

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, March 8, 1990

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

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Davis, Larson, Lessard and Metzen were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

March 2, 1990

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Board on Judicial Standards is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert W. Johnson, 2006 - 1st Ave. N., Anoka, Anoka County, has been appointed by me, effective February 25, 1990, for a term expiring the first Monday in January, 1994.

(Referred to the Committee on Judiciary.)

Sincerely,
Rudy Perpich, Governor

March 2, 1990

The Honorable Jerome Hughes
State Senator
President of the Senate
328 State Capitol
St. Paul, Minnesota 55155

Dear Mr. Hughes:

The following appointments and reappointments to the Greater Minnesota Corporation Board of Directors are hereby respectfully submitted to the Senate for confirmation as required by law:

Mr. Glen Taylor, 1725 Roe Crest Dr., N. Mankato, MN, has been appointed to the Board, effective January 24, 1990, for a term of six years.

Mr. William C. Norris, P.O. Box 59074, Minneapolis, MN, has been reappointed to the Board, effective January 24, 1990, for a term of six years.

Mr. Francis J. Ryan, P.O. Box 96, Hibbing, MN, has been reappointed to the Board, effective January 24, 1990, for a term of six years.

(Referred to the Committee on Economic Development and Housing.)

Sincerely,
William C. Norris
Chair
Greater Minnesota Corporation
Board of Directors

REPORTS OF COMMITTEES

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

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

S.F. No. 1891: A bill for an act relating to trusts; changing certain trust requirements; abolishing the common law rule against perpetuities; amending Minnesota Statutes 1989 Supplement, sections 501B.09, by adding a subdivision; 501B.46; 501B.65, subdivision 2; 501B.67, subdivision 1;

501B.68; 501B.69; 501B.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 501B; repealing Minnesota Statutes 1988, sections 501A.01; 501A.02; 501A.03; 501A.04; and 501A.07; Minnesota Statutes 1989 Supplement, sections 501A.05; and 501A.06.

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

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 501A.05, is amended to read:

501A.05 [PROSPECTIVE APPLICATION.]

(a) Except as extended by subsection (b), sections 501A.01 to 501A.07 apply to a nonvested property interest or a power of appointment that is created after December 31, ~~1990~~ 1991. For purposes of this section, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

(b) If a nonvested property interest or a power of appointment was created before January 1, ~~1991~~ 1992, and is determined in a judicial proceeding, commenced after December 31, ~~1990~~ 1991, to violate this state's rule against perpetuities as that rule existed before January 1, ~~1991~~ 1992, a court upon the petition of an interested person may reform the disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created."

Page 1, delete section 2

Page 1, line 27, after "(a)" insert "*Except as provided in paragraph (c).*" and reinstate the stricken "If" and delete the new language

Page 2, line 7, after "(b)" insert "*Except as provided in paragraph (c).*" and reinstate the stricken "If" and delete the new language

Page 5, line 26, delete "*such an*" and insert "*the*"

Page 5, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete "perpetuities;"

Page 1, line 5, after "sections" insert "501A.05;"

Page 1, line 7, after "501B.69;" insert "and" and delete "proposing" and insert a period

Page 1, delete lines 8 to 12

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

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

S.F. No. 2239: A bill for an act relating to finance; amending provisions of the family farm security act; repealing certain provisions of the family farm security act; transferring authority over the family farm security act to the commissioner of administration; amending default procedures; deleting provisions to review payment adjustments; reducing the bond authority of the rural finance authority; amending Minnesota Statutes 1988, sections 41.52, subdivision 4; 41.53, by adding subdivisions; 41.56, subdivision 3; 41.57, subdivision 2; 41.59; 41.65; and 41B.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 41; repealing Minnesota Statutes 1988, sections 41.54; 41.55; 41.56, subdivisions 1, 2, and 4a; and 41.57, subdivision 4.

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

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 40.46, subdivision 2, is amended to read:

Subd. 2. [DELINEATION OF WETLAND OR MARGINAL LAND.] (a) Before state land is sold, the ~~land must be submitted to the board of water and soil resources to authority selling the land~~ must determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation of the reservation or conservation easement need not be by legal description and may be a description in general terms that identifies the marginal land or wetlands.

(b) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 40.43, subdivision 4, paragraphs (a) and (c), and other restrictions determined necessary by the board of water and soil resources."

Page 1, lines 20 and 25, delete "administration" and insert "natural resources"

Page 3, line 36, reinstate the stricken language

Page 4, line 1, reinstate the stricken "ten-year renewal of the payment adjustment."

Page 4, line 4, after the stricken comma, insert "*The commissioner may renew the payment adjustment for an additional ten-year period after review, subject to appropriation by the legislature.*"

Page 5, line 19, strike "MAY" and insert "MUST"

Page 6, line 13, strike "must be" and insert "is"

Page 6, line 15, delete "attorney general" and insert "commissioner of natural resources"

Page 6, line 16, delete everything after the period

Page 6, delete line 17 and insert "*The commissioner of natural resources shall prepare and file the restrictive easement on all acquired properties owned by the state on or after June 5, 1987.*"

Page 6, line 27, delete "administration" and insert "natural resources"

Pages 6 and 7, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "finance" and insert "agriculture" and after the semicolon, insert "amending provisions reserving marginal land and wetland;"

Page 1, line 6, delete "administration" and insert "natural resources"

Page 1, line 7, delete "reducing the"

Page 1, delete line 8

Page 1, line 11, delete "and"

Page 1, line 12, delete "41B.19, subdivision 1" and insert "Minnesota Statutes 1989 Supplement, section 40.46, subdivision 2"

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

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

S.F. No. 2139: A bill for an act relating to health; providing for planning for a surveillance system for occupational diseases; appropriating money.

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

Page 1, line 14, after "176.129" insert a comma

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

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

S.F. No. 2353: A bill for an act relating to vocational rehabilitation; providing for supported employment programs; amending Minnesota Statutes 1988, section 129A.01, subdivisions 11, 12, and by adding a subdivision.

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

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

S.F. No. 2039: A bill for an act relating to motor vehicles; exempting water well driller vehicles from certain registration and taxation requirements when the vehicles are only incidentally moved over a highway; amending Minnesota Statutes 1989 Supplement, section 168.011, subdivision 22.

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

Page 1, line 15, reinstate the stricken language and delete the new language

Page 1, line 16, delete "well tank trucks," and delete the second comma

Page 1, line 17, delete everything before "under" and insert "equipment registered"

Page 1, line 18, delete the semicolon and insert a comma

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1988, section 168.012, subdivision 5, is amended to read:

Subd. 5. Motor vehicles, which are used only for the purpose of carrying sawing machines; well drilling machines, pump hoists, and other equipment registered under chapter 1031; barn sprayers or corn shellers permanently attached to them, shall not be subject to the registration tax as herein provided, but shall be listed for taxation as personal property as provided by law."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to motor vehicles; exempting certain water well drilling equipment and vehicles from registration and taxation requirements; amending Minnesota Statutes 1988, section 168.012, subdivision 5; Minnesota Statutes 1989 Supplement, section 168.011, subdivision 22."

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

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

S.F. No. 2146: A bill for an act relating to motor vehicles; establishing and regulating manufacturer's registration plates; amending Minnesota Statutes 1989 Supplement, section 168.27, subdivisions 1, 16, and 17.

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

Page 3, delete lines 4 and 5 and insert:

"(14) *"Motor vehicle manufacturer" means an individual, firm, partnership, or corporation engaged in the business of manufacturing, assembling, or distributing motor vehicles, that will, under normal business conditions during the year, manufacture, assemble, or distribute to dealers at least ten new motor vehicles.*"

Page 4, line 15, delete "defined in subdivision 1, paragraph (14)" and after "on" insert "the"

Page 4, delete lines 22 to 24 and insert:

"(1) *by a full-time employee of the motor vehicle manufacturer, or the employee's spouse, for either private or business purposes;*"

Pages 4 and 5, delete section 3

Amend the title as follows:

Page 1, delete line 5 and insert "168.27, subdivisions 1 and 16."

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

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

S.F. No. 1983: A bill for an act relating to liquor; authorizing the metropolitan airports commission to issue off-sale liquor licenses for the sale

of Minnesota wine; amending Minnesota Statutes 1988, section 340A.405, by adding a subdivision.

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

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

S.F. No. 2403: A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1988, section 82.20, subdivision 4.

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 1920: A bill for an act relating to elections; making various changes in laws applicable to school district elections; amending Minnesota Statutes 1988, sections 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.11; 209.02, subdivision 1; 209.03; 209.09, subdivision 1; and 211A.01, subdivision 6; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1.

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

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

S.F. No. 1744: A bill for an act relating to capital improvements; providing funds for wetlands acquisition in the city of Savage; authorizing sale of state bonds; appropriating money.

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

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

S.F. No. 2079: A bill for an act relating to state parks; renaming Helmer Myre and Nerstrand Woods state parks; amending Minnesota Statutes 1988, section 85.012, subdivisions 27 and 45.

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

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

S.F. No. 2011: A bill for an act relating to health; clarifying variance authority regarding training standards for ambulance attendants; establishing a state emergency medical services advisory council; amending Minnesota Statutes 1989 Supplement, section 144.804, subdivision 1; and

proposing coding for new law in Minnesota Statutes, chapter 144.

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

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

S.F. No. 2349: A bill for an act relating to insurance; no-fault automobile; regulating uninsured and underinsured motorist coverages for motorcycles; amending Minnesota Statutes 1989 Supplement, section 65B.49, subdivision 3a.

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

Page 2, line 27, after "is" insert "*occupying a motorcycle of which the injured person is*"

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

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

S.F. No. 2074: A bill for an act relating to traffic regulations; requiring brakes on certain vehicles weighing 3,000 pounds or more; amending Minnesota Statutes 1988, section 169.67, subdivision 3; Minnesota Statutes 1989 Supplement, section 169.67, subdivision 4.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 168.011, subdivision 8, is amended to read:

Subd. 8. [MANUFACTURED HOME; PARK TRAILER; TRAVEL TRAILER.] (a) "Manufactured home" has the meaning given it in section 327.31, subdivision 6.

(b) "Park trailer" means a trailer that:

(1) exceeds eight feet in width but is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width; and

(2) is used as temporary living quarters.

"Park trailer" does not include a manufactured home.

(c) "Travel trailer" means a trailer, mounted on wheels, that:

(1) is designed to provide temporary living quarters during recreation, camping, or travel;

(2) does not require a special highway movement permit based on its size or weight when towed by a motor vehicle;

~~(3) has a gross trailer area of less than 320 square feet; and~~

~~(4) does not exceed eight feet in width.~~

(d) "Gross trailer area" is the total plan area of a travel trailer measured to the maximum horizontal projection of exterior walls when in the set-up mode, but not including the area of that portion of the body of a fifth wheel trailer that is raised to extend over the towing vehicle and has a ceiling height of less than five feet

(3) *complies with sections 169.80, subdivision 2, and 169.81, subdivision 2."*

Page 1, line 11, strike "of" and insert "with"

Page 1, line 12, strike "of" and before "3,000" insert "that is" and after "more" insert "or exceeds the empty weight of the towing vehicle"

Page 2, line 26, after the second "any" insert "trailer or"

Page 3, after line 4, insert:

"Sec. 4. [BACK-UP SAFETY DEVICE STUDY.]

The commissioner of public safety, in consultation with affected trucking organizations and other interested parties, shall study the feasibility of requiring the installation on trucks of devices that would increase the level of safety when a truck is backing up, including, but not limited to, convex mirrors and audible signals. The commissioner shall report to the chairs of the transportation committees of the senate and house of representatives on the results of the study by January 15, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing allowed dimensions of travel trailers;"

Page 1, line 3, after the semicolon, insert "requiring a study and report;"

Page 1, line 6, delete "section" and insert "sections 168.011, subdivision 8; and"

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

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

S.F. No. 772: A bill for an act relating to traffic regulations; providing that signs for handicapped parking spaces state penalty imposed for unlawful use; amending Minnesota Statutes 1988, section 169.346, subdivision 2.

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

Page 1, lines 12 to 14, delete the new language

Page 1, line 14, strike "and"

Page 1, line 16, before the period, insert ", and indicating that violators are subject to a fine of up to \$200"

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

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

S.F. No. 2264: A bill for an act relating to insurance; no-fault auto; exempting certain antique automobiles and recreational vehicles from rental vehicle coverage; amending Minnesota Statutes 1989 Supplement, section 65A.49, subdivision 5a.

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

Page 1, lines 20 and 21, delete "*antique automobiles*" and insert "*motor vehicles registered under section 168.10, subdivision 1a, 1b, 1c, or 1d,*"

Amend the title as follows:

Page 1, line 4, delete "Minnesota" and insert "Minnesota"

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

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

S.F. No. 2060: A bill for an act relating to drivers' licenses; defining gross vehicle weight and commercial motor vehicle; requiring driver of smaller school bus to have a commercial driver's license with a school bus endorsement; providing for operation of vehicles by holder of class C driver's license; providing for effective date of requirement for commercial driver's license; setting fees; appropriating money; amending Minnesota Statutes 1988, sections 169.01, subdivision 46; 171.01, subdivision 16; and 171.321, subdivision 1; Minnesota Statutes 1989 Supplement, sections 169.01, subdivision 75; 171.01, subdivision 22; 171.02, subdivision 2; and 171.06, subdivision 2; Laws 1989, chapter 307, sections 43 and 44.

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

Page 3, line 33, strike the comma

Page 3, line 35, strike "but not including" and insert "*except*"

Page 4, line 1, strike "nor" and insert "*and*"

Page 4, line 4, strike "GVW" and before the period, insert "*gross vehicle weight*"

Page 5, line 25, delete everything after "*(a)*"

Page 5, line 26, delete the paragraph coding and delete "*(b)*" and delete "*certain individual drivers*" and insert "*an individual driver*"

Page 6, line 28, delete "*(c)*" and insert "*(b)*" and delete "*certain individual drivers*" and insert "*an individual driver*"

Page 6, line 36, delete "*(d)*" and insert "*(c)*" and delete "*any other*" and insert "*an*"

Page 7, line 1, before "*on*" insert "*not described in paragraph (a) or (b)*"

Page 7, line 2, delete "*(e)*" and insert "*(d)*"

Page 7, line 3, delete "*on and*" and delete "*April 1*" and insert "*March 31*"

Page 7, delete lines 5 to 7 and insert:

"Subdivision 1. The commissioner of public safety shall issue a commercial driver's license to a driver listed in section 9, subdivision 3, paragraph (a), who otherwise qualifies for the license and pays to the"

Page 7, line 8, delete *"of public safety"*

Page 7, lines 11 and 12, delete *"in lieu"* and insert *"instead"*

Page 7, line 13, delete *"This initial"* and insert *"A"* and after *"license"* insert *"issued under this subdivision"*

Page 7, line 14, delete *"that"*

Page 7, line 17, delete *"these"*

Page 7, delete lines 19 and 20 and insert:

"Subd. 2. The commissioner of public safety shall issue a commercial driver's license to a driver listed in section 9, subdivision 3, paragraph (b), who qualifies for the license and pays the renewal"

Page 7, lines 21 and 22, delete *"However, this initial commercial driver's"* and insert *"The"*

Page 7, line 22, delete *"that"*

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon and insert *"allowing holder of class CC driver's license with school bus endorsement to operate a small school bus;"*

Page 1, delete lines 4 to 7 and insert *"changing effective dates of requirements"*

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

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

S.F. No. 2261: A bill for an act relating to consumer protection; regulating automatic garage door systems in residential buildings; providing standards; prescribing a penalty; amending Minnesota Statutes 1989 Supplement, section 16B.61, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 325F

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

Page 3, line 21, delete *"325F90"* and insert *"325F82"*

Page 3, line 28, delete everything after the first comma

Page 3, line 29, delete *"kept"* and insert *"designed or used for the storage, repair, or keeping of a motor vehicle"*

Page 3, line 34, delete *"325F91"* and insert *"325F83"*

Page 4, line 6, delete *"rented,"* and delete *"or rent"*

Page 4, line 12, delete *"UL"* and insert *"ANSI/UL"* and after the period, insert *", in effect on January 1, 1991."*

Page 4, line 13, after the second comma, insert *"in addition to clause*

(a).”

Page 4, line 14, delete “*be designed*” and insert “*include an attached edge sensor, safety beam, or similar device that when activated causes a closing door to open and prevents an open door from closing. This device is to be designed and built so that a failure of the device prevents the door from closing.*”

Page 4, delete lines 15 and 16

Page 4, lines 23 and 24, delete “*has a duty to*” and insert “*must*”

Page 4, after line 26, insert:

“*Subd. 6. [REMEDIES AND PENALTIES.] A person who is found to have violated this section is subject to the penalties and remedies, including a private right of action, as provided in section 8.31.*”

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 4, delete “*prescribing a penalty*” and insert “*providing penalties and remedies*”

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

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

H.F. No. 2143 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2143	2043				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2143 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2143 and insert the language after the enacting clause of S.F. No. 2043, the first engrossment; further, delete the title of H.F. No. 2143 and insert the title of S.F. No. 2043, the first engrossment.

And when so amended H.F. No. 2143 will be identical to S.F. No. 2043, and further recommends that H.F. No. 2143 be given its second reading and substituted for S.F. No. 2043, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 2144: A bill for an act relating to state lands; requiring condemnation and sale of certain trust lands constituting lakeshore lots; authorizing a bond issue to establish a revolving fund to finance acquisitions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 92; repealing Minnesota Statutes 1988, section 92.67.

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

Page 1, line 19, after "all" insert "platted"

Page 1, line 20, delete "constitute" and insert "contain"

Page 2, line 9, before the period, insert "*and, in addition, costs associated with the sale such as court costs, legal services, and costs of appraisal, but in an amount not to exceed \$1,000. As to any platted lakeshore lots leased under section 92.46 that are not located on trust fund land, the commissioner of natural resources shall offer the lots for sale to the lessee thereof at a price which represents the appraised value, as determined by the commissioner, plus five percent and, in addition, costs associated with the sale such as legal services and costs of appraisal, but in an amount not to exceed \$1,000*"

Page 3, line 16, before the period, insert "*plus the five percent additional charge per lot required by section 1, subdivision 2, together with costs of condemnation such as court costs, legal services, and costs of appraisal*"

Page 3, line 17, before "lakeshore" insert "trust fund land"

Page 3, line 18, after the period, insert "*Proceeds of all sales of non-trust fund land lakeshore lots under section 1 shall be deposited in the account where money from the sale of the particular class of land is required to be deposited.*"

Page 3, after line 20, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring the sale of certain non-trust lands constituting lakeshore lots;"

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

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

S.F. No. 2289: A bill for an act relating to government operations; amending provisions to adopt emergency game and fish rules; providing alternative methods of publishing game and fish rules; deleting obsolete references to publication under the game and fish laws; authorizing the commissioner to protect wild animals by emergency rule; authorizing the commissioner to set seasons and limits for migratory birds and waterfowl; authorizing the commissioner to allow or prohibit hunting and fishing on certain state lands; amending Minnesota Statutes 1988, sections 14.29, subdivision 3,

and by adding a subdivision; 14.38, subdivision 6; 84.944, subdivision 1; 84A.02; 86A.06; 97A.045, subdivision 2; 97A.051, subdivisions 1 and 2; 97A.081; 97A.141, by adding a subdivision; 97B.731, subdivision 1; 97C.805, subdivision 1; and 361.25; Minnesota Statutes 1989 Supplement, sections 3.846, subdivisions 1 and 4; 14.02, subdivision 4; and 97A.051, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 97A and 97B.

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

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

S.F. No. 1704: A bill for an act relating to natural resources; authorizing conservation officers to seek issuance of and to serve search warrants; amending Minnesota Statutes 1989 Supplement, sections 626.05, subdivision 2; and 626.13.

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

Page 1, lines 11 and 23, delete "state"

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

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

S.F. No. 1953: A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the board of dentistry to set the salaries of their executive directors; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, by adding a subdivision; 43A.13, subdivisions 2 and 3; and 43A.316, subdivisions 2, 3, 5, 7, and 8; amending Minnesota Statutes 1989 Supplement, sections 43A.316, subdivisions 9 and 10; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Page 1, after line 21, insert:

"Section 1. Minnesota Statutes 1988, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. [HIGHER EDUCATION OFFICERS.] The state university board, the state board for community colleges, the state board of vocational technical education, and the higher education coordinating board shall set the salary rates for, respectively, the chancellor of the state universities, the

chancellor of the community colleges, the state director of vocational technical education, and the executive director of the higher education coordinating board. The respective board shall submit the proposed salary increase to the legislative commission on employee relations for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2. Salary rates for the positions specified in this subdivision may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. *In deciding whether to recommend a salary increase, the governing board shall consider the performance of the chancellor or director, including the chancellor's or director's progress toward attaining affirmative action goals.*"

Page 2, after line 13, insert:

"Sec. 3. Minnesota Statutes 1988, section 15A.083, subdivision 5, is amended to read:

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

Sec. 4. Minnesota Statutes 1988, section 15A.083, is amended by adding a subdivision to read:

Subd. 6a. [ADMINISTRATIVE LAW JUDGE; MAXIMUM SALARY.] *The maximum salary of an administrative law judge in the classified service employed by the office of administrative hearings is 90 percent of the salary of district court judges as set under section 15A.082, subdivision 3.*

Sec. 5. Minnesota Statutes 1988, section 15A.083, subdivision 7, is amended to read:

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

Sec. 6. Minnesota Statutes 1988, section 43A.04, subdivision 1, is amended to read:

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

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

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

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

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

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

(e) The commissioner may assess all state entities for the costs of programs under sections 15.46 and 176.603.

Sec. 7. Minnesota Statutes 1988, section 43A.04, subdivision 3, is amended to read:

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

~~(a)~~ (1) the processes for determining the extent of competition for filling vacancies, for recruiting applicants, for conducting competitive open examinations, for ranking candidates and maintaining competitive open eligible lists, and for certification and appointment of eligibles from competitive open eligible lists;

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

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

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

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

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

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

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

Sec. 8. Minnesota Statutes 1988, section 43A.04, is amended by adding a subdivision to read:

Subd. 9. [EXPERIMENTAL OR RESEARCH PROJECTS.] *The commissioner of employee relations may conduct experimental or research*

projects designed to improve recruitment, selection, referral, or appointment processes for the filling of state classified positions.

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

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

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

Sec. 9. Minnesota Statutes 1988, section 43A.10, subdivision 7, is amended to read:

Subd. 7. [EXAMINATION ACCOMMODATIONS.] Upon request, the commissioner shall provide examination accommodations to a candidate with a ~~handicap~~ disability that does not prevent performance of the duties of the class. The accommodations ~~shall must~~ provide an opportunity to fairly examine the ability of the candidate to perform the duties of the class notwithstanding the ~~handicap~~ disability but ~~shall must~~ preserve, to the extent feasible, the validity of the examination process and equitable comparison of examination scores with competitors without ~~handicaps~~ disabilities.

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

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

Sec. 11. Minnesota Statutes 1988, section 43A.12, subdivision 5, is amended to read:

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

Page 3, after line 1, insert:

"Sec. 14. Minnesota Statutes 1988, section 43A.13, subdivision 4, is amended to read:

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

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

Sec. 15. Minnesota Statutes 1988, section 43A.13, subdivision 5, is amended to read:

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

Sec. 16. Minnesota Statutes 1988, section 43A.13, subdivision 6, is amended to read:

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

Sec. 17. Minnesota Statutes 1988, section 43A.13, subdivision 7, is amended to read:

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

Sec. 18. Minnesota Statutes 1988, section 43A.15, subdivision 10, is amended to read:

Subd. 10. [ROUTINE SERVICE AND ENTRY CLERICAL APPOINTMENTS.] The commissioner may authorize the administration of a qualifying selection process if a class is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level. ~~Appointing authorities~~

~~may consider any candidate found so qualified for probationary appointment to such a position. The commissioner may also authorize the administration of qualifying skill tests for entry level clerical positions as an alternative to certification from an eligible list as provided in section 43A.13.~~

Sec. 19. Minnesota Statutes 1988, section 43A.17, subdivision 1, is amended to read:

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

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

Sec. 20. Minnesota Statutes 1988, section 43A.18, subdivision 4, is amended to read:

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

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

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

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

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

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

Sec. 21. Minnesota Statutes 1988, section 43A.18, subdivision 5, is amended to read:

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

(b) In making recommendations, the governor shall consider ~~only~~ the criteria established in subdivision 8 and ~~may not take into account~~ the performance of individual incumbents. *The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals.* The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

~~(b)~~ (c) In making recommendations, the governor shall consider ~~only~~ the criteria established in subdivision 8 and ~~may not shall~~ take into account performance of individual incumbents. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

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

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

~~(e)~~ (f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on

employee relations and the full legislature for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2. If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change."

Page 3, after line 34, insert:

"Sec. 23. Minnesota Statutes 1988, section 43A.191, subdivision 2, is amended to read:

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

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

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

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

(3) provisions for funding reasonable accommodations.

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

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

Sec. 24. Minnesota Statutes 1988, section 43A.191, subdivision 3, is amended to read:

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

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

not in compliance with affirmative action requirements.

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

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

Sec. 25. Minnesota Statutes 1988, section 43A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. *Contracts entered into with carriers are not subject to the requirements of sections 16B.189 to 16B.22.* The commissioner may negotiate premium rates and coverage provisions with all carriers licensed under chapters 62A, 62C, and 62D. The commissioner may also negotiate reasonable restrictions to be applied to all carriers under chapters 62A, 62C, and 62D. Contracts to underwrite the benefit plans must be bid or negotiated separately from contracts to service the benefit plans, which may be awarded only on the basis of competitive bids. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract must be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. A carrier licensed under chapter 62A is exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Sec. 26. Minnesota Statutes 1988, section 43A.27, subdivision 4, is amended to read:

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

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

30 days after the effective date of retirement if the judge intends to exercise the option.

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

Page 9, after line 5, insert:

"Sec. 34. Minnesota Statutes 1988, section 43A.37, subdivision 1, is amended to read:

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

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

Sec. 35. Minnesota Statutes 1988, section 176.421, is amended by adding a subdivision to read:

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

Sec. 36. Minnesota Statutes 1988, section 176B.02, is amended to read:

176B.02 [PEACE OFFICERS BENEFIT FUND.]

~~There is hereby created in The police officers benefit fund is an account in the state treasury an account to be known as peace officers benefit fund. Funds in the peace officers benefit fund shall consist consisting of money appropriated to that fund. The administrator of the fund is the commissioner of employee relations public safety, who shall follow the procedures specified in section 176.541, subdivisions 2, 3, and 4."~~

Page 10, after line 24, insert:

"Sec. 38. Minnesota Statutes 1988, section 487.13, is amended to read:
487.13 [BUDGET.]

The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the court administrator of county court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the court administrator of county court or any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the court administrator of county court. ~~Appeal from this resolution of the county board may be made in the manner prescribed in section 485.018, subdivision 7.~~

Sec. 39. [RATIFICATIONS.]

Subdivision 1. [COUNCIL 6.] The labor agreement between the state of Minnesota and the American Federation of State, County and Municipal Employees, Council 6, approved by the legislative commission on employee relations on July 26, 1989, is ratified.

Subd. 2. [PROFESSIONAL EMPLOYEES.] The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 3. [SPECIAL TEACHERS.] The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 4. [LAW ENFORCEMENT.] The labor agreement between the state of Minnesota and the Bureau of Criminal Apprehension Agents' Association, Minnesota Conservation Officers' Association, and the Minnesota State Patrol Officers' Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 5. [MIDDLE MANAGERS.] The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 6. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 7. [COMMUNITY COLLEGE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on November 7, 1989, is ratified.

Subd. 8. [NURSES.] The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 9. [STATE UNIVERSITY FACULTY.] The labor agreement between the state of Minnesota and the State University Inter-Faculty Organization, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 10. [STATE UNIVERSITY ADMINISTRATORS.] The labor agreement between the state of Minnesota and the State University Administrative Unit, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 11. [MANAGERIAL PLANS.] The commissioner of employee relations' plan for managerial employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 12. [COMMISSIONER'S PLAN.] The commissioner of employee relations' plan for unrepresented employees, approved by the legislative commission on employee relations on September 6, 1989, is ratified.

Subd. 13. [AGENCY HEADS.] The salary plan for positions listed in Minnesota Statutes, section 15A.081, approved by the legislative commission on employee relations on November 7, 1989, is ratified.

Subd. 14. [BOARD OF MEDICAL EXAMINERS.] The salary for the executive director of the board of medical examiners, approved by the legislative commission on employee relations on July 26, 1989, is ratified.

Subd. 15. [CHANCELLOR, STATE UNIVERSITY SYSTEM.] The salary for the chancellor of the Minnesota state university system, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 16. [CHANCELLOR, COMMUNITY COLLEGE SYSTEM.] The salary for the chancellor of the Minnesota community college system, approved by the legislative commission on employee relations on December 18, 1989, is ratified.

Subd. 17. [DIRECTOR, HIGHER EDUCATION COORDINATING BOARD.] The salary for the executive director of the Minnesota higher education coordinating board, approved by the legislative commission on employee relations on January 23, 1990, is ratified.

Subd. 18. [BOARD OF DENTISTRY.] The salary for the executive director of the board of dentistry, approved by the legislative commission on employee relations on January 23, 1990, is ratified.

Sec. 40. [INTERIM APPROVAL.]

After adjournment of the 1990 session but before the 1991 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, or compensation or salary plan submitted to it under other law. The commission shall submit the agreement, award, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards, and plans submitted after adjournment of the legislature in an odd-numbered year.

Sec. 41. [RETIRED JUDGES; OPTION TO PURCHASE INSURANCE.]

The following judges may exercise the option provided in section 26 within 30 days after the effective date of that section:

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

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

Sec. 42. [REPEALER.]

Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5; and Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7, are repealed.

Sec. 43. [EFFECTIVE DATES.]

Sections 1, 3, 4, 5, 19, 21, and 25 are effective July 1, 1990. Sections 26, 39, and 40 are effective the day following final enactment. Section 2 is effective the day following final enactment and applies to appointments made after June 30, 1989. Section 35 is effective August 1, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "certain" and insert "state"

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 to 12

Page 1, line 13, delete everything before "amending" and insert "regulating the setting of certain salaries; ratifying certain salaries;"

Page 1, line 14, after "15A.081," insert "subdivision 7b, and"

Page 1, line 15, after the first semicolon, insert "15A.083, subdivisions 5, 7, and by adding a subdivision; 43A.04, subdivisions 1, 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5;" and delete "and 3; and" and insert ", 3, 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivision 1; 43A.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.23, subdivision 1; 43A.27, subdivision 4;"

Page 1, line 16, delete "amending" and insert "43A.37, subdivision 1; 176.421, by adding a subdivision; 176B.02; 487.13;"

Page 1, line 20, before the period, insert "; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5; and Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7"

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

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

S.F. No. 2115: A bill for an act relating to peace officers; authorizing licensed peace officers to operate motor vehicles and watercraft without lights under certain circumstances; providing exemption from tort liability; amending Minnesota Statutes 1988, sections 169.48; and 361.15; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Page 2, line 16, after "officer," insert "as"

Page 2, line 23, after "orders" insert a comma

Page 2, line 28, delete "as applied in" and insert "for purposes of"

Page 2, line 34, strike "each"

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

adopted.

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

S.F. No. 1866: A bill for an act relating to Lake Superior; establishing an information, research, and education authority.

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

Delete everything after the enacting clause and insert:

“Section 1. [85B.01] [ORGANIZATION.]

Subdivision 1. [ESTABLISHMENT.] The Lake Superior Center Authority is established as a public corporation and instrumentality of the state. It is not subject to the laws governing a state agency except as provided in sections 1 to 7. The business of the corporation must be conducted under the name “Lake Superior Center Authority.”

Subd. 2. [BOARD OF DIRECTORS.] The corporation is governed by a board of five directors. The term of a director, except as otherwise provided below, shall be six years. One of the five directors shall be the commissioner of the department of natural resources. The other four members of the board shall be appointed by the governor with the advice and consent of the senate. Two members of the initial board of directors shall be appointed for terms of four years, and two for terms of two years. Vacancies on the board shall be filled by appointment of the governor, subject to the advice and consent of the senate. Board members shall not be compensated for their service as board members other than to be reimbursed for reasonable expenses incurred in connection with their duties as board members, which reimbursement shall be reviewed each year by the commissioner of finance. A board member may be removed by the governor for malfeasance or nonfeasance in the performance of the member's official duties.

Subd. 3. [BYLAWS.] The board of directors shall adopt bylaws necessary for the conduct of the business of the corporation, consistent with this act. The corporation must publish the bylaws and amendments to the bylaws in the State Register.

Subd. 4. [PLACE OF BUSINESS.] The board shall locate and maintain the corporation's place of business within the state.

Subd. 5. [CHAIR.] The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 6. [MEETINGS.] The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the corporation. Board meetings are subject to section 471.705.

Subd. 7. [CONFLICT OF INTEREST.] A director, employee, or officer of the corporation may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Subd. 8. [ECONOMIC INTEREST STATEMENTS.] Directors and officers of the corporation are public officials for the purpose of section 10A.09 and must file statements of economic interest with the state ethical practices board.

Subd. 9. [TORT CLAIMS.] The corporation is a state agency for purposes of section 3.736.

Subd. 10. [NO BENEFIT TO PRIVATE INDIVIDUALS OR CORPORATIONS.] This corporation shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation other than Lake Superior Center, a Minnesota nonprofit corporation (except the payment of reasonable fees for goods and services rendered and approved in accordance with the bylaws of the corporation) and no part of the net income or net earnings of the corporation shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Sec. 2. [85B.02] [POWERS.]

Subdivision 1. [GENERAL CORPORATE POWERS.] (a) The corporation has the powers granted to a business corporation by section 302A.161, subdivisions 3; 4; 5; 7; 8; 9; 11; 12; 13, except that the corporation may not act as a general partner in any partnership; 14; 15; 16; 17; 18; and 22; and the powers necessary or convenient to exercise the enumerated powers.

(b) The state is not liable for the obligations of the corporation.

(c) Section 302A.041 applies to this chapter and the corporation in the same manner that it applies to business corporations established under chapter 302A.

Subd. 2. [FACILITY DESIGN; DEVELOPMENT AND OPERATION.] The corporation shall enter into management contracts or lease agreements or both with Lake Superior Center, a Minnesota nonprofit corporation, to design, develop, and operate a facility to further the purposes of this act in the city of Duluth, at the site determined by the board and on the terms that the board finds desirable. Notwithstanding the provisions of section 1, subdivision 10, relating to conflict of interest, a director or officer of the corporation who is also a director, officer, or member of Lake Superior Center, a Minnesota nonprofit corporation, and the corporation, may participate in and vote on the decision of the board as to the terms and conditions of management contracts or lease agreements between Lake Superior Center and the corporation.

Subd. 3. [FUNDS.] The corporation may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of, and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Expenditures of \$25,000 or more must be approved by the full board.

Subd. 4. [ANIMALS; REGULATION.] (a) The corporation shall comply with all federal laws and federal rules or regulations relating to the quarantine, transportation, examination, habitation, care, and treatment of wild animals. The department of natural resources may prescribe rules supplemental to federal regulations, relating to the transportation, examination, care, and treatment of wild animals native to this state held or proposed to be acquired by the board and may inspect them as often and at the times it deems necessary.

(b) The corporation shall not be subject to the provisions of chapters 17, 19, 97A, 97B, and 97C, and section 343.21, subdivision 8, that relate to purchase, barter, sale, possession, breeding, or transporting wild animals.

Subd. 5. [ANIMALS; SALE.] The board may sell or exchange animals determined by it to be superfluous to operations, subject to state and federal regulations.

Subd. 6. [ADVERTISING.] The board may provide for promotional and advertising programs to be developed and implemented either by its personnel or by contract with outside personnel and paid for out of funds other than bond revenues.

Subd. 7. [ADMISSION FEES.] The board or its agent may establish admission fees and other charges for use of its facilities.

Sec. 3. [85B.03] [EMPLOYEES.]

Subdivision 1. [NO EMPLOYEES.] The corporation shall have no employees itself but shall discharge its duties by contract and lease.

Subd. 2. [CONTRACTOR'S EMPLOYEES NOT STATE EMPLOYEES.] Persons employed by contractors or lessees are not state employees and may not participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are not subject to regulation by the state ethical practices board.

Sec. 4. [85B.04] [ACCOUNTS; AUDITS.]

The corporation may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state public examiner. A copy of this audit shall be filed with the secretary of state. The corporation is subject to the auditing requirements under sections 3.971 and 3.972.

Sec. 5. [85B.05] [ANNUAL REPORT.]

(a) The board shall submit a report to the chairs of the house of representatives and senate environment and natural resources committees, the senate economic development and housing and the house of representatives economic development committees of the legislature and the governor on the activities of the corporation and its contractors and lessees by February 1 of each year.

(b) The report must include at least the following:

(1) a description of each of the programs that the corporation has provided or undertaken at some time during the previous year;

(2) an identification of the sources of funding in the previous year for the corporation and its programs including federal, state, and local government, foundations, gifts, donation, fees, and all other sources;

(3) a description of the administrative expenses of the corporation during the previous year;

(4) a listing of the assets and liabilities of the corporation at the end of the previous fiscal year;

(5) a description of any changes made to the operational plan during the previous year; and

(6) a description of any newly adopted or significant changes to bylaws, policies, rules, or programs created or administered by the corporation during the previous year.

(c) Reports must be made to the legislature as required by section 3.195.

Sec. 6. [85B.06] [PROPERTY TAX EXEMPTION.]

Property of the corporation is exempt from taxation on its value in the same manner as property listed in section 272.02, subdivision 1.

Sec. 7. [85B.07] [DISSOLUTION.]

In the event of the dissolution of the corporation for any reason, the state, upon action by the governor and after consultation with the legislative advisory commission, may require the liquidation of all holdings and investments and the return of the proceeds of that liquidation and any wholly owned assets of the corporation to the state in exchange for the assumption of all outstanding obligations of the corporation."

Amend the title as follows:

Page 1, line 3, delete ", research," and before the period, insert "; proposing coding for new law as Minnesota Statutes, chapter 85B"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1891, 2239, 2353, 2039, 2146, 1983, 2403, 1920, 2079, 2349, 2074, 772, 2264, 2261 and 2115 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2143 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Taylor be stricken as chief author and the name of Mr. Piepho be added as chief author to S.F. No. 13. The motion prevailed.

Mr. Decker moved that the name of Mr. Taylor be stricken as co-author and the name of Mr. Piepho be added as a co-author to S.F. No. 961. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Piepho be added as a co-author to S.F. No. 1425. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Taylor be stricken as chief author and the name of Mr. Piepho be added as chief author to S.F. No. 1426. The motion prevailed.

Mr. Solon moved that the name of Mr. Larson be added as a co-author to S.F. No. 1790. The motion prevailed.

Mr. Merriam moved that the name of Mr. Davis be added as a co-author to S.F. No. 2289. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Peterson, R.W.; Knaak; Laidig and Lessard be added as co-authors to S.F. No. 2428. The motion

prevailed.

Mr. Knaak moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 2474. The motion prevailed.

Mr. Langseth moved that the names of Messrs. DeCramer and Benson be added as co-authors to S.F. No. 2480. The motion prevailed.

Mr. Stumpf moved that S.F. No. 1930 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Schmitz moved that S.F. No. 2115, on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. McGowan moved that S.F. No. 2390 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Knaak moved that S.F. No. 2259 be withdrawn from the Committee on Local and Urban Government and returned to its author. The motion prevailed.

Mrs. Lantry moved that S.F. No. 2146, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Moe, R.D. moved that Senate Resolution No. 154 be withdrawn from the Committee on Rules and Administration. The motion prevailed.

Senate Resolution No. 154: A Senate resolution designating and proclaiming April 22, 1990, as Earth Day 1990.

WHEREAS, almost 20 years ago, more than 20 million Americans joined together on Earth Day in a demonstration of concern for the environment, and their collective action resulted in the passage of sweeping new laws to protect our air, water, and land; and

WHEREAS, in the 19 years since the first Earth Day, despite environmental improvements, the environmental health of the planet is increasingly endangered, threatened by global climate change, ozone depletion, growing world population, tropical deforestation, ocean pollution, toxic wastes, desertification, and nuclear waste requiring action by all sectors of society; and

WHEREAS, Earth Day 1990 is a national and international call to action for all citizens to join in a global effort to save the planet; and

WHEREAS, Earth Day 1990 activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sound lifestyles; and

WHEREAS, Earth Day 1990 will also educate all citizens on the importance of buying and using those products least harmful to the environment, the importance of doing business with companies that are environmentally sensitive and responsible, the importance of voting for those candidates who demonstrate an abiding concern for the environment, and the importance of supporting the passage of legislation that will help protect the environment; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it designate and proclaim April 22, 1990, as Earth Day 1990, and that that day shall be set aside for public activities promoting preservation of the global environment and launching the "Decade of the Environment."

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee, and present it to the appropriate Minnesota organizations planning public activities for Earth Day 1990.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALENDAR

S.F. No. 1695: A bill for an act relating to human services; authorizing allocation of central, affiliated, or corporate costs for nursing homes and intermediate care facilities for persons with mental retardation and related conditions; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1777: A bill for an act relating to Ramsey county; setting the terms of charter commission members; amending Minnesota Statutes 1988, section 383A.553, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1813: A bill for an act relating to human services; amending the Medicare certification requirement for nursing homes; amending Minnesota Statutes 1989 Supplement, section 256B.48, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1943: A bill for an act relating to human rights; lengthening the statute of limitations for human rights act violations; amending Minnesota Statutes 1989 Supplement, section 363.06, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Knutson and McGowan voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1906: A bill for an act relating to crime victims; making the crime victim ombudsman accountable to the commissioner of public safety; clarifying that certain juvenile records are available to the ombudsman; amending Minnesota Statutes 1988, sections 611A.71, subdivision 6; 611A.74, subdivisions 1 and 3; and 611A.75.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1783: A bill for an act relating to education; allowing certain school districts to change education districts; amending Minnesota Statutes 1989 Supplement, section 122.91, subdivision 5.

With the unanimous consent of the Senate, Mr. Renneke moved to amend S.F. No. 1783 as follows:

Page 1, line 7, delete "1988" and insert "1989 Supplement"

The motion prevailed. So the amendment was adopted.

S.F. No. 1783 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONSENT CALENDAR

S.F. No. 1973: A resolution memorializing the President and Congress to reauthorize the low-income home energy assistance program and to increase its appropriation for fiscal year 1991 and subsequent years.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 1717, 1680, 1820 and 2130, which the committee recommends to pass.

S.F. No. 1789, which the committee recommends to pass with the following amendment offered by Mr. Vickerman:

Page 1, line 19, after "*orally*" insert " *, is ordinarily dispensed by a pharmacist,*"

Page 1, line 20, after "*vaccine*" insert a comma and before "*board*" insert "*practitioner's licensing*"

Page 1, line 25, before "*board*" insert "*appropriate licensing*"

Page 1, line 26, after "*means*" insert "*(1)*"

Page 2, lines 1 and 2, delete "*and dispensing*"

Page 2, line 2, after "*drug*" insert "*for legend drugs that are purchased in prepackaged form or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03*"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 and 4

Page 1, line 5, delete everything before the semicolon and insert "requiring licensed health care practitioners who dispense certain legend drugs for profit to file with the practitioner's licensing board"

The motion prevailed. So the amendment was adopted.

S.F. No. 1691, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 2, line 3, delete "*commissioner*" and insert "*agency*"

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.

Without objection, 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 Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1915: A bill for an act relating to children; establishing a board to plan, coordinate, and oversee early childhood development programs and services; requiring local area planning councils to be established; establishing a technical advisory committee; proposing coding for new law as Minnesota Statutes, chapter 129D; repealing Minnesota Statutes 1989 Supplement, section 256H.25.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for March 7, 1990, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1931: A bill for an act relating to human services; providing for drug abuse prevention, research, and treatment programs; appropriating money; proposing new law in Minnesota Statutes 1988, chapter 254A.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 5, 1990, be amended to read:

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Chmielewski introduced—

S.F. No. 2490: A bill for an act relating to workers' compensation; including mentally retarded persons and those with related conditions to the list of registrable conditions for the subsequent disability special fund; amending Minnesota Statutes 1988, section 176.131, subdivision 8.

Referred to the Committee on Employment.

Mr. Renneke introduced—

S.F. No. 2491: A bill for an act relating to retirement; regulating economic interest statements of pension fiduciaries; amending Minnesota Statutes 1989 Supplement, section 356A.06, subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Metzen introduced—

S.F. No. 2492: A bill for an act relating to the practice of law; allowing the sole shareholder of a corporation to appear on behalf of the corporation in court; amending Minnesota Statutes 1988, section 481.02, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 2493: A bill for an act relating to insurance; promoting availability of automobile insurance for home day care providers; amending Minnesota Statutes 1988, sections 65B.13; 65B.47, subdivision 1; and 65B.49, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Decker, Lessard and Anderson introduced—

S.F. No. 2494: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Cass county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Decker, Pehler, Ms. Reichgott and Mr. Larson introduced—

S.F. No. 2495: A bill for an act relating to education; allowing independent school district No. 301 to transfer funds to the general fund upon consolidation.

Referred to the Committee on Education.

Messrs. Decker, Larson and Knutson introduced—

S.F. No. 2496: A bill for an act relating to education; permitting a levy referendum to be held in May; amending Minnesota Statutes Second 1989 Supplement, section 124A.03, subdivision 2.

Referred to the Committee on Education.

Messrs. Decker; Johnson, D.E.; Storm; Ms. Reichgott and Mr. Anderson introduced—

S.F. No. 2497: A bill for an act relating to nonprofit corporations; regulating amendments to the articles; requiring approval by the directors and members with voting rights; amending Minnesota Statutes 1989 Supplement, section 317A.133, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 2498: A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstracters; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1988, sections 386.66 and 386.67; repealing Minnesota Statutes 1988, section 386.65, subdivision 3.

Referred to the Committee on Commerce.

Mrs. Adkins, Messrs. Brandl, Benson, Mrs. McQuaid and Mr. Moe, R.D. introduced—

S.F. No. 2499: A bill for an act relating to state government; creating an advisory commission on intergovernmental relations; amending Minnesota Statutes Second 1989 Supplement, section 3.885, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes Second 1989 Supplement, section 3.885, subdivision 1a.

Referred to the Committee on Governmental Operations.

Messrs. Brandl, Merriam and Davis introduced—

S.F. No. 2500: A bill for an act relating to ethics in government; prohibiting transfers between political funds and between certain political committees; requiring additional reporting in the case of legislators and legislative candidates; amending Minnesota Statutes 1988, sections 10A.12, by adding a subdivision; 10A.13, by adding a subdivision; 10A.15, by adding a subdivision; and 10A.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections and Ethics.

Mrs. Adkins introduced—

S.F. No. 2501: A bill for an act relating to the town of Otsego in Wright county; permitting the conversion of the town to a statutory city.

Referred to the Committee on Local and Urban Government.

Messrs. Vickerman, Davis, Berg, Beckman and Anderson introduced—

S.F. No. 2502: A bill for an act relating to finance; appropriating money for beekeepers' losses resulting from grasshopper control methods.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Pogemiller, Metzen, Renneke, Freeman and Morse introduced—

S.F. No. 2503: A bill for an act relating to retirement; providing for an increase in the maximum amount of pension payable to certain police officers; amending Minnesota Statutes 1988, section 423.809, subdivision 1.

Referred to the Committee on Governmental Operations.

Mrs. Adkins introduced—

S.F. No. 2504: A bill for an act relating to motor vehicles; providing for a surcharge on automobile rental; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 2505: A bill for an act relating to the Minnesota board on aging; authorizing supplemental funds for congregate meals; appropriating money; amending Minnesota Statutes 1988, section 256.975, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Pehler, Peterson, R.W. and Larson introduced—

S.F. No. 2506: A bill for an act relating to education; implementing recommendations of the task force on education; offering incentives to school districts to participate in the statewide plan for outcome-based learning programs; requiring school boards to set school calendars; proposing coding for new law in Minnesota Statutes, chapters 121 and 126; repealing Minnesota Statutes 1988, sections 126.12; and 126.13.

Referred to the Committee on Education.

Mrs. McQuaid introduced—

S.F. No. 2507: A bill for an act relating to motor vehicles; authorizing special license plates for members of the United States armed forces ready reserve; amending Minnesota Statutes 1988, section 168.12, by adding a subdivision.

Referred to the Committee on Veterans and Military Affairs.

Mr. Renneke introduced—

S.F. No. 2508: A bill for an act relating to retirement; regulating pensions of volunteer firefighters; amending Minnesota Statutes 1988, section 424A.02, subdivision 6.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 2509: A bill for an act relating to housing; placing certain restrictions on the single-family mortgage loan program; amending Minnesota Statutes 1988, sections 462A.05, subdivision 3; and 462A.21, subdivision 8a; repealing Minnesota Statutes 1988, section 462A.05, subdivision

2.

Referred to the Committee on Economic Development and Housing.

Mr. Knutson introduced—

S.F. No. 2510: A bill for an act relating to family law; providing for child support orders in certain visitation actions; amending Minnesota Statutes 1989 Supplement, section 257.022, subdivision 2b.

Referred to the Committee on Health and Human Services.

Messrs. Langseth and Purfeerst introduced—

S.F. No. 2511: A bill for an act relating to transportation; authorizing private operators to construct, improve, rehabilitate, own, lease, and operate bridges and roads as toll facilities; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Transportation.

Mr. Spear introduced—

S.F. No. 2512: A bill for an act relating to traffic regulations; allowing immediate towing of vehicles unlawfully parked in taxicab zones; amending Minnesota Statutes 1989 Supplement, section 169.041, subdivision 4.

Referred to the Committee on Transportation.

Mr. Beckman introduced—

S.F. No. 2513: A bill for an act relating to Faribault county; authorizing the county local redevelopment agency board to have nine members.

Referred to the Committee on Economic Development and Housing.

Mr. Freeman introduced—

S.F. No. 2514: A bill for an act relating to insurance; clarifying the law prohibiting insurers from maintaining subrogation actions against insureds; amending Minnesota Statutes 1989 Supplement, section 60A.41.

Referred to the Committee on Commerce.

Mr. Morse introduced—

S.F. No. 2515: A bill for an act relating to retirement; consolidating local police and fire relief associations; providing for the modification of consolidation procedures in certain instances; amending Minnesota Statutes 1988, section 353A.09, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 353A.

Referred to the Committee on Governmental Operations.

Messrs. Morse; Luther; Frederickson, D.J. and Anderson introduced—

S.F. No. 2516: A bill for an act relating to agriculture; establishing a food advisory committee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 28A.

Referred to the Committee on Agriculture and Rural Development.

Mr. Morse introduced—

S.F. No. 2517: A bill for an act relating to counties; regulating performance bonds; amending Minnesota Statutes 1988, section 375.21, subdivision 1.

Referred to the Committee on Local and Urban Government.

Mr. Pehler introduced—

S.F. No. 2518: A bill for an act relating to employment; requiring overtime payment for certain work; amending Minnesota Statutes 1988, section 177.25, subdivision 1.

Referred to the Committee on Employment.

Messrs. Morse, DeCramer and Davis introduced—

S.F. No. 2519: A bill for an act relating to agriculture; amending provisions of the 1989 groundwater protection act; amending provisions relating to agricultural chemical regulation, enforcement, remediation, and compensation for remediation; clarifying the role of the commissioner of agriculture in remediation of agricultural chemicals; appropriating money; amending Minnesota Statutes 1988, sections 18B.14, subdivision 2; 18B.27, subdivision 3; 18B.28, subdivision 4; and 115B.02, subdivisions 3 and 4, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 18B.26, subdivision 3; 18C.005, by adding a subdivision; 18C.205, subdivision 2; 18C.305, subdivision 1; 18D.103, subdivision 1; 18D.301, by adding a subdivision; 18D.321, subdivision 2; 18E.03, subdivisions 3, 4, and 5, and by adding a subdivision; 18E.04, subdivision 1; Laws 1989, chapter 326, article 8, section 10; and chapter 335, article 1, section 23, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 18D; repealing Minnesota Statutes 1988, section 115B.17, subdivision 8.

Referred to the Committee on Agriculture and Rural Development.

Mr. Chmielewski introduced—

S.F. No. 2520: A bill for an act relating to retirement; excluding employees of the North Pine Area Hospital District from membership in the public employees retirement association for a limited time.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 2521: A bill for an act relating to taxation; imposing an additional excise tax on motor vehicle rentals; amending Minnesota Statutes 1988, section 297A.02, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 2522: A bill for an act relating to health; requiring licensure and regulation of outpatient surgical clinics; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 1988, section 145.416.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced —

S.F. No. 2523: A bill for an act relating to health; expanding reporting requirements for pregnancy terminations; amending Minnesota Statutes 1988, section 145.413, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced —

S.F. No. 2524: A bill for an act relating to health; maternal health; establishing an office in the state planning agency for the coordination of services for pregnant women; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Pogemiller introduced —

S.F. No. 2525: A bill for an act relating to courts; altering the election districts of district judges; providing for the judges to be elected from their assignment district within the judicial district; amending Minnesota Statutes 1988, section 2.722, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced —

S.F. No. 2526: A bill for an act relating to health; abortion; defining informed consent; creating a civil action; providing that a physician is strictly liable for damages arising out of certain abortions; prohibiting the performance of abortions on certain incompetent women; amending Minnesota Statutes 1988, sections 144.343, subdivisions 2 and 6; 145.412, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Davis introduced —

S.F. No. 2527: A bill for an act relating to agriculture; establishing an agricultural liming material law; appropriating money; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 18F.

Referred to the Committee on Agriculture and Rural Development.

Mr. Frederick introduced —

S.F. No. 2528: A bill for an act relating to education; appropriating money for the costs of the consolidation of three districts.

Referred to the Committee on Education.

Mr. Beckman introduced —

S.F. No. 2529: A bill for an act relating to economic development; authorizing the establishment of rural development zones; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Economic Development and Housing.

Mr. Diessner introduced—

S.F. No. 2530: A bill for an act relating to public safety; requiring physicians to report maltreatment of spouses; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 12, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate