellaneous changes; appropriating money; amending Minnesota Statutes 1988, sections 79.251, subdivision 3; 79.252, by adding a subdivision; 79.60, subdivision 2; 79.61, subdivision 1; 176.011, subdivisions 11a and 16; 176.041, subdivision 1; 176.102, by adding a subdivision; 176.135, subdivision 1; 176.136, subdivisions 1 and 5; 176.155, subdivision 1; 176.541, subdivisions 1, 2, 3, 5, and 6; 176.551, subdivision 1; 176.571; 176.581; 176.591, subdivisions 1 and 3; 176.603; 176.611, subdivision 2; and 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1988, section 176.541, subdivision 7.

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

Page 10, line 8, delete "and" and insert ". *The assessment under subdivision 4 must be credited to the account and is appropriated to the commissioner to make the payment required by subdivision 6.*"

Page 10, delete lines 9 and 10

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1081: A bill for an act relating to courts; providing for a study by the supreme court of racial bias in the judicial system; appropriating money.

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

Page 2, line 8, delete "\$ . . . . ." and insert "\$200,000"

Page 2, line 9, after the period, insert "\$50,000 is for fiscal year 1991, and \$75,000 for fiscal year 1992, and \$75,000 for fiscal year 1993."

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 237: A bill for an act relating to pollution; regulating the disposal of infectious and pathological wastes; providing for penalties for violation; appropriating money; amending Minnesota Statutes 1988, sections 388.051, subdivision 2; and 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 2, line 9, after the period, insert "'Generator" does not include a person who produces sharps as a result of administering medication to oneself."

Page 2, line 22, delete "certified"

Page 5, line 18, after the period, insert "*The commissioner of health shall prepare a summary of the quantities of infectious and pathological waste generated, by facility type.*"

Page 5, line 26, delete "\$150" and insert "\$225"

Page 5, line 27, delete "\$25" and insert "\$40"

Page 5, delete line 28 and insert "*deposited in the state treasury and credited to the general fund.*"

Page 6, line 14, delete from "\$150" through page 6, line 17, to "account" and insert "\$225. A person who incinerates on site at a hospital must submit a fee of \$100. The fee must be deposited in the state treasury and credited to the general fund"

Page 6, line 19, delete "90" and insert "180"

Page 7, line 20, delete "90" and insert "180"

Page 7, line 28, delete "\$150" and insert "\$225" and delete "credited to"

Page 7, line 29, delete "*an infectious waste account*" and insert "*deposited in the state treasury and credited to the general fund*"

Pages 10 and 11, delete section 12 and insert:

"Sec. 12. [APPROPRIATIONS.]

*Subdivision 1. [POLLUTION CONTROL AGENCY.] \$265,000 is appropriated from the general fund to the commissioner of the pollution control agency for the biennium ending June 30, 1991, to carry out the requirements of sections 1 to 9. The approved complement of the pollution control agency is increased by two positions in fiscal year 1990 and one additional position in fiscal year 1991.*

*Subd. 2. [DEPARTMENT OF HEALTH.] \$200,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, to carry out the requirements of sections 1 to 9. The approved complement of the department of health is increased by two and one-half positions.*

*Subd. 3. [HEALTH DEPARTMENT.] \$10,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, to prepare educational material for distribution to infectious and pathological waste generators and transporters; treatment, storage, and disposal facility operators; households that generate infectious waste; and to the general public."*

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1001: A bill for an act relating to the community dispute resolution program; giving the state planning agency joint responsibility with the state court administrator's office for administration of the program; establishing eligibility criteria for grant recipients; appropriating money; amending Minnesota Statutes 1988, sections 494.01, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 494; repealing Minnesota Statutes 1988, sections 494.01, subdivisions 3, 4, and 5;

and 494.04.

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

Page 2, line 5, delete "*assure*" and insert "*ensure*"

Page 3, line 17, delete "7" and insert "6"

Page 4, line 3, delete "2" and insert "1"

Page 4, line 4, delete "*in*" and insert "*under*" and delete "3" and insert "2"

Page 4, line 18, delete the second "*the*" and insert "*an*"

Page 5, line 8, delete "\$452,000" and insert "\$200,000"

Page 5, line 9, delete "\$218,000" and insert "\$100,000"

Page 5, line 11, delete "\$234,000" and insert "\$100,000"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 345: A bill for an act relating to health; providing for the distribution of maternal and child health block grant funds; appropriating money; amending Minnesota Statutes 1988, section 145.882, subdivisions 1, 3, and 7.

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

Page 2, line 33, delete ". *If*"

Page 2, delete lines 34 to 36

Page 3, lines 1 and 2, delete the new language

Pages 4 and 5, delete section 4

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 431: A bill for an act relating to public safety; regulating the operation and operators of elevators; imposing penalties; amending Minnesota Statutes 1988, sections 16B.70, subdivision 1; 183.351, by adding subdivisions; and 183.355; proposing coding for new law in Minnesota Statutes, chapter 183.

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

Page 5, after line 24, insert:

"Sec. 10. [APPROPRIATION.]

*\$324,000 is appropriated from the special revenue fund to the commissioner of labor and industry to conduct elevator inspections under this act. \$162,000 is for fiscal year 1990 and \$162,000 is for fiscal year 1991. The approved complement of the department of labor and industry is increased by four positions.*"

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was referred

S.F. No. 1254: A bill for an act relating to appropriations; appropriating money for real estate chair at institutions of higher learning.

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

Page 1, line 10, delete from "*establishing*" through page 1, line 11, to "*learning*" and insert "*the continued, current-level funding of the Minnesota chair in real estate at St. Cloud state university*"

Amend the title as follows:

Page 1, delete line 3 and insert "the Minnesota chair in real estate."

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 161: A bill for an act relating to peace officers; providing eligibility for death benefits for certain fire and rescue unit members and other first responders; amending Minnesota Statutes 1988, section 176B.01, subdivision 2.

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 548: A bill for an act relating to economic development; permitting the department of transportation and metropolitan agencies to grant available money to a working capital fund; proposing coding for new law in Minnesota Statutes, chapters 161 and 473.

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

Page 1, after line 20, insert:

*"Money contributed from a constitutionally or statutorily dedicated fund must be used only for purposes consistent with the purposes of the dedicated fund."*

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 556: A bill for an act relating to elections; providing for handicap access to precinct caucuses and party conventions; providing for interpreters at precinct caucuses and party conventions; making convention and caucus materials available to the visually impaired; appropriating money; amending Minnesota Statutes 1988, sections 202A.13; and 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 202A.

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

Page 4, line 26, delete "\$ . . . . ." and insert "\$39,000"

Page 4, line 27, delete "to" and insert ", who must"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 575: A bill for an act relating to resource development; establishing a legislative task force on minerals; appropriating money.

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

Page 2, line 2, delete "legislative"

Page 2, line 3, delete "commission on Minnesota resources" and insert "Minnesota future resources commission"

Page 2, line 9, delete "\$ . . . . ." and insert "\$10,000"

Page 2, line 10, delete "commissioner of natural resources" and insert "legislative coordinating commission"

Page 2, line 11, delete everything after the comma

Page 2, delete lines 12 to 15

Page 2, line 16, delete "section 1, and" and delete "expenses of the task force other than"

Page 2, line 17, after "of" insert "task force"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1383: A bill for an act relating to state government; creating a small business procurements commission to study recent United States Supreme Court decisions and their effect on certain programs; appropriating money.

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

Page 2, line 13, delete "3" and insert "31"

Page 3, line 10, delete "Section 1 is" and insert "Sections 1 and 2 are" and delete "January 4" and insert "February 1"

Page 3, delete section 4 and insert:



“Sec. 4. [APPROPRIATION.]

*\$25,000 is appropriated from the general fund to the legislative coordinating commission for the small business procurements commission created in section 1.*

*\$75,000 is appropriated from the general fund to the commissioner of administration to study small business procurement programs under section 2.”*

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 532: A bill for an act relating to the office of the secretary of state; providing for the preservation of land surveys; establishing time for the permanent microfilming of the surveys; appropriating money; amending Minnesota Statutes 1988, section 5.03.

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

Page 1, line 26, delete “\$ . . . . .” and insert “\$113,000” and delete “special revenue” and insert “general”

Page 2, line 3, after the period, insert “The approved complement of the office of the secretary of state is increased by two positions until June 30, 1991.”

Page 2, line 4, delete “\$ . . . . .” and insert “\$11,000”

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1036: A bill for an act relating to dislocated workers; providing procedures to assist workers dislocated by permanent closures or substantial layoffs; appropriating money; amending Minnesota Statutes 1988, section 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1988, section 16B.06, is amended by adding a subdivision to read:

*Subd. 2a. [EXCEPTION.] The requirements of subdivision 2 do not apply to state contracts distributing state or federal funds pursuant to the federal economic dislocation and worker adjustment assistance act, United States Code, title 29, section 1651 et seq., or sections 6 and 7. For these contracts, the commissioner of jobs and training is authorized to directly enter into state contracts with approval of the governor’s job training council, and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner shall adopt internal procedures to administer and monitor funds distributed under these contracts.”*

Page 2, lines 5 and 30, delete “2” and insert “3”

Page 2, line 31, delete "7" and insert "8"

Page 3, lines 6 and 17, delete "5" and insert "6"

Page 5, lines 8 and 17, delete "5" and insert "6"

Page 5, line 34, delete the second "2" and insert "3"

Page 8, line 18, delete "4" and insert "5"

Page 8, line 25, delete "\$ . . . . ." and insert "\$350,000"

Page 8, line 30, delete "6" and insert "7"

Page 8, delete lines 33 to 36

Page 9, delete line 1

Page 9, line 2, delete "3" and insert "2" and delete "\$ . . . . ." and insert "\$50,000"

Page 9, line 6, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 16B.06, by adding a subdivision;"

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

Mr. Merriam from the Committee on Finance, to which was re-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; 488A.119; 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:

Delete everything after the enacting clause and insert:

“ARTICLE 1  
JUDICIAL SYSTEM

Section 1. Minnesota Statutes 1988, section 3.732, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) “State” includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) “Employee of the state” means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. “Employee of the state” includes a public defender appointed by the state board of public defense or a ~~court appointed guardian ad litem, whether paid by the state or by a political subdivision.~~

(3) “Scope of office or employment” means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) “Judicial branch” has the meaning given in section 43A.02, subdivision 25.

Sec. 2. Minnesota Statutes 1988, section 43A.02, subdivision 25, is amended to read:

Subd. 25. [JUDICIAL BRANCH.] “Judicial branch” means all judges of the appellate courts, all employees of the appellate courts, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, ~~and~~ all judges of all courts of law, *district court law clerks, district administration employees under section 484.68, and other agencies placed in the judicial branch by law. Judicial branch does not include district court referees or judicial officers, court reporters, district administration employees in the second and fourth judicial districts, court administrators or their staff under chapter 485, guardians ad litem, or other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 7, subdivision 2.*

Sec. 3. Minnesota Statutes 1988, section 43A.24, subdivision 2, is amended

to read:

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2.

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, a judge of county municipal court, or a judge of probate court; a *district court law clerk*; a district administrator; and an employee of the office of the district administrator of the ~~the fifth or the eighth~~ *judicial districts that is not in the second or fourth judicial district*;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March

23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program; and

(i) An employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance.

Sec. 4. Minnesota Statutes 1988, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board, or the state board for community colleges, as the case may be;
- (3) employees who are eligible for membership in the state teachers retirement association except employees of the department of education who have chosen or may choose to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;

(6) election officers;

(7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) ~~court employees~~, referees, receivers, jurors, ~~and~~ notaries public, ~~and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25~~, except employees of the appellate courts and referees and adjusters employed by the department of labor and industry;

(10) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;

(11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed under section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons employed at any time by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) temporary employees in the classified service, temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period and seasonal help in the classified service employed by the department of revenue;

(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2a, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer 1 on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards to conduct examinations required by law;

(28) members of appeal tribunals, exclusive of the chair, to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;

(30) temporary employees employed for limited periods under any state or federal program for training or rehabilitation including persons employed for limited periods from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full-time students employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, if the board members are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days after appointment that coverage is desired;

(35) members of trades employed by the metropolitan waste control commission with trade union pension plan coverage under a collective bargaining agreement first employed after June 1, 1977;

(36) persons employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;

(37) off-duty peace officers while employed by the metropolitan transit commission under section 629.40, subdivision 5; and

(38) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund.

Sec. 5. Minnesota Statutes 1988, section 353.01, subdivision 2a, is amended to read:

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

- (1) elected or appointed officers and employees of elected officers;
- (2) district court reporters *and persons who elect to remain members under section 7, subdivision 2*;
- (3) officers and employees of the public employees retirement association;
- (4) employees of the league of Minnesota cities;
- (5) officers and employees of public hospitals owned or operated by, or an integral part of, a governmental subdivision or governmental subdivisions;
- (6) employees of a school district who receive separate salaries for driving their own buses;
- (7) employees of the association of Minnesota counties;
- (8) employees of the metropolitan intercounty association;
- (9) employees of the Minnesota municipal utilities association;
- (10) employees of the metropolitan airports commission if employment initially commenced after June 30, 1979;
- (11) employees of the Minneapolis employees retirement fund, if employment initially commenced after June 30, 1979;
- (12) employees of the range association of municipalities and schools;
- (13) employees of the soil and water conservation districts;
- (14) employees of a county historical society who are county employees;
- (15) employees of a county historical society located in the county whom the county, at its option, certifies to the executive director to be county employees for purposes of retirement coverage under this chapter, which status must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society and is not excluded under subdivision 2b;
- (16) employees of an economic development authority created under sections 458C.01 to 458C.23;
- (17) employees of the department of military affairs of the state of Minnesota who are full-time firefighters.

Sec. 6. Minnesota Statutes 1988, section 466.01, subdivision 6, is amended to read:

Subd. 6. [EMPLOYEE, OFFICER, OR AGENT.] For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other



person acting on behalf of the municipality in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor. "Employee" includes district court referees and judicial officers, court reporters, court administrators and their staff under chapter 485, district administration staff in the second and fourth judicial districts, guardians ad litem, and other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 7, subdivision 2.

**Sec. 7. [480.181] [TRANSFER OF EMPLOYEES TO JUDICIAL BRANCH.]**

*Subdivision 1. [STATE EMPLOYEES; COMPENSATION.] District court law clerks and district administration staff, other than district administration staff in the second and fourth judicial districts, are state employees and are governed by the judicial branch personnel rules adopted by the supreme court. The supreme court, in consultation with the conference of chief judges, shall establish the salary range of these employees under the judicial branch personnel rules. In establishing the salary ranges, the supreme court shall consider differences in the cost of living in different areas of the state.*

*Subd. 2. [ELECTION TO RETAIN INSURANCE AND BENEFITS; RETIREMENT.] (a) Before a person becomes a state employee under this section, the person may elect to do either or both of the following:*

*(1) keep life insurance; hospital, medical, and dental insurance; vacation and sick leave benefits and accumulated time; and other benefits provided by the county for similarly situated employees under the terms of a collective bargaining agreement or personnel policy, instead of receiving benefits from the state under the judicial branch personnel rules; or*

*(2) remain a member of the public employees retirement association or the Minneapolis employees retirement fund instead of joining the Minnesota state retirement system.*

*Employees who make an election under clause (1) remain on the county payroll, but the state shall reimburse the county on a quarterly basis for the salary and cost of the benefits provided by the county. 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).*

*(b) An employee who makes an election under paragraph (a), clause (1), may revoke the election at any time. An employee who makes an election under paragraph (a), clause (2), may revoke the election at any time before the employee becomes a state employee. Once an employee revokes an election, the employee may not make another election under the same clause.*

*(c) The supreme court, after consultation with the conference of chief judges, the commissioner of employee relations, and the executive directors of the public employees retirement association and the Minnesota state retirement association, shall adopt procedures for making elections under this section.*

*(d) The supreme court shall notify all affected employees of the options available under this section. The executive directors of the public employees retirement association and the Minnesota state retirement system shall*

*provide counseling to affected employees on the effect of making an election to remain a member of the public employees retirement association.*

*Subd. 3. [ACCUMULATED BENEFITS.] A person who begins to receive benefits from the state under the judicial branch personnel rules under this section must receive credit for accumulated vacation and sick leave time, as certified by the county auditor and district administrator.*

*Subd. 4. [DATE OF EMPLOYMENT.] A person who is transferred from county or judicial district employment to state employment under this section is considered to have begun employment with the state on the date the person became a county or judicial district employee for purposes of determining eligibility for benefits.*

Sec. 8. Minnesota Statutes 1988, section 480.235, is amended to read:  
480.235 [TRIAL COURT INFORMATION SYSTEM.]

The cost of operating the trial court information system in a judicial district ~~must be shared between the state and the participating counties of a judicial district. The state share of operating costs is limited to the following categories: computer and terminal equipment hardware, computer and terminal equipment maintenance, software acquisition and maintenance, durable supplies, communications equipment acquisition and maintenance, data communications, and new judicial district systems personnel. The participating counties of a judicial district must pay all other operating costs, including but not limited to: space rental for computer equipment, utilities, consumable supplies, postage, off-site computer disk file storage, and all personnel-related expenses, other than salaries and fringe benefits for judicial district systems personnel will be paid by the state.~~

Sec. 9. Minnesota Statutes 1988, section 484.545, subdivision 1, is amended to read:

Subdivision 1. The district judges regularly assigned to hold court in each judicial district ~~except for the second, fourth, and tenth judicial districts may by orders filed with the court administrator and county auditor of each county in the district appoint a competent law clerk for every two district court judges of the judicial district. The district judges regularly assigned to hold court in the first and tenth judicial districts may by orders filed with the court administrator and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district.~~

Sec. 10. Minnesota Statutes 1988, section 484.545, subdivision 2, is amended to read:

Subd. 2. Notwithstanding any law to the contrary, in all judicial districts, ~~except the fourth judicial district, a salary range for law clerks shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. the salary for each law clerk shall be set within that range annually by the district administrator after consultation with the chief judge chief judge, after consultation with the judges of the district, within the range established under section 7, as provided in the judicial branch personnel rules.~~

~~Nothing herein shall change the manner by which law clerk salaries are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provision related to law~~

clerk compensation other than the manner of setting salary. Each county shall be required by the order to pay a specified amount thereof in monthly installments which shall be such proportion of the whole salaries as the population of the county is to the total population of the counties to which the judge is assigned as determined by the last census.

Sec. 11. Minnesota Statutes 1988, section 484.64, subdivision 3, is amended to read:

Subd. 3. The board of county commissioners of Ramsey county shall provide suitable chambers and courtroom space, clerks, reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. *The state shall provide law clerks.*

Sec. 12. Minnesota Statutes 1988, section 484.65, subdivision 3, is amended to read:

Subd. 3. The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, secretaries or reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. *The state shall provide law clerks.*

Sec. 13. Minnesota Statutes 1988, section 484.68, subdivision 5, is amended to read:

Subd. 5. [BUDGET FOR OFFICE.] The office budget of the district administrator shall be ~~set by the chief judge of the judicial district and apportioned among the counties of the district paid by the state.~~ The budget must include sufficient money for the staff authorized by this section and other staff and expenses authorized under law. *A county shall provide office facilities for the district administrator. In multicounty districts, the state shall pay rent for the office facilities of the district administrator.*

Sec. 14. 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.

Sec. 15. [TRANSITIONAL PROVISIONS.]

*Subdivision 1. [HIRING AND SALARY MORATORIUM.] A county or a court may not increase the number of law clerks or district administration employees in the county, other than district administration employees in the second or fourth judicial district, without approval of the supreme court, unless the increase was authorized before January 30, 1989. A county or a court may not increase the salaries of these employees without the approval of the supreme court, unless the increase is made under a*

*plan adopted before January 30, 1989.*

*Subd. 2. [TRANSFER OF PROPERTY.] The title to all personal property owned by the county that is used by law clerks and district administration employees, other than district administration employees in the second and fourth judicial districts, in the scope of their employment is transferred to the state effective July 1, 1990.*

*Subd. 3. [RULES.] The supreme court, in consultation with the conference of chief judges, may adopt rules to implement this article.*

**Sec. 16. [CONTINUED STUDY BY SUPREME COURT.]**

*The supreme court shall continue to study the county-funded components of the district courts and make recommendations to the legislature by February 1, 1991, regarding their control and financing. The supreme court shall also study practices regarding legal counsel for juveniles and make recommendations to the legislature by December 31, 1990.*

**Sec. 17. [REPEALER.]**

*Minnesota Statutes 1988, sections 487.31, subdivision 4; and 525.012, subdivisions 1, 2, 3, and 4, are repealed.*

**Sec. 18. [EFFECTIVE DATES.]**

*Sections 1 and 6 are effective July 1, 1990, and apply to claims made on or after that date.*

*Sections 2 to 5 and 7 to 14 are effective July 1, 1990.*

*Section 15 is effective the day following final enactment.*

*Section 17 is effective July 1, 1989.*

**ARTICLE 2**

**PUBLIC DEFENDER SYSTEM**

Section 1. Minnesota Statutes 1988, section 611.26, subdivision 2, is amended to read:

**Subd. 2.** The state board of public defense shall appoint a district public defender. When appointing a district public defender, the state board of public defense membership shall be increased to include two judges of the district and two county commissioners of the counties within the district. The additional members shall serve only in the capacity of selecting the district public defender. The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district. The ad hoc state board of public defense shall appoint a district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each district public defender shall be a qualified attorney, licensed to practice law in this state. The district public defender shall be appointed for a term of four years, beginning August 1, pursuant to the following staggered term schedule: (1) in 1987, the third and eighth districts; (2) in 1988, the first and tenth districts; (3) in 1989, the fifth and ninth districts; ~~and~~ (4) in 1990, the sixth and seventh districts; (5) in 1991, the third and eighth districts; and (6) in 1992, the first, second, fourth, and tenth districts. The district public defenders shall serve for staggered four-year terms and may be

removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 2. [611.263] [SECOND AND FOURTH JUDICIAL DISTRICTS; DISTRICT PUBLIC DEFENDERS; EMPLOYEES OF RAMSEY AND HENNEPIN COUNTIES; PUBLIC EMPLOYER.]

*Subdivision 1. [EMPLOYEES.] (a) The district public defender and assistant public defenders of the second judicial district are employees of Ramsey county in the unclassified service under section 383A.286.*

*(b) The district public defender and assistant public defenders of the fourth judicial district are employees of Hennepin county under section 383B.63, subdivision 6.*

*Subd. 2. [PUBLIC EMPLOYER.] (a) Notwithstanding section 179A.03, subdivision 15, clause (c), the Ramsey county board is the public employer under the public employment labor relations act for the district public defender and assistant public defenders of the second judicial district.*

*(b) Notwithstanding section 179A.03, subdivision 15, clause (c), the Hennepin county board is the public employer under the public employment labor relations act for the district public defender and assistant public defenders of the fourth judicial district.*

Sec. 3. [TRANSITION.]

*The district public defender of the second judicial district serving on July 1, 1989, shall continue in office until the expiration of the term to which appointed or until August 1, 1992, whichever date is later.*

*The district public defender of the fourth judicial district serving on July 1, 1989, shall continue in office until the expiration of the term to which appointed or until August 1, 1992, whichever date is later.*

Sec. 4. [REPEALER.]

*Minnesota Statutes 1988, sections 383B.63, subdivisions 4 and 5; 611.12; and 611.214; and Laws 1975, chapter 258, section 6, subdivisions 1, 3, 4, and 5, are repealed.*

Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective July 1, 1990.*

## ARTICLE 3

### FEEs

Section 1. Minnesota Statutes 1988, section 357.021, subdivision 1a, is amended to read:

*Subd. 1a. Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court, for the use of said county, the sundry fees hereinafter prescribed; provided, however, that no county to which this section applies, being a party to any action or proceeding in the district court established in such county, shall be required to pay fees to the court administrator thereof in subdivision 2. The court administrator shall transmit the fees monthly to the county treasurer. Effective July 1, 1989, the county treasurer shall forward \$20 of each fee collected under subdivision 2, clauses (1)(a) and (1)(b), to the state treasurer for deposit*

*in the state treasury and credit to the general fund. Effective July 1, 1990, the county treasurer shall forward all of the fees collected under subdivision 2, clauses (1)(a) and (1)(b), to the state treasurer for deposit in the state treasury and credit to the general fund or credit to the special revenue fund as required under subdivision 2a. Except as provided in subdivision 2a, the remaining fees under subdivision 2 must be deposited in the county general fund.*

Sec. 2. Minnesota Statutes 1988, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) (a) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$30~~ \$50, except that in an action for marriage dissolution, the fee is ~~\$55~~ \$90.

(b) The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$30~~ \$50.

(c) The party requesting a trial by jury shall pay \$30.

(d) The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under sections 106A.005 to 106A.811, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5, plus 25 cents per page after the first page and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$1 for each name certified to and \$3 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 3. Minnesota Statutes 1988, section 357.021, subdivision 4, is amended to read:

Subd. 4. Nothing in this section shall be construed as amending, modifying, *redistributing*, or repealing the provisions as to library fees contained in chapter 140.

Sec. 4. [357.022] [CONCILIATION COURT FEE.]

*The court administrator in every county shall charge and collect a filing fee of \$10 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. The court administrator shall transmit the fees monthly to the county treasurer who shall forward the funds to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 5. Minnesota Statutes 1988, section 357.08, is amended to read:

357.08 [PAID BY APPELLANT IN APPEAL.]

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$50~~ \$60 to the clerk of the appellate courts. ~~In addition, there shall be paid by the appellant or moving party or person the sum of \$10 to the court or agency whose decision is sought to be reviewed.~~ No additional filing fee shall be required for a petition for accelerated review by the supreme court. A filing fee of \$50 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. *The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.*

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 6. Minnesota Statutes 1988, section 480.058, is amended to read:

480.058 [RIGHT RESERVED.]

*Subdivision 1. [BY LEGISLATURE.] Sections 480.051 to 480.058 shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any rule of the supreme court adopted pursuant thereto.*

*Subd. 2. [APPELLATE FEES AND FORFEITS.] Appellate court fees collected under Minnesota Rules of Civil Appellate Procedure Numbers 103, 115, 120, 121, or other law or rule, and bond amounts or security deposits forfeited under Minnesota Rules of Civil Appellate Procedure Numbers 107 and 108 must be transmitted to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 7. Minnesota Statutes 1988, section 485.018, subdivision 5, is amended to read:

Subd. 5. [COLLECTION OF FEES.] The court administrator of district court shall charge and collect all fees as prescribed by law and all such fees collected by the court administrator as court administrator of district court shall be paid to the county treasurer. *The county treasurer shall forward revenues from fees collected under section 357.021, subdivision 2, clauses (1)(a) and (1)(b), and section 4 to the state treasurer for deposit in the state treasury and credit to the general fund or the special revenue fund, in the manner and at the times prescribed by the county board state treasurer, but not less often than once each month. All other money must be deposited in the county general fund unless otherwise provided by law.* The court administrator of district court shall not retain any additional compensation, per diem or other emolument for services as court administrator of district court, but may receive and retain mileage and expense allowances as prescribed by law.

Sec. 8. Minnesota Statutes 1988, section 487.31, subdivision 1, is amended to read:

Subdivision 1. The fees payable to the court administrator for the following services in civil actions are:

In all civil actions within the jurisdiction of the county court, the fees payable to the court administrator shall be the same as in district court. ~~The county court shall determine by rule the fees payable in cases heard in the conciliation division of the county court. The fee payable for cases heard in the conciliation court division is established under section 4. The conciliation court filing fees must be transmitted to the county treasurer who shall forward them to the state treasurer for deposit in the state treasury and credit to the general fund.~~

The fees payable to the court administrator for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be retained by the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The court administrator shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) In all cases where the defendant pleads guilty at or prior to first appearance and sentence is imposed or the matter is otherwise disposed of without a trial . . . . \$5

(2) Where the defendant pleads guilty after first appearance or prior to



trial . . . . \$10

(3) In all other cases where the defendant is found guilty by the court or jury or pleads guilty during trial . . . . \$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

Sec. 9. Minnesota Statutes 1988, section 488A.14, subdivision 1, is amended to read:

Subdivision 1. [COMMENCEMENT OF ACTION.] An action is commenced against each defendant when the complaint is filed with the court administrator of conciliation court and a *the* filing fee of \$9 is paid to the court administrator or the prescribed affidavit in lieu of *the* filing fee is filed. *The filing fees must be transmitted to the county treasurer who shall forward them to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 10. Minnesota Statutes 1988, section 488A.17, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR REMOVAL OF CAUSE.] No cause shall be removed by the aggrieved party unless all of the following acts are performed within 20 days after the date the court administrator mailed to the aggrieved party notice of the order for judgment:

(a) Serving on the opposing party or the opposing party's attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) Filing with the court administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or the opposing party's attorney cannot be found and service of the demand is made within the 20 day period, the aggrieved party may file with the court administrator within the 20 day period the original and a copy of the demand, together with an affidavit by the aggrieved party or the party's attorney showing that due and diligent search has been made and that the opposing party or the opposing party's attorney cannot be found. The filing of this affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, the court administrator shall mail the copy of the demand to the opposing party at the opposing party's last known residence address.

(c) Filing with the court administrator of conciliation court an affidavit by the aggrieved party or the aggrieved party's attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Paying to the court administrator of conciliation court \$2 ~~when the demand is for trial by court or \$7 when the demand is for trial by a jury of six persons as the fee for removal the amount of the filing fee for a civil action in district court.~~ *The fees must be transmitted to the county treasurer who*

*shall forward them to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 11. Minnesota Statutes 1988, section 488A.31, subdivision 1, is amended to read:

Subdivision 1. [FILING FEE.] An action is commenced against each defendant when the complaint is filed with the administrator of conciliation court and ~~a the filing fee set by the board of Ramsey county commissioners~~ is paid to the administrator or the prescribed affidavit in lieu of filing fee is filed. ~~No filing fee is payable by the county. The fees must be transmitted to the county treasurer who shall forward them to the state treasurer for deposit in the state treasury and credit to the general fund.~~

Sec. 12. Minnesota Statutes 1988, section 488A.34, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE FOR REMOVAL OF CAUSE.] No cause shall be removed by the aggrieved party unless all of the following acts are performed within 20 days after the date the administrator mailed to the aggrieved party notice of the order for judgment:

(a) Serving on the opposing party or the opposing party's attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) Filing with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or the opposing party's attorney cannot be found and service of the demand is made within the 20 day period, the aggrieved party may file with the administrator within the 20 day period the original and a copy of the demand, together with an affidavit by the aggrieved party or the aggrieved party's attorney showing that due and diligent search has been made and that the opposing party or the opposing party's attorney cannot be found. The filing of this affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at the opposing party's last known address.

(c) Filing with the administrator of conciliation court an affidavit by the aggrieved party or the opposing party's attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Paying to the administrator of conciliation court ~~as the fee set by the board of Ramsey County commissioners when the demand is for trial by court, and the fee as set by the Ramsey County commissioners when the demand is for trial by a jury of six for removal the amount of the filing fee for a civil action in district court. The above fee is not payable by the county. The fees shall be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund.~~

Sec. 13. Minnesota Statutes 1988, section 525.033, is amended to read:

525.033 [FEES FOR FILING PETITIONS.]

The probate court shall collect a fee as established by section 357.021, subdivision 2, clause (1), for filing a petition to commence a proceeding under this chapter and chapter 524. The fee for copies of all documents in probate proceedings must be the same as the fee established for certified copies in civil proceedings under section 357.021, subdivision 2. *Fees collected under this section and section 525.031 must be transmitted to the county treasurer who shall forward them to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 14. [DE NOVO HEARINGS FROM CONCILIATION COURT.]

*Fees collected under county court rule No. 1.21, and special rules of procedure for county court of St. Louis county No. 29.21, shall be forwarded to the state treasurer for deposit in the state treasury and credit to the general fund.*

Sec. 15. [EFFECTIVE DATES.]

*Sections 1 to 3 are effective July 1, 1989.*

*Sections 4 to 14 are effective July 1, 1990.*

ARTICLE 4

TRANSITION AID AND LOCAL GOVERNMENT AID

Section 1. Minnesota Statutes 1988, section 273.1398, subdivision 2, is amended to read:

Subd. 2. [TRANSITION AID.] (a) Transition aid for each unique taxing jurisdiction for taxes payable in 1990 equals the total gross taxes levied on all properties, minus the unique taxing jurisdiction's subtraction factor. Transition aid cannot be less than zero. The transition aid so determined for school districts for purposes of general education and transportation levies shall be multiplied by the ratio of the adjusted gross tax capacity based upon the 1988 adjusted gross tax capacity to the estimated 1987 adjusted gross tax capacity based upon the 1987 adjusted assessed value. Each county assessor and the city assessors of Minneapolis, Duluth, and St. Cloud shall furnish the commissioner of revenue with the 1988 market values for taxes payable in 1989 for any new classes of property established in this article. The commissioner shall use those values, and estimate values where needed, in developing the 1988 tax capacity for each unique taxing jurisdiction under this section.

(b)(1) The transition aid is allocated to each local government levying taxes in the unique taxing jurisdiction in the proportion that the local government's gross taxes bears to the total gross taxes levied within the unique taxing jurisdiction.

(2) If a local government's total tax capacity rate for all funds for taxes payable in 1989 varies within the area in which it exercises taxing authority, the local government's allocated transition aid must be further allocated between the part of its levy in respect to which the tax capacity rate is constant throughout the area in which it exercises taxing authority and the part of its levy in respect to which the tax capacity rate varies throughout the area in which it exercises taxing authority.

(c) In 1991 and subsequent years, a local government shall receive transition aid equal to that it received in 1990 subject to the requirement of the last sentence of subdivision 6.

(d) The difference between (1) the income maintenance aids payable to a county and (2) the income maintenance aids that would be payable to the county pursuant to the rates in effect for calendar year 1989 shall be reduced by the sum of the amount of transition aid a county receives under this subdivision for all unique taxing jurisdictions located within its borders. The reduction must not reduce the difference to less than zero. The reduction shall be prorated among all payments of the increased income maintenance aids so that each payment is reduced by an equal percentage amount. The commissioner of revenue shall certify each county's transition aid to the commissioner of human services for purposes of this adjustment.

(e) *Payments under this subdivision to counties in 1991 and subsequent years shall be reduced by the amount provided in section 477A.012, subdivision 3, paragraph (e).*

Sec. 2. Minnesota Statutes 1988, section 477A.012, is amended by adding a subdivision to read:

*Subd. 3. [AID OFFSET FOR COURT COSTS.] (a) There shall be deducted from the payment to a county under this section an amount representing the cost to the state for assumption of the cost of operation of the district courts and public defense activities in the county. The amount of the deduction shall be computed as provided in this subdivision.*

*(b) By June 15, 1990, the board of public defense shall determine and certify to the supreme court the pro rata share for each county of the state-financed public defense services as provided in this act during the fiscal year beginning the following July 1. By June 30, 1990, the supreme court shall determine and certify to the department of revenue for each county the sum of the amounts certified by the board of public defense and the pro rata share for each county of district court costs as provided in this act during the fiscal year beginning on the following July 1.*

*(c) The amount deducted from each payment to each county under subdivisions 1 and 2 shall be reduced by the amount certified by the supreme court under paragraph (b) less the amount of fees that would have been collected by courts in that county during fiscal year 1990 if the fees for civil and probate filings had been \$30 and the fee for a marriage dissolution had been \$55.*

*(d) Twenty-five percent of the amount computed under paragraph (c) for each county shall be deducted from each payment to the county under section 477A.015 in 1990. One-half of the amount computed under paragraph (c) for each county shall be deducted from each payment to the county under section 477A.015 in 1991 and each subsequent year.*

*(e) If the amount computed under paragraph (c) exceeds the amount payable to a county under subdivisions 1 and 2, the excess shall be deducted from the aid payable to the county under section 273.1398, subdivision 2.*

## ARTICLE 5

### APPROPRIATIONS

#### Section 1. [JUDICIAL SYSTEM.]

*Subdivision 1. [DISTRICT COURT.] \$8,203,000 is appropriated from the general fund for funding the district court law clerks, district administration staff, and the trial court information system, to be available for*

*fiscal year 1991.*

*Subd. 2. [SUPREME COURT.] \$304,000 is appropriated from the general fund to the supreme court for administrative costs under this act. \$100,000 is for fiscal year 1990 and \$204,000 is for fiscal year 1991.*

**Sec. 2. [STATE BOARD OF PUBLIC DEFENSE.]**

*Subdivision 1. [PUBLIC DEFENDER SYSTEM.] \$11,837,000 is appropriated from the general fund to the state board of public defense for purposes of implementing this act, to be available for fiscal year 1991.*

*Subd. 2. [WEIGHTED CASELOAD STUDY.] \$100,000 is appropriated from the general fund to the state board of public defense to make a weighted caseload study of the public defender system."*

Delete the title and insert:

"A bill for an act relating to judicial administration; providing for the transfer of 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 state funding of the trial court information system; 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; providing for conciliation court fees and transferring certain fees to the state; 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; 273.1398, subdivision 2; 352.01, subdivision 2b; 353.01, subdivision 2a; 357.021, subdivisions 1a, 2, and 4; 357.08; 466.01, subdivision 6; 477A.012, by adding a subdivision; 480.058; 480.235; 484.545, subdivisions 1 and 2; 484.64, subdivision 3; 484.65, subdivision 3; 484.68, subdivision 5; 485.018, subdivision 5; 487.31, subdivision 1; 488A.119; 488A.14, subdivision 1; 488A.17, subdivision 2; 488A.31, subdivision 1; 488A.34, subdivision 2; 525.033; and 611.26, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 357; 480; and 611; repealing Minnesota Statutes 1988, sections 383B.63, subdivisions 4 and 5; 487.31, subdivision 4; 525.012, subdivisions 1, 2, 3, and 4; 611.12; and 611.214; and Laws 1975, chapter 258, section 6, subdivisions 1, 3, 4, and 5."

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 892: A bill for an act relating to public safety; changing the definition of "dwelling"; authorizing more stringent local smoke detector requirements; creating the position of public fire safety educator; appropriating money; amending Minnesota Statutes 1988, section 299F.362, subdivisions 1 and 9.

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 299F.362, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following definitions shall apply:

(a) "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

(b) "Dwelling" is any building ~~constructed, remodeled, rented, or offered for rent after January 1, 1980,~~ or any portion thereof which is not an apartment house, lodging house or a hotel and which contains one or two "dwelling units" which are, or are intended or designed to be, occupied for living purposes.

(c) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

(d) "Hotel" is any building or portion thereof containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(e) "Lodging house" is any building or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor or otherwise.

Sec. 2. Minnesota Statutes 1988, section 299F362, is amended by adding a subdivision to read:

*Subd. 3a. [NEW CONSTRUCTION; DWELLINGS.] In construction of a new dwelling, each smoke detector must be attached to a centralized power source.*

Sec. 3. Minnesota Statutes 1988, section 299F362, subdivision 6, is amended to read:

Subd. 6. [PENALTIES.] (a) Any person who violates any provision of this section shall be subject to the same penalty ~~incurred and the enforcement mechanism that is provided~~ for violation of the uniform fire code, as specified in section 299F011, subdivision 6.

(b) An occupant who willfully disables a smoke detector or causes it to be nonfunctioning, resulting in damage or injury to persons or property, is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1988, section 299F362, subdivision 7, is amended to read:

Subd. 7. [LOCAL UNITS OF GOVERNMENT; VARIANCES.] This section prohibits a local unit of government from adopting standards different from those provided in this section; ~~except that, as to new construction, a local unit of government may require that smoke detectors be attached to a centralized electrical power source.~~

Sec. 5. Minnesota Statutes 1988, section 299F362, subdivision 9, is amended to read:

Subd. 9. Notwithstanding subdivision 7, or other law, ~~the~~ a local governing body of ~~the city of Saint Paul~~ may adopt, by ordinance, rules for the installation of a smoke detector in single-family homes in the city that are more restrictive than the standards provided by this section. Rules adopted pursuant to this subdivision ~~shall~~ may be enforced through ~~the~~ a truth-in-housing inspection.

Sec. 6. Minnesota Statutes 1988, section 299F.362, is amended by adding a subdivision to read:

*Subd. 10. [PUBLIC FIRE SAFETY EDUCATOR.] The position of Minnesota public fire safety educator is established in the department of public safety.*

Sec. 7. [APPROPRIATION; INCREASED COMPLEMENT.]

*Subdivision 1. [APPROPRIATION.] \$114,000 is appropriated from the general fund to the commissioner of public safety to carry out Minnesota Statutes, section 299F.362. Of this amount, \$60,000 is for the fiscal year ending June 30, 1990, and \$54,000 is for the fiscal year ending June 30, 1991.*

*Subd. 2. [PUBLIC FIRE SAFETY EDUCATOR.] The complement of the department of public safety is increased by one position for the purposes of section 6.*

Sec. 8. [REPEALER.]

*Section 6 is repealed June 30, 1991.*

Sec. 9. [EFFECTIVE DATE.]

*Sections 6 and 7 are effective July 1, 1989. Section 2 is effective August 1, 1989, for construction of dwellings begun on or after that date."*

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring certain types of smoke detectors in new construction;"

Page 1, line 7, delete "and 9" and insert ", 6, 7, 9, and by adding subdivisions"

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. 415 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.
415	328				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 415 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 415 and insert the language after the enacting clause of S.F. No. 328, the second engrossment; further, delete the title of H.F. No. 415 and insert the title of

S.F. No. 328, the second engrossment.

And when so amended H.F. No. 415 will be identical to S.F. No. 328, and further recommends that H.F. No. 415 be given its second reading and substituted for S.F. No. 328, 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. 272, 539, 1416, 1081, 237, 1001, 345, 431, 1254, 161, 548, 556, 575, 1383, 532 and 1036 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 892 and 415 were read the second time.

## MOTIONS AND RESOLUTIONS

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

## CALENDAR

H.F. No. 1137: A bill for an act relating to metropolitan government; regulating the borrowing authority of the regional transit board; amending Minnesota Statutes 1988, section 473.39, subdivision 1a, and by adding subdivisions.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

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



**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Davis introduced—

S.F. No. 1638: A bill for an act relating to state and local government; regulating construction permits; amending Minnesota Statutes 1988, section 15.41; proposing coding for new law in Minnesota Statutes, chapter 386.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1639: A bill for an act relating to taconite taxation; deferring the imposition of a tax escalator for a year upon meeting a production goal; amending Minnesota Statutes 1988, section 298.24, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederick introduced—

S.F. No. 1640: A bill for an act relating to insurance; regulating midterm cancellations of commercial property insurance; amending Minnesota Statutes 1988, section 60A.36, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Pogemiller introduced—

S.F. No. 1641: A bill for an act relating to taxation; providing that the fiscal disparities law applies to growth in value of all types of taxable property; amending Minnesota Statutes 1988, sections 469.177, subdivision 3; 473F02, subdivision 3; 475F05; 473F06; 473F08, subdivisions 2, 4, 6, and 10; and 473F10, subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 756, 1087, 38, 481, 564, 499, 748, H.F. Nos. 1548, 740, 786, 1448 and 907, which the committee recommends to pass.

H.F. No. 796, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Amend H.F. No. 796, as amended pursuant to Rule 49, adopted by the

Senate April 20, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 712.)

Page 2, after line 36, insert:

“Sec. 2. [CARLTON-CLOQUET GOVERNMENT BUILDING.]

*Carlton county and the city of Cloquet may jointly provide a county and city building in the city of Cloquet for any county and city government purposes. The county and city may submit to the voters of the county and city at the same election the questions whether or not to issue county bonds and city bonds for the building, each question conditioned on the approval of both. Except as provided in this section, the building shall be subject to Minnesota Statutes, sections 374.25 to 374.38.*

Sec. 3. Laws 1974, chapter 400, section 4, subdivision 2, as amended by Laws 1980, chapter 507, section 6, is amended to read:

Subd. 2. [MEMBERS AND SELECTION.] The board shall be composed of two members appointed by the Moose Lake town board, two members appointed by the Windemere town board, two members appointed by the governing body of each municipality subsequently annexed to the district, and one member who shall reside in the municipalities that compose the district, appointed by ~~majority vote of the foregoing members~~ *a joint meeting of the town boards and other governing bodies of the municipalities in the district.* Each member shall have one vote on matters coming before the board.”

Page 3, line 1, after “DATE” insert “; LOCAL APPROVAL”

Page 3, after line 2, insert:

*“Section 2 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of Carlton county and the city of Cloquet.*

*Section 3 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the town boards of both the towns of Moose Lake and Windemere.”*

Amend the title as follows:

Page 1, line 2, delete “state lands” and insert “local government”

Page 1, line 4, after “county” insert “; permitting Carlton county and the city of Cloquet to jointly provide a government building; providing for the board membership of the Moose Lake and Windemere sanitary sewer district; amending Laws 1974, chapter 400, section 4, subdivision 2, as amended”

The motion prevailed. So the amendment was adopted.

H.F. No. 1155, which the committee recommends to pass with the following amendments offered by Ms. Peterson, D.C. and Mr. Metzen:

Ms. Peterson, D.C. moved to amend H.F. No. 1155, the unofficial engrossment, as follows:

Page 22, delete lines 30 to 33 and insert:

*“An insurer, health maintenance organization, or a third-party administrator may not request more than three years of loss or claims experience as a condition of submitting an application or providing coverage.”*

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. then moved to amend H.F. No. 1155, the unofficial engrossment, as follows:

Page 24, line 11, after "shall" insert "*name.*"

Page 24, line 12, delete "*under section 149.11.*" and insert "*for the purpose of providing payment to a*"

Page 24, line 14, strike the first "or" and insert a comma and after "burial" insert "*, or cremation*"

Page 24, line 24, delete "*under section 149.11.*" and insert "*for the purpose of providing payment to a*"

Page 24, line 25, delete the second "or" and insert a comma and after "burial" insert "*, or cremation*"

Page 24, line 27, strike the first "or" and after "employee" insert "*, affiliate, associate*"

Page 24, line 28, delete the first comma and insert "or" and delete "*or employee.*"

Page 24, line 29, strike "a direct" and insert "an"

Page 24, line 32, after "insurance" insert "*endorsement, promotion, or*"

Page 24, line 33, after "sale" insert "*of insurance policies, plans, or services*"

Page 24, line 34, strike the old language

Page 24, line 35, strike the old language and delete the new language

Page 24, line 36, strike the old language

Page 25, delete lines 1 to 5 and insert "*An insurance company or agent may not sell life insurance to facilitate funeral, burial, or cremation services if the company or agent:*

*(1) is an affiliate or associate of a mortician, funeral director, funeral establishment, cemetery, or person offering funeral, burial, or cremation services or supplies; or*

*(2) pays a fee or commission to a mortician, funeral director, funeral establishment, cemetery, or person offering funeral, burial, or cremation services or supplies in connection with the sale of the insurance."*

Page 25, line 6, delete "(e)" and insert "(d)"

The motion prevailed. So the amendment was adopted.

Mr. Metzen moved to amend H.F. No. 1155, the unofficial engrossment, as follows:

Page 15, delete section 22 and insert:

"Sec. 22. Minnesota Statutes 1988, section 62B.04, subdivision 1, is amended to read:

Subdivision 1. [CREDIT LIFE INSURANCE.] (4) (a) The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness. Thereafter, if the indebtedness is repayable in substantially equal installments, the amount of insurance shall not exceed

the scheduled or actual amount of indebtedness, whichever is greater.

~~(2)~~ (b) *Notwithstanding paragraph (a), the amount of credit life insurance written in connection with credit transactions repayable over a specified term exceeding 63 months, or at the option of the insurer for any term, may not exceed the actual amount of unpaid indebtedness as it exists from time to time, less any unearned interest or finance charges. If the amount of credit life insurance is based on a predetermined schedule, the amount of credit life insurance may not exceed the scheduled amount of unpaid indebtedness, less any unearned interest or finance charges, plus an amount for delinquencies, extensions, or other contingencies equal to four monthly payments.*

(c) ~~Notwithstanding clause (1)~~ ~~paragraphs (a) and (b)~~, insurance on educational, agricultural and horticultural credit transaction commitments may be written on a nondecreasing or level term plan for the amount of the loan commitment."

The motion prevailed. So the amendment was adopted.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 1734 at 3:30 p.m.:

Messrs. Johnson, D.J.; Brandl; Novak; Pogemiller and Stumpf. The motion prevailed.

### GENERAL ORDERS - CONTINUED

H.F. No. 950, which the committee recommends to pass after the following motions offered by Ms. Reichgott and Mr. Peterson, R.W.:

Ms. Reichgott moved to amend H.F. No. 950, as amended pursuant to Rule 49, adopted by the Senate May 11, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Amend the title as follows:

Page 1, line 4, delete everything after the first semicolon and insert "modifying the definition of familial status; limiting certain exceptions for age discrimination; modifying requirements dealing with reasonable accommodations in employment and requiring reasonable accommodations by public accommodations under certain circumstances; expanding the prohibition of credit discrimination; prohibiting discrimination in certain services because of social or economic conditions in an area; requiring disclosure of medical information that adversely affects an employment decision;"

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete everything before "striking"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend H.F. No. 950, as amended pursuant to Rule 49, adopted by the Senate May 11, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Page 12, line 23, delete "employment" and insert "hiring, firing, or promotional"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend H.F. No. 950, as amended pursuant to Rule 49, adopted by the Senate May 11, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Page 16, line 9, after "*business*" insert "*with ten or more employees*"

Page 16, line 14, after the period, insert "*A person may refuse to go to the immediate area where the person has recently experienced a threat to personal safety or has had business property stolen or maliciously damaged.*"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved to amend H.F. No. 950, as amended pursuant to Rule 49, adopted by the Senate May 11, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Pages 12 to 16, delete section 11

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 18, delete the second "2,"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 950, as amended pursuant to Rule 49, adopted by the Senate May 11, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Page 18, line 15, after "*accommodation*" insert "*with ten or more employees*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 42, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Knaak	McQuaid	Samuelson
Beckman	Chmielewski	Langseth	Mehrkens	Stumpf
Belanger	Decker	Larson	Olson	Vickerman
Benson	Gustafson	Lessard	Renneke	

Those who voted in the negative were:

Anderson	Frank	Kroening	Novak	Schmitz
Berglin	Frederick	Laidig	Pehler	Solon
Bernhagen	Frederickson, D.J.	Lantry	Peterson, D.C.	Spear
Brandl	Frederickson, D.R.	Marty	Peterson, R.W.	Storm
Cohen	Freeman	McGowan	Piper	Taylor
Davis	Hughes	Merrittam	Pogemiller	Waldorf
DeCramer	Johnson, D.E.	Moe, D.M.	Purfeerst	
Dicklich	Johnson, D.J.	Moe, R.D.	Ramstad	
Diessner	Knutson	Morse	Reichgott	

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

S.F. No. 470, which the committee recommends to pass with the following amendment offered by Mr. Frederickson, D.R.:

Page 6, after line 35 insert:

"Sec. 7. [REIMBURSEMENT OF CERTAIN MUNICIPAL WASTE-WATER TREATMENT PLANTS.]

*Subdivision 1. [APPLICATION.] (a) Municipalities that constructed wastewater treatment plants between the years of 1985 and 1988, paid the entire cost of the project with local funds, and elected to not remain on the reimbursement list may apply to the commissioner of the pollution control agency to be placed on the reimbursement list. A municipality must apply to be on the list by January 15, 1990, or the opportunity to apply is terminated. A municipality submitting an application to be placed on the list must provide the commissioner of the pollution control agency with the planning, contracting, construction, and operating records of the project as requested by the commissioner.*

*(b) The commissioner of the pollution control agency must compile a list of the municipalities that make application under paragraph (a) and report the list to the chairs of the house of representatives and senate environment and natural resources committees by February 1, 1990. The commissioner's report to the legislature must indicate where the projects met or differed from the requirements of projects constructed under the state loan program.*

*Subd. 2. [LEGISLATIVE APPROVAL REQUIRED.] Municipalities applying to be placed on the reimbursement list may not be placed on the list without legislative approval."*

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S.F. No. 530, which the committee recommends to pass, subject to the following motions:

Mr. Merriam moved to amend S.F. No. 530 as follows:

Page 48, after line 8, insert:

"Sec. 71. [ASH DEMONSTRATION PROJECTS.]

*Subdivision 1. [SEWAGE SLUDGE ASH DEMONSTRATION PROJECT.] The metropolitan waste control commission and the commissioner of transportation shall jointly conduct one or more demonstration projects to determine the long-term potential and effects of the use of sewage sludge ash generated by the commission as a fine aggregate in asphalt for use in state paving projects. The metropolitan waste control commission and the commissioners of transportation and the pollution control agency shall assess the practicality, costs, and potential environmental effects of use of the ash in asphalt and shall report to the legislative commission on waste management by November 1, 1990. The report must include a description of the projects undertaken, findings, and recommendations for further research needs and the future use of ash in asphalt.*

*Subd. 2. [SOLID WASTE ASH PROJECT; REPORT.] The Hennepin county board and the commissioner of transportation shall jointly conduct a demonstration project to determine the long-term potential and effects of using solid waste ash as an aggregate in asphalt for use in road projects. The commissioners of transportation and the pollution control agency shall assess the practicality, costs, and potential effects of the use of the ash in asphalt and shall submit a report to the legislative commission on waste management by November 1, 1990. The report must include a description of the projects undertaken, findings, and recommendations for the future research needs and future use of ash in asphalt.*

*Subd. 3. [STATE LIABILITY.] (a) Subject to paragraph (b), the state assumes any and all liability arising under Minnesota Statutes, chapters 115, 115A, 115B, and 466, Minnesota Statutes, section 3.736, and any other law related to the projects authorized in subdivisions 1 and 2, to the metropolitan waste control commission, the department of transportation, the county of Hennepin, and their employees, agents, and contractors, if the liability is based on classification of the ash as hazardous waste or a pollutant or contaminant under state or federal law.*

*(b) The state assumes the liability only if:*

*(1) the project is conducted in compliance with a permit issued by the pollution control agency; and*

*(2) the entity held liable used reasonable care in implementing the project.*

*(c) The liability under this section shall be paid from the general fund.*

*(d) The commissioner of transportation and the commissioner's agents and contractors are not responsible parties under Minnesota Statutes, chapters 115 and 115B, for a release that occurs as a result of a project authorized under this section."*

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Metzen moved to amend S.F. No. 530 as follows:

Page 35, after line 23, insert:

"Sec. 54. Minnesota Statutes 1988, section 473.811, subdivision 4, is amended to read:

*Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county may contract for the acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste and may contract with any person for the operation or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county may warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered. A metropolitan county may enter into an agreement with any local government unit or the University of Minnesota for the purpose of compensating for the local risks, costs, or other effects of a waste processing facility."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 530 as follows:

Page 30, after line 36, insert:

"Sec. 47. Minnesota Statutes 1988, section 400.04, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes. Notwithstanding any other law to the contrary, a county may *contract for recycling services, and purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board, with or without advertisement for bids including the use of conditional sales contracts and lease-purchase agreements.* If a county contract is let by negotiation, without advertising for bids, the county shall conduct such negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705. If a county contract is to be awarded by bid, the county may, after notice to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard then moved to amend S.F. No. 530 as follows:

Pages 46 and 47, delete section 69 and insert:

"Sec. 69. [CLOSED MUNICIPAL LANDFILLS; FINANCIAL ASSURANCE AND CLOSURE REQUIREMENTS.]

*A mixed municipal solid waste disposal facility that is open to the public and stops accepting waste before July 1, 1990, is exempt from Minnesota Rules, parts 7035.2665 to 7035.2805, relating to financial assurance requirements.*

*A mixed municipal solid waste disposal facility that is open to the public and is not permitted by the pollution control agency may close under agency rules that were in effect before November 14, 1988, if the facility does not accept solid waste after May 14, 1990, and completes closure activities as approved by the agency before November 14, 1990.*

*This section does not eliminate public owner or operator responsibility and liability for closure or postclosure care required of facilities under Minnesota Statutes, section 116.07 and the rules promulgated under it.*

*The pollution control agency shall study additional alternatives within the financial assurance requirements in Minnesota Rules, parts 7035.2665*



to 7035.2805, and report to the legislative commission on waste management by January 1, 1990."

The motion prevailed. So the amendment was adopted.

Mr. Freeman moved to amend S.F. No. 530 as follows:

Page 3, line 8, before "The" insert "(a)"

Page 3, line 10, strike "and" and insert a comma

Page 3, line 11, after "council" insert ", and a market development coordinating council, that are"

Page 3, line 13, before "The" insert "(b)"

Page 3, line 21, before "The" insert "(c)"

Page 3, line 25, after "firms." insert:

*"(d) The market development coordinating council shall consist of one representative from the department of trade and economic development, the department of administration, the pollution control agency, the Greater Minnesota Corporation, the metropolitan council, the Minnesota future resources commission, and the legislative commission on waste management. The other members shall represent local government units, private recycling markets, and private recycling collectors. The market development coordinating council expires June 30, 1994.*

*(e)"*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Gustafson moved to amend S.F. No. 530 as follows:

Page 6, after line 6, insert:

"Sec. 7. Minnesota Statutes 1988, section 115A.54, subdivision 2a, is amended to read:

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

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less.

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

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

*the grant amount to the state.*

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

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

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 530 as follows:

Page 48, after line 8, insert:

"Sec. 71. [EVALUATION OF GREATER MINNESOTA LANDFILL CLEANUP FUND.]

*The legislative commission on waste management shall evaluate the effectiveness of the greater Minnesota landfill cleanup fund and the fees deposited in the fund to meet the needs for closure and post-closure care and provide recommendations for any legislative changes regarding the fee or the fund."*

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Mr. Stumpf then moved to amend S.F. No. 530 as follows:

Page 48, after line 8, insert:

"Sec. 71. [USE OF GREATER MINNESOTA LANDFILL CLEANUP FEE UNTIL JANUARY 1, 1990.]

*Notwithstanding section 19, subdivisions 2 and 3, and section 20, the entire amount of the fee imposed under section 19, subdivision 1, until January 1, 1990, shall be paid by the operator of facilities to the county where the facilities are located. The fees received by the counties may be spent only as provided in Minnesota Statutes, section 115A.919."*

Page 48, after line 19, insert:

"Section 6 is effective January 1, 1990."

Page 48, line 20, delete "6 and" and delete "January 1, 1990" and insert "August 1, 1989"

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Mr. Dahl moved to amend S.F. No. 530 as follows:

Page 6, after line 6, insert:

"Sec. 7. [115A.551] [RECYCLING.]

*Subdivision 1. [DEFINITION.] (a) The definition in this section applies to this section.*

*(b) "Total solid waste generation" means the total by weight of:*

*(1) materials separated for recycling; and*

*(2) mixed municipal solid waste plus used oil, tires, lead acid batteries, and major appliances.*

*Subd. 2. [COUNTY RECYCLING GOALS.] By July 1, 1993, each county within the metropolitan area shall have a goal to recycle a minimum of 35 percent by weight of total solid waste generation. Each county shall develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal.*

*Subd. 3. [INTERIM MONITORING.] The metropolitan council shall monitor the progress of each county toward meeting the recycling goal in subdivision 2 and shall report to the legislative commission on waste management on the progress of the counties by November 1 of each year. If the council finds that a county is not progressing toward the goal in subdivision 2, it shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goal, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.*

*Subd. 4. [FAILURE TO MEET GOAL.] (a) A county failing to progress toward the goal in subdivision 2 as determined by the metropolitan council shall, as a minimum:*

*(1) notify county residents of the failure to achieve the goal and why the goal was not achieved; and*

*(2) provide county residents with information on recycling programs offered by the county.*

*(b) If, based on the recycling monitoring described in subdivision 3, the metropolitan council finds that a county will be unable to meet the recycling goal established in subdivision 2, the council shall, after consideration of the reasons for the county's inability to meet the goal, recommend legislation for consideration by the legislative commission on waste management to establish mandatory recycling standards and to authorize the board or council to mandate appropriate solid waste management techniques designed to meet the standards in those counties that are unable to meet the goal.*

*Subd. 5. [COUNTY SOLID WASTE PLANS.] Each county shall include*

*in its solid waste master plan, described in section 473.803, a plan for implementing the recycling goal established in subdivision 2 along with mechanisms for providing financial incentives to solid waste generators to reduce the amount of waste generated and to separate recyclable materials from the waste stream. The recycling plan must include detailed recycling implementation information."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend S.F. No. 530 as follows:

Pages 34 and 35, delete sections 52 and 53

Pages 37 and 38, delete section 55

Page 38, line 22, after "(ii)" insert "*the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, (iii)*"

Page 38, line 28, delete "(iii)" and insert "(iv)"

Page 40, delete section 58

Page 48, line 10, delete the semicolon and insert "and"

Page 48, line 11, delete everything after "*subdivision 2*" and insert a comma

Page 48, line 12, delete everything before "*are*"

Page 48, line 30, delete everything after the semicolon

Page 48, line 31, delete "*effective July 1, 1989;*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Frank	Gustafson	Storm
Belanger	Davis	Frederick	Knutson	Taylor
Bernhagen	Decker	Frederickson, D.R.	Ramstad	

Those who voted in the negative were:

Adkins	Freeman	Luther	Olson	Solon
Beckman	Hughes	Marty	Pariseau	Spear
Berg	Johnson, D.E.	McGowan	Pehler	Stumpf
Bertram	Knaak	McQuaid	Peterson, R. W.	Vickerman
Cohen	Kroening	Merriam	Piper	
Dahl	Laidig	Metzen	Purfeerst	
Dicklich	Lantry	Moe, D.M.	Reichgott	
Diessner	Lessard	Morse	Schmitz	

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

Mr. Freeman moved to amend S.F. No. 530 as follows:

Page 6, after line 6, insert:

"Sec. 7. [115A.556] [MATERIALS USED FOR RECYCLING.]

*Materials and products used for recycling such as containers, receptacles, and storage bins with short life cycles must be recyclable and made at least in part from recycled materials from this state, if available."*

Page 48, after line 20, insert:

*"Section 7 is effective August 1, 1990."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 530 as follows:

Page 25, line 12, delete "and"

Page 25, line 13, delete the period and insert "; and

*(5) pesticide as defined in chapter 18B, or fertilizer, plant amendment, or soil amendment as defined in chapter 17."*

The motion prevailed. So the amendment was adopted.

Ms. Reichgott moved to amend S.F. No. 530 as follows:

Page 20, delete lines 10 to 17 and insert:

*"Subd. 7. [ANTICOMPETITIVE CONDUCT.] (a) A political subdivision that organizes collection under this section is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.*

*(b) An organization of solid waste collectors, an individual collector, and their officers, members, employees, and agents who cooperate with a political subdivision that organizes collection under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce."*

The motion prevailed. So the amendment was adopted.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on H.F. No. 46 from 5:00 to 7:00 p.m.:

Messrs. Freeman, Morse, Waldorf, Samuelson and Johnson, D.E. The motion prevailed.

### GENERAL ORDERS - CONTINUED

H.F. No. 341, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Amend H.F. No. 341, as amended pursuant to Rule 49, adopted by the Senate May 12, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 1099.)

Page 6, line 4, delete "*commissioner*" and insert "*commission*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1122, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Page 1, line 20, delete "*earning*" and insert "*able to earn*"

Page 1, line 23, delete everything after "*exceeds*" and insert "*300 percent of the statewide average weekly wage.*"

Page 1, delete line 24

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that S.F. No. 1293, No. 21 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 1764 be taken from the table. The motion prevailed.

H.F. No. 1764: A bill for an act relating to transportation; changing distribution of highway user taxes; authorizing use of state park road account to improve and maintain city streets and town roads that provide immediate access to state parks and campgrounds; increasing motor vehicle license tax on older vehicles; appropriating money; amending Minnesota Statutes 1988, sections 161.081; 161.082, subdivision 2a; 162.06, subdivision 5; 162.081, subdivision 1; 168.013, subdivision 1a; and 297B.09, subdivision 1.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1764 and that the rules of the Senate be so far suspended as to give H.F. No. 1764 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1764 was read the second time.

Mr. Langseth moved to amend H.F. No. 1764 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1764, and insert the language after the enacting clause, and the title, of S.F. No. 852, the third engrossment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Langseth	Moe, R.D.	Reichgott
Beckman	DeCramer	Lantry	Novak	Schmitz
Berg	Dicklich	Lessard	Pehler	Solon
Bertram	Diessner	Luther	Peterson, D.C.	Spear
Brandl	Frank	Marty	Peterson, R.W.	Stumpf
Chmielewski	Frederickson, D.R.	Merriam	Piper	Vickerman
Cohen	Hughes	Metzen	Pogemiller	
Dahl	Johnson, D.J.	Moe, D.M.	Purfeerst	

Those who voted in the negative were:

Anderson	Decker	Kroening	Mehrkens	Storm
Belanger	Frederick	Laidig	Pariseau	
Benson	Gustafson	Larson	Ramstad	
Bernhagen	Knutson	McGowan	Renneke	

The motion prevailed. So the amendment was adopted.

H.F. No. 1764 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 35 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Lessard	Novak	Reichgott
Beckman	DeCramer	Luther	Pehler	Schmitz
Berg	Diessner	Marty	Peterson, D.C.	Solon
Bertram	Frederickson, D.R.	Merriam	Peterson, R.W.	Spear
Brandl	Hughes	Metzen	Piper	Stumpf
Chmielewski	Langseth	Moe, D.M.	Pogemiller	Vickerman
Cohen	Lantry	Moe, R.D.	Purfeerst	Waldorf

Those who voted in the negative were:

Anderson	Decker	Johnson, D.J.	Mehrkens	Taylor
Belanger	Dicklich	Knutson	Pariseau	
Benson	Frank	Laidig	Ramstad	
Bernhagen	Frederick	Larson	Renneke	
Dahl	Gustafson	McGowan	Storm	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 1625 at 6:00 p.m.:

Messrs. Waldorf, Dicklich, Taylor, DeCramer and Mrs. Brataas. The motion prevailed.

### MEMBERS EXCUSED

Mr. Bertram was excused from the Session of today from 12:00 noon to 12:50 p.m. Mr. Laidig was excused from the Session of today from 12:00 noon to 1:00 p.m. Mr. Ramstad and Ms. Reichgott were excused from the Session of today from 12:00 noon to 12:45 p.m. Ms. Berglin was excused from the Session of today at 4:45 p.m. Mr. Frederickson, D.J. was excused from the Session of today at 4:20 p.m. Mrs. Pariseau was excused from the Session of today from 3:25 to 4:00 p.m. Mr. Knaak was excused from the Session of today at 5:15 p.m. Mrs. McQuaid was excused from the Session of today at 5:30 p.m. Ms. Olson was excused from the Session of today at 5:35 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, May 16, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate