

FIFTY-THIRD DAY

St. Paul, Minnesota, Tuesday, May 16, 1989

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

CALL OF THE SENATE

Mr. Frank 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. Gilbert Seddon.

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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 15, 1989

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 827, 858 and 1258.

Sincerely,
Rudy Perpich, Governor

May 15, 1989

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 281, 583, 590, 847 and 886.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 180: A bill for an act relating to the office of the secretary of state; establishing a procedure for contesting the registration of a corporation, limited partnership, or assumed name, or a trade or service mark with the secretary of state; providing that the office of the secretary of state is not liable for registrations; amending Minnesota Statutes 1988, sections 300.025; 302A.115, by adding a subdivision; 303.05, by adding a subdivision; 308.06, by adding a subdivision; 317.09, by adding a subdivision; 322A.02; 322A.72; 1989 S.F. No. 525, section 12, by adding a subdivision; S.F. No. 848, article 1, section 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 5.

There has been appointed as such committee on the part of the House: Hugoson, Sarna and Heap.

Senate File No. 180 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1989

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1358: A bill for an act relating to metropolitan airport planning; requiring various actions, plans, and reports by the metropolitan council and the metropolitan airports commission; establishing a state advisory council on metropolitan airport planning; providing for a study on the effects of a runway expansion at Airlake airport and the use of certain airports to relieve congestion at Minneapolis-St. Paul international airport; amending Minnesota Statutes 1988, sections 473.604, subdivision 1; 473.608, subdivision 1; and 473.621, subdivision 1a; proposing coding for new law in

Minnesota Statutes, chapter 473.

There has been appointed as such committee on the part of the House:
Wynia, Lieder and Boo.

Senate File No. 1358 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1989

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 245:

H.F. No. 245: A bill for an act relating to environment; exempting generators of small amounts of hazardous waste from administrative regulation; amending Minnesota Statutes 1988, section 116.07, subdivision 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Jennings, Neuenschwander and Ozment have been appointed as such committee on the part of the House.

House File No. 245 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

Mr. Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 245, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 761:

H.F. No. 761: A bill for an act relating to judgments; providing a reasonable exemption for employee benefits; amending Minnesota Statutes 1988, section 550.37, subdivision 24.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Simoneau, Orenstein and Dempsey have been appointed as such committee on the part of the House.

House File No. 761 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

Mr. Frank moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 761, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1016:

H.F. No. 1016: A bill for an act relating to juvenile justice; authorizing the juvenile court to place juvenile alcohol or controlled substance offenders on probation; authorizing the juvenile court to require the commissioner of public safety to revoke the driver's license or permit of habitual petty offenders or to deny driving privileges to them if they do not have a license or permit; removing certain limitations on parental liability for thefts by minors; removing a repealer; amending Minnesota Statutes 1988, sections 171.04; 260.195, subdivision 3, and by adding subdivisions; and 332.51, subdivision 3; repealing Laws 1985, chapter 278, section 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Morrison, Kelly and Pugh have been appointed as such committee on the part of the House.

House File No. 1016 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

Mr. Cohen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1016, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 66 and 629.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

FIRST READING OF HOUSE BILLS

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

H.F. No. 66: A bill for an act relating to gambling; creating a department of gaming; authorizing a state lottery to be conducted by a department of

state lottery; creating a division of inspection and enforcement in the department of public safety and providing for its duties; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 10A.09, subdivision 1; 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 240.01, by adding subdivisions; 240.02, subdivisions 1 and 2; 240.04, subdivisions 1, 3, and 7; 240.06, subdivisions 3 and 8; 240.07, subdivision 2; 240.08, subdivision 3; 240.21; 240.28; 340A.410, subdivision 5; 349.12, subdivisions 11, 17, 20, and by adding subdivisions; 349.151, subdivisions 1, 2, 4, and 5; 349.16, subdivisions 3 and 4; 349.161, subdivision 4; 349.162, subdivisions 1, 2, 4, and 5; 349.163; 349.18, subdivision 1; 349.19, subdivisions 5 and 6; 349.212; 349.2121, subdivisions 2, 3, 4, 4a, 6, 7, 8, and 10; 349.2122; 349.2125, subdivisions 1, 2, and 3; 349.2127, subdivision 2; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; 541.20; 541.21; 609.75, subdivision 3; 609.76, subdivision 1; 609.761; 626.05, subdivision 2; 626.13; and 626.84, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 299K; 349A; and 349B; proposing coding for new law in Minnesota Statutes, chapters 240; 245; and 349; repealing Minnesota Statutes 1988, sections 240.02, subdivision 7; 349.151, subdivisions 3 and 5; 349.161, subdivision 7; 349.164, subdivision 5; 349.171; and 349.22, subdivision 4.

Mr. Moe, R.D. moved that H.F. No. 66 be laid on the table. The motion prevailed.

H.F. No. 629: A bill for an act relating to elections; ethics in government; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board responsibility for developing and furnishing certain forms; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; providing an income tax credit for contributions to state candidates and political parties; requiring candidates to match funds received from the state elections campaign fund; providing a schedule for distribution of political campaign checkoff money to political parties; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.04, subdivision 2; 10A.20, subdivision 3; 10A.27, subdivision 4; 10A.275; 10A.31, subdivision 5, and by adding a subdivision; 10A.32, subdivision 3, and by adding subdivisions; 10A.33; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 10A and 204D; repealing Minnesota Statutes, section 211B.11, subdivision 2.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

S.F. No. 799: A bill for an act relating to retirement; judges' retirement fund; providing coverage under the combined service annuity, disability,

and survivor benefit provisions; amending Minnesota Statutes 1988, sections 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

LEVEL BENEFIT ACCRUAL FORMULA

AND RELATED CHANGES

Section 1. Minnesota Statutes 1988, section 352.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund must be equal to ~~3.73~~ 4.5 percent of salary, beginning with the first full pay period after June 30, 1984. These contributions must be made by deduction from salary as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1988, section 352.04, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund must be equal to ~~3.90~~ percent of salary beginning with the first full pay period after June 30, 1984.

Sec. 3. Minnesota Statutes 1988, section 352.115, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The employee's average salary, as defined in subdivision 2, multiplied by ~~one percent per year of allowable service for the first ten years and~~ 1.5 percent for each later year of allowable service and pro rata for completed months less than a full year ~~shall determine~~ determines the amount of the normal retirement annuity to which the employee is entitled ~~at the normal retirement age~~.

Sec. 4. Minnesota Statutes 1988, section 353.27, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTION.] The employee contribution ~~shall be~~ is an amount (a) for a "basic member" equal to ~~eight~~ nine percent of total salary; and (b) for a "coordinated member" equal to ~~four~~ five percent of total salary. These contributions ~~shall must~~ be made by deduction from salary ~~in the manner as~~ provided in subdivision 4. Where ~~any~~ a portion of a member's salary is paid from other than public funds, ~~such the~~ member's employee contribution ~~shall must~~ be based on the total salary received from all sources.

Sec. 5. Minnesota Statutes 1988, section 353.27, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTION.] The employer contribution ~~shall be~~ is an amount equal to the employee contribution under subdivision 2. This contribution ~~shall must~~ be made from funds available to the employing subdivision ~~by the means and in the manner as~~ provided in section 353.28.

Sec. 6. Minnesota Statutes 1988, section 353.29, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The "normal"

retirement annuity is the average salary as defined in subdivision 2; multiplied by two percent for each year of allowable service for the first ten years and thereafter, for a "basic member," by 2.5 percent per for each year of allowable service and a proportional amount for completed months less than a full year for the "basic member"; and one percent for each year of allowable service for the first ten years and thereafter or, for a "coordinated member," by 1.5 percent per for each year of allowable service and a proportional amount for completed months less than a full year for the "coordinated member," shall determine. The "normal" retirement annuity is the amount of the "normal" retirement annuity to which the member is entitled at the normal retirement age.

Sec. 7. Minnesota Statutes 1988, section 353.30, subdivision 1, is amended to read:

Subdivision 1. Upon separation from public service ~~any~~ a person who has attained ~~the at least age of at least 58 years but not more than 65 years~~ 55 and who has received credit for not less than ~~20~~ ten years of allowable service, or a person who has received credit for not less than 30 years of allowable service, is entitled upon application to a retirement annuity in an amount equal to the normal annuity provided in section 353.29, subdivisions 2 and 3, reduced by one-quarter of one percent for each month that the member is under age 65 at the time of retirement so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the person if the person deferred receipt of the annuity from the day the annuity begins to accrue to age 65 if the person has credit for less than 30 years of allowable service, or to age 62 if the person has credit for at least 30 years of allowable service.

Sec. 8. Minnesota Statutes 1988, section 353.34, subdivision 3b, is amended to read:

Subd. 3b. [DEFERRED ANNUITY; CERTAIN FORMER MUNICIPAL COURT JUDGES.] ~~Any~~ A person who qualified for membership in the association solely because of service as a municipal court judge, whose service as a municipal court judge was terminated by Laws 1971, chapter 951, section 9, and who elected to leave accumulated deductions in the fund to qualify for a deferred annuity, may receive a deferred early retirement annuity under section 353.30, subdivision 1, ~~1a, 1b, or 1c, or section 18,~~ notwithstanding the law in effect on the date of termination of public service.

Sec. 9. Minnesota Statutes 1988, section 354.42, subdivision 2, is amended to read:

Subd. 2. The employee contribution to the fund ~~shall be~~ is an amount equal to ~~4-1/2~~ 5.7 percent of the salary of every coordinated member and ~~8-1/2~~ 9.7 percent of the salary of every basic member. This contribution ~~shall must~~ be made by deduction from salary. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution ~~shall must~~ be based on the entire salary received. For purposes of financing the various options related to the variable annuity division, employee variable annuity contributions will be credited in accordance with section 354.62, subdivision 2.

Sec. 10. Minnesota Statutes 1988, section 354.42, subdivision 3, is amended to read:

Subd. 3. The employer contribution to the fund ~~shall be~~ is an amount equal to 4-1/2 percent of the salary of each coordinated member and 8-1/2 percent

of the salary of each basic member. This contribution ~~shall must~~ be made in ~~the manner~~ as provided in section 354.43. For purposes of financing the various options related to the variable annuity division, employer contributions equal to the employee variable annuity contributions prescribed in section 354.62, subdivision 2, ~~shall must~~ be allocated at the same time to the employer variable annuity contribution account in section 354.62, subdivision 3.

Sec. 11. Minnesota Statutes 1988, section 354.44, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] ~~(1) (a)~~ The formula retirement annuity ~~hereunder shall must~~ be computed in accordance with ~~the applicable provisions of the formula stated in clause (2) hereof~~ paragraph (b) on the basis of each member's average salary for the period of the member's formula service credit. For the purposes of computing the formula benefits under the formula and variable program, if a combination of these formulas is used, the formula percentages ~~used will must~~ be those percentages in each formula as continued for the respective years of service from one formula to the next.

For all years of formula service credit, "average salary," for the purpose of determining the member's retirement annuity, means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, section 354.511, for the highest five successive years of formula service credit ~~provided however that such~~. "Average salary" ~~shall may~~ not include any more than the equivalent of 60 monthly salary payments.

~~(2) (b)~~ The average salary as defined in ~~clause (1) paragraph (a)~~, multiplied by the following percentages per year of formula service credit ~~shall determine, determines~~ the amount of the annuity to which the member qualifying ~~therefor for an annuity~~ is entitled:

| | Coordinated Member | Basic Member |
|---------------------------------------|----------------------|----------------------|
| Each year of service during first ten | 4.0 percent per year | 2.0 percent per year |
| Each year of service thereafter | 1.5 percent per year | 2.5 percent per year |

~~(3) Where any (c)~~ If a member retires ~~prior to before~~ age 65 under a formula annuity, the member ~~shall be paid is entitled to~~ a retirement annuity in an amount equal to the normal annuity provided in this subdivision and subdivision 7, reduced by ~~one-half of one percent for each month that the member is under age 65 to and including age 60 and reduced by one-fourth of one percent for each month under age 60 at the time of retirement except that for any member who has 30 or more years of allowable service credit, the reduction shall be applied only for each month which the member is under so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the member if the member deferred receipt of the annuity from the day the annuity begins to accrue to age 65 if the person has credit for less than 30 years of allowable service, or to age 62 if the person has credit for at least 30 years of allowable service.~~

Sec. 12. Minnesota Statutes 1988, section 354.44, subdivision 7, is amended to read:

Subd. 7. [COMPUTATION OF FORMULA AND VARIABLE PROGRAM RETIREMENT ANNUITY.] The benefits provided in this subdivision are the sum of the ~~following~~ benefits ~~provided by the following~~:

(1) The benefits provided in subdivision 6, ~~clause (2) paragraph (b)~~, for formula service credit ~~prior to before~~ the effective date of the original election of this subdivision and ~~subsequent to after~~ June 30, 1978, unless the member ~~elects has elected~~ continued participation in the variable program ~~pursuant to under Minnesota Statutes 1984, section 354.621, and.~~

(2) The benefits for service credit ~~subsequent to after~~ the effective date of the original election of the formula and variable program but ~~prior to before~~ July 1, 1978, and the benefits for service credit ~~subsequent to after~~ June 30, 1978, if the member ~~elects has elected~~ continued participation in the variable program ~~pursuant to under Minnesota Statutes 1984, section 354.621, shall be constitute~~ the average salary as defined in subdivision 6, ~~clause (1) paragraph (a)~~, of ~~any a~~ member, multiplied by the following percentages per year of formula service credit:

| | Coordinated Member | Basic Member |
|----------------------|----------------------|------------------------|
| Each year of service | 5 percent | 4.0 percent |
| during first ten | per year | per year |
| Each year of service | .75 percent | 1.25 percent |
| thereafter | per year | per year; and |

(3) The benefits provided in section 354.62, subdivision 5.

Sec. 13. Minnesota Statutes 1988, section 354A.12, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] The contribution required to be paid by each member of a teachers retirement fund association ~~shall may~~ not be less than the percentage of total salary specified below for ~~the applicable~~ each association and program:

| Association and Program | Percentage of Total Salary |
|---|-----------------------------|
| Duluth teachers retirement association | |
| old law and new law coordinated programs | 4.5 6.09 percent |
| Minneapolis teachers retirement association | |
| basic program | 8.5 8.82 percent |
| coordinated program | 4.5 4.82 percent |
| St. Paul teachers retirement association | |
| basic program | 8 8.25 percent |
| coordinated program | 4.5 4.75 percent |

Sec. 14. Minnesota Statutes 1988, section 354A.12, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed.

The employing units shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association

in a city of the first class, the employing unit shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

| | |
|--|------------------------|
| Duluth teachers retirement fund association | 5.79 percent |
| Minneapolis teachers retirement fund association | 4.50 percent |
| St. Paul teachers retirement fund association | 4.50 percent |

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

| | |
|--|-------------------------|
| Minneapolis teachers retirement fund association | 13.35 percent |
| St. Paul teachers retirement fund association | 12.63 percent |

The employer contributions shall be remitted directly to each teachers retirement fund association each month.

Payments for school district or technical institute employees who are paid from normal operating funds, shall be made from the appropriate fund of the district or technical institute.

Sec. 15. Minnesota Statutes 1988, section 354A.31, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION OF THE NORMAL COORDINATED RETIREMENT ANNUITY.] The normal coordinated retirement annuity ~~shall be~~ is an amount equal to a retiring coordinated member's average salary multiplied by the retirement annuity formula percentage. Average salary for purposes of this section ~~shall mean~~ means an amount equal to the average salary upon which contributions were made for the highest five successive years of service credit, but ~~which shall~~ may not in any event include ~~any~~ more than the equivalent of 60 monthly salary payments. The retirement annuity formula percentage for purposes of this section ~~shall mean one percent per year for each year of coordinated service for the first ten years and 1-1/2 is 1.5 percent for each year of coordinated service thereafter after ten years.~~

Sec. 16. Minnesota Statutes 1988, section 354A.31, subdivision 6, is amended to read:

Subd. 6. [REDUCED RETIREMENT ANNUITY.] Upon retirement at an age ~~prior to~~ before age 65 with five years of service credit or ~~prior to~~ before age 62 with at least 30 years of service credit, a coordinated member ~~shall be~~ is entitled to a retirement annuity in an amount equal to the normal retirement annuity reduced by ~~one-half of one percent for each month that the coordinated member is under the age of 65 if the coordinated member has less than 30 years of service credit or is under the age of 62 if the~~

coordinated member has at least 30 years of service credit but is over the age of 59, and reduced by one fourth of one percent for each month that the coordinated member is under the age of 60 so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the member if the member deferred receipt of the annuity from the day the annuity begins to accrue to age 65 if the person has credit for less than 30 years of allowable service, or to age 62 if the person has credit for at least 30 years of allowable service, with augmentation for the period of constructive deferral at the applicable rate as provided in section 354.55, subdivision 11.

Sec. 17. [OPTIONAL RETIREMENT FORMULA AND BENEFITS; MINNESOTA STATE RETIREMENT SYSTEM.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding section 3, a person who is an active member of the Minnesota state retirement system on the effective date of this section may elect, on a form provided by the executive director of the system, to be eligible upon retirement for benefits determined under this section. An election must be made before July 1, 1992, and is irrevocable.

Subd. 2. [RETIREMENT ANNUITY FORMULA.] For a member electing coverage by this section, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 352.115, subdivision 2, multiplied by one percent for each year of allowable service for the first ten years and, after ten years, by 1.5 percent for each year of allowable service and a proportional amount for completed months less than a full year. The normal retirement annuity is the retirement annuity to which the member is entitled at the normal retirement age. Except as provided in subdivision 3, a member electing coverage under this section who retires before attaining the normal retirement age is governed by Minnesota Statutes, section 352.116, subdivision 1.

Subd. 3. [EARLY RETIREMENT WITHOUT REDUCTION.] Notwithstanding Minnesota Statutes, section 352.116, subdivision 1, a member electing coverage under this section whose attained age plus credited allowable service totals 90 years is entitled upon application to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 without any reduction in annuity by reason of the early retirement age.

Sec. 18. [OPTIONAL RETIREMENT FORMULA AND BENEFITS; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding sections 6 and 7, a person who is an active basic or coordinated member of the public employees retirement association on the effective date of this section may elect, on a form provided by the executive director of the association, to be eligible upon retirement for benefits determined under this section. An election must be made before July 1, 1992, and is irrevocable.

Subd. 2. [RETIREMENT ANNUITY FORMULA.] For a basic member electing coverage by this section, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 353.29, subdivision 2, multiplied by two percent for each year of allowable service for the first ten years and, after ten years, by 2.5 percent for each year of allowable service and a proportional amount for completed months less than a full year. For a coordinated member electing coverage by this

section, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 353.29, subdivision 2, multiplied by one percent for each year of allowable service for the first ten years and, after ten years, by 1.5 percent for each year of allowable service and a proportional amount for completed months less than a full year. The normal retirement annuity is the retirement annuity to which the member is entitled at the normal retirement age.

Subd. 3. [EARLY RETIREMENT REDUCTION.] A member electing coverage by this section who has attained at least age 55 and has received credit for not less than ten years of allowable service, or who has received credit for not less than 30 years of allowable service, is entitled upon separation from public service and upon application to the association to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 reduced by one quarter of one percent for each month that the member is under age 65 at the time of retirement.

Subd. 4. [EARLY RETIREMENT WITHOUT REDUCTION.] A member electing coverage under this section whose attained age plus credited allowable service totals 90 years is entitled upon application to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 without any reduction in annuity by reason of the early retirement age.

Sec. 19. [OPTIONAL RETIREMENT FORMULA AND BENEFITS; TEACHERS RETIREMENT ASSOCIATION.]

Subdivision 1. [ELIGIBILITY.] Notwithstanding section 11, a person who is an active basic or coordinated member of the teachers retirement association on the effective date of this section may elect, on a form provided by the executive director of the association, to be eligible upon retirement for benefits determined under this section. An election must be made before July 1, 1992, and is irrevocable.

Subd. 2. [RETIREMENT ANNUITY FORMULA.] For a basic member electing coverage by this section, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 354.44, subdivision 6, multiplied by two percent for each year of allowable service for the first ten years and, after ten years, by 2.5 percent for each year of allowable service and a proportional amount for completed months less than a full year. For a coordinated member electing coverage by this section, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 354.44, subdivision 6, multiplied by one percent for each year of allowable service for the first ten years and, after ten years, by 1.5 percent for each year of allowable service and a proportional amount for completed months less than a full year. For a member who has elected continued participation in the variable program, the normal retirement annuity is the average salary of the member, as defined in Minnesota Statutes, section 354.44, subdivision 6, multiplied by .5 percent for a coordinated member or one percent for a basic member for each year of allowable service for the first ten years and, after ten years, by .75 percent for a coordinated member or 1.25 percent for a basic member and a proportional amount for completed months less than a full year. The normal retirement annuity is the retirement annuity to which the member is entitled at the normal retirement age.

Subd. 3. [EARLY RETIREMENT REDUCTION.] If a member electing coverage by this section retires before age 65 under a formula annuity,

the member is entitled upon separation from public service and upon application to the association to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 reduced by one-half of one percent for each month that the member is under age 65 to age 60 and reduced by one fourth of one percent for each month under age 60 at the time of retirement, except that, for a member who has 30 or more years of allowable service credit, the reduction applies only for each month that the member is under age 62.

Subd. 4. [EARLY RETIREMENT WITHOUT REDUCTION.] *A member electing coverage by this section whose attained age plus credited allowable service totals 90 years is entitled upon application to a retirement annuity equal to the normal retirement annuity determined under subdivision 2 without any reduction in annuity by reason of the early retirement age.*

Sec. 20. [OPTIONAL RETIREMENT FORMULA AND BENEFITS; TEACHERS IN CITIES OF THE FIRST CLASS.]

Subdivision 1. [ELIGIBILITY.] *Notwithstanding section 15, a person who is an active coordinated member of a teachers retirement association governed by Minnesota Statutes, chapter 354A, on the effective date of this section may elect, on a form provided by the person's association, to be eligible upon retirement for benefits determined under this section. An election must be made before July 1, 1992, and is irrevocable.*

Subd. 2. [RETIREMENT ANNUITY FORMULA.] *For a person electing coverage by this section, the normal retirement annuity is the average salary of the member multiplied by one percent for each year of coordinated service for the first ten years and, after ten years, by 1.5 percent for each year of coordinated service and a proportional amount for completed months less than a full year. Average salary for purposes of this subdivision means an amount equal to the average salary upon which contributions were made for the highest five successive years of service credit, but may not in any event include more than the equivalent of 60 monthly salary payments.*

Subd. 3. [EARLY RETIREMENT OPTION.] *A member electing coverage by this section who is entitled, upon retirement at an age before age 65 with three years of service credit or before age 62 with at least 30 years of service credit, to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 reduced by one-half of one percent for each month that the member is under age 65 if the member has less than 30 years of service credit or is under the age of 62 if the coordinated member has at least 30 years of service credit but is over age 59, and reduced by one-fourth of one percent for each month that the member is under age 60.*

Subd. 4. [EARLY RETIREMENT WITHOUT REDUCTION.] *A member electing coverage under this section whose attained age plus credited allowable service totals 90 years is entitled upon application to a retirement annuity in an amount equal to the normal retirement annuity determined under subdivision 2 without any reduction in annuity by reason of the early retirement age.*

Sec. 21. [REPEALER.]

Minnesota Statutes 1988, section 353.30, subdivisions 1a and 1b, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1 to 21 are effective July 1, 1989.

ARTICLE 2**ONGOING PRE-1973 RETIREE
POSTRETIREMENT ADJUSTMENT****Section 1. [356.85] [POSTRETIREMENT ADJUSTMENT; LUMP SUM
PAYMENTS.]**

Subdivision 1. [ENTITLEMENT.] A person who is receiving a retirement annuity, a disability benefit, or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (8), is entitled to receive a postretirement adjustment from the person's retirement fund in the amount specified in subdivision 2, if the annuity or benefit was computed under:

(1) the laws in effect before June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4); or

(2) the laws in effect before July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3), or (5); or

(3) the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or before December 31, 1977, if the person is receiving a retirement annuity, a disability benefit, or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5); or

(4) the laws in effect before May 1, 1974, and before any adjustment under Laws 1987, chapter 372, article 3, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (6); or

(5) the laws in effect before January 1, 1970, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (7); or

(6) the laws in effect before June 30, 1971, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (8).

Subd. 2. [AMOUNT OF POSTRETIREMENT ADJUSTMENT; PAYMENT.] *(a) For a person receiving an annuity or benefit on the November 30 immediately before the postretirement adjustment payment date and entitled to receive a postretirement adjustment under subdivision 1, the postretirement adjustment is a lump sum payment calculated under paragraph (b), (c), or (d).*

(b) For a coordinated plan member, the postretirement adjustment is:

(1) in 1989, \$25 for each full year of allowable service credited to the person by the person's retirement fund;

(2) in 1990 and each following year, the amount payable in the preceding year increased by the same percentage as postretirement adjustments paid from the postretirement fund under section 11A.18 on the preceding January 1.

(c) For a basic plan member, the postretirement adjustment in 1989 is the greater of:

(1) \$25 for each full year of allowable service credited to the person by the person's retirement fund; or

(2) the difference between:

(i) the product of \$400 times the number of full years of allowable service credited to the person by the retirement fund; and

(ii) the sum of the benefits payable to the person from any Minnesota public employee pension plan and the cash benefits payable to the person from the Social Security Administration.

(d) For a basic plan member, the amount payable in 1990 and each following year is the amount payable in the preceding year increased by the same percentage as postretirement adjustments paid from the postretirement fund under section 11A.18 on the preceding January 1.

(e) The postretirement adjustment provided for in this section is payable on December 1, 1989, to persons receiving an annuity or benefit on November 30, 1989. In subsequent years the adjustment must be paid on December 1, for persons receiving an annuity or benefit on the prior November 30, unless the beneficiary is entitled to participate in an optional benefit receipt schedule under subdivision 4. This section does not authorize the payment of a postretirement adjustment to an estate. Notwithstanding section 356.18, the postretirement adjustment provided for in this section is payable automatically unless the intended recipient files a written notice with the chief administrative officer of the retirement fund requesting that the postretirement adjustment not be paid.

Subd. 3. [COVERED RETIREMENT FUNDS.] The postretirement adjustment provided in this section applies to the following retirement funds:

(1) public employees retirement fund;

(2) public employees police and fire fund;

(3) teachers retirement fund;

(4) state patrol retirement fund;

(5) state employees retirement fund of the Minnesota state retirement system;

(6) Minneapolis teachers retirement fund association, established under chapter 354A;

(7) St. Paul teachers retirement fund association, established under chapter 354A; and

(8) Duluth teachers retirement fund association, established under chapter 354A.

Subd. 4. [OPTIONAL BENEFIT PAYMENT SCHEDULE.] A basic plan benefit recipient receiving an adjustment under subdivision 2, paragraph (c), clause (2), and whose adjustment exceeds 20 percent of the person's prior Minnesota plan benefit, may elect to have the amount of the benefit adjustment paid in equal monthly amounts instead of receiving a benefit adjustment on December 1 of each year. Selection of this option must be

made by the recipient in writing on a form prepared by the chief administrative officer of the applicable retirement association.

Subd. 5. [SOCIAL SECURITY INFORMATION.] To be eligible for a benefit adjustment calculated under subdivision 2, paragraph (c), clause (2), a person must authorize the Social Security Administration to release to the retirement association information on the person's social security cash benefits.

Subd. 6. [REPORT.] By September 30, 1990, the chief administrative officers of the retirement funds listed in subdivision 3 shall report to the chairs of the house of representatives governmental operations committee, the house appropriations committee, the senate governmental operations committee, and the senate finance committee, the executive director of the legislative commission on pensions and retirement, and the commissioner of finance on the number of benefit recipients eligible for each adjustment established in subdivision 2, the annual current disbursements cost of each adjustment, and the estimated actuarial accrued liability associated with each.

Sec. 2. [POSTRETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS; MINNEAPOLIS EMPLOYEES RETIREMENT FUND.]

Subdivision 1. [ENTITLEMENT.] A person who is receiving either an annuity that was computed under the laws in effect before March 5, 1974, or a "\$2 bill and annuity" annuity from the Minneapolis employees retirement fund is entitled to receive a postretirement adjustment from the person's retirement fund in the amount specified in subdivision 2.

Subd. 2. [AMOUNT OF POSTRETIREMENT ADJUSTMENT; PAYMENT.] For any person receiving an annuity or benefit on November 30, 1989, or on November 30, 1990, and entitled to receive a postretirement adjustment under subdivision 1, the postretirement adjustment is a lump sum payment in an amount equal to \$25 during 1989 and \$25 during 1990 for each full year of allowable service credited to the person by the respective retirement fund.

The postretirement adjustment provided in this section is payable on December 1, 1989, to persons receiving an annuity or benefit on November 30, 1989, and on December 1, 1990, to persons receiving an annuity or benefit on November 30, 1990. This section does not authorize the payment of a postretirement adjustment to an estate. Notwithstanding section 356.18, the postretirement adjustment provided for in this section is payable automatically unless the intended recipient files a written notice with the chief administrative officer of the retirement fund requesting that the postretirement adjustment not be paid.

Subd. 3. [APPROPRIATION AND TERMINAL AUDIT.] To fund the postretirement benefits provided in this section for eligible benefit recipients of the Minneapolis employees retirement fund, \$773,000 for fiscal year 1990 and \$773,000 for fiscal year 1991 is appropriated from the general fund. The Minneapolis employees retirement fund shall, as soon as is practicable following the payment of the postretirement adjustment, calculate the amount of any appropriation apportioned to it that is in excess of the amounts required to pay the postretirement adjustments provided in this section. The calculations required by this subdivision must be reported to and verified by the commissioner of finance. Amounts equal to reported excess appropriations must be returned to the general fund as

soon as is practicable following the calculation reporting and verification.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1989.

ARTICLE 3

PARTIAL AUTOMATIC POSTRETIREMENT ADJUSTMENTS

Section 1. Minnesota Statutes 1988, section 11A.18, subdivision 9, is amended to read:

Subd. 9. [CALCULATION OF POSTRETIREMENT ADJUSTMENT.]

(a) Annually, following June 30, the state board shall determine whether a postretirement adjustment ~~shall be~~ is payable and shall determine the amount of any postretirement adjustment ~~which shall be~~ that is payable.

~~(1)~~ The state board shall determine whether a postretirement adjustment ~~shall be~~ is payable using the ~~following~~ procedure: ~~prescribed in paragraphs (b) to (d).~~

~~(a)~~ (b) The state board shall determine the amount of dividends, interest, accruals, and realized capital gains or losses applicable to the most recent fiscal year ending June 30;

~~(b)~~ (c) The ~~commission-retained~~ actuary shall determine the amount of reserves required for the annuity or benefit payable to an annuitant and benefit recipient of the participating public pension plans or funds ~~shall be determined by the commission-retained actuary~~ as of the current June 30. An annuitant or benefit recipient who has been receiving an annuity or benefit for at least ~~one year~~ 12 full months as of the current June 30 ~~shall be~~ is eligible to receive a full postretirement adjustment. An annuitant or benefit recipient who has been receiving an annuity or benefit for at least one full month, but less than 12 full months, as of the current June 30 is eligible to receive a partial postretirement adjustment. Each fund shall report separately the amount of the reserves for ~~those~~ annuitants and benefit recipients who are eligible to receive a full postretirement benefit adjustment ~~and~~. This amount is known as "eligible reserves." Each fund shall also report separately the amount of the reserves for those annuitants and benefit recipients who are not eligible to receive a postretirement adjustment ~~shall be reported separately~~. This amount is known as "non-eligible reserves." For an annuitant or benefit recipient who is eligible to receive a partial postretirement adjustment, each fund shall report separately as additional "eligible reserves" an amount that bears the same ratio to the total reserves required for the annuitant or benefit recipient as the number of full months of annuity or benefit receipt as of the current June 30 bears to 12 full months. The remainder of the annuitant's or benefit recipient's reserves must be separately reported as additional "noneligible reserves." The amount of the "eligible" and "noneligible" required reserves ~~shall~~ must be certified to the board by the commission-retained actuary as soon as is practical following the current June 30;

~~(c)~~ (d) The state board shall determine the amount of investment income required to equal five percent of the total amount of the required reserves as of the preceding June 30 adjusted by five percent of each transfer in or transfer out multiplied by the fraction of a year from the date of transfer to the current June 30. This amount of required investment income ~~shall~~ must be subtracted from the actual amount of investment income determined according to ~~clause (1)(a)~~, paragraph (b) to determine the amount of excess

investment income. If this amount is positive, then a postretirement adjustment may be paid.

(2) (e) The state board shall determine the amount of any postretirement adjustment ~~which that is~~ payable using the ~~following~~ procedure: *prescribed in paragraphs (f) to (j).*

(a) (f) The state board shall determine the amount of excess investment income by the method indicated in ~~clause (1);~~ *paragraphs (b) to (d).*

(b) (g) The total "eligible" required reserves as of the first of January next following the end of the fiscal year for the annuitants and benefit recipients eligible to receive ~~the a full or partial~~ postretirement adjustment as determined by ~~clause (1);~~ *paragraph (c) must be certified to the state board by the commission-retained actuary. The total "eligible" required reserves shall must be determined by the commission-retained actuary on the assumption that all annuitants and benefit recipients eligible to receive the a full or partial postretirement adjustment will be alive on the January 1 in question.*

(e) (h) If the state board determines that the book value of the assets of the fund is less than an amount equal to the total amount of the current June 30 required reserves, with the book value and required reserves to be determined after the adjustments provided for in subdivision 11, ~~then~~ the state board shall allocate five percent of the excess investment income as an asset of the fund. The excess investment income allocated as an asset of the fund ~~shall may~~ not exceed the difference between book value and required reserves. The remaining amount ~~shall must~~ be termed available for distribution. The book value of assets on any given date ~~shall be~~ is the net assets at cost less the excess investment income determined ~~pursuant to clause (1);~~ *under paragraph (d).*

(d) (i) The resulting total amount available for distribution ~~shall must~~ be increased by 2-1/2 percent, and the result ~~shall must~~ be stated as a percentage of the total amount of the required reserves ~~pursuant to clause (2);~~ *determined under paragraph (f).* and, if the percentage is equal to or greater than one percent, the amount ~~shall must~~ be certified to each participating public pension fund or plan as the ~~amount of the full~~ postretirement adjustment amount. If the percentage is less than one percent, no postretirement adjustment ~~shall may~~ be payable in that year and the amount otherwise available for distribution ~~shall must~~ be credited to a separate reserve established for this purpose. The reserve ~~shall must~~ be invested in the same manner as all other assets of the fund and ~~shall must~~ be credited with any investment income as specified in ~~clause (1);~~ *paragraph (b).* Amounts credited to the reserve ~~shall must~~ be utilized in determining a postretirement adjustment in the subsequent year. The amount of any full postretirement adjustment certified by the state board as payable to the participating public pension plans or funds ~~shall must~~ be carried to five decimal places and stated as a percentage.

(e) (j) A retirement annuity payable in the event of retirement before becoming eligible for social security benefits as provided in section 352.116, subdivision 3; 353.29, subdivision 6; or 354.35 must be treated as the sum of a period certain retirement annuity and a life retirement annuity for the purposes of any postretirement adjustment. The period certain retirement annuity plus the life retirement annuity ~~shall must~~ be the annuity amount payable until age 62 or 65, whichever applies. A postretirement adjustment granted on the period certain retirement annuity must terminate when the

period certain retirement annuity terminates.

Sec. 2. Minnesota Statutes 1988, section 11A.18, subdivision 10, is amended to read:

Subd. 10. [PAYMENT OF POSTRETIREMENT ADJUSTMENT.] Upon receiving the certification of the amount of the full postretirement adjustment from the state board, each participating public pension fund or plan shall determine the amount of the postretirement adjustment payable to each eligible annuitant and benefit recipient. The dollar amount of the postretirement adjustment ~~payable to each annuitant or benefit recipient~~ ~~shall~~ must be calculated by applying the certified postretirement adjustment percentage to the amount of the monthly annuity or benefit payable to each eligible annuitant or benefit recipient *eligible for a full adjustment*.

The dollar amount of the partial postretirement adjustment payable to each annuitant or benefit recipient eligible for a partial adjustment must be calculated by determining a partial percentage amount that bears the same ratio to the certified full adjustment percentage amount as the number of full months of annuity or benefit receipt as of the current June 30 bears to 12 full months. The partial percentage amount determined must be applied to the amount of the monthly annuity or benefit payable to each annuitant or benefit recipient eligible to receive a partial postretirement adjustment. The Payment of postretirement adjustment shall adjustments must commence to be paid on January 1 following the calculations required pursuant to by this section and shall thereafter must afterword be included in the monthly annuity or benefit paid to the recipient. Notwithstanding section 356.18, any an adjustment pursuant to under this section shall be paid is payable automatically unless the intended recipient files a written notice with the applicable participating public pension fund or plan requesting that the adjustment not be paid.

Sec. 3. [EFFECTIVE DATE.]

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

ARTICLE 4

OPTIONAL ANNUITY FORM WITH AUTOMATIC BOUNCEBACK FEATURE

Section 1. Minnesota Statutes 1988, section 136.82, subdivision 2, is amended to read:

Subd. 2. [REDEMPTION OF SHARES AS AN ANNUITY.] (a) A person who has shares to the credit of the employee's share account record, who is 55 years of age or older and who is no longer employed by the state university board or the state board for community colleges or who is totally and permanently disabled ~~pursuant to under~~ subdivision 1, paragraph (2), or who has the status of a surviving spouse of a person who has shares to the credit of the employee's share account ~~pursuant to under~~ subdivision 1, paragraph (3), may redeem all or part of the shares to purchase an annuity by depositing the cash realized upon redemption with the executive director of the teachers retirement fund and receive in exchange an annuity for life or an optional annuity as ~~hereinafter~~ provided in this subdivision. The election to purchase an annuity may be made only once by any individual. If an election is made before the date on which the person is entitled to request redemption, the redemption ~~shall may~~ not be made ~~prior to before~~ the date upon which the person would be entitled to make the request.

(b) The annuity purchase rates ~~shall~~ must be based on the annuity table of mortality adopted by the board of trustees of the teachers retirement fund for the fund as provided in section 354.07, subdivision 1, using the interest assumption specified in section 356.215, subdivision 4d. The amount of the annuity for life ~~shall be that~~ is the amount ~~which~~ that has a present value equal to the cash realized on the redemption of the shares as of the first day of the month next following the date of the election to purchase an annuity.

(c) The board of trustees of the teachers retirement fund shall establish an optional joint and survivor annuity, an optional annuity payable for a period certain and for life ~~thereafter~~ after that period, and an optional guaranteed refund annuity paying the annuitant a fixed amount for life with the guarantee that in the event of death the balance of the cash realized from the redemption of shares is payable to the designated beneficiary. *The optional joint and survivor annuity must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if the person who has the designated remainder interest under the optional annuity dies before the person electing the optional annuity, with reinstatement occurring on the first day of the month next following the date of death of the person who has the designated remainder interest.* The optional forms of annuity ~~shall~~ must be actuarially equivalent to the single life annuity as defined in section 354.05, subdivision 7. In establishing these optional forms, the board of trustees shall obtain the written recommendation of the actuary retained by the legislative commission on pensions and retirement, and these recommendations ~~shall~~ must be a part of the permanent records of the board of trustees.

Sec. 2. Minnesota Statutes 1988, section 352.116, subdivision 3, is amended to read:

Subd. 3. [OPTIONAL ANNUITIES.] (a) The board shall establish an optional retirement annuity in the form of a joint and survivor annuity. The board may also establish an optional annuity in the form of an annuity payable for a period certain and for life ~~thereafter~~ or establish an optional annuity ~~which takes the form of a~~ after that period. *The optional joint and survivor annuity providing must provide that; the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if after the joint and survivor annuity becomes payable, the person with the designated remainder interest in under the optional annuity dies before the former member, the annuity amount must be reinstated to a normal single life annuity amount as of person electing the optional annuity, with reinstatement occurring on the first day of the month after next following the day the person dies date of death of the person who has the designated remainder interest.*

(b) In addition, the board may also establish an optional annuity that takes the form of an annuity calculated on the basis of the age of the retired employee at retirement and payable for the period before the retired employee becomes eligible for social security old age retirement benefits in a greater amount than the amount of the annuity calculated under subdivision 2 on the basis of the age of the retired employee at retirement, but equal so far as possible to the social security old age retirement benefit and the adjusted retirement annuity amount payable immediately after the retired employee becomes eligible for social security old age retirement benefits, and payable for the period after the retired employee becomes eligible for social security old age retirement benefits in an amount less than the amount of the annuity

calculated under subdivisions 2 and 3. The social security leveling option may be calculated based on broad average social security old age retirement benefits.

(c) The optional forms must be actuarially equivalent to the normal single life annuity forms provided in sections 352.115 and 352.116, ~~whichever applies.~~

Sec. 3. Minnesota Statutes 1988, section 352B.08, subdivision 3, is amended to read:

Subd. 3. [OPTIONAL ANNUITY FORMS.] (a) ~~In lieu~~ *Instead of* the single life annuity provided in subdivision 2, the member or former member with ten years or more of service may elect an optional annuity form.

(b) The board of the Minnesota state retirement system shall establish a joint and survivor annuity, payable to a designated beneficiary for life, adjusted to the actuarial equivalent value of the single life annuity. The board ~~shall also establish an additional optional joint and survivor annuity with an actuarial equivalent value of the single life annuity in the form of a joint and survivor annuity which provides must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity provided in subdivision 2, amount if after commencing the elected joint and survivor annuity, the person who has the designated beneficiary remainder interest under the optional annuity dies before the member person electing the optional annuity, which with reinstatement is not retroactive but takes effect for occurring on the first full day of the month occurring after the date of death of the person who has the designated beneficiary remainder interest.~~ The board may also establish other actuarial equivalent value optional annuity forms.

(c) In establishing actuarial equivalent value optional annuity forms, each optional annuity form ~~shall must~~ have the same present value as a regular single life annuity using the mortality table adopted by the board and the interest assumption specified in section 356.215, subdivision 4d, and the board shall obtain the written recommendation of the commission-retained actuary. These recommendations ~~shall must~~ be a part of the permanent records of the board.

Sec. 4. Minnesota Statutes 1988, section 353.30, subdivision 3, is amended to read:

Subd. 3. [OPTIONAL RETIREMENT ANNUITY FORMS.] (a) The board of trustees shall establish optional annuities ~~which shall take in the form of a joint and survivor annuity. The optional joint and survivor annuity must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if the person who has the designated remainder interest under the optional annuity dies before the person electing the optional annuity, with reinstatement occurring on the first day of the month next following the date of death of the person who has the designated remainder interest.~~

(b) The optional annuity forms ~~shall must~~ be actuarially equivalent to the forms provided in section 353.29 and subdivisions 1, 1a, 1b, and 1c of this section. In establishing those optional forms, the board shall obtain the written recommendation of the commission-retained actuary. The recommendations ~~shall must~~ be a part of the permanent records of board.

(c) A member or former member may select an optional form of annuity

~~in lieu~~ instead of accepting any other form of annuity which might otherwise be available.

Sec. 5. Minnesota Statutes 1988, section 354.45, subdivision 1, is amended to read:

Subdivision 1. [OPTIONAL ANNUITY FORMS.] (a) The retirement board shall establish optional annuities at retirement ~~which shall take in the form of an annuity payable for a period certain and for life thereafter after that period~~ or the form of a joint and survivor annuity. The board shall also establish an optional annuity ~~which shall take in the form of a~~ guaranteed refund annuity paying the annuitant a fixed amount for life with the guarantee that in the event of death the balance of the accumulated deductions and interest accrued to the date of retirement will be paid to the designated beneficiary. *The optional joint and survivor annuity must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if the person who has the designated remainder interest under the optional annuity dies before the person electing the optional annuity, with reinstatement occurring on the first day of the month next following the date of death of the person who has the designated remainder interest.*

~~Any~~ (b) Optional annuity forms ~~shall~~ must be actuarially equivalent to the normal forms provided in section 354.44. In establishing these optional annuity forms, the board shall obtain the written recommendation of the commission-retained actuary. The recommendations ~~shall~~ must be a part of the permanent records of the board.

Sec. 6. Minnesota Statutes 1988, section 354A.32, is amended to read:

354A.32 [OPTIONAL RETIREMENT ANNUITIES.]

Subdivision 1. [OPTIONAL FORMS GENERALLY.] (a) The boards of the Minneapolis and the St. Paul teachers retirement fund associations shall each establish for the coordinated program and the board of the Duluth teachers retirement fund association shall establish for the new law coordinated program an optional retirement annuity ~~which shall take in the form of a joint and survivor annuity as provided in subdivision 2.~~ Each board may also in its discretion establish an optional annuity ~~which shall take in the form of an annuity payable for a period certain and for life thereafter after that period.~~ Each board shall also establish an optional retirement annuity ~~which shall take in the form of a guarantee that in the event of death the balance of the accumulated deductions shall will be paid to a designated beneficiary.~~

(b) Optional annuity forms ~~shall~~ must be the actuarial equivalent of the normal forms provided in section 354A.31. In establishing these optional annuity forms, the board shall obtain the written recommendation of the commission-retained actuary. The recommendation ~~shall~~ must be a part of the permanent records of the board.

Subd. 2. [~~SPECIAL~~ OPTIONAL JOINT AND SURVIVOR ANNUITY PROVISIONS.] ~~In the event of the death of the designated beneficiary of a retired member who had elected an optional annuity in the form of a The optional joint and survivor annuity under subdivision 1; the retired member shall thereafter receive the unreduced amount of the earned benefit computed pursuant to 354A.31; must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if the~~

person who has the designated remainder interest under the optional annuity dies before the person electing the optional annuity, with reinstatement occurring on the first day of the month next following the date of death of the person who has designated remainder interest. The effect of this provision shall must be reflected in calculating the actuarial equivalent joint and survivor annuity under subdivision 1.

Sec. 7. Minnesota Statutes 1988, section 422A.17, is amended to read:
422A.17 [RETIREMENT ALLOWANCE; OPTIONS.]

(a) At retirement, ~~any~~ an employee who is eligible to receive a service allowance may elect to receive benefits in a retirement allowance payable throughout life or may on retirement elect to receive the actuarial equivalent at that time of annuity, pension, or retirement allowance in a lesser annuity, or a lesser pension, or a lesser retirement allowance, payable throughout life, with the provisions that:

Option I. if the benefit recipient dies before receiving in payments an amount equal to the present value of the benefit recipient's annuity, pension, or retirement allowance, as of the date of the benefit recipient's retirement, the balance ~~shall~~ will be paid to the benefit recipient's legal representatives or to ~~such~~ the person, having an insurable interest in the benefit recipient's life, ~~as that the benefit recipient shall nominate has nominated~~ by written designation duly acknowledged and filed with the retirement board as of the date of retirement; or

Option II. upon the death of the benefit recipient, the benefit recipient's annuity, pension, or retirement allowance ~~shall~~ will be continued throughout the life of and paid to the person, having an insurable interest in the benefit recipient's life, ~~as that the benefit recipient shall nominate has nominated~~ by written designation duly acknowledged and filed with the retirement board as of the date of retirement; or

Option III. upon death of the benefit recipient, one-half of the benefit recipient's annuity, pension, or retirement allowance ~~shall~~ will be continued throughout the life of and paid to the person, having an insurable interest in the benefit recipient's life, ~~as that the benefit recipient shall nominate has nominated~~ by written designation duly acknowledged and filed with the retirement board as of the date of retirement; or

Option IV. other optional retirement allowance forms ~~shall~~ will be paid to the benefit recipient or other person or persons the benefit recipient nominates, provided that the optional annuity is of equivalent actuarial value to the applicable single life annuity calculated under section 422A.15 and is approved by the retirement board.

(b) *The option II or option III retirement allowance form must provide that the elected monthly allowance amount will be reinstated to the monthly single life retirement allowance amount if the person who has the designated remainder interest under the optional retirement allowance dies before the person electing the optional retirement allowance, with reinstatement occurring on the first day of the month next following the date of death of the person who has the designated remainder interest.*

(c) ~~Any~~ An optional retirement allowance ~~shall~~ must be computed and determined under a procedure specified by the commission-retained actuary utilizing the ~~appropriate~~ mortality table established by the board of

trustees based on the experience of the fund as recommended by the commission-retained actuary and using the applicable postretirement interest rate assumption specified in section 356.215, subdivision 4d.

(d) In adopting optional annuity forms, the board of trustees shall obtain the written recommendation of the commission-retained actuary. The recommendations ~~shall~~ must be a part of the permanent records of the board of trustees.

Sec. 8. Minnesota Statutes 1988, section 490.124, subdivision 11, is amended to read:

Subd. 11. [OPTIONAL ANNUITIES.] (a) No survivor or death benefits may be paid in connection with the death of a judge who retires after December 31, 1973, except as otherwise provided in sections 490.121 to 490.132.

(b) Within 30 days before retirement, except as provided in subdivision 10, a judge may elect to ~~receive~~, instead of the normal retirement annuity, to receive an optional retirement annuity in the form of an annuity payable for a period certain and for life after that period; ~~a joint and survivor annuity without reinstatement in the event of the designated beneficiary predeceasing the retired judge, or a joint and survivor annuity with reinstatement in the event of the designated beneficiary predeceasing the retired judge. The optional joint and survivor annuity must provide that the elected monthly annuity amount will be reinstated to the monthly single life annuity amount if the person who has the designated remainder interest under the optional annuity dies before the person electing the optional annuity, with reinstatement occurring on the first day of the month next following the date of death of the person who has the designated remainder interest.~~

(c) An optional retirement annuity must be actuarially equivalent to a single life annuity with no term certain and must be established by the board of directors of the Minnesota state retirement system. In establishing these optional retirement annuity forms, the board shall obtain the written recommendation of the actuary retained by the legislative commission on pensions and retirement. The recommendations must be a part of the permanent records of the board.

Sec. 9. [356.93] [APPLICATION TO CERTAIN OPTIONAL ANNUITY ELECTIONS.]

Subdivision 1. [PROSPECTIVE ANNUITY OPTIONS.] After July 1, 1989, no joint and survivor optional annuity may be elected by a retiring active or deferred member other than in a form that complies with sections 1 to 8.

Subd. 2. [CURRENT ANNUITY OPTIONS.] A person who is receiving an optional joint and survivor annuity under section 136.82, subdivision 2; 352.116, subdivision 3; 352B.08, subdivision 3; 353.30, subdivision 3; 354.45, subdivision 1; 354A.32; 422A.17; or 490.124, subdivision 11, as of July 1, 1989, that does not have the reinstatement requirement provided for prospective optional joint and survivor annuities under sections 1 to 8, may, with the written consent of the person who has the designated remainder interest under the optional joint and survivor annuity, elect to convert the current optional joint and survivor annuity form to an optional joint and survivor annuity form of an identical remainder percentage with the reinstatement requirement provided for prospective optional joint and survivor annuities under sections 1 to 8. The primary and remainder

amounts of the converted optional annuity, exclusive of the percentage of the base annuity amount of any postretirement adjustments under section 11A.18 or 422A.06, subdivision 8, must be the amounts that, as of the date of retirement, would have been the actuarial equivalent of the single life annuity otherwise payable as of the date of retirement, plus the compounded percentage postretirement adjustments granted since the date of retirement.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective on July 1, 1989.

ARTICLE 5

INCREASED INTEREST ON REFUNDS OF
ACCUMULATED MEMBER CONTRIBUTIONS

Section 1. Minnesota Statutes 1988, section 352.12, subdivision 6, is amended to read:

Subd. 6. [DEATH AFTER SERVICE TERMINATION.] Except as provided in subdivision 1, if a former employee covered by the system dies and has not received an annuity, a retirement allowance, or a disability benefit, a refund must be made to the last designated beneficiary or, if there is none, to the surviving spouse or, if none, to the employee's surviving children in equal shares or, if none, to the employee's surviving parents in equal shares or, if none, to the representative of the estate in an amount equal to accumulated employee contributions. The refund must include interest at the rate of ~~five~~ six percent per year compounded annually. The interest must be computed to the first day of the month in which the refund is processed and be based on fiscal year balances.

Sec. 2. Minnesota Statutes 1988, section 352.22, subdivision 2, is amended to read:

Subd. 2. [AMOUNT OF REFUND.] Except as provided in subdivision 3, ~~any~~ a person who ceased to be a state employee after June 30, 1973, by reason of termination of state service ~~shall~~ must receive a refund in an amount equal to employee accumulated contributions plus interest at the rate of ~~five~~ six percent per year compounded annually. Interest must be computed to the first day of the month in which the refund is processed and must be based on fiscal year balances.

Sec. 3. Minnesota Statutes 1988, section 352B.11, subdivision 1, is amended to read:

Subdivision 1. [REFUND OF PAYMENTS.] A member who has not received other benefits under this chapter is entitled to a refund of payments made by salary deduction, plus interest, if the member is separated, either voluntarily or involuntarily, from state service that entitled the member to membership. In the event of the member's death, the member's estate is entitled to the refund. Interest must be computed at the rate of ~~five~~ six percent a year, compounded annually. To receive a refund, the member must apply on a form prescribed by the executive director.

Sec. 4. Minnesota Statutes 1988, section 352B.11, subdivision 2, is amended to read:

Subd. 2. [DEATH; PAYMENT TO SPOUSE AND CHILDREN.] If a member serving actively as a member, a member receiving the disability

benefit provided by section 352B.10, subdivision 1, or a former member receiving a disability benefit as provided by section 352B.10, subdivision 3 2, dies from any cause, the surviving spouse and dependent children are entitled to benefit payments as follows:

(a) A member with at least five years of allowable service or a former member with at least 20 years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member became or would have become 55.

(b) The surviving spouse of a member who had credit for less than five years of service ~~shall is entitled to~~ receive, for life, a monthly annuity equal to 20 percent of that part of the average monthly salary of the member from which deductions were made for retirement. If the surviving spouse remarries, the annuity ~~shall cease~~ ceases as of the date of the remarriage.

(c) The surviving spouse of a member who had credit for at least five years service and who died after attaining 55 years of age, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, ~~in lieu~~ instead of the annuity prescribed in paragraph (b).

(d) The surviving spouse of ~~any a~~ member who had credit for five years or more and who was not 55 years of age at death, ~~shall is entitled to~~ receive the benefit equal to 20 percent of the average monthly salary as described in clause (b) until the deceased member would have reached ~~the~~ age of 55 years, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity. If the surviving spouse remarries before the deceased member's 55th birthdate, benefits or annuities ~~shall~~ cease as of the date of remarriage. Remarriage after the deceased member's 55th birthday ~~shall does~~ not affect the payment of the benefit.

(e) Each dependent child ~~shall is entitled to~~ receive a monthly annuity equal to ten percent of ~~that the~~ part of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over 18 and under 22 years of age also may receive the monthly benefit provided in this section, if the child is continuously attending an accredited school as a full-time student during the normal school year as determined by the director. If the child does not continuously attend school but separates from full-time attendance during any part of a school year, the annuity ~~shall cease~~ ceases at the end of the month of separation. In addition, a payment of \$20 per month ~~shall must~~ be prorated equally to surviving dependent children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child must be made to the surviving spouse, or if there is none, to the legal guardian of the child. The maximum monthly benefit must not exceed 40 percent of the average monthly salary for any number of children.

(f) If the member dies under circumstances that entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the workers' compensation benefits received by them must not be deducted from the benefits payable under this section.

(g) The surviving spouse of a deceased former member who had credit for five or more years of allowable service, but not the spouse of a former member receiving a disability benefit under section 352B.10, subdivision

3, is entitled to receive the 100 percent joint and survivor annuity at the time the deceased member would have reached ~~the age of 55 years~~, if the surviving spouse has not remarried before that date. If a former member dies who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs are entitled to a refund of the accumulated deductions left in the fund plus interest at the rate of ~~five~~ six percent per year compounded annually.

Sec. 5. Minnesota Statutes 1988, section 353.32, subdivision 1, is amended to read:

Subdivision 1. [BEFORE RETIREMENT.] If a member or former member who terminated public service dies before retirement or before receiving any retirement annuity and no other payment of any kind is or may become payable to any person, a refund ~~shall~~ *must* be paid to the designated beneficiary or, if there ~~be~~ *is* none, to the surviving spouse, or, if none, to the legal representative of the decedent's estate. ~~Such~~ *The* refund ~~shall~~ *must* be in an amount equal to accumulated deductions plus interest ~~thereon~~ at the rate of ~~five~~ six percent ~~per annum~~ *a year* compounded annually less the sum of any disability or survivor benefits; ~~if any~~; that may have been paid by the fund; provided that a survivor who has a right to benefits ~~pursuant to~~ *under* section 353.31 may waive ~~such~~ *the* benefits in writing, except ~~such~~ *that* benefits for a dependent child under the age of 18 years may only be waived ~~pursuant to~~ *under* an order of the district court.

Sec. 6. Minnesota Statutes 1988, section 353.34, subdivision 2, is amended to read:

Subd. 2. [REFUND WITH INTEREST.] Except as provided in subdivision 1, ~~any~~ *a* person who ceases to be a public employee ~~shall~~ *must* receive a refund in an amount equal to accumulated deductions with interest to the first day of the month in which the refund is processed at the rate of ~~five~~ six percent ~~per annum~~ *a year* compounded annually based on fiscal year balances.

Sec. 7. Minnesota Statutes 1988, section 354.47, subdivision 1, is amended to read:

Subdivision 1. [DEATH BEFORE RETIREMENT.] ~~(1)~~ *(a)* If a member dies before retirement and is covered ~~pursuant to the provisions of~~ *by* section 354.44, subdivision 2, and neither an optional annuity, nor a reversionary annuity, nor a benefit ~~pursuant to~~ *under* section 354.46, subdivision 1, is payable to the survivors if the member was a basic member, the surviving spouse, or if there is no surviving spouse, the designated beneficiary ~~shall be~~ *is* entitled to an amount equal to the member's accumulated deductions with interest credited to the account of the member to the date of death.

~~(2)~~ *(b)* If a member dies before retirement and is covered ~~pursuant to the provisions of~~ *by* section 354.44, subdivisions 6 and 7, and neither an optional annuity, nor reversionary annuity, nor the benefit described in section 354.46, subdivision 1, is payable to the survivors if the member was a basic member, the surviving spouse, or if there is no surviving spouse, the designated beneficiary ~~shall be~~ *is* entitled to an amount equal to the member's accumulated deductions credited to the account of the member as of June 30, 1957, and from July 1, 1957, to the date of death the member's accumulated deductions plus interest at the rate of ~~five~~ six percent ~~per annum~~ *a year* compounded annually.

~~(3)~~ *(c)* The amounts payable in ~~clause (1)~~ *or (2)* paragraph (a) or (b)

are in addition to the amount payable in section 354.62, subdivision 5, for the member's variable annuity account.

Sec. 8. Minnesota Statutes 1988, section 354.49, subdivision 2, is amended to read:

Subd. 2. Except as provided in section 354.44, subdivision 1, ~~any~~ a person who ceases to be a member by reason of termination of teaching service, ~~shall must~~ receive a refund in an amount equal to the accumulated deductions credited to the account as of June 30, 1957, and after July 1, 1957, the accumulated deductions with interest at the rate of ~~five six~~ percent ~~per annum~~ a year compounded annually plus any variable annuity account accumulations payable ~~pursuant to under~~ section 354.62, subdivision 5, clause (4). For the purpose of this subdivision, interest ~~shall must~~ be computed on fiscal year end balances to the first day of the month in which the refund is issued.

Sec. 9. Minnesota Statutes 1988, section 354.49, subdivision 3, is amended to read:

Subd. 3. ~~Any~~ A person who has attained ~~the at least age of at least~~ 65 with less than five years of credited allowable service ~~shall be is~~ entitled to receive a refund in an amount equal to the person's accumulated deductions plus interest ~~in lieu instead~~ of a proportionate annuity ~~pursuant to under~~ section 356.32 except those covered under the provisions of section 354.44, subdivision 6 or 7, in which case the refund ~~shall must~~ be an amount equal to the accumulated deductions credited to the person's account as of June 30, 1957, and after July 1, 1957, the accumulated deductions plus interest at the rate of ~~five six~~ percent compounded annually.

Sec. 10. Minnesota Statutes 1988, section 354A.35, subdivision 1, is amended to read:

Subdivision 1. [DEATH BEFORE RETIREMENT; REFUND.] If a coordinated member or former coordinated member dies ~~prior to before~~ retirement or ~~prior to before~~ the receipt of any retirement annuity or other benefit payment ~~which that~~ is or may be payable and a surviving spouse optional annuity is not payable ~~pursuant to under~~ subdivision 2, a refund ~~shall must~~ be paid to the person's surviving spouse, or, if there is none, to the person's designated beneficiary, or, if there is none, to the legal representative of the person's estate. The refund ~~shall must~~ be in an amount equal to the person's accumulated contributions plus interest at the rate of ~~five six~~ percent ~~per annum~~ a year compounded annually.

Sec. 11. Minnesota Statutes 1988, section 354A.37, subdivision 3, is amended to read:

Subd. 3. [COMPUTATION OF REFUND AMOUNT.] A former coordinated member who qualifies for a refund ~~pursuant to under~~ subdivision 1 ~~shall must~~ receive a refund equal to the amount of the former coordinated member's accumulated contributions with interest at the rate of ~~five six~~ percent ~~per annum~~ a year compounded annually.

Sec. 12. Minnesota Statutes 1988, section 354A.37, subdivision 4, is amended to read:

Subd. 4. [CERTAIN REFUNDS AT AGE 65.] ~~Any~~ A coordinated member who has attained ~~the age of at least age~~ 65 with less than ten years of allowable service credit and has terminated active teaching service ~~shall be is~~ entitled to a refund ~~in lieu instead~~ of a proportionate annuity ~~pursuant~~

~~to~~ under section 356.32. The refund ~~shall~~ *must* be equal to the coordinated member's accumulated employee contributions plus interest at the rate of ~~five~~ *six* percent compounded annually.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective on July 1, 1989.

ARTICLE 6

THREE-YEAR VESTING REQUIREMENT

Section 1. Minnesota Statutes 1988, section 352.113, subdivision 1, is amended to read:

Subdivision 1. [AGE AND SERVICE REQUIREMENTS.] ~~Any~~ An employee covered by the system who is less than 65 years old who becomes totally and permanently disabled after ~~five~~ *three* or more years of allowable service is entitled to a disability benefit in an amount provided in subdivision 3. If the disabled employee's state service has terminated at any time, the employee must have at least ~~three~~ *two* years of allowable service after last becoming a state employee covered by the system.

Sec. 2. Minnesota Statutes 1988, section 352.115, subdivision 1, is amended to read:

Subdivision 1. [AGE AND SERVICE REQUIREMENTS.] After separation from state service, ~~any~~ an employee (1) who has attained the age of at least 55 years and who is entitled to credit for at least ~~five~~ *three* years allowable service, or (2) who has received credit for at least 30 years allowable service regardless of age, is entitled upon application to a retirement annuity.

Sec. 3. Minnesota Statutes 1988, section 352.115, subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY.] The retirement annuity ~~hereunder~~ payable at age 65 or ~~thereafter~~ *older* must be computed ~~in accordance with the applicable provisions of~~ under the formula ~~stated~~ in subdivision 3; on the basis of the employee's average salary for the period of allowable service. This retirement annuity is known as the "normal" retirement annuity.

For each year of allowable service, "average salary" of an employee in determining a retirement annuity means the average of the highest five successive years of salary upon which the employee has made contributions to the retirement fund by payroll deductions. *Average salary must be based upon all allowable service if this service is less than five years.*

"Average salary" does not include the payment of accrued unused annual leave or overtime paid at time of final separation from state service if paid in a lump sum, nor does it include ~~the any~~ reduced salary; ~~if any~~, paid during ~~the a~~ period the employee is entitled to workers' compensation benefit payments for temporary disability.

Sec. 4. Minnesota Statutes 1988, section 352.12, subdivision 2, is amended to read:

Subd. 2. [SURVIVING SPOUSE BENEFIT.] If an employee or former employee is at least 50 years old and has credit for at least ~~five~~ *three* years allowable service or who has credit for at least 30 years of allowable service, regardless of age, dies before an annuity or disability benefit has become payable, notwithstanding any designation of beneficiary to the contrary,

the surviving spouse of the employee may elect to receive, ~~in lieu~~ *instead* of the refund with interest provided in subdivision 1, an annuity equal to the joint and 100 percent survivor annuity *for* which the employee could have qualified ~~for~~ had the employee terminated service on the date of death. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed as provided in sections 352.115, subdivisions 1, 2, and 3, and 352.116, subdivisions 1 and 3. Sections 352.22, subdivision 3, and 352.72, subdivision 2, apply to a deferred annuity payable under this subdivision. The annuity must cease with the last payment received by the surviving spouse in the lifetime of the surviving spouse. An amount equal to ~~the any~~ excess, ~~if any,~~ of the accumulated contributions credited to the account of the deceased employee in excess of the total of the benefits paid and payable to the surviving spouse must be paid to the deceased employee's last designated beneficiary or, if none, to the surviving children of the deceased spouse in equal shares or, if none, to the surviving parents of the deceased spouse or, if none, to the representative of the estate of the deceased spouse. ~~Any~~ An employee may request in writing that this subdivision not apply and that payment be made only to a designated beneficiary as otherwise provided by this chapter.

Sec. 5. Minnesota Statutes 1988, section 352.22, subdivision 3, is amended to read:

Subd. 3. [DEFERRED ANNUITY.] (a) Any employee with at least ~~five~~ *three* years of allowable service when termination occurs may elect to leave the accumulated contributions in the fund and ~~thereby~~ be entitled to a deferred retirement annuity. This annuity must be computed as provided by the law in effect when state service terminated, on the basis of allowable service before termination of service.

(b) An employee on layoff or on leave of absence without pay, except a leave of absence for health reasons, who does not return to state service ~~shall~~ *must* have any annuity, deferred annuity, or other benefit to which the employee may become entitled computed under the law in effect on the last working day.

(c) No application for a deferred annuity ~~shall~~ *may* be made more than 60 days before the time the former employee reaches the required age for entitlement to the payment of the annuity. The deferred annuity ~~shall begin~~ *begins* to accrue no earlier than 60 days before the date the application is filed in the office of the system, but not (1) before the date the employee reaches the required age for entitlement to the annuity, nor (2) before the day following the termination of state service in a position not covered by the retirement system, nor (3) before the day following the termination of employment in a position that requires the employee to be a member of either the public employees retirement association or the teachers retirement association.

(d) Application for the accumulated contributions left on deposit with the fund may be made at any time after 30 days following the date of termination of service.

Sec. 6. Minnesota Statutes 1988, section 352.72, subdivision 1, is amended to read:

Subdivision 1. [ENTITLEMENT TO ANNUITY.] (a) ~~Any~~ A person who

has been an employee covered by a retirement system listed in paragraph (b) is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals ~~five~~ *three* or more years.

(b) This section applies to the Minnesota state retirement system, the public employees retirement association including the public employees retirement association police and firefighters fund, the teachers retirement association, the state patrol retirement association, or any other public employee retirement system in the state with a similar provision, except as noted in paragraph (c).

(c) This section does not apply to other funds providing benefits for police officers or firefighters.

(d) No portion of the allowable service upon which the retirement annuity from one fund is based ~~shall~~ *may* be again used in the computation for benefits from another fund. No refund may have been taken from any one of these funds since service entitling the employee to coverage under the system or the employee's membership in any of the associations last terminated. The annuity from each fund must be determined by ~~the appropriate provisions of the law~~ except that the requirement that a person must have at least ~~five~~ *three* years allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals ~~five~~ *three* or more years.

Sec. 7. Minnesota Statutes 1988, section 352.93, subdivision 1, is amended to read:

Subdivision 1. [BASIS OF ANNUITY; WHEN TO APPLY.] After separation from state service, an employee covered under section 352.91 who has reached age 55 years and has credit for at least ~~five~~ *three* years of covered correctional service and regular Minnesota state retirement system service is entitled upon application to a retirement annuity under this section based only on covered correctional employees' service. Application may be made no earlier than 60 days before the date the employee is eligible to retire by reason of both age and service requirements.

In this section, "average salary" means the average of the monthly salary during the employees' highest five successive years of salary as an employee covered by the Minnesota state retirement system. *Average salary must be based upon all allowable service if this service is less than five years.*

Sec. 8. Minnesota Statutes 1988, section 352.95, subdivision 2, is amended to read:

Subd. 2. [NON-JOB-RELATED DISABILITY.] ~~Any~~ A covered correctional employee who, after at least ~~five~~ *three* years of covered correctional service, before reaching the age of 55 becomes disabled and physically unfit to perform the duties of the position because of sickness or injury occurring while not engaged in covered employment, is entitled to a disability benefit based on covered correctional service only. The disability benefit must be computed as provided in section 352.93, subdivisions 1 and 2, and computed as though the employee had at least ten years of covered correctional service.

Sec. 9. Minnesota Statutes 1988, section 352B.01, subdivision 11, is amended to read:

Subd. 11. [AVERAGE SALARY.] "Average monthly salary" means the

average of the highest monthly salaries for five years of service as a member. *Average monthly salary must be based upon all allowable service if this service is less than five years.* It does not include any amounts of severance pay or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability.

Sec. 10. Minnesota Statutes 1988, section 352B.08, subdivision 1, is amended to read:

Subdivision 1. [WHO IS ELIGIBLE; WHEN TO APPLY; ACCRUAL.] ~~Every~~ A member who is credited with ~~five~~ *three* or more years of allowable service is entitled to separate from state service and, upon ~~becoming~~ *reaching age 55 years old*, is entitled to receive a life annuity, upon separation from state service. Members ~~shall~~ *must* apply for an annuity in a form and manner prescribed by the executive director. No application may be made more than 60 days before the date the member is eligible to retire by reason of both age and service requirements. An annuity begins to accrue no earlier than 90 days before the date the application is filed with the executive director.

Sec. 11. Minnesota Statutes 1988, section 352B.11, subdivision 2, is amended to read:

Subd. 2. [DEATH; PAYMENT TO SPOUSE AND CHILDREN.] If a member serving actively as a member, a member receiving the disability benefit provided by section 352B.10, subdivision 1, or a former member receiving a disability benefit as provided by section 352B.10, subdivision 3 2, dies from any cause, the surviving spouse and dependent children are entitled to benefit payments as follows:

(a) A member with at least ~~five~~ *three* years of allowable service or a former member with at least 20 years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member became or would have become 55.

(b) The surviving spouse of a member who had credit for less than ~~five~~ *three* years of service ~~shall~~ *is entitled to* receive, for life, a monthly annuity equal to 20 percent of ~~that the~~ *the* part of the average monthly salary of the member from which deductions were made for retirement. If the surviving spouse remarries, the annuity ~~shall cease~~ *ceases* as of the date of the remarriage.

(c) The surviving spouse of a member who had credit for at least ~~five~~ *three* years service and who died after attaining ~~age 55 years of age~~, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, ~~in lieu~~ *instead* of the annuity prescribed in paragraph (b).

(d) The surviving spouse of any member who had credit for ~~five~~ *three* years or more and who was not 55 years of age at death, ~~shall~~ *is entitled to* receive the benefit equal to 20 percent of the average monthly salary as described in clause (b) until the deceased member would have reached the age of 55 years, and, beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity. If the surviving spouse remarries before the deceased member's 55th birthdate, benefits or annuities ~~shall~~ *cease* as of the date of remarriage. Remarriage after the deceased member's 55th birthday ~~shall~~ *does not* affect the payment of the benefit.

(e) Each dependent child ~~shall~~ *is entitled to* receive a monthly annuity equal to ten percent of ~~that the~~ part of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over age 18 and under age 22 ~~years of age~~ also may receive the monthly benefit provided in this section, if the child is continuously attending an accredited school as a full-time student during the normal school year as determined by the director. If the child does not continuously attend school but separates from full-time attendance during any part of a school year, the annuity ~~shall cease~~ *ceases* at the end of the month of separation. In addition, a payment of \$20 per month ~~shall must~~ be prorated equally to surviving dependent children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child must be made to the surviving spouse, or, if there is none, to the legal guardian of the child. The maximum monthly benefit ~~must may~~ not exceed 40 percent of the average monthly salary for any number of children.

(f) If the member dies under circumstances that entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the workers' compensation benefits received by them must not be deducted from the benefits payable under this section.

(g) The surviving spouse of a deceased former member who had credit for ~~five~~ *three* or more years of allowable service, but not the spouse of a former member receiving a disability benefit under section 352B.10, subdivision 3, is entitled to receive the 100 percent joint and survivor annuity at the time the deceased member would have reached ~~the age of 55 years,~~ if the surviving spouse has not remarried before that date. If a former member dies who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs are entitled to a refund of the accumulated deductions left in the fund plus interest at the rate of five percent ~~per~~ a year compounded annually.

Sec. 12. Minnesota Statutes 1988, section 352B.30, subdivision 1, is amended to read:

Subdivision 1. [ENTITLEMENT TO ANNUITY.] Any person who has been an employee covered by the Minnesota state retirement system, or a member of the public employees retirement association including the public employees retirement association police and firefighters' fund, or the teachers retirement association, or the state patrol retirement fund, or any other public employee retirement system in Minnesota having a like provision, but excluding all other funds providing benefits for police or firefighters, is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals ~~five~~ *three* or more years. No part of the allowable service upon which the retirement annuity from one fund is based may again be used in the computation for benefits from another fund. The member must not have taken a refund from any one of these funds since service entitling the member to coverage under the system or membership in any of the associations last terminated. The annuity from each fund must be determined by the ~~appropriate~~ law except that the requirement that a person must have at least ~~five~~ *three* years allowable service in the ~~respective~~ system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals ~~five~~ *three* or more years.

Sec. 13. Minnesota Statutes 1988, section 353.29, subdivision 1, is

amended to read:

Subdivision 1. [AGE AND ALLOWABLE SERVICE REQUIREMENTS.] Upon separation from public service ~~any~~ a person who has attained ~~the age of~~ at least age 65 years and who received credit for not less than ~~five~~ three years of allowable service is entitled upon application to a retirement annuity. ~~Such~~ The retirement annuity is known as the "normal" retirement annuity.

Sec. 14. Minnesota Statutes 1988, section 353.29, subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY.] In calculating the annuity under subdivision 3, "average salary" means an amount equivalent to the average of a member's highest salary upon which employee contributions were paid for any five successive years of allowable service, based on dates of salary periods as listed on salary deduction reports. *Average salary must be based upon all allowable service if this service is less than five years.* The ~~five~~ ~~successive~~ years average salary may not include any reduced salary paid during a period in which the employee is entitled to benefit payments from workers' compensation for temporary disability, unless the average salary is higher, including this period.

Sec. 15. Minnesota Statutes 1988, section 353.32, subdivision 1a, is amended to read:

Subd. 1a. [SURVIVING SPOUSE OPTIONAL ANNUITY.] If a member or former member who has attained at least age 50 and has credit for not less than ~~five~~ three years of allowable service or who has credit for not less than 30 years of allowable service, regardless of age attained, dies before the annuity or disability benefit begins to accrue in accordance with section 353.29, subdivision 7, or 353.33, subdivision 2, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, instead of a refund with interest provided in subdivision 1, or survivor benefits otherwise payable under section 353.31, an annuity equal to the 100 percent joint and survivor annuity that the member could have qualified for had the member terminated service on the date of death. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The annuity must be computed as provided in sections 353.29, subdivisions 2 and 3; and 353.30, subdivisions 1, 1a, 1b, and 1c. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment may accrue beyond the end of the month in which entitlement to the annuity has terminated. An amount equal to any excess of the accumulated contributions that were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse must be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of the deceased member. A member may specify in writing that this subdivision does not apply and that payment may be made only to the designated beneficiary as otherwise provided by this chapter.

Sec. 16. Minnesota Statutes 1988, section 353.33, subdivision 1, is amended to read:

Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.]

~~Any~~ A member who becomes totally and permanently disabled before ~~normal retirement~~ age 65 and after ~~five~~ *three* years of allowable service ~~shall be~~ is entitled to a disability benefit in an amount provided in subdivision 3. If ~~such~~ *the* disabled person's public service has terminated at any time, at least ~~three~~ *two* of the required ~~five~~ *three* years of allowable service must have been rendered after last becoming a member. ~~Any~~ A member whose average salary is less than \$75 per month ~~shall be~~ is not be entitled to a disability benefit. No repayment of a refund otherwise authorized ~~pursuant to under~~ section 353.34 and no purchase of prior service or payment made ~~in lieu~~ *instead* of salary deductions otherwise authorized ~~pursuant to by~~ section 353.01, subdivision 16, 353.017, subdivision 4, or 353.36, subdivision 2, may be made after the occurrence of the disability for which an application ~~pursuant to under~~ this section is filed.

Sec. 17. Minnesota Statutes 1988, section 353.34, subdivision 3, is amended to read:

Subd. 3. [DEFERRED ANNUITY; ELIGIBILITY; COMPUTATION.] A member with at least ~~five~~ *three* years of allowable service when termination of public service occurs has the option of leaving the accumulated deductions in the fund and being entitled to a deferred retirement annuity commencing at age 65 or to a deferred early retirement annuity under section 353.30, subdivision 1, 1a, 1b, or 1c. The deferred annuity must be computed under section 353.29, subdivisions 2 and 3, on the basis of the law in effect on the date of termination of public service and must be augmented as provided in section 353.71, subdivision 2. A former member qualified to apply for a deferred retirement annuity may revoke this option at any time before the commencement of deferred annuity payments by making application for a refund. The person is entitled to a refund of accumulated member contributions within 30 days following *the* date of receipt of the application by the executive director.

Sec. 18. Minnesota Statutes 1988, section 353.34, subdivision 3a, is amended to read:

Subd. 3a. [DEFERRED ANNUITY; CERTAIN HOSPITAL EMPLOYEES.] ~~Any~~ A member employed by a public hospital, as defined in section 355.71, subdivision 3, who has at least ~~five~~ *three* years of allowable service credit on the date the public hospital is taken over by a private corporation or organization, may elect to receive a deferred annuity ~~pursuant to under~~ subdivision 3 notwithstanding the length of service requirement contained ~~therein~~ *in that subdivision*.

Sec. 19. Minnesota Statutes 1988, section 353.651, subdivision 1, is amended to read:

Subdivision 1. [AGE AND ALLOWABLE SERVICE REQUIREMENTS.] Upon separation from public service, ~~any~~ *a* police officer or firefighter member who has attained ~~the age of~~ at least *age* 55 years and who received credit for not less than ~~five~~ *three* years of allowable service is entitled upon application to a retirement annuity. ~~Such~~ *The* retirement annuity is known as the "normal" retirement annuity.

Sec. 20. Minnesota Statutes 1988, section 353.651, subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY.] In calculating the annuity under subdivision 3, "average salary" means an amount equivalent to the average of the highest salary earned as a police officer or firefighter upon which

employee contributions were paid for any five successive years of allowable service. *Average salary must be based upon all allowable service if this service is less than five years.*

The ~~five successive years~~ average salary may not include any reduced salary paid during a period in which the employee is entitled to benefit payments from workers' compensation for temporary disability unless the average salary is higher, including this period.

Sec. 21. Minnesota Statutes 1988, section 353.657, subdivision 2a, is amended to read:

Subd. 2a. [DEATH WHILE ELIGIBLE SURVIVOR BENEFIT.] If a member or former member who has attained ~~the age of~~ at least ~~age~~ 50 ~~years~~ and has credit for not less than ~~five~~ *three* years allowable service or who has credit for at least 30 years of allowable service, regardless of age attained, dies before public service has terminated, or if an employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive a death while eligible survivor benefit. The benefit ~~shall be in lieu~~ *is instead* of a refund with interest provided in section 353.32, subdivision 1, or survivor benefits otherwise payable ~~pursuant to~~ *under* subdivisions 1 and 2. The benefit must be an annuity equal to the 100 percent joint and survivor annuity *for* which the member could have qualified ~~for~~ on the date of death, computed as provided in sections 353.651, subdivisions 2 and 3, and 353.30, subdivision 3. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. Sections 353.34, subdivision 3, and 353.71, subdivision 2, apply to a deferred annuity payable under this subdivision. No payment ~~shall accrue~~ *accrues* beyond the end of the month in which entitlement to ~~such~~ *the* annuity has terminated. An amount equal to ~~the any excess,~~ *if any,* of the accumulated contributions ~~which were~~ credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse ~~shall must~~ be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of ~~such~~ *the* deceased member. ~~Any~~ A member may request in writing that this subdivision not apply and that payment be made only to the designated beneficiary, as otherwise provided by this chapter. For a member who is employed as a full-time firefighter by the department of military affairs of the state of Minnesota, allowable service as a full-time state military affairs department firefighter credited by the Minnesota state retirement system may be used in meeting the minimum allowable service requirement of this subdivision.

Sec. 22. Minnesota Statutes 1988, section 353.71, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] ~~Any~~ A person who has been a member of the public employees retirement association, or the Minnesota state retirement system, or the teachers retirement association, or any other public retirement system in the state of Minnesota having a like provision, except a fund providing benefits for police officers or firefighters governed by sections 69.77 or 69.771 to 69.776, ~~shall be~~ *is* entitled when qualified to an annuity from each fund if the total allowable service in all funds or

in any two of these funds totals ~~five~~ *three* or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that the person has not taken a refund from any one of these funds since the person's membership in that association or system last terminated. The annuity from each fund ~~shall~~ *must* be determined by the appropriate provisions of the law except that the requirement that a person must have at least ~~five~~ *three* years of allowable service in the respective association or system ~~shall~~ *does* not apply for the purposes of this section provided the combined service in two or more of these funds equals ~~five~~ *three* or more years.

Sec. 23. Minnesota Statutes 1988, section 353C.06, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY REQUIREMENTS.] After separation from public employment, an employee covered under section 353C.02 who has attained ~~the age of~~ at least ~~age 55 years~~ and has credit for not less than ~~five~~ *three* years of coverage in the local government correctional service plan is entitled, upon application, to a normal retirement annuity. Instead of a normal retirement annuity, a retiring employee may elect to receive the optional annuity provided in section 353.30, subdivision 3.

Sec. 24. Minnesota Statutes 1988, section 353C.06, subdivision 2, is amended to read:

Subd. 2. [AVERAGE SALARY BASE.] In calculating the annuity under subdivision 3, "average salary" means an amount equivalent to the average of the highest salary earned as a local government correctional employee upon which employee contributions were paid for any five successive years of allowable service. *Average salary must be based on all allowable service if this service is less than five years.*

Sec. 25. Minnesota Statutes 1988, section 354.41, subdivision 3, is amended to read:

Subd. 3. ~~(1)~~ (a) Each annuitant, age 60 or over, who is drawing an annuity ~~pursuant to~~ under Minnesota Statutes 1953, section 135.10, and Minnesota Statutes 1965, sections 354.44 and 354.33 ~~shall have~~, *has* the right to have membership in the fund restored upon resumption of teaching service, for the purpose of having deductions made in accordance with sections 354.42 and 355.48. Upon completion of ~~five~~ *three* years of allowable service, under this subdivision the member ~~shall be~~ *is* entitled to a coordinated annuity provided in section 354.44, subdivision 6. This annuity is in addition to any annuity previously granted under this chapter.

~~(2)~~ *Any* (b) An annuitant qualifying for membership in the fund under ~~clause (1) paragraph (a)~~ may file a written notice with the executive director of the teachers retirement association requesting that deductions provided for in section 354.42 be made from compensation paid for subsequent teaching services. ~~Such~~ *The* notice ~~shall remain~~ *remains* in effect until the annuitant requests in writing that this membership be revoked. After July 1, 1967, deductions ~~pursuant to~~ under section 355.48 are required for ~~any~~ *an* annuitant eligible for membership in the fund under ~~clause (1) paragraph (a)~~. Teaching service rendered by an annuitant for which no deductions were made ~~pursuant to~~ under section 354.42, ~~shall~~ *may* not be included in any additional annuity granted ~~pursuant to clause (1) of this subdivision under paragraph (a).~~

(2) (c) Teachers retirement deductions made ~~prior to before~~ July 1, 1973, from the salary of ~~any~~ an annuitant who was qualified for membership in the fund under ~~clause (1) of this subdivision paragraph (a)~~ at the time ~~such~~ the deductions were made, ~~shall be~~ are applicable to the computation of an annuity as ~~provided~~ under ~~clause (1) of this subdivision paragraph (a)~~ even if the written notice required in ~~clause (2) of this subdivision paragraph (b)~~ has not been filed. The teaching service related to ~~such~~ the retirement deductions ~~shall be~~ is deemed to be allowable service credit ~~which that~~ is applicable to the completion of the ~~five~~ three years of allowable service required in ~~clause (2) of this subdivision paragraph (b)~~.

Sec. 26. Minnesota Statutes 1988, section 354.44, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS AS TO AGE AND SERVICE.] ~~Any~~ A member or former member who ceases or has ceased to render teaching services in ~~any~~ a school or institution covered by the provisions of this chapter, and who has attained the age of at least age 55 years with not less than ~~five~~ three years allowable service, or who has received credit for not less than 30 years allowable service regardless of age, is entitled upon written application to a retirement annuity.

Sec. 27. Minnesota Statutes 1988, section 354.44, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] (1) (a) The formula retirement annuity ~~hereunder shall must~~ be computed in accordance with the ~~applicable provisions of the~~ formula ~~stated in clause (2) hereof paragraph (b)~~ on the basis of each member's average salary for the period of the member's formula service credit. For the purposes of computing the formula benefits under the formula and variable program, if a combination of these formulas is used, the formula percentages used ~~will must be those~~ the percentages in each formula as continued for the respective years of service from one formula to the next.

For all years of formula service credit "average salary" for the purpose of determining the member's retirement annuity means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, section 354.511, for the highest five successive years of formula service credit, provided, however, that ~~such~~ the "average salary" ~~shall~~ may not include ~~any~~ more than the equivalent of 60 monthly salary payments. *Average salary must be based upon all years of formula service credit if this service credit is less than five years.*

(2) (b) The average salary as defined in ~~clause (1) paragraph (a)~~, multiplied by the following percentages ~~per for each~~ year of formula service credit ~~shall~~, determine the amount of the annuity to which the member qualifying therefor is entitled:

| | Coordinated Member | Basic Member |
|---------------------------------------|----------------------|----------------------|
| Each year of service during first ten | 1.0 percent per year | 2.0 percent per year |
| Each year of service thereafter | 1.5 percent per year | 2.5 percent per year |

(2) (c) Where any member retires ~~prior to before~~ age 65 under a formula annuity, the member ~~shall must~~ be paid a retirement annuity in an amount equal to the normal annuity provided in ~~this subdivision paragraph (b)~~ and

subdivision 7, reduced by one-half of one percent for each month that the member is under age 65 to and including age 60 and reduced by one-fourth of one percent for each month under age 60 at the time of retirement, except that, for ~~any~~ a member who has 30 or more years of allowable service credit, the reduction ~~shall~~ *may* be applied only for each month ~~which~~ *that* the member is under age 62.

Sec. 28. Minnesota Statutes 1988, section 354.46, subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE DESIGNATED BENEFICIARY BENEFIT.] The surviving spouse of ~~any~~ a member or former member who has attained ~~the age of~~ at least age 50 years and has credit for at least ~~five~~ *three* years of allowable service or who has credit for at least 30 years of allowable service irrespective of age ~~shall be~~ *is* entitled to joint and survivor annuity coverage in the event of death of the member prior to retirement. If the surviving spouse does not elect to receive a surviving spouse benefit provided ~~pursuant to under~~ subdivision 1, ~~if applicable,~~ or does not elect to receive a refund of accumulated member contributions provided ~~pursuant to under~~ section 354.47, subdivision 1, or 354.62, subdivision 5, clause (3), ~~whichever is applicable,~~ the surviving spouse ~~shall be~~ *is* entitled to receive, upon written application on a form prescribed by the executive director, a benefit equal to the second portion of a 100 percent joint and survivor annuity as provided ~~pursuant to under~~ section 354.45 and computed ~~pursuant to under~~ section 354.44, subdivision 2, 6, or 7, ~~whichever is applicable.~~ The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. Sections 354.44, subdivisions 6 and 7, and 354.60 apply to a deferred annuity payable under this section. If the member was a participant in the variable annuity division, the applicable portion of the benefit ~~shall must~~ be computed ~~pursuant to under~~ section 354.62, subdivision 5, clause (1). The benefit ~~shall be~~ *is* payable for life.

Sec. 29. Minnesota Statutes 1988, section 354.48, subdivision 1, is amended to read:

Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] ~~Any~~ A member who became totally and permanently disabled after at least ~~five~~ *three* years of allowable service ~~shall be~~ *is* entitled to a disability benefit in an amount provided in subdivision 3. If ~~such the~~ disabled person's teaching service has terminated at any time, at least ~~three~~ *two* of the required ~~five~~ *three* years of allowable service must have been rendered after last becoming a member. ~~Any~~ A member whose average salary is less than \$75 per month ~~shall not be~~ *is not* entitled to disability benefits.

Sec. 30. Minnesota Statutes 1988, section 354.49, subdivision 3, is amended to read:

Subd. 3. ~~Any~~ A person who has attained ~~the age of~~ at least age 65 with less than ~~five~~ *three* years of credited allowable service ~~shall be~~ *is* entitled to receive a refund in an amount equal to the person's accumulated deductions plus interest ~~in lieu~~ *instead* of a proportionate annuity ~~pursuant to under~~ section 356.32, except those covered under the provisions of section 354.44, subdivision 6 or 7, in which case the refund ~~shall must~~ be an amount equal to the accumulated deductions credited to the person's account as of June 30, 1957, and after July 1, 1957, the accumulated deductions plus interest at the rate of five percent compounded annually.

Sec. 31. Minnesota Statutes 1988, section 354.60, is amended to read:

354.60 [SERVICE IN OTHER PUBLIC RETIREMENT FUNDS; ANNUITY.]

~~Any~~ A person who has been a member of the Minnesota state retirement system or the public employees retirement association including the public employees retirement association police and fire fund or the teachers retirement association or the Minnesota state patrol retirement association, or any other public employee retirement system in the state of Minnesota having a like provision, but excluding all other funds providing benefits for police officers or firefighters ~~shall be~~, is entitled when qualified to an annuity from each fund if the person's total allowable service in all three funds or in any two of these funds totals ~~five~~ *three* or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that the person has not taken a refund from any one of these three funds since the person's membership in that association has terminated. The annuity from each fund ~~shall~~ *must* be determined by the appropriate provisions of the law, except that the requirement that an annuitant have at least ~~five~~ *three* years' membership service or ~~five~~ *three* years of allowable service in the respective association ~~shall~~ *does* not apply for the purposes of this section provided the combined service in two or more of these funds equals ~~five~~ *three* or more years.

Sec. 32. Minnesota Statutes 1988, section 354A.31, subdivision 1, is amended to read:

Subdivision 1. [AGE AND SERVICE REQUIREMENTS.] ~~Any~~ A coordinated member or former coordinated member who has ceased to render teaching service for the school district in which the teachers retirement fund association exists and who has either attained ~~the age of~~ at least ~~age~~ *55 years* with not less than ~~five~~ *three* years of allowable service credit or received credit for not less than 30 years of allowable service regardless of age, ~~shall be~~ *is* entitled upon written application to a retirement annuity.

Sec. 33. Minnesota Statutes 1988, section 354A.31, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION OF THE NORMAL COORDINATED RETIREMENT ANNUITY.] The normal coordinated retirement annuity ~~shall be~~ *is* an amount equal to a retiring coordinated member's average salary multiplied by the retirement annuity formula percentage. Average salary for purposes of this section ~~shall mean~~ *means* an amount equal to the average salary upon which contributions were made for the highest five successive years of service credit, but ~~which shall~~ *may* not in any event include ~~any~~ more than the equivalent of 60 monthly salary payments. *Average salary must be based upon all years of service credit if this service credit is less than five years.*

The retirement annuity formula percentage for purposes of this section ~~shall mean~~ *paragraph* is one percent ~~per~~ a year for each year of coordinated service for the first ten years and 1-1/2 percent for each year of coordinated service ~~thereafter~~ *after ten years*.

Sec. 34. Minnesota Statutes 1988, section 354A.31, subdivision 5, is amended to read:

Subd. 5. [UNREDUCED NORMAL RETIREMENT ANNUITY.] Upon

retirement at age 65 with at least ~~five~~ *three* years of service credit or at age 62 with at least 30 years of service credit, a coordinated member ~~shall be is~~ entitled to a normal retirement annuity calculated ~~pursuant to under~~ subdivision 4.

Sec. 35. Minnesota Statutes 1988, section 354A.31, subdivision 6, is amended to read:

Subd. 6. [REDUCED RETIREMENT ANNUITY.] Upon retirement at an age prior to age 65 with ~~five~~ *three* years of service credit or prior to age 62 with at least 30 years of service credit, a coordinated member ~~shall be is~~ entitled to a retirement annuity in an amount equal to the normal retirement annuity reduced by one-half of one percent for each month that the coordinated member is under the age of 65 if the coordinated member has less than 30 years of service credit or is under the age of 62 if the coordinated member has at least 30 years of service credit but is over the age of 59, and reduced by one-fourth of one percent for each month that the coordinated member is under the age of 60.

Sec. 36. Minnesota Statutes 1988, section 354A.35, subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE TO RETIRE; SURVIVING SPOUSE OPTIONAL ANNUITY.] The surviving spouse of any coordinated member who has attained the age of at least 50 years and has credit for at least ~~five~~ *three* years of service or has credit for at least 30 years of service regardless of age ~~shall be is~~ entitled to joint and survivor annuity coverage in the event of death of the member prior to retirement. The surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. The member's surviving spouse ~~shall must~~ be paid a joint and survivor annuity as provided in section 354A.32 and computed ~~pursuant to under~~ section 354A.31. Sections 354A.37, subdivision 2, and 354A.39 apply to a deferred annuity payable under this section. The benefits ~~shall be are~~ payable for life.

Sec. 37. Minnesota Statutes 1988, section 354A.36, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM AGE, SERVICE AND SALARY REQUIREMENTS.] ~~Any~~ A coordinated member who has at least ~~five~~ *three* years of allowable service credit, has an average salary of at least \$75 per month, and has become totally and permanently disabled ~~shall be is~~ entitled to a disability benefit. If the disabled coordinated member's allowable service credit has not been continuous, at least ~~three~~ *two* years of the required allowable service ~~shall be required to must~~ have been rendered subsequent to the last interruption in service.

Sec. 38. Minnesota Statutes 1988, section 354A.39, is amended to read:

354A.39 [SERVICE IN OTHER PUBLIC RETIREMENT FUNDS; ANNUITY.]

~~Any~~ A person who has been a member of the Minnesota state retirement system, the public employees retirement association including the public employees retirement association police and fire fund, the teachers retirement association, the Minnesota state patrol retirement association, the legislators retirement plan, the constitutional officers retirement plan, the Minneapolis employees retirement fund, the Duluth teachers retirement

fund association new law coordinated program, the Minneapolis teachers retirement fund association coordinated program, the St. Paul teachers retirement fund association coordinated program, or any other public employee retirement system in the state of Minnesota having a like provision, but excluding all other funds providing retirement benefits for police officers or firefighters ~~shall be~~, is entitled when qualified to an annuity from each fund if the person's total allowable service in all of the funds or in any two or more of the funds totals ~~five~~ *three* or more years, provided that no portion of the allowable service upon which the retirement annuity from one fund is based is used again in the computation for a retirement annuity from another fund and provided further that the person has not taken a refund from any of funds or associations since the person's membership in the fund or association has terminated. The annuity from each fund or association ~~shall must~~ be determined by the ~~appropriate provisions of~~ the law governing each fund or association, except that the requirement that a person must have at least ~~five~~ *three* years of allowable service in the respective fund or association ~~shall does~~ not apply for the purposes of this section, provided that the aggregate service in two or more of these funds equals ~~five~~ *three* or more years.

Sec. 39. Minnesota Statutes 1988, section 356.30, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; COMPUTATION OF ANNUITY.] ~~(+)~~ (a) Notwithstanding any provisions to the contrary of the laws governing the funds ~~enumerated listed~~ in subdivision 3, a person who has met the qualifications of ~~clause (2) paragraph (b)~~ may elect to receive a retirement annuity from each fund in which the person has at least six months allowable service, based on the allowable service in each fund, subject to the ~~provisions of clause (3) paragraph (c)~~.

~~(2)~~ (b) A person may receive upon retirement, ~~in lieu of any~~ *instead of* an augmentation of deferred annuities provided by laws governing the funds ~~enumerated listed~~ in subdivision 3, a retirement annuity from each fund in which the person has at least six months allowable service if:

~~(a)~~ (1) the person has allowable service totaling ~~five or more years~~ *an amount that allows the person to receive an annuity* in any two or more of the enumerated funds;

~~(b)~~ (2) the person has at least six months of allowable service with the last ~~such~~ fund earned during the last period of employment; and

~~(c)~~ (3) the person has not begun to receive an annuity from any enumerated fund or the person has made application for benefits from all funds within a six-month period.

~~(3)~~ (c) The retirement annuity from each fund ~~shall must~~ be based upon the allowable service in each fund, except that:

~~(a)~~ (1) the laws governing annuities ~~shall be~~ *is* the law in effect on the date of final termination from the last public service under a covered fund-;

~~(b)~~ (2) the "average salary" on which the annuity from each covered fund in which the employee has credit in a formula plan ~~shall must~~ be based on the employee's highest five successive years of covered salary during the entire service in covered funds-;

~~(c)~~ (3) the formula percentages to be used by each fund ~~shall be~~ *those are the* percentages prescribed by each fund's formula as continued for the

respective years of allowable service from one fund to the next, recognizing all previous allowable service with the other covered funds-;

(d) (4) allowable service in all the funds ~~shall~~ *must* be combined in determining eligibility for and the application of each fund's provisions in respect to actuarial reduction in the benefit amount for retirement prior to normal retirement-;

(e) (5) the benefit amount payable for any allowable service under a nonformula plan of a covered fund ~~shall~~ *may* not be affected, but ~~such that~~ service and covered salary ~~shall~~ *must* be used in the above calculation-;

(f) (6) this section ~~shall~~ *does* not apply to ~~any~~ a person whose final termination from the last public service under a covered fund is prior to May 1, 1975-;

(g) (7) for the purpose of computing benefits under this section the formula percentages used by ~~any~~ a covered fund ~~shall~~ *may* in no event exceed 2-1/2 percent ~~per~~ for each year of service for any year or fraction of a year of service ~~or fraction thereof~~;

(h) (8) any period of time for which a person has credit in more than one of the covered funds ~~shall~~ *may* be used only once for the purpose of determining total allowable service-;

(i) (9) if the period of duplicated service credit is more than six months, or the person has credit for more than six months with each of the funds, each fund ~~shall~~ *must* apply its formula to a prorated service credit for the period of duplicated service based on a fraction of the salary on which deductions were paid to that fund for the period divided by the total salary on which deductions were paid to all funds for the period-; and

(j) (10) if the period of duplicated service credit is less than six months, or when added to other service credit with that fund is less than six months, the service credit ~~shall~~ *must* be ignored and a refund of contributions made to the person in accord with that fund's refund provisions.

Sec. 40. [EFFECTIVE DATE.]

Sections 1 to 39 are effective on July 1, 1989."

Delete the title and insert:

"A bill for an act relating to retirement; various retirement plans; providing various retirement annuity and benefit increases; appropriating money; providing optional retirement benefits for current active members; amending Minnesota Statutes 1988, sections 11A.18, subdivisions 9 and 10; 136.82, subdivision 2; 352.04, subdivisions 2 and 3; 352.113, subdivision 1; 352.115, subdivisions 1, 2, and 3; 352.116, subdivision 3; 352.12, subdivisions 2 and 6; 352.22, subdivisions 2 and 3; 352.72, subdivision 1; 352.93, subdivision 1; 352.95, subdivision 2; 352B.01, subdivision 11; 352B.08, subdivisions 1 and 3; 352B.11, subdivisions 1 and 2; 352B.30, subdivision 1; 353.27, subdivisions 2 and 3; 353.29, subdivisions 1, 2, and 3; 353.30, subdivisions 1 and 3; 353.32, subdivisions 1 and 1a; 353.33, subdivision 1; 353.34, subdivisions 2, 3, 3a, and 3b; 353.651, subdivisions 1 and 2; 353.657, subdivision 2a; 353.71, subdivision 1; 353C.06, subdivisions 1 and 2; 354.41, subdivision 3; 354.42, subdivisions 2 and 3; 354.44, subdivisions 1, 6, and 7; 354.45, subdivision 1; 354.46, subdivision 2; 354.47, subdivision 1; 354.48, subdivision 1; 354.49, subdivisions 2 and 3; 354.60; 354A.12, subdivisions 1 and 2; 354A.31, subdivisions

1, 4, 5, and 6; 354A.32; 354A.35, subdivisions 1 and 2; 354A.36, subdivision 1; 354A.37, subdivisions 3 and 4; 354A.39; 356.30, subdivision 1; 422A.17; and 490.124, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1988, section 353.30, subdivisions 1a and 1b.”

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

Pursuant to Joint Rule 2.03, the bill was re-referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Peterson, R.W. moved that his name be stricken as chief author, and the name of Mr. Stumpf be added as chief author to S.F. No. 552. The motion prevailed.

Mr. Stumpf moved that the names of Messrs. Langseth, Morse, Beckman and Berg be added as co-authors to S.F. No. 552. The motion prevailed.

Mr. Solon moved that the names of Messrs. Ramstad and Frederickson, D.R. be added as co-authors to S.F. No. 783. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1639. The motion prevailed.

Mrs. McQuaid introduced—

Senate Resolution No. 130: A Senate resolution congratulating the Hopkins Fire Department on being named Fire Department of the Year by the Fire Information, Research and Education (F.I.R.E.) Center.

Referred to the Committee on Rules and Administration.

S.F. No. 169 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 169

A bill for an act relating to motor vehicles; allowing custodial parent of handicapped minor to obtain special license plates for the handicapped; amending Minnesota Statutes 1988, section 168.021, subdivisions 1 and 3.

May 15, 1989

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 169, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 169 be further amended as follows:

Page 1, line 10, before “When” insert “(a)”

Page 1, line 21, before the period insert “, or proof of physical handicap

provided for in that section"

Page 1, after line 21, insert:

"(b) The owner of a motor vehicle may apply for and secure a set of special plates for a motor vehicle if:

(1) the owner employs a permanently physically handicapped person who would qualify for special plates under this section; and

(2) the owner furnishes the motor vehicle to the physically handicapped person for the exclusive use of that person in the course of employment."

Page 2, after line 16, insert:

"Sec. 3. Minnesota Statutes 1988, section 169.345, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purpose of this section, "physically handicapped person" means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot walk 200 feet without stopping to rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;

(4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;

(5) has an arterial oxygen tension (PAO2) of less than 60 mm/hg on room air at rest;

(6) uses portable oxygen; ~~or~~

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; *or*

(8) has lost an arm or a leg and does not have or cannot use an artificial limb.

Sec. 4. Minnesota Statutes 1988, section 169.345, subdivision 2a, is amended to read:

Subd. 2a. [PHYSICIAN'S OR CHIROPRACTOR'S STATEMENT.] (a) The commissioner shall develop a form for the physician's or chiropractor's statement. The statement must be signed by a licensed physician or chiropractor who certifies that the applicant is a physically handicapped person as defined in subdivision 2. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility. The statement that the applicant is a physically handicapped person must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician or chiropractor as to the duration of the disability. A physician or chiropractor who fraudulently certifies to the commissioner that a person is a physically handicapped person as defined in subdivision 2, and that the person is entitled to the license plates authorized by section 168.021 or to the certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

(b) The commissioner may waive the requirement of providing a statement of a licensed physician or chiropractor, if the applicant has previously

filed with the commissioner a statement of a licensed physician or chiropractor certifying that the applicant has a permanent physical handicap.

Sec. 5. Minnesota Statutes 1988, section 169.345, subdivision 3, is amended to read:

Subd. 3. [IDENTIFYING CERTIFICATE.] (a) The division of driver and vehicle services in the department of public safety shall issue a special identifying certificate for a motor vehicle when a physically handicapped applicant submits a ~~statement of a physician or chiropractor~~ *proof of physical handicap under subdivision 2a*. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for the duration of the person's disability, as specified in the physician's or chiropractor's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional periods of time, up to six years each, as specified in the physician's or chiropractor's statement.

(b) When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically handicapped persons, the division may issue without charge a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate has the parking privileges provided in subdivision 1 while the vehicle is in use for transporting physically handicapped persons. The certificate issued to a person transporting physically handicapped persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically handicapped persons.

(c) A certificate must be made of plastic or similar durable material, must be distinct from certificates issued before January 1, 1988, and must bear its expiration date prominently on its face. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each certificate must have printed on the back a summary of the parking privileges and restrictions that apply to each vehicle in which it is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "allowing second set of handicapped license plates to be issued to physically handicapped person who is furnished a vehicle as part of employment; defining a handicapped person for purposes of parking privileges; allowing commissioner of public safety to waive requirement of physician's statement in certain circumstances;"

Page 1, line 5, delete "section" and insert "sections" and before the period insert "; and 169.345, subdivisions 2, 2a, and 3"

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

Senate Conferees: (Signed) Mel Frederick, Marilyn M. Lantry, A. W. "Bill" Diessner

House Conferees: (Signed) Dean Hartle, Pat Beard, Harold Lasley

Mr. Frederick moved that the foregoing recommendations and Conference Committee Report on S.F. No. 169 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 169 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 486 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 486

A bill for an act relating to juvenile justice; requiring reasonable efforts to prevent placement of children in need of protection or services proceedings; amending duty of juvenile court to ensure placement prevention and family reunification; defining reasonable efforts; clarifying definitions, jurisdiction, and services for Indian children; requiring preference for racial or ethnic heritage for appointment of guardian ad litem; requiring consideration of reasonable efforts in factors determining neglect; requiring that a child be in imminent danger for detention; permitting social services to release for detention; requiring finding of reasonable efforts at detention; and imposing requirements for disposition case plans; amending Minnesota Statutes 1988, sections 260.012; 260.015, subdivisions 11, 13, 14, and by adding subdivisions; 260.111, by adding a subdivision; 260.135, subdivision 2; 260.141; 260.155, subdivisions 4 and 7; 260.165, subdivision 1; 260.171, subdivision 1; 260.172, subdivisions 1 and 4; 260.173, subdivision 2; 260.181, subdivision 2; and 260.191, subdivisions 1a and 1e.

May 15, 1989

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Robert Vanasek
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 486, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 486 be further amended as follows:

Page 2, line 4, after "Act" insert "of 1978"

Page 2, delete lines 32 to 36 and insert:

"(d) This section does not prevent out-of-home placement for treatment of a child with a mental disability when the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program."

Page 3, line 16, delete "that shall be" and insert "as"

Page 3, line 21, delete "shall be defined consistent with" and insert "has the meaning given in"

Page 4, line 1, after "or" insert "who is"

Page 6, line 4, delete everything after the colon

Page 6, delete lines 5 to 7 and insert:

"(1) whether a person is available who is the same racial or ethnic heritage as the child or, if that is not possible;

(2) whether a person is available who knows and appreciates the child's racial or ethnic heritage."

Page 7, line 16, strike "such" and insert "the"

Page 7, line 19, after "child" insert "into custody"

Page 10, line 33, strike "or"

Page 12, delete lines 21 and 22

Re-number the remaining clauses in sequence

Page 12, after line 31, insert:

"Sec. 21. Minnesota Statutes 1988, section 260.231, subdivision 3, is amended to read:

Subd. 3. The court shall have notice of the time, place, and purpose of the hearing served on the parents, as defined in sections 257.51 to 257.74 or 259.26, subdivision 1, clause (2), and upon the child's grandparent if the child has lived with the grandparent within the two years immediately preceding the filing of the petition. Notice must be served in the manner provided in sections 260.135 and 260.141, except that personal service shall be made at least ten days before the day of the hearing. Published notice shall be made for three weeks, the last publication to be at least ten days before the day of the hearing; and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section 260.221, clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent the waiver shall be effective only if the parent's guardian ad litem concurs in writing."

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "providing for notice to certain grandparents;"

Page 1, line 22, delete the first "and" and before the period, insert "; and 260.231, subdivision 3"

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

Senate Conferees: (Signed) Linda Berglin, Allan H. Spear, Nancy Brataas

House Conferees: (Signed) Ann H. Rest, Art Seaberg, Kathleen Vellenga

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on S.F. No. 486 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 486 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 956, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 956 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 956

A bill for an act relating to insurance; clarifying the calculation of underinsured motorist benefits; amending Minnesota Statutes 1988, section 65B.49, subdivisions 3a and 4a.

May 10, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 956, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 956 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 65B.49, subdivision 3a, is amended to read:

Subd. 3a. [UNINSURED AND UNDERINSURED MOTORIST COVERAGES.] (1) No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless *separate* uninsured and underinsured motorist coverages are provided therein. ~~The coverages combined~~ Each coverage, at a minimum, must provide limits of \$25,000 because of injury to or the death of one person in any accident and \$50,000 because of injury to or the death of two or more persons in any accident. In the case of injury to, or the death of, two or more persons in any accident, the amount available to any one person must not exceed the coverage limit provided for injury to, or the death of, one person in any accident. ~~For purposes of this subdivision, uninsured motorist coverage and underinsured motorist coverage shall be a single coverage.~~

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured and underinsured motorist coverages as provided in this subdivision.

(3) No reparation obligor is required to provide limits of uninsured and underinsured motorist coverages in excess of the bodily injury liability limit provided by the applicable plan of reparation security.

(4) No recovery shall be permitted under the uninsured and underinsured motorist coverages of this section for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible.

(5) If at the time of the accident the injured person is occupying a motor vehicle, the limit of liability for uninsured and underinsured motorist coverages available to the injured person is the limit specified for that motor vehicle. However, if the injured person is occupying a motor vehicle of which the injured person is not an insured, the injured person may be entitled to excess insurance protection afforded by a policy in which the injured party is otherwise insured. The excess insurance protection is limited to the extent of covered damages sustained, and further is available only to the extent by which the limit of liability for like coverage applicable

to any one motor vehicle listed on the automobile insurance policy of which the injured person is an insured exceeds the limit of liability of the coverage available to the injured person from the occupied motor vehicle.

If at the time of the accident the injured person is not occupying a motor vehicle, the injured person is entitled to select any one limit of liability for any one vehicle afforded by a policy under which the injured person is insured.

(6) Regardless of the number of policies involved, vehicles involved, persons covered, claims made, vehicles or premiums shown on the policy, or premiums paid, in no event shall the limit of liability for uninsured and underinsured motorist coverages for two or more motor vehicles be added together to determine the limit of insurance coverage available to an injured person for any one accident.

(7) The uninsured and underinsured motorist coverages required by this subdivision do not apply to bodily injury of the insured while occupying a motor vehicle owned by the insured, unless the occupied vehicle is an insured motor vehicle.

Sec. 2. Minnesota Statutes 1988, section 65B.49, subdivision 4a, is amended to read:

Subd. 4a. [LIABILITY ON UNDERINSURED MOTOR VEHICLES.] With respect to underinsured motor ~~vehicles coverage~~, the maximum liability of an insurer is ~~the lesser of the difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization who may be held legally liable for the bodily injury; or the amount of damages sustained but not recovered from the insurance policy of the driver or owner of any underinsured at fault vehicle. If a person is injured by two or more vehicles, underinsured motorist coverage is payable whenever any one of those vehicles meets the definition of underinsured motorist vehicle in Minnesota Statutes, section 65B.43, subdivision 17. However, in no event shall the underinsured motorist carrier have to pay more than the amount of its underinsured motorist limits.~~

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for all contracts issued or renewed on or after August 1, 1989, or for all injuries occurring on or after August 1, 1989, or for deaths occurring as the result of injuries sustained on or after August 1, 1989."

Delete the title and insert:

"A bill for an act relating to insurance; clarifying the calculation of underinsured motorist benefits; amending Minnesota Statutes 1988, section 65B.49, subdivisions 3a and 4a."

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

House Conferees: (Signed) Phil Carruthers, Randy C. Kelly, Terry Dempsey, Wayne Simoneau, Dave Bishop

Senate Conferees: (Signed) Donna C. Peterson, William P. Luther, Sam G. Solon, Fritz Knaak, Gen Olson

Ms. Peterson, D.C. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 956 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion

prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 956 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1107, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1107 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1107

A bill for an act relating to landlord and tenant; authorizing emergency proceeding for loss of essential services; proposing coding for new law in Minnesota Statutes, chapter 566.

May 10, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 1107, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Richard H. Jefferson, Tom Osthoff, Sally Olsen

Senate Conferees: (Signed) John J. Marty, Steven Morse, Fritz Knaak

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1107 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1107 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 943, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 943 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 943

A bill for an act relating to health; requiring post-secondary students to submit a statement of immunization; providing exemptions; amending Minnesota Statutes 1988, sections 120.102, subdivision 1; and 123.70, subdivisions 1, 2, 4, 9, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 135A.

May 11, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 943, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 943, the unofficial engrossment, be further amended as follows:

Page 6, line 13, after "*institutions*" insert "*having an enrollment of more than 100 persons during any quarter, term, or semester during the preceding year*"

Page 6, line 15, after "*four-year*" insert "*, professional*"

Page 6, line 17, before "*chapter*" insert "*either*" and delete "*and*" and insert "*or*"

Page 6, line 18, before the period insert "*, and which offer educational programs within the state for an academic year greater than six consecutive months. An institution's report to the Minnesota higher education coordinating board or the Minnesota department of education may be considered when determining enrollment*"

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

House Conferees: (Signed) Howard R. Orenstein, Gloria M. Segal, Douglas G. Swenson

Senate Conferees: (Signed) Jim M. Vickerman, James C. Pehler, Howard A. Knutson

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 943 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 943 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 949, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 949 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 949

A bill for an act relating to traffic safety; increasing penalties for persons convicted of DWI after a previous conviction for criminal vehicular operation or for another impaired driving crime; amending Minnesota Statutes 1988, section 169.121, subdivision 3.

May 10, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 949, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 949 be further amended as follows:

Page 2, line 4, after the first "I" insert "*, paragraph (a)*"

Page 2, line 6, after the semicolon insert "*609.21, subdivision 4, clause (2) or (3);*"

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

House Conferees: (Signed) Marcel "Sal" Frederick, Randy C. Kelly, Phil Carruthers

Senate Conferees: (Signed) Glen Taylor, Allan H. Spear, Lawrence J. Pogemiller

Mr. Taylor moved that the foregoing recommendations and Conference Committee Report on H.F. No. 949 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 949 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 66 be taken from the table. The motion prevailed.

H.F. No. 66: A bill for an act relating to gambling; creating a department of gaming; authorizing a state lottery to be conducted by a department of state lottery; creating a division of inspection and enforcement in the department of public safety and providing for its duties; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 10A.09, subdivision 1; 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 240.01, by adding subdivisions; 240.02, subdivisions 1 and 2; 240.04, subdivisions 1, 3, and 7; 240.06, subdivisions 3 and 8; 240.07, subdivision 2; 240.08, subdivision 3; 240.21; 240.28; 340A.410, subdivision 5; 349.12, subdivisions 11, 17, 20, and by adding subdivisions; 349.151, subdivisions 1, 2, 4, and 5; 349.16, subdivisions 3 and 4; 349.161, subdivision 4; 349.162, subdivisions 1, 2, 4, and 5; 349.163; 349.18, subdivision 1; 349.19, subdivisions 5 and 6; 349.212; 349.2121, subdivisions 2, 3, 4, 4a, 6, 7, 8, and 10; 349.2122; 349.2125, subdivisions 1, 2, and 3; 349.2127, subdivision 2; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; 541.20; 541.21; 609.75, subdivision 3; 609.76, subdivision 1; 609.761; 626.05, subdivision 2; 626.13; and 626.84, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 299K; 349A; and 349B; proposing coding for new law in Minnesota Statutes, chapters 240; 245; and 349; repealing Minnesota Statutes 1988, sections 240.02, subdivision 7; 349.151, subdivisions 3 and 5; 349.161, subdivision 7; 349.164, subdivision 5; 349.171; and 349.22, subdivision 4.

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. 66 and that the rules of the Senate be so far suspended as to give H.F. No. 66 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 66 was read the second time.

Mr. Lessard moved to amend H.F. No. 66 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 66, and insert the language after the enacting clause, and the title, of S.F. No. 150, the seventh engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 66 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 38 and nays 27, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|--------------------|----------|----------------|------------|
| Berglin | Dicklich | Kroening | Metzen | Pogemiller |
| Bertram | Diessner | Langseth | Moe, R.D. | Purfeerst |
| Brataas | Frederick | Lantry | Morse | Reichgott |
| Cohen | Frederickson, D.J. | Lessard | Novak | Samuelson |
| Dahl | Freeman | McGowan | Pariseau | Solon |
| Davis | Hughes | McQuaid | Pehler | Stumpf |
| Decker | Johnson, D.J. | Mehrkens | Peterson, D.C. | |
| DeCramer | Knaak | Merriam | Piper | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------------|-----------|----------------|-----------|
| Anderson | Brandl | Laidig | Peterson, R.W. | Taylor |
| Beckman | Chmielewski | Larson | Ramstad | Vickerman |
| Belanger | Frank | Luther | Renneke | Waldorf |
| Benson | Frederickson, D.R. | Marty | Schmitz | |
| Berg | Johnson, D.E. | Moe, D.M. | Spear | |
| Bernhagen | Knutson | Olson | Storm | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

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

CALENDAR

H.F. No. 796: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine and Fillmore counties.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1548: A bill for an act relating to financial institutions; regulating charges and fees on loans and extensions of credit by financial institutions and others; making various internal reference changes; amending Minnesota Statutes 1988, sections 51A.01; 51A.02, subdivision 14; 51A.38, subdivision 3; 51A.385, subdivisions 4, 5, 6, 7, 8, 9, 11, 12, and 13; 51A.51, subdivision 4; 51A.53; 51A.55, subdivisions 1 and 2; 51A.56; 51A.57; 56.131, subdivision 1; 168.72, subdivision 1; 168.73; and 507.45, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 740: A bill for an act relating to education; changing the name of technical institutes to technical colleges; amending Minnesota Statutes 1988, section 136C.02, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 17, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|---------------|----------------|------------|
| Adkins | Davis | Johnson, D.J. | Mehrkens | Pogemiller |
| Anderson | Decker | Kroening | Merriam | Purfeerst |
| Beckman | DeCramer | Laidig | Metzen | Reichgott |
| Benson | Diessner | Langseth | Moe, R.D. | Renneke |
| Berg | Frank | Lantry | Morse | Samuelson |
| Bernhagen | Frederickson, D.J. | Larson | Novak | Schmitz |
| Bertram | Frederickson, D.R. | Lessard | Pehler | Solon |
| Chmielewski | Freeman | Luther | Peterson, D.C. | Stumpf |
| Cohen | Hughes | Marty | Peterson, R.W. | Taylor |
| Dahl | Johnson, D.E. | McGowan | Piper | Vickerman |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-----------|----------|---------|
| Belanger | Dicklich | Knutson | Pariseau | Waldorf |
| Berglin | Frederick | McQuaid | Ramstad | |
| Brandl | Gustafson | Moe, D.M. | Spear | |
| Brataas | Knaak | Olson | Storm | |

So the bill passed and its title was agreed to.

S.F. No. 756: A bill for an act relating to workers' compensation; regulating the payment of supplemental benefits for new claims; amending Minnesota Statutes 1988, section 176.132, subdivisions 1, 2, and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|---------|----------|--------|----------------|-------|
| Berglin | Frank | Lantry | Peterson, D.C. | Piper |
| Dahl | Kroening | Marty | | |

So the bill passed and its title was agreed to.

S.F. No. 1122: A bill for an act relating to workers' compensation; limiting the payment of temporary partial benefits under certain circumstances; amending Minnesota Statutes 1988, section 176.101, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|---------|----------|----------|--------|----------------|
| Berglin | Dicklich | Frank | Lantry | Peterson, D.C. |
| Dahl | Diessner | Kroening | | |

So the bill passed and its title was agreed to.

S.F. No. 1087: A bill for an act relating to landlord and tenant relations; providing standing for certain associations to bring an action for tenant remedies; providing for actions against certain unoccupied buildings; amending Minnesota Statutes 1988, sections 504.23; 566.18, subdivision 7, and by adding a subdivision; 566.19; 566.20, subdivision 1; 566.25; 566.28; and 566.29, subdivisions 1, 3, and 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1155: A bill for an act relating to insurance; life and health; regulating policy and contract provisions, coverages, certain cost-containment mechanisms, cancellations and nonrenewals, trade and marketing practices, and remedies in these and other lines; making technical changes; amending Minnesota Statutes 1988, sections 45.025, subdivision 8; 45.027, subdivision 7; 45.028, subdivision 1; 61A.011, subdivision 1; 61A.092, subdivision 3; 61B.03, subdivision 6; 62A.01; 62A.041; 62A.08; 62A.09; 62A.15, subdivision 3a; 62A.17, subdivision 2; 62A.46, by adding a subdivision; 62A.48, subdivision 1; 62B.01; 62B.04, subdivision 1; 62D.12, by adding a subdivision; 62E.06, subdivision 1; 72A.20, subdivision 15, and by adding subdivisions; 72A.325; and 149.11; proposing coding for new law in Minnesota Statutes, chapters 60A; 62A; 65A; and 72A; repealing Minnesota Statutes 1988, sections 60A.23, subdivision 7; and 72A.13, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 38: A bill for an act relating to taxation; regulating travel trailers; requiring a registration certificate for park trailers; imposing a registration tax on park trailers; requiring owners of unregistered park trailers to pay property tax; imposing motor vehicle excise tax on park trailers; providing that motor vehicle dealers may sell park trailers; amending Minnesota Statutes 1988, sections 168.011, subdivisions 4, 8, 22, and 25; 168.012, subdivisions 8 and 9; 168.013, subdivision 1, and by adding a subdivision; 168.053, subdivision 2; 168.181, subdivision 1; 168.27, subdivision 1; 168A.01, subdivision 21; 169.34; 169.67, subdivision 4; 169.75, subdivisions 1 and 3; 171.01, subdivision 18; 171.02, subdivision 2; and 297B.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 168.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 950: A bill for an act relating to human rights; adopting federal fair housing amendments; clarifying the definition of disability; limiting the use of psychological tests; limiting age-related questions in employment applications; clarifying who is an aggrieved party for certain violations; clarifying burden on the employer to show a person's impairment is disqualifying; providing for service of subpoenas personally or by mail; allowing the commissioner discretion on access to data in closed files; changing

contract compliance certification; clarifying the time period allowed for filing a private lawsuit; modifying notice requirements in certain human rights appeals; amending Minnesota Statutes 1988, sections 363.01, subdivisions 25, 25a, 31, and by adding a subdivision; 363.02, subdivisions 1, 2, 2a, 2b, and 6; 363.03, subdivisions 1, 3, 7, 8, and by adding subdivisions; 363.05, subdivision 2; 363.073, subdivisions 1 and 3; 363.117; 363.123; 363.14, subdivision 1; and 363.15; repealing Minnesota Statutes 1988, section 363.01, subdivisions 30 and 32.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|-----------------|-----------|
| Adkins | Davis | 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 | |

So the bill passed and its title was agreed to.

S.F. No. 481: A bill for an act relating to state government; financing the beginning farmer loan program; regulating certain administrative duties of the commissioner of finance; permitting certain financial arrangements; amending Minnesota Statutes 1988, sections 16A.065; 16A.27, subdivision 5; 16A.58; 16A.631; 16A.641, subdivision 7; 16A.661, subdivision 7; 16A.85, subdivisions 1 and 3; 41B.19, subdivision 5; 41B.195; 115A.58, subdivisions 1, 3, 4, and 5; 115A.59; 116.16, subdivisions 1, 2, 3, 4, 5, and 9; 116.17, subdivisions 1, 3, and 5; 116.18, subdivisions 1, 4, 5, and 6; 124.42, subdivision 3; 136C.44; 216C.37, subdivision 6; 246.50, subdivision 5; 246.64, subdivision 1; and Laws 1987, chapter 396, article 12, section 10; repealing Minnesota Statutes 1988, sections 84B.08; 85A.04, subdivision 2; 115A.57; 136C.42; 136C.43, subdivisions 1, 2, and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|-----------------|-----------|
| 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 | |

So the bill passed and its title was agreed to.

H.F. No. 907: A bill for an act relating to public safety; providing for authority to regulate pipelines; imposing penalties; amending Minnesota Statutes 1988, sections 116I.01, subdivision 3; 116I.05; 216D.01, subdivisions 9, 10, and by adding a subdivision; 299F56, subdivisions 5 and 6a; 299F57; 299F59, subdivision 1; 299F60; 299F61; 299F62; 299F63; 299F63I; 299F64I; 299J.01; 299J.03, subdivision 2; 299J.04; 299J.05; 299J.06, subdivision 2; 299J.08; 299J.10; 299J.11; 299J.12; and 299J.16; proposing coding for new law in Minnesota Statutes, chapter 216D; repealing Minnesota Statutes 1988, section 299J.09.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Davis | 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 | |

So the bill passed and its title was agreed to.

S.F. No. 470: A bill for an act relating to environment; regulating municipal wastewater treatment funding; amending Minnesota Statutes 1988, sections 116.18, subdivisions 3a and 3b; 446A.02, subdivision 4; 446A.07, subdivision 8; and 446A.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Davis | 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 | |

So the bill passed and its title was agreed to.

S.F. No. 530: A bill for an act relating to waste management; defining waste reduction; extending the expiration date of waste advisory councils; authorizing counties to designate waste to landfills; requiring financial reports from landfills; clarifying the limits of political subdivision liability for superfund cleanup at landfills; authorizing the pollution control agency to acquire interests in real estate necessary for superfund; authorizing superfund to reimburse political subdivisions for costs incurred in responding to emergency releases of hazardous materials; making claims for injuries due to petroleum contamination eligible for compensation by the harmful substance compensation fund; authorizing transfer of money from the petroleum tank release cleanup fund; altering the metropolitan council's authority for solid waste planning; raising the solid waste disposal fee in the metropolitan area; clarifying the 1990 ban on disposal of unprocessed waste in the metropolitan area; extending the date until which metalcasters are not liable for payment of solid waste generator fees; requiring a study of solid waste management district legislation; amending Minnesota Statutes 1988, sections 115A.01; 115A.02; 115A.03, by adding a subdivision; 115A.12, subdivision 1; 115A.14, subdivision 2; 115A.46, subdivision 2; 115A.54, subdivision 2a; 115A.80; 115A.81, subdivision 2; 115A.83; 115A.84; 115A.85, subdivision 2; 115A.86, subdivisions 3 and 5; 115A.893; 115A.906, by adding a subdivision; 115A.919; 115A.921; 115A.94, by adding subdivisions; 115B.04, subdivision 4; 115B.17, by adding a subdivision; 115B.20, subdivision 2; 115B.25, subdivisions 1, 2, 7, and by adding subdivisions; 115B.26; 115B.27, subdivision 1; 115B.28, subdivision 2; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.34, subdivision 2; 115C.08, subdivision 4, and by adding a subdivision; 116.07, by adding a subdivision; 400.04, subdivision 3; 466.04, subdivision 1; 473.149, subdivisions 2d and 2e, and by adding a subdivision; 473.803, by adding a subdivision; 473.811, subdivisions 1a and 4; 473.823, subdivisions 3 and 6; 473.831, subdivision 2; 473.833, subdivision 2a; 473.840, subdivision 2; 473.843, subdivisions 1 and 2; 473.844, subdivision 1a; 473.8441, subdivision 5; 473.845, subdivisions 1 and 2; and 473.848; Laws 1984, chapter 644, section 85, as amended; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1988, sections 115A.98; 115B.29, subdivision 2; 473.149, subdivision 2b; 473.803, subdivision 1a; and 473.806.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Davis | 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. | Mehrkins | Purfeerst | |
| Dahl | Johnson, D.J. | Merriam | Ramstad | |

So the bill passed and its title was agreed to.

H.F. No. 786: A bill for an act relating to employment; requiring the hiring of local workers and the payment of wages equal to those of railroad workers on certain railroad projects assisted with state money; amending Minnesota Statutes 1988, section 222.50, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 564: A bill for an act relating to natural resources; increasing the amount of levy for the Kanaranzi-Little Rock watershed district administrative fund.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 341: A bill for an act relating to public safety; proposing the emergency planning and community right-to-know act; requiring reports on hazardous substances and chemicals; creating an emergency response commission; providing penalties; amending Minnesota Statutes 1988, section 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Davis | 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. | Mehrkins | Purfeerst | |
| Dahl | Johnson, D.J. | Merriam | Ramstad | |

So the bill passed and its title was agreed to.

H.F. No. 1448: A bill for an act relating to Hennepin county; permitting the issuance of obligations by the county board of Hennepin county for a public safety building; requiring reports to the legislature.

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 58 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|---------|---------|---------|-------|-------|
| Benson | Knutson | McQuaid | Morse | Olson |
| Freeman | | | | |

So the bill passed and its title was agreed to.

S.F. No. 748: A bill for an act relating to human services; establishing state child mortality review panel; authorizing the state to require local reviews; protecting data generated by the review panel as confidential and nondiscoverable; clarifying neglect or endangerment of a child; clarifying provisions of the child abuse reporting act dealing with neglect; requiring the commissioner of health to develop uniform procedures for coroner and medical examiner investigations relating to sudden deaths of infants; amending Minnesota Statutes 1988, sections 256.01, by adding a subdivision; 609.378; 626.556, subdivisions 2 and 10e; and 626.558; proposing coding for new law in Minnesota Statutes, chapter 145.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Davis | Knaak | 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 | Spear |
| Berg | Frank | Lantry | Olson | Storm |
| Berglin | Frederick | Larson | Pariseau | Stumpf |
| Bernhagen | Frederickson, D.J. | Lessard | Pehler | Taylor |
| Bertram | Frederickson, D.R. | Luther | Peterson, D.C. | Vickerman |
| Brandl | Freeman | Marty | Peterson, R.W. | Waldorf |
| Brataas | Gustafson | McGowan | Piper | |
| Chmielewski | Hughes | McQuaid | Pogemiller | |
| Cohen | Johnson, D.E. | Mehrkins | Purfeerst | |
| Dahl | Johnson, D.J. | Merriam | Ramstad | |

So the bill passed and its title was agreed to.

S.F. No. 499: A bill for an act relating to transportation; specifying that state airports fund money may be used as state's match of costs of the federal essential air services program; establishing registration classification for recreational aircraft; amending Minnesota Statutes 1988, sections 360.305, subdivision 2; and 360.55, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|------------|
| Adkins | Decker | Knutson | Merriam | Pogemiller |
| Anderson | DeCramer | Laidig | Metzen | Purfeerst |
| Beckman | Dicklich | Langseth | Moe, D.M. | Reichgott |
| Berg | Diessner | Lantry | Moe, R. D. | Renneke |
| Berglin | Frederickson, D.J. | Larson | Morse | Samuelson |
| Bernhagen | Frederickson, D.R. | Lessard | Olson | Schmitz |
| Bertram | Gustafson | Luther | Pariseau | Stumpf |
| Chmielewski | Hughes | McGowan | Pehler | Taylor |
| Dahl | Johnson, D.E. | McQuaid | Peterson, D.C. | Vickerman |
| Davis | Johnson, D.J. | Mehrkins | Piper | |

Those who voted in the negative were:

| | | | | |
|----------|---------|-----------|----------|---------|
| Belanger | Brataas | Frederick | Kroening | Spear |
| Benson | Cohen | Freeman | Novak | Storm |
| Brandl | Frank | Knaak | Ramstad | Waldorf |

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. Stumpf introduced—

S.F. No. 1642: A bill for an act relating to motor vehicles; providing for quarterly and consecutive monthly registration of certain trucks, tractors, and truck-tractor and semitrailer combinations; amending Minnesota Statutes 1988, section 168.018; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mr. Belanger introduced—

S.F. No. 1643: A bill for an act relating to government financing; providing for state funding of kindergarten through grade 12 education; abolishing transition aid, local government aid, taconite aid, disparity aid, property tax refund, property tax credits, and levy limits; appropriating money; amending Minnesota Statutes 1988, sections 124A.03, subdivision 2; and 469.171, subdivisions 1 and 6; repealing Minnesota Statutes 1988, sections 124A.23; 124A.24; 124A.26, subdivisions 2 and 3; 273.119; 273.134; 273.135; 273.136; 273.137; 273.1391; 273.1398; 273.42; 275.11; 275.125, subdivisions 5, 5a, 5b, 5c, 5e, 5f, 5g, 6a, 6e, 6f, 6h, 6i, 8, 8b, 8c, 8d, 8e, 9, 10, 11c, 11d, 12a, 14a, and 15; 275.50; 275.51; 275.54; 275.55; 275.56; 275.561; 275.58; 290A.01; 290A.02; 290A.03; 290A.04; 290A.05; 290A.06; 290A.07; 290A.08; 290A.09; 290A.091; 290A.10; 290A.11; 290A.111; 290A.112; 290A.12; 290A.13; 290A.14; 290A.15; 290A.17; 290A.18; 290A.19; 290A.20; 290A.22; 290A.23; 290A.24; 477A.011; 477A.012; 477A.013; 477A.014; 477A.015; 477A.016; 477A.017; 477A.03; 477A.15; and Minnesota Statutes 1988, chapter 473F.

Referred to the Committee on Education.

Mr. DeCramer introduced—

S.F. No. 1644: A bill for an act relating to education; requiring the state board of education to adopt rules governing preschool programs operated by a school; excluding preschool programs licensed by the board of education from licensure by the commissioner of human services; amending Minnesota Statutes 1988, sections 121.11, by adding a subdivision; and 245A.03, subdivision 2.

Referred to the Committee on Education.

Mr. Peterson, R.W. introduced—

S.F. No. 1645: A bill for an act relating to education; giving Cambridge full campus status in the community college system; appropriating money; amending Minnesota Statutes 1988, sections 136.60 and 136.602.

Referred to the Committee on Education.

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. Chmielewski in the chair.

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

S.F. Nos. 143, 1582, 659, H.F. Nos. 1408 and 415, which the committee recommends to pass.

S.F. No. 1242, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Page 3, line 22, delete "*115.54*;" and delete "*175.007*;"

Amend the title as follows:

Page 1, line 12, delete "*115.54*;" and delete "*175.007*;"

The motion prevailed. So the amendment was adopted.

H.F. No. 450, which the committee recommends to pass with the following amendments offered by Messrs. Stumpf and Johnson, D.J.:

Mr. Stumpf moved to amend H.F. No. 450, the unofficial engrossment, as follows:

Page 4, line 17, after "*I*" insert "*of section 24*"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend H.F. No. 450, the unofficial engrossment, as follows:

Page 4, lines 10, 12, and 29, delete "*High Falls*" and insert "*Grand Portage*"

Page 4, line 11, delete "*HIGH FALLS*" and insert "*GRAND PORTAGE*"

Page 4, lines 24 and 25, delete "*High Falls*" and insert "*Grand Portage*"

Page 5, line 19, delete "*High Falls*" and insert "*Grand Portage*"

Page 6, line 36, delete "*High Falls*" and insert "*Grand Portage*"

Amend the title as follows:

Page 1, lines 7 and 8, delete "*High Falls*" and insert "*Grand Portage*"

The motion prevailed. So the amendment was adopted.

S.F. No. 462, which the committee recommends to pass with the following amendments offered by Messrs. Johnson, D.J. and Cohen:

Mr. Johnson, D.J. moved to amend S.F. No. 462 as follows:

Page 5, lines 11 and 12, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 462 as follows:

Page 16, after line 15, insert:

"Sec. 24. Minnesota Statutes 1988, section 278.03, is amended to read:
278.03 [PAYMENT OF TAX.]

If the proceedings instituted by the filing of the petition have not been

completed before the 16th day of May next following the filing, the petitioner shall pay to the county treasurer 50 percent of the tax levied for such year against the property involved, unless permission to continue prosecution of the petition without such payment is obtained as herein provided. If the proceedings instituted by the filing of the petition have not been completed by the next October 16, or, in the case of class 1b agricultural homestead, class 2a agricultural homestead, and class 2c agricultural non-homestead property, November 16, the petitioner shall pay to the county treasurer 50 percent of the unpaid balance of the taxes levied for the year against the property involved if the unpaid balance is \$2,000 or less and 80 percent of the unpaid balance if the unpaid balance is over \$2,000, unless permission to continue prosecution of the petition without payment is obtained as herein provided. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the 16th day of May or the 16th day of October, or, in the case of class 1b agricultural homestead, class 2a agricultural homestead, and class 2c agricultural nonhomestead property, the 16th day of November, may apply to the court for permission to continue prosecution of the petition without payment; and, if it is made to appear

(1) That the proposed review is to be taken in good faith;

(2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and

(3) That it would work a hardship upon petitioner to pay the taxes due, the court may permit the petitioner to continue prosecution of the petition without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the petition.

Failure to make payment of the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless the payment is waived by an order of the court permitting the petitioner to continue prosecution of the petition without payment. *The petition shall be automatically reinstated upon payment of the entire tax plus interest and penalty if the payment is made within one year of the dismissal.* The county treasurer shall, upon request of the petitioner, issue duplicate receipts for the tax payment, one of which shall be filed by the petitioner in the proceeding."

Page 18, line 30, before "Section" insert "*Section 24 is effective the day following final enactment and applies to petitions dismissed on or after that date.*" and delete "28" and insert "29"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the third semicolon, insert "278.03;"

The motion prevailed. So the amendment was adopted.

Mr. Cohen then moved to amend S.F. No. 462 as follows:

Page 4, after line 27, insert:

"Sec. 6. Minnesota Statutes 1988, section 270.69, is amended by adding a subdivision to read:

Subd. 11. [ERRONEOUS LIENS.] If the commissioner of revenue determines that the filing of the notice of any lien was erroneous, within 14 days after the determination, the commissioner must issue a certificate of release of the lien. The certificate must include a statement that the filing of the lien was erroneous. In the event that the claim is erroneous, the attorney fees shall be paid."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring releases of liens issued in error to state that the lien was erroneous;"

Page 1, line 7, after "subdivision;" insert "270.69, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

S.F. No. 491, which the committee recommends to pass with the following amendments offered by Ms. Berglin and Mr. Dahl:

Ms. Berglin moved to amend S.F. No. 491 as follows:

Page 1, after line 4, insert:

"Section 1. [HEALTH CARE ACCESS COMMISSION.]

The Minnesota health care access commission consists of 15 members. Seven members are appointed by the governor, one of whom must be an experienced health care professional and one of whom must be a representative of small business. Two members are appointed under the rules of the senate and two members are appointed under the rules of the house of representatives. The commissioners of health, human services, employee relations, and commerce, or their designated representatives, are also members. The governor shall appoint the chair of the commission after considering the commission's recommendation. The terms, compensation, and removal of the members appointed by the governor are as provided in Minnesota Statutes, section 15.0575."

Page 1, lines 7 and 8, delete "commissioner of employee relations" and insert "health care access commission"

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "creating a health care access commission;"

The motion prevailed. So the amendment was adopted.

Mr. Dahl moved to amend the Berglin amendment to S.F. No. 491 as follows:

Page 1, line 4, delete "15" and insert "17"

Page 1, line 7, delete "Two" and insert "Three"

Page 1, line 8, delete "two" and insert "three"

Page 1, lines 12 and 13, delete "The governor shall appoint the chair of the commission after considering the commission's recommendation."

and insert "*The commission shall elect a chair from among its members.*"

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

S.F. No. 895, which the committee recommends to pass with the following amendment offered by Mr. Novak:

Page 3, line 5, delete everything after "*where*" and insert "*there is a significant risk of groundwater degradation*"

Page 3, line 6, delete "*contamination*"

Page 3, line 7, after the period, insert "*These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the board of water and soil resources. Wellhead protection areas may be designated as a sensitive groundwater area.*"

Page 4, lines 25 to 30, strike the old language

Page 4, line 31, delete "*(1)*" and strike "*all agricultural land owned, if 20 acres or less;*"

Page 4, strike line 32

Page 4, line 33, delete "*(2)*" and strike "*if the total agricultural land owned is more than*"

Page 4, strike lines 34 and 35 and insert "*The enrolled land of a landowner may not exceed 20 percent of the average farm size in the county where the land is being enrolled according to the average farm size determined by the United States Department of Agriculture, Census of Agriculture.*"

Page 10, line 13, after the period, insert "*This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 40.43, subdivision 8, or to transfers by the commissioner of natural resources for:*

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b)."

Page 10, line 36, after "*RELEASE*" insert "*AND ALTERATION*"

Page 11, line 1, delete "*release and*" and insert "*alter, release, or*"

Page 11, line 4, delete "*release*"

Page 11, line 5, delete "*and*" and insert "*alter, release, or*"

Page 11, line 7, delete "*release and*" and insert "*alteration, release,*

or”

Page 13, line 16, after “sale” insert “as provided in section 40.46”

The motion prevailed. So the amendment was adopted.

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 2:00 p.m.:

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mrs. Lantry moved that the following members be excused for a Conference Committee on H.F. No. 1759 at 2:30 p.m.:

Messrs. Samuelson, Knutson, Mrs. Lantry, Ms. Berglin and Piper. The motion prevailed.

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 3:00 p.m.:

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

GENERAL ORDERS - CONTINUED

H.F. No. 1143, which the committee recommends to pass, subject to the following motion:

Mrs. Brataas moved that the amendment made to H.F. No. 1143 by the Committee on Rules and Administration in the report adopted May 12, 1989, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1697, which the committee recommends to pass with the following amendment offered by Mr. Novak:

Amend H.F. No. 1697, as amended pursuant to Rule 49, adopted by the Senate May 3, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 1248.)

Page 1, line 10, delete the colon and insert “any local authority authorized by section 169.04 to enforce the traffic laws, and also includes a private towing company authorized by a local authority to tow vehicles on behalf of that local authority.”

Page 1, delete lines 11 to 18 and insert:

“Subd. 2. [TOWING ORDER REQUIRED.] A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver.”

Page 1, line 19, delete “2” and insert “3”

Page 1, line 20, after "not" insert "tow, or"

Page 1, line 21, after "of" insert a comma and after "vehicle" insert "from public property"

Page 1, line 23, delete "A"

Page 1, delete lines 24 to 26

Page 2, delete line 1

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

Page 2, line 7, delete everything after "area" and insert a semicolon

Page 2, delete line 8

Page 2, line 19, after "for" insert "temporary"

Page 2, line 21, before the semicolon, insert "or within the traveled portion of a public street when travel is allowed there"

Page 2, after line 21, insert:

"(9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;

(10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;"

Page 2, line 22, delete "(9)" and insert "(11)"

Page 2, line 26, delete "(10)" and insert "(12)"

Page 2, line 29, delete "(11)" and insert "(13)"

Page 2, line 33, delete "4" and insert "5"

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

Page 2, line 36, before the semicolon, insert "that have been expired for less than 90 days"

Page 3, line 2, delete "; or" and insert "and the vehicle has fewer than five unpaid parking tickets."

Page 3, delete lines 3 and 4 and insert:

"Subd. 6. [PRIVATE PROPERTY.] This section does not restrict the authority of the owner of private property to authorize the towing at any time of a motor vehicle unlawfully parked on the private property.

Subd. 7. [DAMAGES.] The owner or driver of a motor vehicle towed in violation of this section is entitled to recover from the towing authority the greater of \$100 or two times the actual damages sustained as a result of the violation. Damages recoverable under this subdivision include but are not limited to costs of recovering the vehicle, including time spent and transportation costs.

Sec. 2. Minnesota Statutes 1988, section 514.18, is amended by adding a subdivision to read:

Subd. 1a. [TOWED MOTOR VEHICLES.] A person who tows and stores a motor vehicle at the request of a law enforcement officer shall have a lien on the motor vehicle for the value of the storage and towing and the right to retain possession of the motor vehicle until the lien is lawfully

discharged.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to traffic regulations; prohibiting the towing of motor vehicles for traffic violations for a period of four hours except under certain circumstances; providing a mechanic's lien for those who tow a vehicle at the direction of a law enforcement officer; amending Minnesota Statutes 1988, section 514.18, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169."

The motion prevailed. So the amendment was adopted.

H.F. No. 564, which the committee reports progress, subject to the following motions:

Mr. Stumpf moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.155, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYER'S PHYSICIAN.] The injured employee must submit to examination by the employer's physician, if requested by the employer, and at reasonable times thereafter upon the employer's request. *The examination must be scheduled at a location within 150 miles of the employee's residence unless the employer can show cause to the department or a compensation judge to order an examination at a location further from the petitioner's residence.* The employee is entitled upon request to have a personal physician present at any such examination. Each party shall defray the cost of that party's physician. Any report or written statement made by the employer's physician as a result of an examination of the employee, regardless of whether the examination preceded the injury or was made subsequent to the injury, shall be made available, upon request and without charge, to the injured employee or representative of the employee. The employer shall pay reasonable travel expenses, *in advance if requested*, incurred by the employee in attending the examination including mileage, parking, and, if necessary, lodging and meals. The employer shall also pay the employee for any lost wages resulting from attendance at the examination. A self-insured employer or insurer who is served with a claim petition pursuant to section 176.271, subdivision 1, or 176.291, shall schedule any necessary examinations of the employee, if an examination by the employer's physician or health care provider is necessary to evaluate benefits claimed. The examination shall be completed and the report of the examination shall be served on the employee and filed with the commissioner within 120 days of service of the claim petition.

No evidence relating to the examination or report shall be received or considered by the commissioner, a compensation judge, or the court of appeals in determining any issues unless the report has been served and filed as required by this section, unless a written extension has been granted by the commissioner or compensation judge. The commissioner or a compensation judge shall extend the time for completing the adverse examination and filing the report upon good cause shown. The extension must

not be for the purpose of delay and the insurer must make a good faith effort to comply with this subdivision. Good cause shall include but is not limited to:

(1) that the extension is necessary because of the limited number of physicians or health care providers available with expertise in the particular injury or disease, or that the extension is necessary due to the complexity of the medical issues, or

(2) that the extension is necessary to gather addition information which was not included on the petition as required by section 176.291."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Beckman moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.041, subdivision 4, is amended to read:

Subd. 4. [OUT-OF-STATE EMPLOYMENTS.] (a) *Except as provided in paragraph (b), if an employee who regularly performs the primary duties of employment outside of this state or is hired to perform the primary duties of employment outside of this state, receives an injury within this state in the employ of the same employer, such injury shall be covered within the provisions of this chapter if the employee chooses to forego any workers' compensation claim resulting from the injury that the employee may have a right to pursue in some other state, provided that the special compensation fund is not liable for payment of benefits pursuant to section 176.183 if the employer is not insured against workers' compensation liability pursuant to this chapter and the employee is a nonresident of Minnesota on the date of the personal injury.*

(b) An employee who has been hired outside of this state, or regularly performs the primary duties of employment outside of this state, and the employee's employer, are exempt from the provisions of this chapter while the employee is temporarily within this state performing work for the employer provided the employer has furnished workers' compensation insurance coverage under the workers' compensation law or other similar law of another state which covers the employee's employment while in this state. The benefits under the workers' compensation law or similar law of the other state, or other remedies under that state's law, are the exclusive remedy against the employer for any injury, whether resulting in death or not, received by the employee while working for that employer within this state. A certificate from the commissioner of labor and industry or other similar official of another state certifying that the employer is insured in that state and has provided extraterritorial coverage insuring its employees while working within this state is prima facie evidence that the employer carries workers' compensation insurance on those employees."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.011, subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which (1) pays or is obligated to pay less than ~~\$8,000~~ \$20,000 in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year, and (2) has total liability and medical payment coverage equal to \$300,000 and \$5,000, respectively, under a farm liability insurance policy. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 2, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter; provided that a commercial baler or commercial thresher shall be considered an independent contractor."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.101, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] In all cases of temporary partial disability the compensation shall be 66-2/3 percent of the difference between the weekly wage of the employee at the time of injury and the wage the employee is able to earn in the employee's partially disabled condition. This compensation shall be paid during the period of disability except as provided in this section, payment to be made at the intervals when the wage was payable, as nearly as may be, ~~and subject to a maximum compensation equal to the statewide average weekly wage.~~ Temporary partial compensation may not exceed the maximum rate for temporary total compensation and must be reduced to the extent that the wage the employee is able to earn in the employee's partially disabled condition plus the temporary partial disability payment otherwise payable under this subdivision exceeds 300 percent of the statewide average weekly wage."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mrs. Brataas moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.132, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBLE RECIPIENTS.] (a) An employee who has suffered personal injury prior to October 1, 1983 for which benefits are

payable under section 176.101 and who has been totally disabled for more than 104 weeks shall be eligible for supplementary benefits as prescribed in this section after 104 weeks have elapsed and for the remainder of the total disablement. Regardless of the number of weeks of total disability, no totally disabled person is ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, ~~except as provided by clause (b)~~; provided that all periods of disability are caused by the same injury.

(b) An employee who has suffered personal injury after October 1, 1983, and before October 1, 1985, is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no person who is receiving temporary total compensation shall be ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.

(c) An employee who has suffered personal injury after October 1, 1985, and is permanently totally disabled as defined by section 176.101, subdivisions 4 and 5, is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no person who is receiving permanent total compensation shall be ineligible for supplementary benefits after four years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.

Sec. 3. Minnesota Statutes 1988, section 176.132, subdivision 2, is amended to read:

Subd. 2. [AMOUNT.] (a) The supplementary benefit payable under ~~this section~~ subdivision 1, paragraphs (a) and (b), shall be the difference between the amount the employee receives on or after January 1, 1976, under section 176.101, subdivision 1 or 4, and 65 percent of the statewide average weekly wage as computed annually. The supplementary benefit payable under subdivision 1, paragraph (c), shall be the difference between:

(1) the amount the employee receives on or after October 1, 1989, under section 176.101, subdivision 4; plus the amount of disability benefits being paid under any government disability benefit program, provided those benefits are occasioned by the same injury or injuries giving rise to payments under section 176.101, subdivision 4; plus the amount of any federal old age and survivors insurance benefits; and

(2) 65 percent of the statewide average weekly wage, as computed annually.

(b) In the event an eligible recipient is currently receiving no compensation or is receiving a reduced level of compensation because of a credit being applied as the result of a third party liability or damages, the employer or insurer shall compute the offset credit as if the individual were entitled to the actual benefit or 65 percent of the statewide average weekly wage as computed annually, whichever is greater. If this results in the use of a higher credit than otherwise would have been applied and the employer or insurer becomes liable for compensation benefits which would otherwise not have been paid, the additional benefits resulting shall be handled according to this section.

(c) In the event an eligible recipient is receiving no compensation or is

receiving a reduced level of compensation because of a valid agreement in settlement of a claim, no supplementary benefit shall be payable under this section. Attorney's fees shall be allowed in settlements of claims for supplementary benefits in accordance with this chapter.

(d) In the event an eligible recipient *under subdivision 1, paragraph (a) or (b)*, is receiving no compensation or is receiving a reduced level of compensation because of prior limitations in the maximum amount payable for permanent total disability or because of reductions resulting from the simultaneous receipt of old age or disability benefits, the supplementary benefit shall be payable for the difference between the actual amount of compensation currently being paid and 65 percent of the statewide average weekly wage as computed annually.

(e) In the event that an eligible recipient is receiving simultaneous benefits from any government disability program, the amount of supplementary benefits payable under this section shall be reduced by five percent. If the individual does not receive the maximum benefits for which the individual is eligible under other governmental disability programs due to the provisions of United States Code, title 42, section 424a(d), this reduction shall not apply.

Sec. 4. Minnesota Statutes 1988, section 176.132, subdivision 3, is amended to read:

Subd. 3. [PAYMENT.] The payment of supplementary benefits shall be the responsibility of the employer or insurer currently paying total disability benefits *under subdivision 1, paragraph (a) or (b), or currently paying permanent total disability benefits under subdivision 1, paragraph (c)*, or any other payer of such benefits. When the eligible individual is not currently receiving benefits because the total paid has reached the maximum prescribed by law the employer and insurer shall, nevertheless, pay the supplementary benefits that are prescribed by law. The employer or insurer paying the supplementary benefit shall have the right of full reimbursement from the special compensation fund for the amount of such benefits paid.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 to 4 are effective October 1, 1989."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Langseth moved to amend H.F. No. 564, the unofficial engrossment, as follows:

Page 5, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 176.541, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION OF CHAPTER TO STATE EMPLOYEES.] This chapter applies to the employees of ~~any department of this state~~ *the executive, legislative, and judicial branches of the state, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund, including the state historical society and the state agricultural society.*

Sec. 3. Minnesota Statutes 1988, section 176.541, subdivision 2, is amended to read:

Subd. 2. [DEFENSE OF CLAIM AGAINST STATE.] When the commissioner of employee relations believes that a claim against the state for compensation should be contested, the commissioner shall defend the state claim. *The commissioner has sole authority to settle claims on behalf of the state.*

Sec. 4. Minnesota Statutes 1988, section 176.541, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF ATTORNEY GENERAL.] At any stage in ~~such~~ a compensation proceeding *under this section*, the attorney general may assume the duty of defending the state. When the commissioner of employee relations ~~or a department of this state~~ requests the attorney general to assume the defense, the attorney general shall do so.

Sec. 5. Minnesota Statutes 1988, section 176.541, subdivision 5, is amended to read:

Subd. 5. [EXPENSES OF CONDUCTING DEFENSE.] The expenses of conducting a defense ~~shall must~~ be charged to the ~~department which entity~~ that employs the employee involved. These expenses ~~shall must~~ be paid from the state compensation revolving fund.

Sec. 6. Minnesota Statutes 1988, section 176.541, subdivision 6, is amended to read:

Subd. 6. [LEGAL, PROFESSIONAL, AND CLERICAL ~~HELP SERVICES~~.] The commissioner of employee relations may employ ~~such~~ legal, professional, and clerical ~~help services~~ as authorized by the department of ~~administration finance~~. ~~The salaries cost of these persons shall the services must be paid from the state compensation revolving fund; but shall be apportioned among the several departments of the state in relation to the amount of compensation paid to employees of any department as against the total amount of compensation paid to employees of all departments.~~

Sec. 7. Minnesota Statutes 1988, section 176.551, subdivision 1, is amended to read:

Subdivision 1. [HEADS OF STATE ~~DEPARTMENTS EMPLOYING ENTITIES~~ TO REPORT ACCIDENTS TO EMPLOYEES.] Except as provided in subdivision 2, the head of a ~~department of the state~~ *employing entity, including the University of Minnesota and other entities whose workers' compensation liability is paid from the state revolving fund*, shall report each accident ~~which that~~ occurs to an employee as ~~and in the manner~~ required by this chapter.

Sec. 8. Minnesota Statutes 1988, section 176.571, is amended to read:

Subdivision 1. [PRELIMINARY INVESTIGATION.] When the head of ~~a department~~ *an employing state entity* has filed a report or the commissioner of employee relations has otherwise received information of the occurrence of an injury to a state employee for which liability to pay compensation may exist, the commissioner of employee relations shall make a preliminary investigation to determine the question of probable liability.

In making this investigation, the commissioner of employee relations may require the assistance of the head of any ~~department~~ *entity* or any employee of the state. The commissioner of employee relations may require that all facts be furnished ~~which that~~ appear in the records of any state

~~department~~ entity bearing on the issue.

Subd. 2. [DETERMINATION BY DEPARTMENT.] When the commissioner of the department of employee relations has completed an investigation, the commissioner shall inform the claimant, ~~and the head of the employing department, and the commissioner of finance~~ entity in writing of the action taken.

Sec. 9. Minnesota Statutes 1988, section 176.581, is amended to read:
176.581 [PAYMENT TO STATE EMPLOYEES.]

Upon a warrant ~~prepared~~ *approved* by the commissioner of the department of employee relations and ~~approved~~ *prepared* by the commissioner of finance, ~~and in accordance with the terms of the order awarding compensation,~~ the state treasurer shall pay compensation to the employee or the employee's dependent. These payments ~~shall~~ *must* be made from money appropriated for this purpose.

Sec. 10. Minnesota Statutes 1988, section 176.591, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] To facilitate the discharge by the state of its obligations under this chapter, ~~there is established a revolving fund to be known as~~ the state compensation revolving fund *is maintained in the state treasury.*

This fund ~~is comprised of~~ *comprises* the unexpended balance in the fund on July 1, 1935, and the sums ~~which the several departments employing entities~~ of the state pay to the fund.

Sec. 11. Minnesota Statutes 1988, section 176.591, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION PAYMENTS UPON WARRANTS.] The state treasurer shall make compensation payments from the fund only as authorized by this chapter upon warrants ~~of~~ *approved* by the commissioner of the department of employee relations.

Sec. 12. Minnesota Statutes 1988, section 176.603, is amended to read:
176.603 [COST OF ADMINISTERING CHAPTER, PAYMENT.]

The annual cost to the commissioner of the department of employee relations of administering this chapter in relation to state employees and the necessary expenses ~~which that~~ the department of employee relations or the attorney general incurs ~~in containing costs or in investigating, administering, and defending a claim against the state for compensation~~ *shall* ~~must~~ be paid from the state compensation revolving fund.

Sec. 13. Minnesota Statutes 1988, section 176.611, subdivision 2, is amended to read:

Subd. 2. [STATE DEPARTMENTS.] ~~Every department~~ *An employing entity* of the state, including the University of Minnesota, shall reimburse the fund for money paid for its claims, ~~an occupational preventive health and safety program under section 15.46,~~ and the costs of administering the revolving fund at ~~such~~ *whatever* times and in ~~such~~ *whatever* amounts as the commissioner of employee relations ~~shall certify~~ *certifies* has been paid out of the fund ~~on its behalf.~~ The heads of the ~~departments~~ *entities* shall anticipate these payments by including them in their budgets. In addition, the commissioner of employee relations, with the approval of the

commissioner of finance, may require an ~~agency~~ *entity* to make advance payments to the fund sufficient to cover the ~~agency's~~ *entity's* estimated obligation for a period of at least 60 days. Reimbursements and other money received by the commissioner of employee relations under this subdivision must be credited to the state compensation revolving fund.

Sec. 14. [REPEALER.]

Minnesota Statutes 1988, section 176.541, subdivision 7, is repealed."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 564 was then progressed.

S.F. No. 1, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 1.

The roll was called, and there were yeas 39 and nays 6, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|--------------------|--------------------|-----------|-----------|
| Adkins | Chmielewski | Frederickson, D.R. | McQuaid | Reichgott |
| Anderson | Cohen | Freeman | Mehrkens | Renneke |
| Beckman | Dahl | Johnson, D.E. | Merriam | Schmitz |
| Benson | Davis | Laidig | Moe, R.D. | Spear |
| Berg | Diessner | Langseth | Morse | Storm |
| Bernhagen | Frank | Larson | Olson | Stumpf |
| Bertram | Frederick | Lessard | Pariseau | Vickerman |
| Brataas | Frederickson, D.J. | Luther | Ramstad | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-------|-------|-----------|
| Belanger | Gustafson | Knaak | Marty | Moe, D.M. |
| Decker | | | | |

The motion prevailed. So S.F. No. 1 was recommended to pass.

H.F. No. 579, which the committee recommends to pass, subject to the following motion:

Mr. Luther moved that the amendment made to H.F. No. 579 by the Committee on Rules and Administration in the report adopted May 11, 1989, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 611, which the committee recommends to pass with the following amendment offered by Mr. Diessner:

Amend H.F. No. 611, as amended pursuant to Rule 49, adopted by the Senate April 18, 1989, as follows:

(The text of the amended House File is identical to S.F. No. 1014.)

Pages 7 and 8, delete section 8

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 542, which the committee recommends to pass with the following amendment offered by Mr. Knaak:

Page 5, lines 1 and 3, delete "farm"

Page 5, after line 28, insert:

"Sec. 11. Minnesota Statutes 1988, section 473H.17, subdivision 1a, is amended to read:

Subd. 1a. [ALLOWED COMMERCIAL AND INDUSTRIAL OPERATIONS.] (a) Commercial and industrial operations are not allowed on land within an agricultural preserve except:

(1) small on-farm commercial or industrial operations normally associated with and important to farming in the agricultural preserve area;

(2) storage use of existing ~~farm~~ buildings that does not disrupt the integrity of the agricultural preserve; and

(3) small commercial use of existing ~~farm~~ buildings for trades not disruptive to the integrity of the agricultural preserve such as a carpentry shop, small scale mechanics shop, and similar activities that a farm operator might conduct.

(b) "Existing" in paragraph (a), clauses (2) and (3), means existing on August 1, 1987."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 188, which the committee recommends to pass with the following amendment offered by Mr. Freeman:

Page 12, delete lines 13 to 18 and insert:

"Subdivision 1. [ACCEPTANCE OF MORTGAGE LENDER FEES NOT DISCLOSED; PROHIBITED.] (a) A mortgage lender may not charge a lender imposed fee, and a borrower may not be required to pay a lender imposed fee at settlement if the fee was not previously disclosed on the settlement statement as required under subdivision 4.

(b) The requirement of this subdivision may be specifically waived by the borrower in writing at the time of the settlement, only if the lender demonstrates that, acting in good faith and due to circumstances beyond its control, compliance with this subdivision is not feasible."

Page 12, line 27, before "A" insert "(a)"

Page 12, line 31, after "Act" insert "including a final listing of all items and fees to be charged at settlement"

Page 12, after line 31, insert:

"(b) The mortgage lender must notify the borrower, five business days prior to settlement or when the loan is approved, of the borrower's right to inspect the completed uniform settlement statement under this subdivision. The notice must state that the lender may not charge a fee not disclosed to the borrower 24 hours prior to the settlement, excluding Saturdays, Sundays, and legal holidays, unless specifically waived by the borrower at settlement. The notice must also inform the borrower of the name, address, and telephone number of the entity closing the loan and the individual who should be contacted if the borrower desires to inspect the completed settlement statement."

The motion prevailed. So the amendment was adopted.

H.F. No. 1283, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Amend H.F. No. 1283, the unofficial engrossment, as follows:

Page 2, after line 22, insert:

"Sec. 4. Minnesota Statutes 1988, section 60A.09, subdivision 1, is amended to read:

Subdivision 1. [MAXIMUM RISK.] No company other than a company authorized to transact the kind of business specified in section 60A.06, subdivision 1, clause (7), shall insure or reinsure in a single risk a larger sum than one-tenth of its net assets, and no company authorized to transact the kind of business specified in section 60A.06, subdivision 1, clause (7), shall insure or reinsure in a single risk a larger sum than ~~one-half~~ *two-thirds* of its net assets; provided, that in the case of a company with net assets of more than \$50,000, any portion of the risk which has been reinsured, as authorized by the laws of this state, shall be deducted before determining the limitation of risk prescribed by this subdivision; and, provided, that a mutual insurance company organized under clause (2)(a) of section 66A.08, subdivision 2, may insure in a single risk, consisting of a creamery or a cheese factory, a sum equal to one percent of its insurance in force."

Page 5, line 3, delete "(14)" and insert "(10)"

Page 7, after line 4, insert:

"Sec. 10. Minnesota Statutes 1988, section 65A.29, is amended by adding a subdivision to read:

Subd. 11. [NONRENEWAL PLAN.] Every insurer shall establish a plan that sets out the minimum number and amount of claims during an experience period that may result in a nonrenewal. A clear and concise written statement of this plan must be provided to the insured at the time claim forms and instructions are provided to the insured or a claimant under section 72A.201, subdivision 4.

The plan must, at a minimum, comply with the requirements of subdivision 8 and the rules adopted by the commissioner."

Page 13, line 21, after "death" insert "or surrender"

Page 15, line 12, before "No" insert "(a)"

Page 15, line 14, delete everything after "applicant"

Page 15, delete line 15

Page 15, line 16, delete everything before "as"

Page 15, line 19, before "No" insert "(b)"

Page 15, after line 24, insert:

"(c) No insurer that offers an automobile insurance policy in this state shall:

(1) use the failure of the applicant to have an automobile policy in force during any period of time before the application is made as an underwriting standard or guideline; or

(2) deny coverage to a policyholder for the same reason.

This provision does not apply if the applicant was required by law to maintain automobile insurance coverage and failed to do so.

An insurer may require reasonable proof that the applicant did not fail to maintain this coverage. The insurer is not required to accept the mere lack of a conviction or citation for failure to maintain this coverage as proof of failure to maintain coverage."

Page 17, line 24, delete "4 to 8, 10 to 12, and 14 to 23" and insert "4 to 9, 12 to 14, and 16 to 25"

Page 17, line 26, delete "9, and 13" and insert "11, and 15"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 525, which the committee recommends to pass with the following amendments offered by Ms. Reichgott and Mr. Cohen:

Ms. Reichgott moved to amend S.F. No. 525 as follows:

Page 2, delete lines 16 to 19

Page 2, line 20, delete "7" and insert "6"

Page 2, lines 23 and 27, after "organizations" insert "or subdivisions, units, or agencies of the United States or a state or local government"

Page 2, line 28, delete "8" and insert "7"

Page 2, line 30, delete "9" and insert "8"

Page 3, line 3, delete "10" and insert "9"

Page 3, line 6, delete "11" and insert "10"

Page 3, line 8, delete "12" and insert "11"

Page 3, line 14, delete "13" and insert "12"

Page 3, after line 16, insert:

"Subd. 13. [MEMBERS WITH VOTING RIGHTS.] "Members with voting rights" or "voting members" means members or a class of members that has voting rights with respect to the purpose or matter involved."

Page 18, line 34, after "members" insert "with voting rights"

Page 28, delete lines 6 to 8 and insert:

"(a) Except as provided in paragraph (b), directors may be divided into classes.

(b) Directors of a corporation described in section 118, subdivision 1, may not vote by class except to the extent that the articles or bylaws provide that a class of directors may not vote or that not all classes of directors may vote on a particular matter."

Page 29, delete section 38

Page 30, line 1, delete "317A.229" and insert "317A.227"

Page 40, line 25, after "person's" insert "express or implied" and after the period, insert "For purposes of this subdivision, consent includes, but is not limited to, acceptance of membership benefits knowing that the

benefits are available only to members, or taking some other affirmative action that confers membership benefits."

Page 40, line 27, delete "*for purposes of this*"

Page 40, line 28, delete "*subdivision*"

Page 41, line 7, after the period, insert "*In lieu of a membership certificate, a corporation may issue preferred or common stock to a subdivision, unit, or agency of the United States or a state or local government that is a member of the corporation. The stock may be issued upon the terms and conditions that the board considers appropriate, except that it may be transferrable only to another government subdivision, unit, or agency.*"

Page 42, line 12, after the period, insert "*This section does not apply to the termination of a membership at the end of a fixed term.*"

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 525 as follows:

Page 96, after line 16, insert:

"Sec. 131. Minnesota Statutes 1988, section 52.09, is amended by adding a subdivision to read:

Subd. 5. [ELIMINATION OR LIMITATION OF LIABILITY.] A director's personal liability to the credit union or its members for monetary damages for breach of fiduciary duty as a director may be eliminated or limited in the bylaws. The bylaws shall not eliminate or limit liability of a director:

(1) for breach of the director's duty of loyalty to the credit union or its members;

(2) for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;

(3) for a transaction from which the director derived an improper personal benefit; or

(4) for an act or omission occurring prior to the date when the provision in the bylaws eliminating or limiting liability becomes effective."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1377, which the committee recommends to pass with the following amendment offered by Mr. Chmielewski:

Page 3, line 10, strike from "*sells*" through page 3, line 11, to "*by*" and insert "*violates*"

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 764 and 1252.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1989

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 522: A bill for an act relating to housing; authorizing the establishment of affordable housing programs under the administration of the Minnesota housing finance agency; establishing a neighborhood preservation program; revising certain tenant damage provisions in landlord-tenant actions; regulating tenant screening services; establishing a rent escrow system; providing mandatory building repair fines; authorizing a housing calendar consolidation pilot project in Hennepin and Ramsey counties; requiring housing impact statements; revising certain housing receivership provisions; providing a limited right of entry to secure vacant or unoccupied buildings; providing for city housing rehabilitation loan programs; establishing the community and neighborhood development organization program; establishing a child development program; authorizing a neighborhood revitalization program; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 4.071; 282.01, subdivision 1; 462A.03, by adding a subdivision; 462A.05, subdivision 27, and by adding subdivisions; 462A.21, subdivisions 4k, 12, and by adding subdivisions; 462C.02, by adding subdivisions; 462C.05, by adding a subdivision; 463.15, subdivisions 3 and 4; 463.16; 463.161; 463.17; 463.20; 463.21; 463.22; 469.012, subdivision 1; 504.255; 504.26; 566.17; 566.175, subdivision 1; 566.29, subdivisions 1, 4, and by adding subdivisions; 582.03; Laws 1971, chapter 333, as amended, by adding a section; Laws 1974, chapters 285, sections 2, 3, 4, and by adding a section; and 475, by adding a section; proposing coding for new law in Minnesota Statutes, chapters 116J; 129A; 145; 268; 363; 412; 462A; 469; 471; 504; 566; and 582; repealing Laws 1974, chapter 351, sections 1 to 4, as amended; Laws 1975, chapter 260, sections 1 to 5; and Laws 1987, chapters 384, article 3, section 22; and 386, article 6, sections 4 to 11.

Senate File No. 522 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1989

Mr. Moe, R.D. for Mr. Pogemiller, moved that the Senate do not concur in the amendments by the House to S.F. No. 522, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1016: Messrs. Cohen, Spear and Laidig.

H.F. No. 761: Messrs. Frank, Stumpf and Luther.

H.F. No. 245: Messrs. Stumpf, Dahl and Merriam.

S.F. No. 522: Mr. Pogemiller, Ms. Reichgott, Messrs. Bernhagen, Gustafson and Ms. Berglin.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 456, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 456 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 456

A bill for an act relating to human rights; allowing results of job evaluation systems as evidence in discrimination actions; amending Minnesota Statutes 1988, sections 43A.05, by adding a subdivision; and 471.997.

May 15, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 456, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Diane Wray Williams, Sidney Pauly, Loren A. Solberg

Senate Conferees: (Signed) Ember D. Reichgott, Linda Berglin, Gary W. Laidig

Ms. Reichgott moved that the foregoing recommendations and Conference Committee Report on H.F. No. 456 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 456 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Dahl | Kroening | Moe, D.M. | Ramstad |
| Anderson | Davis | Laidig | Moe, R.D. | Reichgott |
| Beckman | Frank | Larson | Morse | Renneke |
| Belanger | Frederick | Lessard | Olson | Schmitz |
| Benson | Frederickson, D.R. | Luther | Pariseau | Solon |
| Bertram | Hughes | Marty | Pehler | Spear |
| Brataas | Johnson, D.E. | McGowan | Peterson, D.C. | Storm |
| Chmielewski | Johnson, D.J. | McQuaid | Peterson, R.W. | Vickerman |
| Cohen | Knaak | Merriam | Pogemiller | |

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 371, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 371 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1989

CONFERENCE COMMITTEE REPORT ON H.F. NO. 371

A bill for an act relating to corrections; authorizing the commissioner of corrections to take photographs of juveniles committed to the commissioner for management and law enforcement purposes; amending Minnesota Statutes 1988, section 260.161, subdivision 3.

May 9, 1989

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 371, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 371 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, or (2) as required by section 126.036, or (3) as authorized under chapter 13; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. *Except as provided in paragraph (c)*, no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

Sec. 2. Minnesota Statutes 1988, section 332.51, subdivision 3, is amended to read:

Subd. 3. [LIABILITY OF PARENT OR GUARDIAN.] ~~The provisions of Section 540.18 apply~~ *applies* to this section, *except that recovery is not limited to special damages.*

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective August 1, 1989, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to corrections; authorizing the commissioner of corrections to take photographs of juveniles committed to the commissioner for management and law enforcement purposes; removing certain limitations on parental liability for thefts by minors; amending Minnesota Statutes 1988, sections 260.161, subdivision 3; and 332.51, subdivision 3."

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

House Conferees: (Signed) Sandy Pappas, Randy C. Kelly, Bill Macklin

Senate Conferees: (Signed) John J. Marty, Allan H. Spear, Patrick D. McGowan

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on H.F. No. 371 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 371 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------------|----------|----------------|-----------|
| Adkins | Dahl | Kroening | Moe, D.M. | Reichgott |
| Anderson | Davis | Laidig | Morse | Renneke |
| Beckman | Frank | Larson | Novak | Solon |
| Belanger | Frederick | Lessard | Olson | Spear |
| Benson | Frederickson, D.R. | Luther | Pariseau | Storm |
| Bertram | Gustafson | Marty | Pehler | Vickerman |
| Brataas | Hughes | McGowan | Peterson, D.C. | |
| Chmielewski | Johnson, D.E. | McQuaid | Peterson, R.W. | |
| Cohen | Knaak | Merriam | Ramstad | |

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 59:

H.F. No. 59: A bill for an act relating to public safety; authorizing bonding for capital improvements; appropriating money to convert a regional treatment center for use as an adult correctional facility and to operate the facility; appropriating money for a variety of correctional and treatment programs; revising and increasing penalties for controlled substance crimes; authorizing increased sentences and juvenile court reference for controlled substance crimes committed within a drug free school or park zone; increasing penalties for a variety of other crimes; providing for life imprisonment without supervised release for persons convicted of first degree murder or a third criminal sexual conduct offense; providing for sex offender treatment programs; providing that an inmate who completes a sex offender treatment

program is eligible for an adjustment to the supervised release date; providing for the collection and admissibility of DNA evidence; modifying certain forfeiture provisions; permitting a school-sponsored alcohol awareness program; requiring reporting of newborns with signs of controlled substance exposure and reporting of certain controlled substance use by pregnant women; providing for toxicology testing; requiring an education program to protect unborn children from such prenatal exposure; providing for civil commitment of pregnant women for certain controlled substance use; establishing a community crime prevention grant program; providing a soft body armor reimbursement program; creating a drug abuse prevention resource council; establishing a child protection system study commission; providing for a community resources program for cities of the first class; appropriating money; amending Minnesota Statutes 1988, sections 152.01, subdivision 7, and by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 169.09, subdivision 14; 243.05, subdivision 1; 244.05, subdivisions 1, 4, 5, and by adding a subdivision; 244.09, subdivision 5; 253B.02, subdivisions 2 and 10; 256.01, by adding a subdivision; 260.125, subdivision 3; 260.161, subdivision 1; 260.185, subdivision 1; 297D.09, subdivision 1a; 299F80, subdivision 1; 325D.56, subdivision 2; 340A.701; 340A.702; 526.10; 609.11, subdivisions 7 and 9; 609.185; 609.19; 609.195; 609.205; 609.221; 609.222; 609.223; 609.2231, subdivision 1; 609.255, subdivision 3; 609.2665; 609.267; 609.323, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346; 609.377; 609.445; 609.48, subdivision 4; 609.487, subdivision 4; 609.52; 609.53, subdivisions 1 and 4; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.576; 609.62, subdivision 2; 609.631, subdivision 2; 609.86, subdivision 3; 611A.038; 624.701; 624.712, subdivision 5; and 626.556, subdivisions 2, 3, and 10; proposing coding for new law in Minnesota Statutes, chapters 116K; 121; 144; 152; 241; 242; 244; 299A; 299C; 466A; 609; 626; 634; and 638; repealing Minnesota Statutes 1988, sections 152.09; 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5; 609.53, subdivisions 1a, 3, and 3a; and 609.55.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Kelly, Vellenga, Blatz, Greenfield and Wenzel have been appointed as such committee on the part of the House.

House File No. 59 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1989

Mr. Spear moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 59, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 66:

H.F. No. 66: A bill for an act relating to gambling; creating a department of gaming; authorizing a state lottery to be conducted by a department of state lottery; creating a division of inspection and enforcement in the department of public safety and providing for its duties; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 10A.09, subdivision 1; 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 240.01, by adding subdivisions; 240.02, subdivisions 1 and 2; 240.04, subdivisions 1, 3, and 7; 240.06, subdivisions 3 and 8; 240.07, subdivision 2; 240.08, subdivision 3; 240.21; 240.28; 340A.410, subdivision 5; 349.12, subdivisions 11, 17, 20, and by adding subdivisions; 349.151, subdivisions 1, 2, 4, and 5; 349.16, subdivisions 3 and 4; 349.161, subdivision 4; 349.162, subdivisions 1, 2, 4, and 5; 349.163; 349.18, subdivision 1; 349.19, subdivisions 5 and 6; 349.212; 349.2121, subdivisions 2, 3, 4, 4a, 6, 7, 8, and 10; 349.2122; 349.2125, subdivisions 1, 2, and 3; 349.2127, subdivision 2; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; 541.20; 541.21; 609.75, subdivision 3; 609.76, subdivision 1; 609.761; 626.05, subdivision 2; 626.13; and 626.84, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 299K; 349A; and 349B; proposing coding for new law in Minnesota Statutes, chapters 240; 245; and 349; repealing Minnesota Statutes 1988, sections 240.02, subdivision 7; 349.151, subdivisions 3 and 5; 349.161, subdivision 7; 349.164, subdivision 5; 349.171; and 349.22, subdivision 4.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Quinn; Kostohryz; Anderson, G.; Bennett and Osthoff have been appointed as such committee on the part of the House.

House File No. 66 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1989

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 66, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 59: Mr. Spear, Ms. Peterson, D.C.; Messrs. Luther, Cohen and McGowan.

H.F. No. 66: Messrs. Lessard, Purfeerst, Knaak, Mrs. Lantry and Ms. Peterson, D.C.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today from 12:45 to 1:15 p.m. Mr. Johnson, D.J. was excused from the Session of today from 1:00 to 1:15 p.m. Mr. Kroening was excused from the Session of today from 3:00 to 5:30 p.m. Mr. Frederickson, D.J. was excused from the Session of today from 5:00 to 5:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, May 17, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate