

SEVENTY-FIRST DAY

St. Paul, Minnesota, Thursday, March 15, 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, Rev. James Battle.

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

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

Mr. Gustafson was excused from the early part of today's Session.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2336, 2407, 2505, 2645, 2650, 2002, 2134, 2202, 2296 and 2321.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1990

FIRST READING OF HOUSE BILLS

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

H.F. No. 2336: A bill for an act relating to historical interpretive centers; defining the status of Farmamerica in Waseca county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1890, now on General Orders.

H.F. No. 2407: A bill for an act relating to health; requiring an asbestos abatement rule change.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2481, now on General Orders.

H.F. No. 2505: A bill for an act relating to retirement; permitting participants in the college supplemental retirement plan to designate beneficiaries; amending Minnesota Statutes 1989 Supplement, section 136.82, subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

H.F. No. 2645: A bill for an act relating to insurance; regulating domestic insurers; providing for domestications and conversions to foreign insurers; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2549.

H.F. No. 2650: A bill for an act relating to cemeteries; allowing transfer of certain cemetery property to a religious corporation; amending Minnesota Statutes 1988, section 306.02, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2455, now on the Consent Calendar.

H.F. No. 2002: A bill for an act relating to veterans; changing a provision prohibiting cemeteries near veterans homes; amending Minnesota Statutes 1988, section 137.20.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1967, now on General Orders.

H.F. No. 2134: A bill for an act relating to elections; changing the vote margin for an automatic recount at the state primary or general election; amending Minnesota Statutes 1988, section 204C.35, subdivision 1.

Referred to the Committee on Finance.

H.F. No. 2202: A bill for an act relating to education; allowing the board of teaching to grant variances to its rules in certain cases; amending Minnesota Statutes 1988, section 125.185, by adding a subdivision.

Referred to the Committee on Education.

H.F. No. 2296: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Becker county.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2321: A bill for an act relating to consumer protection; requiring an itemized statement for certain automobile purchase price refunds; amending Minnesota Statutes 1988, sections 325F.662, subdivision 8; and 325F.665,

subdivisions 3 and 6.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

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

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 2314: A bill for an act relating to education; placing certain positions in special school district No. 1, Minneapolis, in the unclassified service; naming the appointing authority for the positions.

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 2248: A bill for an act relating to education; entering the Mid-western Higher Education Compact; providing the appointment of members; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1808: A bill for an act relating to libraries; authorizing a regional library system to allocate levy authority for libraries; changing certain levy limits; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 134.

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

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

S.F. No. 2549: A bill for an act relating to insurance; regulating domestic insurers; providing for domestications and conversions to foreign insurers; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

H.F. No. 1985: A bill for an act relating to insurance; regulating cease and desist orders and communications with the department of commerce; amending Minnesota Statutes 1988, sections 45.027, subdivision 5; and 60A.17, 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. 1942: A bill for an act relating to insurance; regulating liability insurance claim denials; amending Minnesota Statutes 1988, section 72A.201, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 65B.525, is amended by adding a subdivision to read:

Subd. 3. [ENTRY OF ORDER.] An order on an arbitration proceeding under subdivision 1 or 2 must be entered within 90 days of submission of a case for arbitration.

Sec. 2. Minnesota Statutes 1989 Supplement, section 72A.327, is amended to read:

72A.327 [HEALTH CLAIMS; RIGHTS OF APPEAL.]

(a) An insured whose claim for medical benefits under chapter 65B is denied because the treatment or services for which the claim is made is claimed to be experimental, investigative, not medically necessary, or otherwise not generally accepted by licensed health care providers and for which the insured has financial responsibility in excess of applicable copayments and deductibles may appeal the denial to the commissioner. *The commissioner must enter an order within 90 days of the filing of the appeal.*

(b) This section does not apply to claims for health benefits which have been arbitrated under section 65B.525, subdivision 1.

(c) A three-member panel shall review the denial of the claim and report to the commissioner. The commissioner shall establish a list of qualified individuals who are eligible to serve on the panel. In establishing the list, the commissioner shall consult with representatives of the contributing members as defined in section 65B.01, subdivision 2, and professional societies. Each panel must include: one person with medical expertise as identified by the contributing members; one person with medical expertise as identified by the professional societies; and one public member. The commissioner, upon initiation of an arbitration, shall select from each list three potential arbitrators and shall notify the issuer and the claimant of the selection. Each party shall strike one of the potential arbitrators and an arbitrator shall be selected by the commissioner from the remaining names of potential arbitrators if more than one potential arbitrator is left. In the event of multiparty arbitration, the commissioner may increase the number of potential arbitrators and divide the strikes so as to afford an

equal number of strikes to each adverse interest. If the selected arbitrator is unable or unwilling to serve for any reason, the commissioner may appoint an arbitrator, which will be subject to challenge only for cause. The party that denied the coverage has the burden of proving that the services or treatment are experimental, investigative, not medically necessary, or not generally accepted by licensed health care professionals. In determining whether the burden has been met, the panel may consider expert testimony, medical literature, and any other relevant sources. If the party fails to sustain its burden, the commissioner may order the immediate payment of the claim *and may impose a 20 percent penalty on the amount of the claim to be paid to the insured*. All proceedings of the panel and any documents received or developed by the review process are nonpublic.

(d) A person aggrieved by an order under this section may appeal the order. The appeal shall be pursuant to section 65B.525 where appropriate, or to the district court for a trial de novo, in all other cases. In nonemergency situations, if the insurer has an internal grievance or appeal process, the insured must exhaust that process before the external appeal. In no event shall the internal grievance process exceed the time limits described in section 72A.201, subdivision 4a.

(e) If prior authorization is required before services or treatment can be rendered, an appeal of the denial of prior authorization may be made as provided in this section.

(f) The commissioner shall adopt procedural rules for the conduct of appeals.

(g) The permanent rulemaking authority granted in this section is effective June 2, 1989, regardless of the actual effective date of January 1, 1990."

Delete the title and insert:

"A bill for an act relating to insurance; making changes in arbitration proceedings concerning no-fault automobile insurance; amending Minnesota Statutes 1988, section 65B.525, by adding a subdivision; and Minnesota Statutes 1989 Supplement, section 72A.327."

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. 1923: A bill for an act relating to consumer protection; limiting the locations in which sales of tobacco by vending machine may be made; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 2, delete lines 15 to 17 and insert:

"*Subd. 3. [LOCAL REGULATION.] The governing body of a local unit of government may adopt rules or ordinances relating to vending machine sales of tobacco that are more restrictive than the restrictions imposed by this section.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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. 2012: A bill for an act relating to agriculture; providing that checkoff fees from certain potato producers are not refundable; amending Minnesota Statutes 1988, section 17.63.

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. 2108: A bill for an act relating to liquor; authorizing liquor stores to sell candy liqueurs; exempting certain signs from cost limits; authorizing removal of partially consumed wine bottles from licensed premises; eliminating the requirement for a vote on municipal liquor store continuance upon population change; amending Minnesota Statutes 1988, sections 340A.101, subdivision 10; 340A.308; and 340A.404, by adding a subdivision; repealing Minnesota Statutes 1988, section 340A.601, subdivision 2.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 340A.101, subdivision 10, is amended to read:

Subd. 10. [EXCLUSIVE LIQUOR STORE.] “Exclusive liquor store” is an establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, nonintoxicating malt liquor, beverages for mixing with intoxicating liquor, soft drinks, *liqueur-filled candies*, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment. “Exclusive liquor store” also includes an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on-premise consumption when authorized by the municipality issuing the license.

Sec. 2. Minnesota Statutes 1989 Supplement, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) Notwithstanding any other law, local ordinance or charter provision, the city of Minneapolis may issue one or more on-sale intoxicating liquor licenses to the owner of the sports arena located at 600 First Avenue North in the city of Minneapolis or an entity holding a concessions contract with the owner for use on the premises of that sports arena. The license authorizes sales on all days of the week to holders of tickets for sporting events or other events at the sports arena, and to the owner of the sports arena and the owner's guests. The licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises.

Sec. 3. Minnesota Statutes 1988, section 340A.404, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO THE COMMISSIONER.] A city shall within ten days of the issuance of a license under subdivision 1 or 5, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Sec. 4. Minnesota Statutes 1988, section 340A.404, subdivision 5, is amended to read:

Subd. 5. [WINE LICENSES.] (a) A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 14 percent alcohol by volume for consumption with the sale of food. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the licensee's authorization to the sale of wine on all days except Sundays.

(b) The governing body of a municipality may by ordinance authorize a holder of an on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell nonintoxicating malt liquors at on-sale pursuant to section 340A.411, and whose gross receipts are at least 60 percent attributable to the sale of food, to sell intoxicating malt liquors at on-sale without an additional license.

(c) A municipality may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility.

Sec. 5. Minnesota Statutes 1988, section 340A.404, is amended by adding a subdivision to read:

Subd. 11. [REMOVAL OF WINE FROM RESTAURANT.] *A restaurant licensed to sell intoxicating liquor or wine at on-sale under this section may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal to remove the bottle of wine on leaving the licensed premises, provided that the bottle has been opened and the contents partially consumed. The removal of a bottle of wine under the conditions described in this subdivision is not an off-sale of intoxicating liquor and may be permitted without additional license.*

Sec. 6. Minnesota Statutes 1988, section 340A.504, subdivision 1, is amended to read:

Subdivision 1. [NONINTOXICATING MALT LIQUOR.] No sale of non-intoxicating malt liquor may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00

noon on Sunday, provided that an establishment located on land owned by the metropolitan sports commission *or the sports arena for which one or more licenses have been issued under section 340A.404, subdivision 2, paragraph (c)*, may sell nonintoxicating malt liquor between 10:00 a.m. and 12:00 noon on a Sunday on which a sports or other event is scheduled to begin at that location on or before 1:00 p.m. of that day.

Sec. 7. Minnesota Statutes 1989 Supplement, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between ~~4:00~~ 1:30 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after ~~4:00~~ 1:30 a.m. on Sundays; ~~except as provided by subdivision 3;~~

(3) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, except as provided by subdivision 3.

Sec. 8. Minnesota Statutes 1989 Supplement, section 340A.504, subdivision 3, is amended to read:

Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and ~~4:00~~ 1:30 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and ~~4:00~~ 1:30 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota clean air act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A municipality may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the municipality voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$5 for each duplicate.

Sec. 9. Minnesota Statutes 1988, section 340A.601, subdivision 2, is amended to read:

Subd. 2. [POPULATION CHANGE.] A city which has established a

municipal liquor store may continue to operate it notwithstanding a subsequent change in population if within one year after the effective date of the census by which the municipality exceeds 10,000 in population, the question, "Shall the city continue to operate its municipal liquor store?" is submitted to the voters of the city at a general or special municipal election and a majority of the voters voting on the question at the election vote in the affirmative on the question. The notice of the election shall state the question to be submitted to the electors at the election.

Sec. 10. [340A.908] [LIQUEUR-FILLED CANDY.]

Liqueur-filled candy may only be sold in an exclusive liquor store.

Sec. 11. [CITY OF ST. PAUL; WINE AND BEER LICENSES.]

Subdivision 1. [LICENSE AUTHORIZED.] The city of St. Paul may issue on-sale nonintoxicating malt liquor licenses and on-sale wine licenses to the city's division of parks and recreation. The licenses authorize the sale of wine or nonintoxicating malt liquor on property owned by the city and under the jurisdiction of the division, by

(1) employees of the city;

(2) persons holding a permit from the division to conduct an event and sell wine or nonintoxicating malt liquor to persons attending the event; or

(3) persons who have contracted with the city to sell wine or nonintoxicating malt liquor on the property.

Subd. 2. [PERMITS, CONTRACTS.] (a) Permits issued by the city under subdivision 1, clause (2), and contracts entered into by the city under subdivision 1, clause (3), must provide for:

(1) the duration of the permit or contract;

(2) the premises or area in which sales of wine or nonintoxicating malt liquor will be made;

(3) the persons to whom the sales will be made;

(4) the days and hours in which the sales will be made; and

(5) obtaining by the permit holder or contracted vendor of such liquor liability insurance or bond, or both, as the city considers necessary to protect the city's interest as the holder of the license.

(b) A permit may be issued or a contract entered into under this section with a person who does not hold a license issued under Minnesota Statutes, chapter 340A, for the retail sale of alcoholic beverages.

(c) The division may without notice or hearing refuse to issue a permit under subdivision 1, clause (2).

Subd. 3. [CITY COUNCIL APPROVAL.] The St. Paul city council must approve each:

(1) facility at which wine or nonintoxicating malt liquor will be sold by city employees;

(2) permit issued under subdivision 1, clause (2); and

(3) contract entered into under subdivision 1, clause (3).

Subd. 4. [APPLICABILITY OF GENERAL LAW.] All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply

to licenses issued under this section. Licenses authorized by this section are in addition to any other licenses authorized by law.

Sec. 12. [EARLE BROWN HERITAGE CENTER LICENSE.]

In addition to any license authorized by law, the city of Brooklyn Center may issue one on-sale intoxicating liquor license for the Earle Brown Heritage Center convention center. The license shall authorize the sale and serving of liquor to persons attending events at the center, other than amateur athletic events. The license fee and hours of sale shall be set by the city council within the limits imposed by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to this license.

Sec. 13. [DULUTH LICENSE.]

Notwithstanding any law to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to a restaurant located at 109 North Second Avenue West in the city of Duluth. The license authorized by this section is in addition to any other licenses authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized by this section.

Sec. 14. [ITASCA COUNTY LIQUOR LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (e), the Itasca county board may issue a license under Minnesota Statutes, section 340A.405, subdivision 2, to a person for an establishment located less than three miles by the most direct route from the boundary of a home rule charter or statutory city with a population greater than 8,000 that is located within Itasca county.

Sec. 15. [CERTAIN COUNTIES; LIQUOR LICENSING.]

The county board of Anoka may, by resolution, delegate to the town board of each town located within the county, powers possessed by the county to issue nonintoxicating malt liquor licenses under Minnesota Statutes, section 340A.403, on-sale intoxicating liquor licenses under Minnesota Statutes, section 340A.404, and off-sale intoxicating liquor licenses under Minnesota Statutes, section 340A.405, within the unincorporated area of the county; provided that the town board of the respective town consents to the delegation of powers. License fees must be paid to the town. The town board shall assume all powers and duties of the county board in regard to licensing.

Sec. 16. [EFFECTIVE DATE.]

Section 2 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Section 3 is effective the day following final enactment. Section 11 is effective on approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021. Section 12 is effective on approval by the Brooklyn Center city council and compliance with Minnesota Statutes, section 645.021. Section 13 is effective on approval by the Duluth city council and compliance with Minnesota Statutes, section 645.021. Section 14 is effective on approval by the Itasca county board and compliance with Minnesota Statutes, section 645.021. Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), section 15 is effective without local approval the day following final enactment."

Delete the title and insert:

"A bill for an act relating to liquor; regulating the sale of liqueur-filled candy; authorizing municipalities to issue on-sale wine licenses to bed and breakfast facilities; authorizing removal of partially consumed wine bottles from licensed premises; authorizing additional licenses in the cities of Minneapolis, Brooklyn Center, and Duluth; authorizing the issuance of wine and nonintoxicating malt liquor licenses by the city of St. Paul to its parks and recreation division; authorizing the county board of Anoka county to delegate liquor licensing authority to town boards within the county; authorizing the county board of Itasca county to issue an off-sale or combination license within three miles of an incorporated area; providing for the reporting of wine licenses to the commissioner of public safety; extending hours of on-sale liquor sales; eliminating the requirement for a vote on municipal liquor store continuance upon population change; amending Minnesota Statutes 1988, sections 340A.101, subdivision 10; 340A.404, subdivisions 3, 5, and by adding a subdivision; 340A.504, subdivision 1; 340A.601, subdivision 2; Minnesota Statutes 1989 Supplement, sections 340A.404, subdivision 2; 340A.504, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 340A."

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. 2310: A bill for an act relating to education; revising, updating, and making substantive changes in the laws on the county extension service; amending Minnesota Statutes 1988, sections 38.33; 38.34; 38.35; 38.36; 38.37; and 38.38; proposing coding for new law in Minnesota Statutes, chapter 38.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 38.33, is amended to read:

38.33 [~~PURPOSE~~ *COORDINATION TO MAINTAIN COUNTY EXTENSION WORK.*]

~~The purpose of Sections 38.33 to 38.38 is to coordinate the work of the federal, state, and county government; the state, the several counties of the state, and the division of agricultural Minnesota extension of the University of Minnesota in the maintenance of service to maintain county extension work in agriculture and home economies.~~

Sec. 2. [38.331] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] *The definitions in this section apply to sections 38.33 to 38.38.*

Subd. 2. [COUNTY EXTENSION WORK.] *"County extension work" means educational programs and services provided by extension agents in the areas of agriculture, economic and human development, community leadership, and environment and natural resources.*

Subd. 3. [DIRECTOR OF EXTENSION.] *"Director of extension" means*

the dean and director of the Minnesota extension service.

Subd. 4. [MINNESOTA EXTENSION SERVICE.] "Minnesota extension service" means the Minnesota extension service of the University of Minnesota.

Sec. 3. Minnesota Statutes 1988, section 38.34, is amended to read:

38.34 [COUNTY BOARD; EXPENSES MAY PAY FOR EXTENSION WORK.]

~~The A board of county commissioners of the several counties of this state are hereby authorized and empowered to may incur expenses and to expend spend money for county extension work in agriculture and home economies,~~ as provided in sections 38.33 to 38.38.

Sec. 4. Minnesota Statutes 1988, section 38.35, is amended to read:

38.35 [EXPENDITURE OF STATE APPROPRIATIONS; HOW EXPENDED.]

~~All moneys Money~~ appropriated by the state ~~for the purpose of aiding in the maintenance to maintain~~ and pay expenses of county extension work ~~in agriculture and home economies shall must~~ be expended ~~spent~~ under the direction of the ~~dean director of the Institute of Agriculture of the University of Minnesota,~~ or the ~~dean's delegated representative extension,~~ who, acting with the county extension committee, ~~is hereby empowered to shall~~ carry out the ~~provisions of~~ sections 38.33 to 38.38.

Sec. 5. Minnesota Statutes 1988, section 38.36, is amended to read:

38.36 [COUNTY EXTENSION COMMITTEE.]

Subdivision 1. [COMMITTEE COMPOSITION.] There shall be provided in each (a) A county must have an extension committee, consisting of nine members, of whom which:

(1) two shall be members of the board of must be county commissioners, including the chair and one other member of appointed by the county board selected by the board,;

(2) the county auditor, and or the auditor's designee must be a member except if the county does not have an office of auditor, the county board shall appoint a member from the county administration; and

(3) six additional members to be selected and must be appointed at large by the county board as provided in this section. In 1970 and each year thereafter,

(b) The county board of county commissioners at their annual meeting shall select and appoint on an at large basis members at its annual meeting to fill the memberships on the extension committee expiring at that time.

(c) Members shall serve for a term of three years that number of the county extension committee as is required to fill the memberships on that committee expiring at that time.

Subd. 2. [BUDGET RECOMMENDATIONS.] In cooperation with the dean director of the Institute of Agriculture of the University of Minnesota extension, or the dean's delegated representative director's designee, the county extension committee, each year, on or before the second Monday of July in accordance with county budgetary deadlines, shall:

(1) prepare a budget showing the total funds available and needed; and shall;

(2) recommend to the county board of county commissioners the amount of county funds necessary for the maintenance to maintain, support, and pay the expenses of the county extension work in agriculture and home economies during the following year; and

(3) present a copy of such the budget shall be presented by the county auditor and county budget share recommendation to the county board of county commissioners.

Subd. 3. [COUNTY BUDGET SHARE.] It shall be the duty of The county board of county commissioners at its regular meeting in July or January, as the case may be, to shall consider the recommended county budget share of money necessary for the maintenance, support, and expenses of county extension work in agriculture and home economies during recommendation by the extension committee for the following year. For these purposes The county board of county commissioners may appropriate money annually from the its general revenue fund for the county budget share and may include the same county budget share in the annual levy of county taxes or may make a special levy for county extension purposes or both.

Subd. 4. [COUNTY EXTENSION FUND.] (a) The amount of money set aside and appropriated by the county board of county commissioners for any county for these purposes shall constitute a fund to be known as the county budget share is the county extension fund; which shall.

(b) Money from the fund may be paid out by orders of the dean director of the Institute of Agriculture of the University of Minnesota extension, or the dean's delegated representative, for salaries of the agents employed, their employees director's designee, to pay a part of the compensation of the extension agents employed, to pay directly the compensation of county support employees, and to pay other expenses incident to the work of such agents in improving agriculture and home economies and improving and bettering the marketing of farm products within the appropriation available county extension work. No An order for the application of these funds for the purposes named shall to pay money from the fund must not be issued until the expenditure shall have has been audited and signed by the county auditor or other appropriate county official. In the event there is an unexpended

(c) A balance of in the county extension fund at the end of any a year; this balance shall must be carried over or reappropriated.

Sec. 6. Minnesota Statutes 1988, section 38.37, is amended to read:

38.37 [COUNTY EXTENSION COMMITTEE; PROGRAM; COUNTY AGENTS.]

Subdivision 1. [PROGRAM.] Each year the county extension committee shall; annually, formulate develop a program of county extension work in agriculture and home economies in cooperation with the agricultural Minnesota extension division of the University of Minnesota service and the United States Department of Agriculture. For the purpose of putting this program into operation it shall be the duty of

Subd. 2. [EXTENSION AGENTS.] The county extension committee, acting with the dean director of the Institute of Agriculture of the University of Minnesota extension, or the dean's delegated representative, and in

~~accordance with county and university personnel administration procedures to employ a director's designee, shall recommend suitable and qualified person or persons for such work to be known the program as county extension agents. The extension agents must be employed according to University of Minnesota personnel procedures and must be University of Minnesota employees. The extension agents shall provide educational programs and services to enhance the quality and productivity of county extension work.~~

Sec. 7. Minnesota Statutes 1988, section 38.38, is amended to read:

38.38 [COUNTY EXTENSION COMMITTEE; DUTIES.]

~~The duties of the members of Subdivision 1. [DUTIES.] The county extension committee, in addition to those hereinbefore specified, shall be to encourage the cooperation of all individuals and organizations to cooperate to make profitable use of extension activities.~~

~~Subd. 2. [OFFICERS.] (a) It shall elect its own chair and vice-chair, who shall serve for one year. The county extension agent shall give aid and advice to all residents of the county when called upon, when the object is to improve the science, art and business of agriculture and home economics and subjects related thereto.~~

~~(b) The county auditor shall act as, the auditor's designee, or, if there is no auditor, an appointee of the county administrator is the secretary of such the county extension committee, and. The secretary shall keep a record of all its proceedings, and shall forward copies of all resolutions of the county board appropriating funds by the county commissioners to the dean director of the Institute of Agriculture of the University of Minnesota extension. The members of the county extension committee other than members of the board of county commissioners shall be reimbursed for expenses or may receive a per diem allowance in accordance with section 375.47.~~

~~Subd. 3. [COMPENSATION.] County commissioners who are members of the committee may receive a per diem pursuant to under section 375.055, subdivision 1, and may be reimbursed for their necessary expenses, including mileage in accordance with under section 471.665. Other committee members may be reimbursed for expenses or may receive a per diem allowance under section 375.47.~~

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1990."

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

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

S.F. No. 2002: A bill for an act relating to elections; changing the vote margin for an automatic recount at the state primary or general election; amending Minnesota Statutes 1988, section 204C.35, subdivision 1.

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

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

S.F. No. 2334: A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; making various changes in laws applicable to school district elections; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state and federal candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; providing a schedule for distribution of political campaign checkoff money to political parties; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.04, subdivisions 2, 4, and 4a; 10A.20, subdivision 3; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.09, subdivision 1; 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; 211A.01, subdivision 6; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CAMPAIGN PRACTICES

Section 1. Minnesota Statutes 1988, section 10A.01, subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action by any official, board, commission or agency of the executive branch to adopt, amend, or repeal a rule pursuant to chapter 14. "Administrative action" does not include the application or administration of an adopted rule, ~~except in cases of rate setting, power plant and powerline siting and granting of certificates of need under chapter 116J.~~

Sec. 2. Minnesota Statutes 1988, section 10A.01, subdivision 11, is amended to read:

Subd. 11. (a) "Lobbyist" means ~~any~~ *an* individual:

~~(a)~~ (1) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

~~(b)~~ (2) Who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

(b) "Lobbyist" does not include ~~any~~:

~~(a)~~ (1) a public official or employee of the state, *an elected local official*, or ~~any of its~~ *a nonelected local official or an employee of a political subdivisions or public bodies subdivision* acting in an official capacity, *unless the nonelected official or employee spends more than 50 hours in any month attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials, including time spent monitoring legislative or administrative action and related research, analysis, and compilation and dissemination of information;*

~~(b)~~ (2) a party or the party's representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

~~(c)~~ (3) *an individual while engaged in selling goods or services to be paid for by public funds;*

~~(d)~~ (4) a news ~~media~~ *medium* or ~~their~~ *its* employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

~~(e)~~ (5) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony;

~~(f)~~ (6) a stockholder of a family farm corporation as defined in section 500.24, subdivision 2, who does not spend over \$250, excluding the stockholder's own travel expenses, in any year in communicating with public officials; or

~~(g)~~ (7) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 3. Minnesota Statutes 1988, section 10A.01, is amended by adding a subdivision to read:

Subd. 25. [LOCAL OFFICIAL.] "*Local official*" means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, or to vote on as a member of the governing body of the subdivision, final decisions regarding the expenditure, investment, or deposit of public money.

Sec. 4. Minnesota Statutes 1988, section 10A.01, is amended by adding a subdivision to read:

Subd. 26. [POLITICAL SUBDIVISION.] "Political subdivision" means the metropolitan council, a metropolitan agency defined in section 473.121, subdivision 5a, a municipality as defined in section 471.345, subdivision 1, the Minnesota state high school league, and a public corporation established by law.

Sec. 5. Minnesota Statutes 1988, section 10A.01, is amended by adding a subdivision to read:

Subd. 27. [PRINCIPAL.] "Principal" means an individual or association that engages a lobbyist or that compensates or authorizes the expenditure of money by a lobbyist.

Sec. 6. Minnesota Statutes 1988, section 10A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a state ethical practices board composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment, or by adjournment sine die, whichever occurs first, the appointment shall terminate on the day following the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. One member shall be a former member of the legislature from a major political party different from that of the governor; one member shall be a former member of the legislature from the same political party as the governor; two members shall be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members shall not support the same political party. No more than three of the members of the board shall support the same political party. *No member of the board may be employed as a lobbyist.*

Sec. 7. Minnesota Statutes 1988, section 10A.02, is amended by adding a subdivision to read:

Subd. 14. [PUBLICATIONS.] The board and local officials shall publish and distribute to public officials and employees free of charge:

(1) a copy of this chapter; and

(2) summaries, in easily understandable language and designed for the use of specific categories of officials and employees, of the portions of this chapter that govern those categories.

Sec. 8. Minnesota Statutes 1988, section 10A.04, subdivision 2, is amended to read:

Subd. 2. Each report shall cover the time from the last day of the period covered by the last report to 15 days prior to the current filing date. The reports shall be filed with the board by the following dates:

(a) January 15;

(b) April 15; and

(c) July 15; ~~and~~

~~(d) October 15.~~

Sec. 9. Minnesota Statutes 1988, section 10A.04, is amended by adding a subdivision to read:

Subd. 3a. [AUDITS.] The board may randomly audit the financial records of lobbyists submitting reports under this section.

Sec. 10. Minnesota Statutes 1988, section 10A.04, subdivision 4, is amended to read:

Subd. 4. (a) The report shall include such information as the board may require from the registration form and the ~~following~~ information required by this subdivision for the reporting period:

~~(a)~~ (b) *Each lobbyist shall report the lobbyist's total disbursements on lobbying and a breakdown of those disbursements into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.*

~~(b)~~ (c) *Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to at least \$50, or more than \$200 in total aggregate during the reporting period, given or paid to any public official by the lobbyist or any, an employer or any employee of the lobbyist or the lobbyist's principal. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and.*

~~(c)~~ (d) *Each lobbyist shall report each original source and amount of funds in excess of \$500 in any year used for the purpose of lobbying and related services, and the name and address of the lobbyist's principal. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500. If the lobbyist is an employee, the lobbyist shall report for each employer the total of the lobbyist's compensation attributable to the lobbyist's lobbying and related services, and the cost of administrative, office, support staff, and miscellaneous expenses attributable to lobbying and related services. For purposes of this paragraph, "compensation" includes lump-sum payments, bonuses, and the monetary value of fringe benefits; "lobbying" includes efforts to influence state legislative or administrative action through meeting or talking with public officials, public employees, other lobbyists, interest groups, or clients and the monitoring of legislative or administrative processes; and "related services" includes research, analysis, compilation and dissemination of information related to legislative or administrative policy in Minnesota, contributions, gifts, and entertainment designed to foster good will and favorable attitudes with a view toward encouraging support for or opposition to legislative or administrative policy.*

(e) *In addition to the information otherwise required under this subdivision, each lobbyist shall report the total amount spent to influence legislative or administrative action in Minnesota by each principal retaining or employing the lobbyist, unless reported by the principal. The total required by this paragraph includes:*

- (1) all direct payments by the principal to lobbyists in Minnesota;
- (2) expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns related to legislative or administrative action in Minnesota; and
- (3) salaries and administrative expenses attributable to activities of the principal relating to efforts to influence legislative or administrative action in Minnesota.

Sec. 11. Minnesota Statutes 1988, section 10A.04, subdivision 5, is amended to read:

Subd. 5. [LATE FILING; PENALTIES.] The board shall notify by certified mail or personal service ~~any~~ a lobbyist who fails after seven days after a filing date imposed by this section to file a report or statement required by this section. If a lobbyist fails to file a report within seven days after receiving this notice, the board may impose a late filing fee of \$5 \$50 per day, not to exceed ~~\$100~~ \$1,000, commencing with the eighth day after receiving notice. The board shall further notify by certified mail or personal service ~~any~~ a lobbyist who fails to file a report within 21 days after receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the report. A lobbyist who knowingly fails to file ~~such~~ a report or statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1988, section 10A.05, is amended to read:

10A.05 [LOBBYIST REPORT.]

Within 30 days after each lobbyist filing date set by section 10A.04, the executive director of the board shall report to the governor, and the presiding officer of each house of the legislature, the names of the lobbyists registered who were not previously reported, the names of the persons or associations whom they represent as lobbyists ~~and~~, the subject or subjects on which they are lobbying, *and the source and amount of each payment to the lobbyist of over \$500 in any year.*

Sec. 13. Minnesota Statutes 1988, section 10A.06, is amended to read:

10A.06 [CONTINGENT FEES PROHIBITED.]

No person ~~shall~~ *may act as or* employ a lobbyist for compensation ~~which~~ *that* is dependent upon the result or outcome of any legislative or administrative action. ~~Any~~ A person who violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 14. [10A.065] [CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION.]

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature, the candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate for the benefit of the candidate, shall not solicit or accept a contribution on behalf of the candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate for the benefit of the candidate, from a registered lobbyist, political committee, or political fund during a regular session of the legislature.

Subd. 2. [DEFINITION.] For purposes of this section, "regular session" does not include a special session or the interim between the two annual sessions of a biennium.

Subd. 3. [CIVIL PENALTY.] A candidate or political committee that violates this section is subject to a civil fine of up to \$500. If the board makes a public finding that there is probable cause to believe a violation of this section has occurred, the board shall bring an action, or transmit the finding to a county attorney who shall bring an action, in the district court of Ramsey county, to impose a civil fine as prescribed by the board. Fines paid under this section must be deposited in the general fund in the state treasury.

Subd. 4. [SPECIAL ELECTION.] This section does not apply to a candidate or a candidate's principal campaign committee in a legislative special election during the period beginning when the person becomes a candidate in the special election and ending on the day of the special election.

Subd. 5. [POLITICAL COMMITTEE.] This section does not apply to a political committee established by a political party as defined in section 10A.27, subdivision 4, or to a member of that political committee acting solely on behalf of the committee.

Sec. 15. Minnesota Statutes 1988, section 10A.07, is amended to read:

10A.07 [CONFLICTS OF INTEREST.]

Subdivision 1. [DISCLOSURE OF POTENTIAL CONFLICTS.] ~~Any~~ A public or local official or public employee who in the discharge of official duties would be required to take an action or make a decision ~~which~~ that would substantially affect the official's or employee's financial interests or those of an associated business, unless the effect on the official or employee is no greater than on other members of the official's or employee's business classification, profession, or occupation, shall take the following actions:

~~(a)~~ (1) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest;

~~(b)~~ (2) deliver copies of the statement to the board and to the official's or employee's immediate superior, if any; and

~~(c)~~ (3) if a member of the legislature or of the governing body of a political subdivision, deliver a copy of the statement to the presiding officer of the house of service or body.

If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of clauses ~~(a)~~ (1) to ~~(c)~~ (3), the public or local official or employee shall verbally orally inform the superior or the official body of service, or committee thereof, of the body of the potential conflict. ~~The official shall file a written statement with the board within one week after the potential conflict presents itself.~~

Subd. 2. If the public official or employee is not a member of the legislature or of the governing body of a political subdivision, the superior shall assign the matter, if possible, to another employee who does not have a potential conflict of interest. If there is no immediate superior, the public official or employee shall abstain, if possible, in a manner prescribed by the board from influence over the action or decision in question. If the public official is a member of the legislature, the house of service may, at

the member's request, excuse the member from taking part in the action or decision in question. *If the official or employee is not permitted or is otherwise unable to abstain from action in connection with the matter, the official or employee shall file with the board a statement describing the potential conflict and the action taken. The statement must be filed within a week of the action taken.*

Sec. 16. Minnesota Statutes 1989 Supplement, section 10A.09, subdivision 1, is amended to read:

Subdivision 1. [TIME FOR FILING.] Except for a candidate for elective office in the judicial branch, an individual shall file a statement of economic interest with the board:

(a) (1) within 60 days of accepting employment as a public official or a local official in a political subdivision with a population of 10,000 or more;

(b) (2) within 14 days after filing an affidavit of candidacy or petition to appear on the ballot for an elective public office or an elective local office in a political subdivision with a population of 10,000 or more;

(c) (3) in the case of a public official requiring the advice and consent of the senate, within 14 days after undertaking the duties of office; or

(d) (4) in the case of members of the Minnesota racing commission, the director of the division of pari-mutuel racing, chief of security, medical officer, inspector of pari-mutuels, and stewards employed or approved by the commission or persons who fulfill those duties under contract, within 60 days of accepting or assuming duties.

Sec. 17. Minnesota Statutes 1988, section 10A.09, subdivision 2, is amended to read:

Subd. 2. [NOTIFICATION.] The secretary of state or the appropriate county auditor, upon receiving an affidavit of candidacy or petition to appear on the ballot from an individual required by this section to file a statement of economic interest, and any official who nominates or employs a public or local official required by this section to file a statement of economic interest, shall notify the board of the name of the individual required to file a statement and the date of the affidavit, petition, or nomination.

Sec. 18. Minnesota Statutes 1988, section 10A.09, subdivision 5, is amended to read:

Subd. 5. [FORM.] A statement of economic interest required by this section shall ~~shall~~ *must* be on a form prescribed by the board. The individual filing shall provide the following information:

(a) (1) name, address, occupation, and principal place of business;

(b) (2) the name of each associated business and the nature of that association;

(c) (3) a listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, ~~and which~~ *with respect to an interest is valued in excess of \$2,500; or (ii) an option to buy, which with respect to property that has a fair market value of \$50,000 or more;*

(d) (4) a listing of all real property within the state in which a partnership

of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500 or (ii) an option to buy, ~~which with respect to property that has a fair market value of \$50,000 or more. Any listing under clause (e) or (d) shall indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county wherein the property is located; and~~

(e) (5) a listing of any investments, ownership, or interests in property connected with pari-mutuel horse racing in the United States and Canada, including a race horse, in which the individual directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest; and

(6) ~~the giver, nature, and approximate value of a gift with a fair market value of \$100 or more, or of gifts with an aggregate fair market value of \$100 or more, received during the period covered by the report from an association, or a person other than a member of the reporting individual's extended family, with a financial interest in a matter with which the individual deals in the course of the individual's official duties.~~

~~A listing under clause (3) or (4) must include the street address, municipality, and county in which the property is located, if it is located in a municipality, or the section, township, range, and county in which it is located, and its approximate acreage, if it is located outside a municipality.~~

Sec. 19. Minnesota Statutes 1988, section 10A.09, is amended by adding a subdivision to read:

Subd. 5a. [LOCAL OFFICIALS IN SMALLER SUBDIVISIONS.] A local official in a political subdivision with a population of less than 10,000 shall file a statement of economic interest and a supplementary statement in accordance with subdivisions 1 and 6 disclosing the giver, nature, and approximate value of a gift with a fair market value of \$100 or more, or of gifts with an aggregate fair market value of \$100 or more, received during the period covered by the report from an association, or a person other than a member of the reporting individual's extended family, with a financial interest in a matter with which the individual deals in the course of the individual's official duties.

Sec. 20. Minnesota Statutes 1988, section 10A.09, is amended by adding a subdivision to read:

Subd. 6a. [DUPLICATE FILING; LOCAL OFFICIALS.] A local official required to file a statement or a supplementary statement under this section shall file with the governing body of the official's political subdivision a duplicate of the statement filed with the board. The governing body shall maintain statements filed with it under this subdivision and make them available for public inspection.

Sec. 21. Minnesota Statutes 1988, section 10A.20, subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of

each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$100 for legislative or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date, and *specific* purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;

(h) The name and address of each individual or association to whom aggregate transfers or disbursements in excess of \$100 have been made within the year by or on behalf of a political fund or political committee, other than a major political party, minor political party, or principal campaign committee, together with the amount, date, and purpose of each transfer or disbursement;

(i) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

⊕ (j) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

⊕ (k) The name and address of each political committee, political fund,

or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

~~(k) (l) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;~~

~~(l) For principal campaign committees only, the sum of noncampaign disbursements made in each category listed in section 10A.01, subdivision 10e, during the reporting period; and~~

~~(m) The sum of all noncampaign disbursements made by the political committee, political fund, or principal campaign committee during the reporting period.~~

(m) The name and address of each individual or association to whom aggregate noncampaign disbursements in excess of \$100 have been made by or on behalf of a principal campaign committee, political committee, or political fund during the year, together with the amount, date, and specific purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made.

Sec. 22. Minnesota Statutes 1988, section 10A.20, is amended by adding a subdivision to read:

Subd. 13. [SPECIFIC PURPOSE.] A requirement that the report disclose the specific purpose of an expenditure or noncampaign disbursement means that the report must contain a meaningful description of the goods or services in exchange for which the expenditure or disbursement was made. The use of broad categories, such as "miscellaneous," "entertainment," or "travel," does not satisfy this reporting requirement.

Sec. 23. Minnesota Statutes 1988, section 10A.20, is amended by adding a subdivision to read:

Subd. 14. [THIRD PARTY REIMBURSEMENT.] An individual, political committee, or political fund filing a report disclosing an expenditure or noncampaign disbursement that must be reported and itemized under this section under paragraph (g) that is a reimbursement to a single third party is required to report the specific purpose of each expenditure or disbursement for which the third party is being reimbursed. An expenditure or disbursement is a reimbursement to a third party if it is for goods and services that were not directly provided by the individual or association to whom the expenditure is made. Third party reimbursements include payments to credit card companies and reimbursement of individuals for expenses they have incurred.

Sec. 24. Minnesota Statutes 1988, section 10A.20, is amended by adding a subdivision to read:

Subd. 15. [INCOME TAX EXPENDITURES.] A report filed under this section must include any expenditures to the state or federal government to satisfy income tax liabilities. Each individual tax payment must be identified by the amount paid, the date, and the recipient.

Sec. 25. Minnesota Statutes 1988, section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.]

Subdivision 1. [TERMINATION REPORT.] No political committee or political fund shall dissolve until it has settled all of its debts and disposed

of all its assets in excess of \$100 and filed a termination report. The termination report may be made at any time and shall include all information required in periodic reports.

Subd. 2. [LIQUIDATION OF INACTIVE FUNDS.] (a) An inactive principal campaign committee, or other political committee or political fund with the name or title of a candidate or authorized by a candidate for the candidate's benefit, must be dissolved and its assets liquidated and deposited in the general account of the state elections campaign fund within 30 days of becoming inactive. A principal campaign committee becomes inactive on the later of the following dates:

(1) when four years have elapsed since the last election for the office sought or held at the time the principal campaign committee registered with the board; or

(2) when four years have elapsed since the last day on which the individual for whom it exists served in an elective office subject to this chapter.

A committee or fund other than a principal campaign committee becomes inactive when two years have elapsed since the committee or fund was required to file a report under this chapter.

(b) If a committee or fund becomes inactive when it still has unpaid debts, the committee or fund shall liquidate the available assets to pay the debts. If insufficient assets exist to pay the debts, the ethical practices board may set up a payment schedule to allow the committee or fund to defer dissolution until all debts are paid.

Sec. 26. Minnesota Statutes 1988, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 2 and 6, no candidate shall permit the candidate's principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:

(a) To candidates for governor and lieutenant governor running together, \$60,000 in an election year for the office sought and \$12,000 in other years;

(b) To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;

(c) To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;

(d) To a candidate for state senator, \$1,500 in an election year for the office sought ~~and \$300 in other years; and~~

(e) To a candidate for state senator, \$300 in other years;

(f) To a candidate for state representative, \$750 in an election year for the office sought; and \$150 in the other year

(g) To a candidate for state representative, \$150 in the other years.

Sec. 27. Minnesota Statutes 1988, section 10A.27, subdivision 4, is amended to read:

Subd. 4. For the purposes of this section, a political party means the aggregate of ~~the party organization within each house of the legislature,~~

the state party organization, ~~and~~ the party organization within congressional districts, counties, legislative districts, municipalities, and precincts, ~~and all or part of the party organization within either house of the legislature, except for individual members.~~

Sec. 28. [10A.271] [CONTRIBUTION LIMIT ADJUSTMENT.]

The dollar amounts in section 10A.27, subdivision 1, paragraphs (e) and (g), must be adjusted for 1991 and subsequent nonelection years as provided in this section. By June 1 of each general election year, the executive director of the board shall determine the percentage increase in the consumer price index from December of the year in which the last determination was made, or December 1987, for the adjustment made in 1991, to December of the year preceding the current year. The dollar amounts used for the current year must be multiplied by that percentage. The product of the calculation must be added to each dollar amount to produce the dollar limitations to be in effect for the next nonelection year. The product must be rounded up to the next highest number of dollars evenly divisible by 25. The index used must be the revised consumer price index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor with 1982 as a base year.

Sec. 29. Minnesota Statutes 1988, section 10A.275, is amended to read:

10A.275 [MULTICANDIDATE POLITICAL PARTY EXPENDITURES.]

Subdivision 1. [EXCEPTIONS.] Notwithstanding any other provisions of this chapter, the following expenditures by a state political party ~~or~~, a substate unit of a state political party ~~as described in section 10A.27, subdivision 4~~, or two or more substate units of a state political party acting together, with at least one substate unit being either: the state party organization or the party organization within congressional districts, counties, or legislative districts, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:

(a) expenditures on behalf of candidates of that party generally without referring to any of them specifically in any advertisement published, posted or broadcast;

(b) expenditures for the preparation, display, mailing or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(c) expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot; ~~or~~

(d) expenditures for any political party fundraising effort on behalf of three or more candidates; ~~or~~

(e) expenditures for party committee staff member services that benefit three or more candidates. This paragraph applies only to staff members paid from the political committee of a political party as defined in section 10A.27, subdivision 4.

Subd. 2. [SUBSTATE UNIT OF STATE POLITICAL PARTY.] For purposes of this section, "substate unit of a state political party" means all or part of the party organization within each house of the legislature; the

state party organization; or the party organization within a congressional district, county, legislative district, municipality, or precinct.

Sec. 30. Minnesota Statutes 1988, section 97A.485, is amended by adding a subdivision to read:

Subd. 1a. [DEER LICENSE; ABSENTEE BALLOT APPLICATION.] The commissioner shall include with every license to take deer with firearms or by archery, sold or issued during a general election year, an application for absentee ballots. The commissioner shall obtain absentee ballot application forms from the secretary of state.

Sec. 31. Minnesota Statutes 1988, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. *The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.* Candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 32. [204D.165] [SAMPLE BALLOTS TO SCHOOLS.]

Notwithstanding any contrary provisions in section 204D.09 or 204D.16, the county auditor, two weeks before the applicable primary or general election, shall provide one copy of the sample partisan primary, nonpartisan primary, canary, white, or pink ballot to a school district upon request. The school district may have the sample ballots reproduced at its expense for classroom educational purposes.

Sec. 33. Minnesota Statutes 1988, section 383B.055, subdivision 1, is amended to read:

Subdivision 1. The state ethical practices board shall:

(a) ~~Develop forms for all statements and reports required to be filed under sections 383B.041 to 383B.054 and furnish the forms to the county filing officer in Hennepin county;~~

(b) (1) issue and publish advisory opinions concerning the requirements of sections 383B.041 to 383B.057 upon application in writing by the county filing officer of Hennepin county or any individual or association who wishes to use the opinion to guide the applicant's own conduct; and

(c) (2) exempt any individual or association required to disclose information under sections 383B.046 to 383B.05 from any requirement of those sections in the same manner as it exempts any individual or association from disclosure requirements under chapter 10A. An individual or association exempted from the disclosure provisions of chapter 10A, shall also be exempt from the disclosure provisions of sections 383B.046 to 383B.05.

Sec. 34. Minnesota Statutes 1988, section 383B.055, subdivision 2, is

amended to read:

Subd. 2. *The county filing officer of Hennepin county shall develop forms for all statements and reports required to be filed under sections 383B.041 to 383B.054. The filing officer shall furnish sufficient copies of the forms provided by the ethical practices board to all officers with whom candidates file affidavits or applications of candidacy and nominating petitions.*

Sec. 35. [CURRENT BOARD MEMBERS.]

Section 6 does not apply to members of the ethical practices board appointed before the effective date of section 6.

Sec. 36. [REPEALER.]

Minnesota Statutes 1988, section 211B.11, subdivision 2, is repealed.

Sec. 37. [EFFECTIVE DATE.]

Section 28 is effective the day following final enactment.

ARTICLE 2

STATE CAMPAIGN FINANCING

Section 1. Minnesota Statutes 1988, section 10A.01, subdivision 7, is amended to read:

Subd. 7. "Contribution" means a transfer of funds or a donation in kind.

Contribution includes any loan or advance of credit to a political committee, political fund, or principal campaign committee, which loan or advance of credit is (a) forgiven, or (b) paid by an ~~entity~~ *individual or an association* other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made. If an advance of credit or a loan is forgiven or paid as provided in this subdivision, it is a contribution in the year in which the loan or advance of credit is made.

A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

Contribution does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee or political fund, or the publishing or broadcasting of news items or editorial comments by the news media.

Sec. 2. Minnesota Statutes 1988, section 10A.01, subdivision 10b, is amended to read:

Subd. 10b. "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate, which expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent. An independent expenditure is not a contribution *to that candidate*.

Sec. 3. Minnesota Statutes 1988, section 10A.04, subdivision 4a, is amended to read:

Subd. 4a. If in any reporting period the lobbyist's reportable disbursements total not over \$100 and no honorarium, gift, loan, item or benefit equal in value to \$50 or more was given or paid to any public official, a

statement to that effect in lieu of the report may be filed for that period. The unreported disbursements shall be included in the report for the following period, unless the total for that period, including the carryover, is not over \$100. The ~~October~~ *January 15* report shall include all previously unreported disbursements, even though the total for the year is not over \$100.

Sec. 4. Minnesota Statutes 1988, section 10A.25, is amended by adding a subdivision to read:

Subd. 2a. [AGGREGATED EXPENDITURES.] When a candidate makes expenditures from more than one principal campaign committee for nomination or election to statewide office in the same election year, the amount of expenditures from all of the candidate's principal campaign committees for statewide office for that election year must be aggregated for purposes of determining the limits on campaign expenditures under subdivision 2, clauses (a) to (c).

Sec. 5. Minnesota Statutes 1988, section 10A.25, subdivision 10, is amended to read:

Subd. 10. The expenditure limits imposed by this section apply only to candidates whose major political party opponents agree to be bound by the limits and who themselves agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of an allocation of money from the state elections campaign fund.

A candidate of a major political party who agrees to be bound by the limits and receives a public subsidy, who has an opponent who: (1) is a candidate of a major political party; and (2) does not agree to be bound by the limits but is otherwise eligible to receive a public subsidy, is no longer bound by the limits but is still eligible to receive a public subsidy.

Sec. 6. Minnesota Statutes 1988, section 10A.255, is amended by adding a subdivision to read:

Subd. 3. [PUBLICATION OF EXPENDITURE LIMIT.] By June 15 of each year the board shall publish in the State Register the expenditure limit for each office for that calendar year under section 10A.25 as adjusted by this section.

Sec. 7. Minnesota Statutes 1988, section 10A.28, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATE EXCEEDING EXPENDITURE LIMITS.] A candidate subject to the expenditure limits of in section 10A.25 who permits the candidate's principal campaign committee to make expenditures or permits approved expenditures to be made on the candidate's behalf in excess of the limits imposed by section 10A.25 shall be, as adjusted by section 10A.255, is subject to a civil fine up to four times the amount which the expenditures exceeded the limit.

Sec. 8. Minnesota Statutes 1988, section 10A.30, subdivision 2, is amended to read:

Subd. 2. Within the state elections campaign fund account there shall be maintained a separate political party account for the candidates of each political party and a general account.

Sec. 9. [10A.315] [SPECIAL ELECTION SUBSIDY.]

(a) Each eligible candidate for a legislative office in a special election must be paid a public subsidy equal to the sum of:

(1) the party account money at the last general election for the candidate's party for the office the candidate is seeking; and

(2) the general account money paid to candidates for the same office at the last general election.

(b) If the filing period for the special election does not coincide with the filing period for the general election, a candidate who wishes to receive this public subsidy must submit a signed agreement under section 11 to the board not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office. The special election subsidy must be distributed in the same manner as money in the general account is distributed to legislative candidates in a general election.

(c) The amount necessary to make the payments required by this subdivision is appropriated from the general fund to the state treasurer.

Sec. 10. [10A.321] [ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.]

Subdivision 1. [CALCULATION AND CERTIFICATION OF ESTIMATES.] *The commissioner of revenue shall calculate and certify to the board before July 1 in an election year an estimate of the total amount in the state general account of the state elections campaign fund and the amount of money each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the candidate's party account in the state elections campaign fund. This estimate must be based upon the allocations and formulas in section 10A.31, subdivision 5, any necessary vote totals provided by the secretary of state to apply the formulas in section 10A.31, subdivision 5, and the amount of money expected to be available after 100 percent of the tax returns have been processed.*

Subd. 2. [PUBLICATION, CERTIFICATION, AND NOTIFICATION PROCEDURES.] *Before the first day of filing for office, the board shall publish and forward to all filing officers the estimates calculated and certified under subdivision 1. Within seven days after the last day for filing for office, the secretary of state shall certify to the board the name, address, office sought, and party affiliation of each candidate who has filed with that office an affidavit of candidacy or petition to appear on the ballot. The auditor of each county shall certify to the board the same information for each candidate who has filed with that county an affidavit of candidacy or petition to appear on the ballot. Within seven days afterward, the board shall estimate the minimum amount to be received by each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7. By August 15 the board shall notify all candidates of their minimum amount. The board shall include with the notice a form for the agreement provided in section 11.*

Sec. 11. [10A.322] [PUBLIC SUBSIDY AGREEMENTS.]

Subdivision 1. [AGREEMENT BY CANDIDATE.] *(a) As a condition of receiving a public subsidy from the state elections campaign fund, a candidate shall sign and file with the board a written agreement in which the candidate agrees that:*

(1) the aggregate of expenditures made by the principal campaign committee of the candidate and approved expenditures made on behalf of the

candidate will not exceed the expenditure limits in section 10A.25, as adjusted by section 10A.255, except as otherwise provided by section 10A.25, subdivision 10;

(2) except for an amount equal to 25 percent of the expenditure limits set forth in section 10A.25, but not exceeding \$15,000, the candidate will not accept contributions or allow approved expenditures to be made on the candidate's behalf for the period beginning with January 1 of the election year or with the registration of the candidate's principal campaign committee, whichever occurs later, and ending December 31 of the election year; that exceed the difference between the amount that may legally be expended by or for the candidate, and the amount that the candidate receives from the state elections campaign fund; and

(3) except for an amount equal to 25 percent of the expenditure limits set forth in section 10A.25, but not exceeding \$15,000, any amount by which the aggregate contributions and approved expenditures agreed to exceed the difference will be returned to the state treasurer, deposited in the state treasury, and credited to the general fund.

(b) Money in the account of the principal campaign committee of a candidate on January 1 of the election year for the office held or sought must be considered contributions accepted by that candidate in that year for the purposes of this subdivision. The portion of contributions accepted by a candidate in an election year that equals the amount of noncampaign disbursements and contributions and expenditures to promote or defeat a ballot question that are made by that candidate in that year do not count toward the aggregate contributions and approved expenditure limit imposed by this subdivision.

Subd. 2. [SUBMISSION OF AGREEMENT.] Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the candidate may submit the agreement directly to the board by September 1. An agreement may not be rescinded after September 1. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

Subd. 3. [HOW LONG AGREEMENT IS EFFECTIVE.] The agreement, insofar as it relates to the expenditure limits in section 10A.25, as adjusted by section 10A.255, remains effective for candidates until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first.

Sec. 12. [10A.323] [MATCHING REQUIREMENTS.]

In addition to the requirements of section 11, to be eligible to receive a public subsidy from the state elections campaign fund a candidate shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions, including unexpended balances from the year before, or has made contributions to self, equal to 20 percent or more of the minimum amount that the board estimates, on August 15 of the general election year, would be received by the candidate from the state elections campaign fund. The candidate or the candidate's treasurer shall submit the affidavit required by this subdivision to the board in writing

by October 1 of the general election year.

Sec. 13. [10A.324] [RETURN OF PUBLIC SUBSIDY.]

Subdivision 1. [WHEN RETURN REQUIRED.] A candidate shall return all or a portion of the public subsidy received from the state elections campaign fund under the circumstances in paragraph (a), (b), or (c).

(a) To the extent that the amount of public subsidy received by the candidate exceeds the expenditure limits for the office held or sought, as provided in section 10A.25 and as adjusted by section 10A.255, the treasurer of the candidate's principal campaign committee shall return the excess to the board.

(b) To the extent that the amount of public subsidy received exceeds the aggregate of: (1) actual expenditures made by the principal campaign committee of the candidate; and (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's principal campaign committee shall return an amount equal to the difference to the board.

(c) Except for an amount equal to 25 percent of the expenditure limits set forth in section 10A.25, but not exceeding \$15,000, any amount by which the aggregate contributions and approved expenditures agreed to exceed the difference must be returned to the state treasurer, deposited in the state treasury, and credited to the general fund. The amount returned must not exceed the amount received from the state elections campaign fund.

Subd. 2. [HOW RETURN DETERMINED.] Whether or not a candidate is required under subdivision 1 to return all or a portion of the public subsidy received from the state elections campaign fund must be determined from the report required to be filed with the board by that candidate by January 31 of the year following an election. Any amount required to be returned must be submitted in the form of a check or money order and must accompany the report filed with the board. The board shall forward the check or money order to the state treasurer for deposit in the general fund. The amount returned must not exceed the amount of public subsidy received by the candidate from the state elections campaign fund.

Sec. 14. [10A.325] [POLITICAL PARTY NOT HAVING CERTAIN CANDIDATES.]

If money has been accumulated in the state elections campaign fund for the candidates of a political party, and the party does not have a candidate in a general election for the office of state senator or state representative, the party account money allocated for the office for which there is no candidate must be returned to the general fund of the state. If that party does not have a candidate in a general election for any state constitutional office, the party account money allocated for that office must be transferred to the state general account of the state elections campaign fund for reallocation to all of the candidate offices as provided in section 10A.31, subdivision 5, and for distribution in that election year to candidates as provided under section 10A.31, subdivision 7.

Sec. 15. Minnesota Statutes 1988, section 10A.33, is amended to read:

10A.33 [APPLICATION.]

Except as otherwise provided in section 9, the provisions of sections

10A.30 to ~~10A.32~~ shall 10A.325 apply only in general elections and primaries preceding general elections and ~~shall~~ do not apply to special elections or special primaries.

Sec. 16. [REPEALER.]

Minnesota Statutes 1988, section 10A.32, subdivisions 1, 2, 3, and 4; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a, are repealed.

Sec. 17. [EFFECTIVE DATE.]

This article is effective July 1, 1990.

ARTICLE 3

CONGRESSIONAL CAMPAIGN FINANCING

Section 1. [10A.41] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 1 to 11. The definitions in section 10A.01 also apply to sections 1 to 11, except as they are superseded by the definitions in this section.

Subd. 2. [AUTHORIZED COMMITTEE.] "Authorized committee" means the principal campaign committee or another political committee designated and authorized by a congressional candidate under United States Code, title 2, section 432, subsection (e)(1), to receive contributions or make expenditures on behalf of that congressional candidate.

Subd. 3. [CAMPAIGN EXPENDITURE; EXPENDITURE.] "Campaign expenditure" or "expenditure" means "expenditure" as that term is defined under United States Code, title 2, section 431, paragraph (9).

Subd. 4. [CONGRESSIONAL CANDIDATE.] "Congressional candidate" means an individual who seeks nomination or election to the United States senate or house of representatives from this state and who is a "candidate" as that term is defined under United States Code, title 2, section 431, paragraph (2). A congressional candidate is not a "candidate" as defined in section 10A.01, subdivision 5.

Subd. 5. [CONTRIBUTION.] "Contribution" means a "contribution" as that term is defined under United States Code, title 2, section 431, paragraph (8).

Subd. 6. [POLITICAL COMMITTEE.] "Political committee" means a "political committee" as that term is defined under United States Code, title 2, section 431, paragraph (4). "Political committee" includes a major political party, a minor political party, a principal campaign committee, and an authorized committee.

Subd. 7. [PRINCIPAL CAMPAIGN COMMITTEE.] "Principal campaign committee" means a political committee designated and authorized by that congressional candidate under United States Code, title 2, section 432, subsection (e)(1).

Sec. 2. [10A.42] [LIMITATION ON APPLICATION.]

The provisions of sections 10A.11 to 10A.24 relating to the organization, registration, and administration of and reporting and disclosure by political funds and political committees, including principal campaign committees, do not apply to congressional candidates and authorized committees

of congressional candidates. The organization, registration, and administration of and reporting and disclosure by authorized committees of congressional candidates are governed by United States Code, title 2, chapter 14.

Sec. 3. [10A.43] [PUBLIC SUBSIDY AGREEMENT.]

Subdivision 1. [AGREEMENT.] As a condition of receiving a public subsidy, a congressional candidate shall sign and file with the board a written agreement in which the candidate agrees that the aggregate of expenditures made by the authorized committees of the congressional candidate may not exceed the expenditure limits in section 4.

Subd. 2. [SUBMISSION OF AGREEMENT.] Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The congressional candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the congressional candidate may submit the agreement directly to the board by September 1. An agreement may not be rescinded after September 1. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

Subd. 3. [HOW LONG AGREEMENT IS EFFECTIVE.] The agreement, insofar as it relates to the expenditure limits in section 4, remains effective for congressional candidates until the termination of the authorized committees of the congressional candidate, as provided under United States Code, title 2, section 433(d), or the opening of filing for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first.

Sec. 4. [10A.44] [CONGRESSIONAL CAMPAIGN SPENDING LIMITS.]

Subdivision 1. [LIMITS.] In a year in which an election is held for an office sought by a congressional candidate, no expenditures may be made by the authorized committees of that congressional candidate that result in an aggregate amount in excess of the following:

- (1) for United States senator, \$3,000,000; and
- (2) for representative in Congress, \$300,000.

Subd. 2. [ADJUSTMENT BY CONSUMER PRICE INDEX.] (a) The dollar amounts provided in subdivision 1 must be adjusted for general election years as provided in this subdivision. By June 1 of the general election year, the executive director of the board shall determine the percentage increase in the consumer price index from December of the year preceding the last general election year to December of the year preceding the year in which the determination is made. The dollar amounts used for the last general election year must be multiplied by that percentage. The product of the calculation must be added to each dollar amount to produce the dollar limitations to be in effect for the next general election. The product must be rounded up to the next highest whole dollar. The index used must be the revised consumer price index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor with 1982 as a base year.

(b) The dollar amounts in subdivision 1 must be adjusted for the 1992 races for representative in Congress and the 1994 race for United States

senate, and subsequent general elections for those offices in the manner provided in paragraph (a), except that the last general election year must be considered to be 1986 and the dollar amounts used for the last general election year for the offices of United States senator and representative in Congress must be \$3,000,000 and \$300,000 respectively.

(c) By June 15 of each year, the board shall publish in the State Register the expenditure limit for each office for that calendar year as adjusted under this subdivision.

Subd. 3. [CONTESTED PRIMARY RACES.] Notwithstanding the limits imposed by subdivisions 1 and 2, the winning congressional candidate in a contested race in a primary who receives less than twice as many votes as any one of the candidate's opponents in that primary may make aggregate expenditures equal to 120 percent of the applicable amount under subdivisions 1 and 2.

Subd. 4. [POSTELECTION YEAR EXPENDITURES.] In any year following an election year for the office held or sought, the aggregate amount of expenditures on behalf of a congressional candidate for or holder of that office must not exceed 20 percent of the expenditure limit in subdivisions 1 and 2.

Subd. 5. [LIMITATION CONDITIONAL.] (a) The expenditure limits imposed by this section apply only to congressional candidates who agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns and whose major political party opponents also agree to be bound by the limits.

(b) If a congressional candidate of a major political party agrees to be bound by the limits and has an opponent who is a congressional candidate of a major political party who is otherwise eligible to receive a subsidy, then:

(1) if the opponent agrees to be bound by the limits, both candidates are bound by the limits but neither may receive a public subsidy and the amount that both candidates would have received must be canceled to the general fund; and

(2) if the opponent does not agree to be bound by the limits, the congressional candidate is no longer bound by the limits but is still eligible to receive a public subsidy.

Sec. 5. [10A.45] [CONTRIBUTION AND LOAN LIMITS.]

Contributions by or to a congressional candidate and loans to a congressional candidate are governed by United States Code, title 2, chapter 14.

Sec. 6. [10A.46] [MULTICANDIDATE POLITICAL PARTY EXPENDITURES.]

Multicandidate political party expenditures with respect to congressional candidates are governed by United States Code, title 2, section 431, paragraph (9).

Sec. 7. [10A.47] [PENALTY FOR EXCEEDING LIMITS.]

Subdivision 1. [EXPENDITURE LIMITS.] A congressional candidate subject to the expenditure limits in section 4 who permits the candidate's authorized committees to make aggregate expenditures on the candidate's behalf in excess of the limits imposed by section 4 is subject to a civil fine

up to four times the amount by which the expenditures exceed the limit.

Subd. 2. [CONTRIBUTION LIMITS.] A congressional candidate who permits the candidate's authorized committees to accept contributions in excess of the limits imposed under United States Code, title 2, chapter 14, is subject to the penalties imposed by United States Code, title 2, section 437g.

Subd. 3. [CONCILIATION AGREEMENTS.] If the board finds that there is reason to believe that excess expenditures have been made contrary to subdivision 1 or 2, the board shall make every effort for not less than 14 days after its finding to correct the matter by informal methods of conference and conciliation and to enter a conciliation agreement with the person involved. A conciliation agreement made under this subdivision is a matter of public record. Unless violated, a conciliation agreement bars any civil proceeding under subdivision 4.

Subd. 4. [CIVIL ACTION.] If the board is unable after a reasonable time to correct by informal methods any matter that constitutes probable cause to believe that excess expenditures have been made contrary to subdivision 1 or 2, the board shall make a public finding of probable cause in the matter. After making a public finding, the board shall bring an action or transmit the finding to a county attorney who shall bring an action to impose a civil fine as prescribed by the board under subdivision 1 or 2. An action filed against a congressional candidate for United States senator must be brought in the district court of Ramsey county. An action filed against a congressional candidate for representative in Congress must be brought in the district court of a county within the congressional candidate's congressional district. All money recovered under this section must be deposited in the state treasury and credited to the general fund.

Sec. 8. [10A.48] [MATCHING REQUIREMENTS.]

In order to be eligible to receive a public subsidy, a congressional candidate must provide evidence to the board of nonpublic contributions equal to the public subsidy.

Sec. 9. [10A.49] [CERTIFICATION AND DISTRIBUTION.]

Subdivision 1. [CERTIFICATION OF ELIGIBLE CANDIDATES.] Within one week after certification by the state canvassing board of the results of the primary, the ethical practices board shall certify to the state treasurer the name of each congressional candidate who is eligible to receive a public subsidy.

Subd. 2. [DISTRIBUTION OF MONEY AFTER PRIMARY.] Within two weeks after certification by the state canvassing board of the results of the primary, the state treasurer shall pay a public subsidy of up to \$1,000,000 to any congressional candidate of a major political party for the office of senator who has signed an agreement as required under section 3 and is eligible to receive a public subsidy; and up to \$100,000 to each congressional candidate of a major political party for the office of representative who has signed an agreement as required under section 3 and is eligible to receive a public subsidy.

Sec. 10. [10A.50] [RETURN OF PUBLIC SUBSIDY.]

Subdivision 1. [WHEN REQUIRED.] A congressional candidate shall return all or a portion of the public subsidy received under the circumstances in paragraphs (a) and (b).

(a) *To the extent that the public subsidy received by the congressional candidate exceeds the expenditure limits for the office held or sought, as provided in section 4, the treasurer of the congressional candidate's principal campaign committee shall return the excess to the board.*

(b) *To the extent that the public subsidy received exceeds the aggregate of actual expenditures made by the authorized committees of the congressional candidate, the treasurer of the congressional candidate's principal campaign committee shall return an amount equal to the difference to the board.*

Subd. 2. [HOW RETURN DETERMINED.] Whether or not a congressional candidate is required under subdivision 1 to return all or a portion of the public subsidy received must be determined from the report required to be filed with the board by that congressional candidate by January 31 of the year following an election. Any amount required to be returned must be submitted in the form of a check or money order and must accompany the report filed with the board. The board shall forward the check or money order to the state treasurer for deposit in the general fund. The amount returned must not exceed the amount of public subsidy received by the congressional candidate.

Sec. 11. [10A.51] [CAMPAIGN REPORTS.]

A congressional candidate who agrees to be bound by the expenditure limits in section 4, as a condition of receiving a public subsidy for the candidate's campaign, shall file with the board copies of all reports that the candidate or the candidate's principal campaign committee treasurer acting for the candidate is required to file under United States Code, title 2, chapter 14. The reports must be filed with the board at the times required under United States Code, title 2, section 434.

Sec. 12. [APPROPRIATION.]

\$1,500,000 is appropriated from the general fund to the state treasurer to pay the public subsidies for congressional campaigns provided for by this act.

If this appropriation is insufficient to provide the amounts specified in section 9, subdivision 2, the public subsidy must be distributed so that each eligible United States house of representatives candidate will receive an amount equal to one-tenth the amount given to any eligible United States senate candidate.

Sec. 13. [SEVERABILITY.]

If a provision of this article is found to be unconstitutional and void, the remaining provisions of this article remain valid.

Sec. 14. [EFFECTIVE DATE.]

This article is effective July 1, 1990.

ARTICLE 4

OPEN MEETINGS

Section 1. [3.055] [OPEN MEETINGS.]

Except as inconsistent with or otherwise provided in this section, meetings of the legislature are governed by section 471.705, including sessions of the senate, sessions of the house of representatives, joint sessions of the

senate and the house of representatives, and meetings of a standing committee, committee division, subcommittee, conference committee, or legislative commission, but not including a caucus of the members of any of those bodies from the same house and political party nor a delegation of legislators representing a geographic area or political subdivision. For purposes of this section, a meeting occurs when a quorum is present and discussion of matters within the jurisdiction of the body occurs or action is taken. Notice of the meeting must be provided in accordance with the rules of each house or the joint rules of both houses. Upon a complaint by any person that a member of the legislature has violated this section, the house of which the legislator is a member shall act on the complaint according to the rules of that house. If, after review, a committee of the house finds the complaint substantiated by the evidence, it shall recommend to the house appropriate disciplinary action. Proceedings to enforce this section may not be brought in court.

Sec. 2. Minnesota Statutes 1988, section 471.705, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, *of the legislature and* of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, except meetings of the board of pardons and the commissioner of corrections. The votes of the members of such state agency, board, commission or department or of such governing body, committee, subcommittee, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.”

Delete the title and insert:

“A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board’s responsibility for developing and furnishing certain forms; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; providing a schedule for distribution of political campaign checkoff money to political parties; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate’s affidavit; applying the open meeting law to the legislature; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 2, 7, 10b, 11, and by adding subdivisions; 10A.02, subdivision 1, and by

adding a subdivision; 10A.04, subdivisions 2, 4, 4a, 5, and by adding a subdivision; 10A.05; 10A.06; 10A.07; 10A.09, subdivisions 2, 5, and by adding subdivisions; 10A.20, subdivision 3, and by adding subdivisions; 10A.24; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 383B.055, subdivisions 1 and 2; 471.705, subdivision 1; Minnesota Statutes 1989 Supplement, section 10A.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.32, subdivisions 1, 2, 3, and 4; 211B.11, subdivision 2; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a."

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

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

S.F. No. 2426: A bill for an act relating to natural resources; authorizing a matching grant for the development of demonstration forest facilities at the forest resource center, Lanesboro; appropriating money.

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

Page 1, delete section 1

Renumber the sections in sequence

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

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

S.F. No. 1784: A bill for an act relating to waste; prohibiting the placement of certain dry cell batteries in mixed municipal solid waste; requiring labeling of certain batteries by electrode content; establishing maximum content levels of mercury in batteries; requiring that batteries in certain consumer products be easily removable; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 115A and 325E.

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

Delete everything after the enacting clause and insert:

"Section 1. [115A.9155] [DISPOSAL OF CERTAIN DRY CELL BATTERIES.]

Subdivision 1. [PROHIBITION.] A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrolyte, silver oxide electrolyte, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. [MANUFACTURER RESPONSIBILITY.] (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and

processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(d) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

Sec. 2. [325E.125] [GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.]

Subdivision 1. [IDENTIFICATION.] The manufacturer of a button cell battery that is to be sold in this state must ensure that each battery is clearly identifiable as to the type of electrode used in the battery.

Subd. 2. [MERCURY CONTENT.] (a) A manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight after January 1, 1992.

(b) On application by a manufacturer, the commissioner of the pollution control agency may exempt a specific type of battery from the requirements of paragraph (a) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. The manufacturer of a battery exempted by the commissioner under this paragraph is subject to the requirements of section 1, subdivision 2.

Subd. 3. [RECHARGEABLE TOOLS AND APPLIANCES.] (a) A manufacturer may not sell, distribute, or offer for sale in this state a rechargeable consumer product unless:

(1) the battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(2) the product and the battery are both labeled in a manner that is clearly visible to the consumer indicating that the battery must be recycled or disposed of properly and the battery must be clearly identifiable as to the type of electrode used in the battery.

(b) "Rechargeable consumer product" as used in this subdivision means a product that is primarily used or purchased to be used for personal, family, or household purposes and is powered by rechargeable batteries.

(c) On application by a manufacturer, the commissioner of the pollution control agency may exempt a rechargeable consumer product from the

requirements of paragraph (a) if:

(1) the product cannot be reasonably redesigned and manufactured to comply with the requirements prior to the effective date of this section;

(2) the redesign of the product to comply with the requirements would result in significant danger to public health and safety; or

(3) the type of electrode used in the battery poses no unreasonable hazards when placed in and processed or disposed of as part of mixed municipal solid waste.

(d) An exemption granted by the commissioner of the pollution control agency under paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.

Sec. 3. [325E.1251] [PENALTY.]

Violation of section 2 is a misdemeanor. A manufacturer who violates section 2 is also subject to a minimum fine of \$100 per violation.

Sec. 4. [APPLICATION; EFFECTIVE DATES.]

Section 1 is effective August 1, 1990.

Section 2, subdivisions 1 and 2, are effective January 1, 1991, and apply to batteries manufactured on or after that date.

Section 2, subdivision 3, is effective July 1, 1993, and applies to consumer products manufactured on or after that date.

Section 2, subdivision 1, does not prohibit the sale or distribution in this state of alkaline manganese batteries that do not meet the mercury content requirements of section 2, subdivision 2, if the batteries came from retailer's existing stock as of January 1, 1992."

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

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

S.F. No. 2141: A bill for an act relating to real property; providing for plat monuments; imposing a penalty; amending Minnesota Statutes 1988, sections 505.02, subdivision 1; and 505.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 505.

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

Page 1, line 25, delete the new language

Page 1, line 26, delete "or will"

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

Pages 2 and 3, delete section 2

Page 3, line 22, delete "willfully" and insert "intentionally"

Page 3, line 25, delete "3" and insert "2" and delete "1989" and insert "1990"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section" and delete "and"

Page 1, line 5, delete everything before "proposing"

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

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

S.F. No. 2175: A bill for an act relating to crimes; prohibiting wildfire arson; providing criminal penalties and liability for fire suppression costs; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 609.564, is amended to read:

609.564 [EXCLUDED FIRES.]

A person does not violate section 609.561, 609.562, ~~or~~ 609.563, or section 2 if the person sets a fire pursuant to a validly issued license or permit or with written permission from the fire department of the jurisdiction where the fire occurs.

Sec. 2. [609.5641] [WILDFIRE ARSON.]

Subdivision 1. [SETTING WILDFIRES.] A person is guilty of a felony who intentionally sets a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material.

Subd. 2. [POSSESSION OF FLAMMABLES TO SET WILDFIRES.] A person is guilty of a felony who possesses a flammable, explosive, or incendiary device, substance, or material with intent to use the device, substance, or material to violate subdivision 1.

Subd. 3. [PENALTY; RESTITUTION.] (a) A person who violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person who violates subdivision 2 may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

(c) In addition to the sentence otherwise authorized, the court may order a person who is convicted of violating this section to pay fire suppression costs and damages to the owner of the damaged land.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1990, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting wildfire arson; providing criminal penalties and liability for fire suppression costs; amending Minnesota Statutes 1988, section 609.564; proposing coding for new law in Minnesota Statutes, chapter 609."

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

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

S.F. No. 2478: A bill for an act relating to human services; clarifying medical assistance payment rate procedures for hospitals; allowing case management for certain recipients of medical assistance; amending verification of pregnancy requirements for medical assistance eligibility; clarifying eligibility requirements for medical assistance and general assistance medical care; clarifying asset and income allowances for institutionalized spouses; clarifying services to be covered by medical assistance; establishing requirements for a relative's responsibility; expanding the homestead exclusion for medical assistance eligibility; establishing procedures for a vendor's request for a contested case proceeding; establishing requirements for claims against the estate of a recipient; clarifying procedures for enforcement of medical support; amending Minnesota Statutes 1988, sections 13.46, subdivision 5; 256B.04, subdivision 15; 256B.055, subdivisions 3, 5, and 6; 256B.056, subdivisions 2, 7, and by adding a subdivision; 256B.0625, subdivisions 4, 5, 9, and by adding subdivisions; 256B.15; 256B.19, by adding a subdivision; 256B.69, subdivision 3; 256D.03, subdivision 7; 518.171, subdivisions 1, 3, 4, and 7; Minnesota Statutes 1989 Supplement, sections 256.969, subdivisions 2c and 6a; 256.9695, subdivisions 1 and 3; 256B.055, subdivision 7; 256B.056, subdivisions 3 and 4; 256B.057, subdivisions 1, 2, and by adding subdivisions; 256B.0575; 256B.059, subdivisions 4 and 5; 256B.0595, subdivisions 1, 2, and 4; 256B.14; 256B.69, subdivision 16; 256D.03, subdivisions 3 and 4; 256D.425, subdivision 3; Laws 1989, chapter 282, article 3, section 98, subdivisions 4 and 5; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1989 Supplement, section 256B.055, subdivision 8.

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

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

S.F. No. 1712: A bill for an act relating to human services; renewing the authority for a nursing home to choose to have the commissioner apply the cost limits that apply to facilities in a different geographic group, for purposes of setting the nursing home's payment rates; amending Minnesota Statutes 1989 Supplement, section 256B.431, subdivision 2b.

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

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1988, section 256B.0625, is amended by adding a subdivision to read:

Subd. 8a. [OCCUPATIONAL THERAPY.] Medical assistance covers occupational therapy and related services."

Page 5, line 20, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for medical assistance coverage of occupational therapy services;"

Page 1, line 6, after "amending" insert "Minnesota Statutes 1988, section 256B.0625, by adding a subdivision; and"

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

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

S.F. No. 2164: A bill for an act relating to human services; providing for services for persons with mental retardation in the Willmar catchment area; amending Minnesota Statutes 1989 Supplement, section 252.025, subdivision 4.

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

Page 2, after line 34, insert:

"Sec. 2. Minnesota Statutes 1989 Supplement, section 256B.092, subdivision 7, is amended to read:

Subd. 7. [SCREENING TEAMS ESTABLISHED.] (a) Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home and community-based services of persons who are entitled to the level of care provided by an intermediate care facility for persons with mental retardation or related conditions or for whom there is a reasonable indication that they might require the level of care provided by an intermediate care facility. The screening team shall make an evaluation of need within 15 working days of the date that the assessment is completed or within 60 working days of a request for service by a person with mental retardation or related conditions, whichever is the earlier, and within five working days of an emergency admission of an individual to an intermediate care facility for persons with mental retardation or related conditions. The screening team shall consist of the case manager, the client, a parent or guardian, and a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 483.430, as amended through June 3, 1988. The case manager may also act as the qualified mental retardation professional if the case manager meets the federal definition. County social service agencies may contract with a public or private agency or individual who is not a service provider for the person for the public guardianship representation required by the screening or individual service and habilitation planning process. The contract shall be limited to public guardianship representation for the screening and individual service and habilitation planning activities. The contract shall require compliance with the commissioner's instructions and may be for paid or voluntary services. For individuals determined to have overriding health care needs, a registered nurse must be designated as either the case manager or the qualified mental retardation professional. The case manager shall consult with the client's physician, other health professionals or other persons as necessary to make this evaluation. The case manager, with the concurrence of the client or the client's legal representative, may invite other persons to attend meetings

of the screening team. No member of the screening team shall have any direct or indirect service provider interest in the case.

(b) In addition to the requirements of paragraph (a), the following conditions apply to the discharge of persons with mental retardation or a related condition from a regional treatment center:

(1) For a person under public guardianship, at least two weeks prior to each screening team meeting the case manager must notify in writing parents, near relatives, and the ombudsman established under section 245.92 or a designee, and invite them to attend. The notice to parents and near relatives must include: (i) notice of the provisions of section 252A.03, subdivision 4, regarding assistance to persons interested in assuming private guardianship; (ii) notice of the rights of parents and near relatives to object to a proposed discharge by requesting a review as provided in clause (7); and (iii) information about advocacy services available to assist parents and near relatives of persons with mental retardation or related conditions. In the case of an emergency screening meeting, the notice must be provided as far in advance as practicable.

(2) Prior to the discharge, a screening must be conducted under subdivision 8 and a plan developed under subdivision 1a. For a person under public guardianship, the county shall encourage parents and near relatives to participate in the screening team meeting. The screening team shall consider the opinions of parents and near relatives in making its recommendations. The screening team shall determine that the services outlined in the plan are available in the community before recommending a discharge. The case manager shall provide a copy of the plan to the person, legal representative, parents, near relatives, the ombudsman established under section 245.92, and the protection and advocacy system established under United States Code, title 42, section 6042, at least 30 days prior to the date the proposed discharge is to occur. The information provided to parents and near relatives must include notice of the rights of parents and near relatives to object to a proposed discharge by requesting a review as provided in clause (7). If a discharge occurs, the case manager and a staff person from the regional treatment center from which the person was discharged must conduct a monitoring visit as required in Minnesota Rules, part 9525.0115, within 90 days of discharge and provide an evaluation within 15 days of the visit to the person, legal representative, parents, near relatives, ombudsman, and the protection and advocacy system established under United States Code, title 42, section 6042.

(3) In order for a discharge or transfer from a regional treatment center to be approved, the concurrence of a majority of the screening team members is required. The screening team shall determine that the services outlined in the discharge plan are available and accessible in the community before the person is discharged. The recommendation of the screening team cannot be changed except by subsequent action of the team and is binding on the county and on the commissioner. If the commissioner or the county determines that the decision of the screening team is not in the best interests of the person, the commissioner or the county may seek judicial review of the screening team recommendation. A person or legal representative may appeal under section 256.045, subdivision 3 or 4a.

(4) For persons who have overriding health care needs or behaviors that cause injury to self or others, or cause damage to property that is an immediate threat to the physical safety of the person or others, the following

additional conditions must be met:

(i) For a person with overriding health care needs, either a registered nurse or a licensed physician shall review the proposed community services to assure that the medical needs of the person have been planned for adequately. For purposes of this paragraph, "overriding health care needs" means a medical condition that requires daily clinical monitoring by a licensed registered nurse.

(ii) For a person with behaviors that cause injury to self or others, or cause damage to property that is an immediate threat to the physical safety of the person or others, a qualified mental retardation professional, as defined in paragraph (a), shall review the proposed community services to assure that the behavioral needs of the person have been planned for adequately. The qualified mental retardation professional must have at least one year of experience in the areas of assessment, planning, implementation, and monitoring of individual habilitation plans that have used behavior intervention techniques.

(5) No person with mental retardation or a related condition may be discharged from a regional treatment center before an appropriate community placement is available to receive the person.

(6) *Effective July 1, 1996*, a resident of a regional treatment center may not be discharged to a community intermediate care facility with a licensed capacity of more than 15 beds. *Effective July 1, 1993 1998*, a resident of a regional treatment center may not be discharged to a community intermediate care facility with a licensed capacity of more than ten beds.

(7) If the person, legal representative, parent, or near relative of the person proposed to be discharged from a regional treatment center objects to the proposed discharge, the individual who objects to the discharge may request a review under section 256.045, subdivision 4a, and may request reimbursement as allowed under section 256.045. The person must not be transferred from a regional treatment center while a review or appeal is pending. Within 30 days of the request for a review, the local agency shall conduct a conciliation conference and inform the individual who requested the review in writing of the action the local agency plans to take. The conciliation conference must be conducted in a manner consistent with section 256.045, subdivision 4a. A person, legal representative, parent, or near relative of the person proposed to be discharged who is not satisfied with the results of the conciliation conference may submit to the commissioner a written request for a hearing before a state human services referee under section 256.045, subdivision 4a. The person, legal representative, parent, or near relative of the person proposed to be discharged may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal on the commissioner and any adverse party of record within 30 days after the day the commissioner issued the order and by filing the original notice and proof of service with the court administrator of the district court. Judicial review must proceed under section 256.045, subdivisions 7 to 10. For a person under public guardianship, the ombudsman established under section 245.92 may object to a proposed discharge by requesting a review or hearing or by appealing to district court as provided in this clause. The person must not be transferred from a regional treatment center while a conciliation conference or appeal of the discharge is pending."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "changing the dates for phasing in the prohibition against discharging regional treatment center residents to facilities with more than ten licensed beds;"

Page 1, line 5, delete "section" and insert "sections" and after "4" insert "; and 256B.092, subdivision 7"

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

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

S.F. No. 1821: A bill for an act relating to nursing; allowing nurse practitioners to prescribe and administer drugs and therapeutic devices; amending Minnesota Statutes 1989 Supplement, section 148.171.

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

Page 2, line 11, strike everything after the period

Page 2, strike lines 12 to 16

Page 2, delete lines 17 to 27

Page 3, after line 15, insert:

"Sec. 2. [148.235] [PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.]

Subdivision 1. [NURSE-MIDWIVES.] A registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse-midwives and who is certified through the national professional nursing organization for nurse-midwives may prescribe and administer drugs and therapeutic devices within practice as a nurse-midwife.

Subd. 2. [NURSE PRACTITIONERS.] (a) [PRESCRIBING AUTHORITY.] A registered nurse who (1) has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse practitioners, (2) is certified through a national professional nursing organization which certifies nurse practitioners and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, and (3) has a written agreement with a physician based on standards established by the Minnesota nurses association and the Minnesota medical association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a nurse practitioner.

(b) [RULES.] By July 1, 1991, the board shall promulgate rules to provide for the following:

(1) a system of identifying nurse practitioners eligible to prescribe drugs and therapeutic devices;

(2) a method of determining which general categories of prescription drugs and therapeutic devices have been delegated to each nurse practitioner;

(3) a system of transmitting to pharmacists information concerning nurse practitioners eligible to prescribe drugs and therapeutic devices and the

types of drugs and therapeutic devices they have been delegated the authority to prescribe; and

(4) a fee to the nurse practitioner who seeks prescribing authority in an amount sufficient to cover the board's ongoing costs relating to monitoring and regulating the prescribing authority of nurse practitioners.

(c) [TASK FORCE.] For purposes of adopting rules under this paragraph, the board shall establish and appoint an advisory task force composed of the following nine members:

(1) five nurse practitioners;

(2) two pharmacists; and

(3) two physicians.

Members must be appointed from lists of qualified persons nominated by the appropriate professional associations. The task force shall recommend rules to the board on each of the subjects listed above. No rule relating to the prescribing of drugs and therapeutic devices by nurse practitioners may be proposed by the board unless it was first submitted to the task force for review and comment.

Sec. 3. [INTERIM FILING REQUIREMENT.]

A nurse practitioner may not prescribe or administer drugs or therapeutic devices after August 1, 1990, unless the nurse practitioner satisfies the requirements in section 2, subdivision 2, paragraph (a), and has filed with the board of nursing the nurse practitioner's name, home and business address, home and business telephone number, and other information requested by the board. These filings must be made available to the board of pharmacy for distribution to pharmacies."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing the board of nursing to adopt rules; establishing an interim filing requirement;"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 148"

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

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

S.F. No. 1798: A bill for an act relating to health; providing limited prescription privileges for physician assistants; amending Minnesota Statutes 1988, section 151.37, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 151.37, is amended by adding a subdivision to read:

Subd. 2a. A supervising physician, as defined in Minnesota Rules, part 5600.2600, may delegate to a physician assistant, who is registered with the board of medical examiners, certified by the national commission on

certification of physician assistants, and who is under the supervising physician's supervision, the authority to prescribe and administer legend drugs and medical devices, subject to a process of retrospective review by the supervising physician, as established in rule.

Sec. 2. [RULES.]

By June 1, 1991, the commissioner of health shall amend Minnesota Rules, part 5600.2635, to require the agreement between the physician assistant and supervising physician and any alternate supervising physicians to include a statement by the supervising physician regarding delegation or nondelegation of the functions of prescribing and administering of legend drugs and medical devices to the physician assistant. This statement shall include a protocol indicating categories of drugs for which the supervising physician delegates prescriptive authority. This delegation shall be appropriate to the physician assistant's practice and within the scope of the physician assistant's training.

By June 1, 1991, the commissioner of health shall amend Minnesota Rules, part 5600.2615, subpart 2, to include, as an allowed service, the prescription and administration of legend drugs and medical devices as delegated by the supervising physician, subject to retrospective review and the limitations in the supervisory agreement. The commissioner of health shall review whether there are certain categories of drugs for which delegated prescribing is inappropriate.

By June 1, 1991, the commissioner of health shall amend Minnesota Rules, parts 5600.2630 and 5600.2645, to require physician assistants who have been delegated the authority to prescribe and administer legend drugs and medical devices to provide evidence of current certification by the national commission on certification of physician assistants, when registering or reregistering as physician assistants.

By June 1, 1991, the commissioner of health shall adopt rules to require supervising physicians to retrospectively review, on a daily basis, the prescribing and administering of legend drugs and medical devices by physician assistants, when this authority has been delegated to the physician assistant as part of the agreement required by Minnesota Rules, part 5600.2635. During each on-site visit required under Minnesota Rules, part 5600.2620, item C, the supervising physician shall document by signature and date that the prescriptive practice of the physician assistant has been reviewed.

By June 1, 1991, the commissioner of health shall adopt rules to develop:

(1) a system of identifying physician assistants eligible to prescribe drugs and therapeutic devices;

(2) a method of determining the categories of prescription drugs and therapeutic devices that each physician assistant is allowed to prescribe; and

(3) a system of transmitting to pharmacies a listing of physician assistants eligible to prescribe prescription drugs and therapeutic devices and the types of drugs and therapeutic devices they are allowed to prescribe."

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

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

H.F. No. 2018: A bill for an act relating to newspapers; changing filing requirements for qualification as a legal newspaper; amending Minnesota Statutes 1988, section 331A.02, subdivision 1.

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

Page 2, line 25, after the semicolon, insert “and”

Page 2, line 26, strike “the newspaper must”

Page 2, line 33, delete the semicolon and insert “, *provided that*”

Page 2, line 34, delete everything before “a”

Page 2, after line 36, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

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. 2126: A bill for an act relating to health; clarifying requirements for water well construction and ownership; amending Minnesota Statutes 1989 Supplement, sections 103I.005, subdivisions 8, 16, and by adding a subdivision; 103I.101, subdivisions 2 and 6; 103I.111, subdivision 5; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2, and by adding a subdivision; 103I.301, subdivision 3; 103I.325, subdivision 2; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; Laws 1989, chapter 326, article 3, section 49; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; 103I.325, subdivision 1; and 103I.533.

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

Page 1, after line 17, insert:

“Section 1. Minnesota Statutes 1989 Supplement, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. [FINANCIAL ASSISTANCE.] The board may award grants to counties only to carry out water resource protection and management programs identified as priorities in comprehensive local water plans. Grants may be used to employ persons and to obtain and use information necessary to:

(1) develop comprehensive local water plans under ~~section sections~~ 110B.04 and 473.8785 that have not received state funding for water resources planning as provided for in Laws 1987, chapter 404, section 30, subdivision 5, clause (a); and

(2) implement comprehensive local water plans.

Sec. 2. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 2, is amended to read:

Subd. 2. [BORING.] "Boring" means a hole or excavation that is not used to extract water and includes exploratory borings, *and* environmental bore holes, ~~and test holes.~~"

Page 1, line 24, delete "*an excavation*" and insert "*a well or dewatering well*"

Page 1, line 25, after the semicolon, insert "*or*"

Page 1, delete lines 26 to 28

Page 1, line 29, delete "3" and insert "2"

Page 2, line 4, strike "that"

Page 2, after line 11, insert:

"Sec. 5. Minnesota Statutes 1989 Supplement, section 103I.005, subdivision 9, is amended to read:

Subd. 9. [EXPLORATORY BORING.] "Exploratory boring" means a surface drilling done to explore or prospect for oil, natural gas, *kaolin clay*, and metallic minerals, including iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium, and a drilling or boring for petroleum."

Page 3, after line 4, insert:

"Sec. 8. Minnesota Statutes 1989 Supplement, section 103I.101, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing unconventional wells such as drive points or dug wells;

(iii) *persons constructing, repairing, and sealing dewatering wells;*

(iv) *persons sealing wells; and*

~~(iv)~~ (v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;

- (6) establishment of a system for reporting on wells drilled and sealed;
- (7) modification of fees prescribed in this chapter, according to the procedures for setting fees in section 16A.128;
- (8) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination, for which the commissioner may adopt emergency rules;
- (9) establishment of wellhead protection measures for wells serving public water supplies;
- (10) establishment of procedures to coordinate collection of well data with other state and local governmental agencies; and
- (11) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for geologic and water resource mapping.”

Page 3, after line 13, insert:

“Sec. 10. Minnesota Statutes 1989 Supplement, section 103I.111, is amended by adding a subdivision to read:

Subd. 2a. [FEES.] A board of health under a delegation agreement with the commissioner may charge permit and notification fees in excess of the fees specified in section 103I.208 if the fees do not exceed the total direct and indirect costs to administer the delegated duties.”

Page 3, after line 27, insert:

“Sec. 12. [103I.112] [FEE EXEMPTIONS FOR STATE AND LOCAL GOVERNMENT.]

(a) The commissioner may not charge fees required under this chapter to a state agency or a local unit of government or to a subcontractor performing work for the state agency or local unit of government.

(b) “Local unit of government” means a statutory or home rule charter city, town, county, or soil and water conservation district, watershed district, an organization formed for the joint exercise of powers under section 471.59, a local health board, or other special purpose district or authority with local jurisdiction in water and related land resources management.”

Page 4, line 3, after “owner” insert “, the property owner’s agent, or the well contractor”

Page 4, lines 9 to 11, delete the new language and insert “A person who is an individual that constructs a drive point well on property owned or leased by the individual for farming or agricultural purposes or as the individual’s place of abode”

Page 4, line 12, strike “owner” and insert “person”

Page 7, delete section 12 and insert:

“Sec. 18. Minnesota Statutes 1989 Supplement, section 103I.235, is amended to read:

103I.235 [SALE OF PROPERTY WHERE WELLS ARE LOCATED.]

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and the location of all

known wells on the property, ~~including~~ by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description, ~~and the quartile, section, township, range, and county,~~ and a map drawn from available information showing the location of ~~the wells~~ each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information and the quartile, section, township, and range in which each well is located must be provided on a well certificate signed by the seller of the property or a person authorized to act on behalf of the seller. A well certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(c) If ~~a~~ the seller fails to provide a required well certificate, ~~a~~ the buyer, or a person authorized to act on behalf of the buyer, may sign a well certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(d) A county recorder or registrar of titles may not record a deed, or other instrument, ~~or writing~~ of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or ~~contract for deed~~ other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance either contains the statement "The Seller certifies that the Seller does not know of any wells on the described real property," or is accompanied by the well certificate required by this subdivision ~~is filed with the county recorder or registrar of titles and the filing fee paid under section 357.18.~~ The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well certificate that the well certificate was received. The well certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. The county recorder or registrar of titles shall transmit the well certificate to the commissioner of health within 15 days after receiving the well certificate.

(e) The commissioner in consultation with county recorders shall prescribe the form for a well certificate and provide well certificate forms to county recorders and registrars of titles and other interested persons.

(f) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

Subd. 2. [LIABILITY FOR FAILURE TO DISCLOSE.] Unless the buyer and seller agree to the contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence of a well at the time of sale and knew ~~of~~ or had reason to know of the existence of ~~a~~ the well, is liable to the buyer for costs and reasonable attorney fees relating to the sealing of ~~a~~ the well, if the action ~~must be~~ is commenced by the buyer within six

years after the date the buyer ~~purchased~~ *closed the purchase of the real property where the well is located.*"

Page 8, after line 1, insert:

"Sec. 20. Minnesota Statutes 1989 Supplement, section 103I.311, subdivision 3, is amended to read:

Subd. 3. [PROHIBITION ON STATE LAND PURCHASED WITHOUT WELL IDENTIFICATION.] The state may not purchase or sell real property or an interest in real property without identifying the location of all wells *on the property*, whether in use, not in use, or sealed ~~on the property~~, and making provisions to have the wells not in use properly sealed at the cost of the seller as part of the contract. *The deed or other instrument of conveyance evidencing the sale may not be recorded with the county recorder or registrar of titles unless this subdivision is complied with. Failure to comply with a requirement of this subdivision does not impair:*

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision."

Page 8, after line 12, insert:

"Sec. 22. Minnesota Statutes 1989 Supplement, section 103I.525, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] (a) A person must file an application and application fee with the commissioner to apply for a well contractor's license.

(b) The application must state the applicant's qualifications for the license, the equipment the applicant will use in the contracting, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

(c) A person may apply as an individual if the person:

(1) is not the licensed well contractor representing a firm, partnership, association, corporation, or other entity including the United States government, any interstate body, the state and agency, department or political subdivision of the state; and

(2) meets the well contractor license requirements under this chapter and Minnesota Rules, chapter 4725.

Sec. 23. Minnesota Statutes 1989 Supplement, section 103I.525, subdivision 5, is amended to read:

Subd. 5. [BOND.] (a) As a condition of being issued a well contractor's license, the applicant, *except a person applying for an individual well contractor's license*, must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on unlawful performance of work regulated by this chapter in this state. The bond is in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant

to properly perform work or duties.

Sec. 24. Minnesota Statutes 1989 Supplement, section 1031.525, subdivision 6, is amended to read:

Subd. 6. [LICENSE FEE.] The fee for a well contractor's license is \$250, *except the fee for an individual well contractor's license is \$50.*"

Page 13, after line 27, insert:

"Sec. 33. Minnesota Statutes 1988, section 105.37, is amended by adding a subdivision to read:

Subd. 19. [ONCE-THROUGH SYSTEM.] "Once-through system" means a heating, ventilating, air conditioning, or refrigeration system used for any type of temperature or humidity control application, utilizing ground-water, that circulates through the system and is then discharged without recirculating the majority of the water, in the system components.

Sec. 34. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 1c, is amended to read:

Subd. 1c. [CERTAIN COOLING SYSTEM PERMITS PROHIBITED PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, *after December 31, 1990*, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of five million gallons annually.

(b) ~~For purposes of this subdivision, a once-through cooling system means a cooling or heating system for human comfort that draws a continuous stream of water from a groundwater source to remove or add heat for cooling, heating, or refrigeration~~ *Once-through system water use permits using in excess of five million gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010. Existing once-through systems are required to convert to water efficient alternatives within the design life of existing equipment. The commissioner shall prescribe rules defining the design life for systems for existing permits and report to the legislative water commission before adoption. Permits may not be terminated before rules are adopted under this subdivision.*

Sec. 35. Minnesota Statutes 1988, section 105.41, is amended by adding a subdivision to read:

Subd. 1d. [MT. SIMON-HINCKLEY AQUIFER.] (a) The commissioner may not issue new water use permits that will appropriate water from the Mt. Simon-Hinckley aquifer within the seven county metropolitan area unless the appropriation is for potable water use, there are no feasible or practical alternatives to this source, and a water conservation plan is incorporated with the permit.

(b) *The commissioner shall terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems in the seven county metropolitan area by December 31, 1992.*

Sec. 36. Minnesota Statutes 1988, section 105.41, subdivision 4, is amended to read:

Subd. 4. [MEASURING AND RECORDING QUANTITIES USED.] It is unlawful for the state, a person, partnership, or association, private or

public corporation, county, municipality, or other political subdivision of the state to appropriate or use waters of the state, surface or underground, without measuring and keeping a record of the quantity of water used or appropriated as provided in this section. Each installation for appropriating or using water must be equipped with a ~~device or employ a method~~ flow meter to measure the quantity of water appropriated ~~with reasonable accuracy within the degree of accuracy required by rule.~~ The ~~commissioner's determination of the method~~ commissioner can determine other methods to be used for measuring water quantity ~~must be~~ based on the quantity of water appropriated or used, the source of water, the method of appropriating or using water, and any other facts supplied to the commissioner.

Sec. 37. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 5a, is amended to read:

Subd. 5a. [WATER USE PROCESSING FEE.] (a) Except as provided in paragraph (b), a water use processing fee not to exceed \$2,000 must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cent per 1,000 gallons for the first 50 million gallons per year; and

(2) 0.1 cents per 1,000 gallons for the amounts greater than 50 million gallons per year.

(b) For once-through cooling systems as defined in subdivision 1c, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 5.0 cents per 1,000 gallons until December 31, 1991;

(2) 10.0 cents for 1,000 gallons from January 1, 1992, until December 31, 1996; and

(3) 15.0 cents per 1,000 gallons after January 1, 1997.

(c) The fee is payable based on *the amount of water appropriated during the year or the amount of water permitted during the year authorized by permit, whichever is greater*, and in no case may the fee be less than \$25. *The commissioner shall notify all permittees of the fee changes authorized by this law by July 1, 1990. Permittees shall have until November 1, 1990, to amend permits to accurately reflect historic water use. The commissioner is authorized to refund 1989 water use report processing fees based on amendments under this subdivision.*

(d) Failure to pay the fee is sufficient cause for revoking a permit. *A fee may not be imposed on any state agency, as defined in section 16B.01, or federal governmental agency holding a water appropriation permit."*

Page 14, after line 9, insert:

"Sec. 39. [COMMISSION INVESTIGATION.]

The legislative water commission shall investigate the needs and feasibility of allowing state bonding for conversion of systems operated by nonprofit entities.

Sec. 40. [DELEGATION AGREEMENTS.]

Notwithstanding the provisions of Minnesota Statutes, chapter 1031, a

delegation agreement between the commissioner and a board of health executed prior to the effective date of this chapter shall remain in full force and effect until December 31, 1991."

Page 14, line 13, delete "; and 103I.533"

Page 14, line 15, delete "22, and 24" and insert "37 and 39 to 41"

Page 14, line 16, delete "23" and insert "38"

Page 14, after line 17, insert:

"Section 3 is effective the day following final enactment except that dewatering wells may operate down to 45 feet without permits or permit fees required by Minnesota Statutes, chapter 103I, until June 30, 1992."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1988, sections 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision;"

Page 1, line 4, after "sections" insert "103B.3369, subdivision 5;"

Page 1, line 5, delete "8" and insert "2, 8, 9"

Page 1, line 6, after "2" insert ", 5,"

Page 1, line 8, delete ", and by adding a subdivision" and after the semicolon, insert "103I.235;"

Page 1, line 9, after the first semicolon, insert "103I.311, subdivision 3;" and after "2;" insert "103I.525, subdivisions 1, 5, and 6;"

Page 1, line 11, after "3;" insert "105.41, subdivisions 1c and 5a;"

Page 1, line 12, after "49;" insert "proposing coding for new law in Minnesota Statutes, chapter 103I;"

Page 1, line 15, after the second semicolon, insert "and" and after "1" delete "; and" and insert a period

Page 1, delete line 16

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

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

S.F. No. 1896: A bill for an act relating to health; providing exemptions from the infectious waste control act; requiring hospitals to accept certain infectious waste; modifying standards for ambulance drivers; requiring adoption of rules setting new standards for recertification of and upgrading to emergency care course certificates; increasing reimbursement for volunteers; authorizing an emergency medical services advisory committee; exempting ambulances from vehicle license fees, registration, and excise taxes; regulating the provision of special transportation services; providing a tax credit; requiring studies; increasing medical assistance rates for ambulance services; creating a loan forgiveness program for medical students; providing nursing scholarships; creating a loan forgiveness program

for advanced practice nurses; providing funding for summer medical interns; encouraging rural medical school applicants; requiring a study of medical assistance reimbursement for physicians; increasing participation in the rural physicians associates program; creating a rural hospital planning and transition grant program; creating a rural hospital subsidy fund; requiring a study of rural health professionals; allowing counties authority to exceed levy limits; appropriating money and increasing the complement; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 9; 116.78, by adding subdivisions; 144.804, subdivisions 1 and 7; 144.809; 144.8091; 168.012, subdivision 1; 168.013, subdivision 1a; and 297B.03; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; 147; 174; and 290.

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

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

S.F. No. 2400: A bill for an act relating to traffic regulations; establishing penalties for driving past railroad crossing warning devices; providing for instruction in railroad crossing safety at driver improvement clinics; establishing standards and procedures for closing a railroad crossing; stipulating the adequacy of crossing devices; imposing penalties; amending Minnesota Statutes 1988, sections 169.26; and 169.973, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 219; repealing Minnesota Statutes 1988, sections 219.27 and 219.28; and Minnesota Statutes 1989 Supplement, section 219.072.

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

Page 1, line 19, strike "and a clearly"

Page 1, strike line 20

Page 1, line 21, strike the old language

Page 1, line 22, delete "*section*" and insert "*paragraph*"

Page 1, lines 28 and 29, delete "*or when a human flagger signals the*" and insert "*warning of the immediate*" and after the semicolon, insert "*or*"

Page 2, delete lines 1 to 4

Page 2, line 5, delete "(4)" and insert "(3)"

Page 2, line 9, reinstate the stricken "human"

Page 2, lines 35 and 36, delete "ESTABLISHMENT; VACATION; CONSOLIDATION; AND SEPARATION OF" and insert "COMMISSIONER'S RULES ON"

Page 3, line 1, delete "*Subdivision 1. [COMMISSIONER'S RULES.]*"

Page 3, line 3, after "1991," insert "*that contain standards*" and after "*vacation,*" insert "*relocation,*"

Page 3, line 4, after "*of*" insert "*grades at*" and delete the second "*and*"

Page 3, line 5, delete everything before the period

Page 3, line 7, delete "*Minnesota*" and insert "*this state*"

Page 3, after line 9, insert:

“Sec. 4. [219.074] [GRADE CROSSING CHANGES.]”

Page 3, line 10, delete everything before “Public” and insert:

“*Subdivision 1.* [AGREEMENTS; HEARING.]”

Page 3, lines 12 and 13, delete “*establish, vacate, consolidate, or separate*” and insert “*the establishment, vacation, relocation, consolidation, or separation of grades at*”

Page 3, line 19, delete “*subdivision 1*” and insert “*section 3*” and after the period, insert “*The commissioner may also bring matters concerning vacation, relocation, consolidation, or separation of grades at public grade crossings to the board for determination. If the board determines that the vacation, relocation, consolidation, or separation is consistent with the standards adopted under section 3, the board may order the crossing vacated, relocated, consolidated, or separated.*”

Page 3, line 20, delete “CROSSING-CLOSING” and insert “CROSSING VACATION”

Page 3, line 21, after “years,” insert “*and as necessary afterward,*”

Page 3, line 22, delete “*at least*”

Page 3, line 23, delete “50” and delete “*closed*” and insert “*vacated*”

Page 3, line 24, delete “*criteria*” and insert “*standards*”

Page 3, line 25, delete “*subdivision 1*” and insert “*section 3*”

Page 3, line 27, delete “*of 50 grade crossings*”

Page 3, line 30, delete “*closings*” and insert “*vacations*”

Page 3, line 33, delete “*subdivision 1*” and insert “*section 3*” and after the period, insert “*If after the hearing the board determines that the vacation is consistent with the standards adopted under section 3, it may order the crossing vacated.*”

Page 3, line 35, delete “*closed*” and insert “*vacated*”

Page 4, lines 2 and 3, delete “*Minnesota Statutes 1989 Supplement, section 219.072, is repealed.*”

Page 4, delete lines 5 to 8 and insert:

“*Section 1 is effective August 1, 1990. Sections 2 and 3 are effective the day following final enactment. Sections 4 and 5 are effective December 1, 1991.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “devices” insert “and flaggers”

Page 1, lines 7 and 8, delete “stipulating the adequacy of crossing devices;”

Page 1, lines 12 and 13, delete “; and Minnesota Statutes 1989 Supplement, section 219.072”

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

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

S.F. No. 1800: A bill for an act relating to courts; providing for a pilot project in Clay county using mediation services for child custody and visitation issues; appropriating money.

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

Page 1, line 11, after the period, insert "*The pilot project is subject to Minnesota Statutes, section 518.619.*"

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

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

H.F. No. 1569 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.
1569	1420				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1569 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1569 and insert the language after the enacting clause of S.F. No. 1420, the first engrossment; further, delete the title of H.F. No. 1569 and insert the title of S.F. No. 1420, the first engrossment.

And when so amended H.F. No. 1569 will be identical to S.F. No. 1420, and further recommends that H.F. No. 1569 be given its second reading and substituted for S.F. No. 1420, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1984 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.
1984	2110				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1984 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1984 and insert the language after the enacting clause of S.F. No. 2110, the first engrossment; further, delete the title of H.F. No. 1984 and insert the title of S.F. No. 2110, the first engrossment.

And when so amended H.F. No. 1984 will be identical to S.F. No. 2110, and further recommends that H.F. No. 1984 be given its second reading and substituted for S.F. No. 2110, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2058 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2058	1926				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2188 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2188	1979				

and that the above Senate File be indefinitely postponed.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for February 12, 1990:

**DEPARTMENT OF HUMAN SERVICES
COMMISSIONER**

Ann Wynia

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 2314, 2549, 1942, 1923, 2012, 2108, 2310, 1784, 2141, 2175 and 1821 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1985, 2018, 1569, 1984, 2058 and 2188 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Solon moved that the name of Mr. Merriam be added as a co-author to S.F. No. 2347. The motion prevailed.

Mr. Marty moved that the name of Mr. Spear be added as a co-author to S.F. No. 2391. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 162: A Senate resolution commending Dick Doss for his hard work and accomplishments while serving as Public Relations Officer at the VA Medical Center at St. Cloud, Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Ramstad and Ms. Olson introduced—

Senate Resolution No. 163: A Senate resolution congratulating Dr. Donald Draayer, of Minnetonka, for being named 1990 National Superintendent of the Year.

Referred to the Committee on Rules and Administration.

Mr. Stumpf introduced—

Senate Resolution No. 164: A Senate resolution congratulating the Roseau High School Hockey Team for winning the 1990 State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

Ms. Reichgott moved that her name be stricken as a co-author to S.F. No. 1849. The motion prevailed.

Mr. Diessner moved that the name of Mr. Gustafson be added as a co-author to S.F. No. 1869. The motion prevailed.

CALENDAR

S.F. No. 488: A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.995; 471.996; 471.9975; and 471.9981, subdivisions 2 to 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Metzen	Purfeerst
Anderson	Dicklich	Kroening	Moe, D.M.	Ramstad
Beckman	Diessner	Laidig	Moe, R.D.	Reichgott
Benson	Flynn	Langseth	Morse	Samuelson
Berglin	Frank	Lantry	Novak	Solon
Bernhagen	Frederickson, D.J.	Lessard	Olson	Spear
Brandl	Frederickson, D.R.	Luther	Pariseau	Storm
Brataas	Freeman	Marty	Pehler	Vickerman
Chmielewski	Hughes	McGowan	Piepho	Waldorf
Cohen	Johnson, D.E.	McQuaid	Piper	
Decker	Johnson, D.J.	Mehrkens	Pogemiller	

Those who voted in the negative were:

Belanger	Dahl	Knutson	Peterson, R.W.	Stumpf
Berg	Davis	Larson	Renneke	
Bertram	Frederick	Merriam	Schmitz	

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 1686, 1886, 1870, 1729 and H.F. No. 2143, which the committee recommends to pass.

H.F. No. 1555, which the committee recommends to pass, subject to the following motion:

Mr. Peterson, R.W. moved that the amendment made to H.F. No. 1555 by the Committee on Rules and Administration in the report adopted March 14, 1990, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 1752, which the committee recommends to pass with the following amendment offered by Mr. Pehler:

Page 1, line 16, delete "only"

Page 1, line 17, after "health," insert "or" and after "welfare" delete the comma

Page 1, line 18, delete "comfort, or convenience"

Page 1, lines 25 and 26, reinstate the stricken language

Page 2, line 1, delete "not reduce the level of" and after "health," insert "or" and after "welfare" delete the comma

Page 2, line 2, delete "comfort, or convenience"

Page 2, line 16, after "health," insert "or" and delete everything after "welfare"

Page 2, line 17, delete "convenience"

The motion prevailed. So the amendment was adopted.

S.F. No. 1698, which the committee recommends to pass with the following amendment offered by Ms. Berglin:

Page 3, line 9, delete "130-bed" and insert "hospital or hospitals with a combined licensed capacity of 130 beds" and delete "hospital"

Page 3, line 15, after "beds" insert ", or the combined licensed capacity of the hospitals, whichever is less"

The motion prevailed. So the amendment was adopted.

S.F. No. 2048, which the committee recommends to pass with the following amendment offered by Mr. Laidig:

Page 1, line 20, delete "Violation of" and insert "Conduct that violates"

Page 1, line 21, after the second "crime" insert "under chapter 609"

The motion prevailed. So the amendment was adopted.

S.F. No. 1670, which the committee reports progress, subject to the following motion:

Mr. Luther moved to amend S.F. No. 1670 as follows:

Page 1, line 13, delete everything after the second comma

Page 1, delete line 14

Page 1, line 15, delete everything before "on"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1988, section 361.03, is amended by adding a subdivision to read:

Subd. 11a. [SUSPENSION FOR NOT REMOVING EURASIAN WATER MILFOIL.] *The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft refuses to comply with an order of a conservation officer or other licensed peace officer to remove Eurasian water milfoil, myriophyllum spicatum, from the watercraft or its trailer or other device used to transport the watercraft*

or place it in water.”

The motion prevailed. So the amendment was adopted.

S.F. No. 1670 was then progressed.

S.F. No. 1675, which the committee reports progress, subject to the following motions:

Mr. Berg moved to amend S.F. No. 1675 as follows:

Page 2, delete lines 22 and 23 and insert “*or Leech Lake Band members, that is conducted consistent with state policies, laws, and regulations relating to aquiculture.*”

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1675 as follows:

Page 2, delete section 3

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Morse	Reichgott
Beckman	Dicklich	Kroening	Novak	Samuelson
Benson	Flynn	Lantry	Olson	Schmitz
Berglin	Frank	Luther	Pariseau	Solon
Brandl	Freeman	Marty	Pehler	Spear
Brataas	Gustafson	McGowan	Peterson, R. W.	Waldorf
Chmielewski	Hughes	McQuaid	Piper	
Cohen	Johnson, D.E.	Merriam	Pogemiller	
Dahl	Johnson, D.J.	Metzen	Purfeerst	
Decker	Knaak	Moe, R.D.	Ramstad	

Those who voted in the negative were:

Anderson	Davis	Frederickson, D.R.	Lessard	Storm
Belanger	Diessner	Laidig	Mehrkens	Stumpf
Berg	Frederick	Langseth	Piepho	Vickerman
Bertram	Frederickson, D.J.	Larson	Renneke	

The motion prevailed. So the amendment was adopted.

S.F. No. 1675 was then progressed.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Lessard introduced—

S.F. No. 2585: A bill for an act relating to municipalities; exempting tort liability for forest areas; amending Minnesota Statutes 1988, section 466.03, subdivision 6e.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 2586: A bill for an act relating to public capital facilities; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Finance.

Ms. Berglin introduced—

S.F. No. 2587: A bill for an act relating to public capital facilities; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Finance.

Mr. Diessner introduced—

S.F. No. 2588: A bill for an act relating to taxation; property; requiring Washington county to mail proposed property tax notices for each parcel.

Referred to the Committee on Taxes and Tax Laws.

Mr. Renneke introduced—

S.F. No. 2589: A bill for an act relating to agriculture; requiring the commissioner of agriculture to conduct an election of dairy producers to determine continuation of the dairy research and promotion order.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Morse, Bernhagen, Davis and Stumpf introduced—

S.F. No. 2590: A bill for an act relating to taxation; providing a special levy for counties to implement comprehensive water plans; amending Minnesota Statutes Second 1989 Supplement, sections 103B.3369, subdivisions 5 and 7; and 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Storm introduced—

S.F. No. 2591: A bill for an act relating to taxation; property; repealing local government levy limitations; amending Minnesota Statutes 1988, sections 6.62, subdivision 1; 18.023, subdivision 8; 38.27, subdivision 3; 110B.15, subdivision 4; 115.34, subdivision 1; 129A.06, subdivision 2; 134.34, subdivision 5; 145A.08, subdivision 3; 164.041; 273.123, subdivision 7; 275.14; 275.15; 275.16; 275.57; 298.28, subdivision 12; 298.282, subdivisions 2 and 3; 298.39; 298.396; 353A.10, subdivision 3; 360.037, subdivision 2; 375.167, subdivision 1; 412.251; 414.01, subdivision 15; 423.376, subdivision 3; 426.04; 444.075, subdivision 4; 447.34, subdivision 1; 447.35; 465.73; 469.107, subdivision 1; 471.1921; 471.572, subdivision 2; 471.74, subdivision 2; 471A.03, subdivision 4; 473.87; 473.882, subdivision 3; 473F08, subdivision 3a; 475.74; and 475.754; repealing Minnesota Statutes 1988, sections 134.34, subdivision 6; 275.11; 275.50; 275.51; 275.54; 275.55; 275.56; 275.561; 275.58; and 471A.04.

Referred to the Committee on Taxes and Tax Laws.

Mr. Brandl introduced—

S.F. No. 2592: A bill for an act relating to human services; requiring adoption of rules relating to payment rates for intermediate care facilities for persons with mental retardation or related conditions; repealing Minnesota Rules, part 9553.0020, subparts 22 and 43.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 2593: A bill for an act relating to taxation; modifying the metropolitan revenue distribution program; creating a crime and social services disparities fund; amending Minnesota Statutes 1988, sections 299C.18; 473F07, by adding subdivisions; and 473F08, subdivision 7a; Minnesota Statutes 1989 Supplement, section 473F07, subdivision 4; Minnesota Statutes Second 1989 Supplement, section 473F08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473F

Referred to the Committee on Taxes and Tax Laws.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees, Second Readings of Senate Bills and Motions and Resolutions.

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. 1790: A bill for an act relating to health; establishing a legislative task force to study the regulation of health insurance premium rates and health care costs.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for March 12, 1990, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Rules and Administration”. Amendments adopted. Report adopted.

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

S.F. No. 1952: A bill for an act relating to health; eliminating the office of social work and mental health boards; modifying the duties of the board of unlicensed mental health service providers; requiring all mental health service providers to file with the board; amending Minnesota Statutes 1988, sections 148B.01, subdivision 7; 148B.07; 148B.41, subdivision 1; 148B.42, subdivision 2, and by adding a subdivision; 148B.43; and 148B.46, subdivision 1; Minnesota Statutes 1989 Supplement, sections 148B.17; 148B.40, subdivision 3; and 148B.42, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Statutes 1988,

sections 148B.01, subdivision 2; 148B.02; and 148B.171.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 12, 1990, be adopted; that committee recommendation being:

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

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

S.F. No. 2395: A bill for an act relating to unemployment compensation; making various technical changes; regulating eligibility of conservation corps members and entertainers; increasing the income disregard; regulating eligibility for persons receiving holiday pay; regulating administrative hearings; providing for data sharing; appropriating certain federal money; amending Minnesota Statutes 1988, sections 268.08, subdivision 3; 268.10, subdivision 9; and 268.12, subdivision 13; Minnesota Statutes 1989 Supplement, sections 84.965, subdivision 2; 84.98, subdivision 5; 268.04, subdivision 12; 268.07, subdivision 2; 268.12, subdivision 12; 270B.14, subdivisions 2 and 8; and 290.92, subdivision 21.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 12, 1990, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Judiciary”. 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. 1653: A bill for an act relating to tax administration; recodifying and providing for the administration of certain taxes; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 270.06; 270.07, subdivision 1, and by adding a subdivision; 270.65; 270.67, subdivision 2; 270.68, subdivisions 1 and 3; 270.69, subdivisions 2, 3, 7, 8, and by adding a subdivision; 270.70, subdivisions 1 and 2; 270.73, subdivision 1; 290.05, subdivision 4; 290.92, subdivisions 6a, 15, 23, and 24; 290A.07, subdivisions 2a and 3; 290A.19; 291.09, subdivision 3a; 296.18, subdivisions 2 and 3; 296.25; 297A.03, subdivision 2; 297A.041; 297A.17; 297A.18; and 297A.211, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 270; proposing coding for new law as Minnesota Statutes, chapter 289A; repealing Minnesota Statutes 1988, sections 270.08; 270.10, subdivision 4; 270.651; 270.77; 271.061; 290.05, subdivision 5; 290.067, subdivision 5; 290.281, subdivision 5; 290.29; 290.37; 290.38; 290.39; 290.391; 290.40; 290.41; 290.42; 290.43; 290.44; 290.45; 290.46; 290.47; 290.49; 290.50, as amended; 290.52; 290.521; 290.522; 290.523; 290.53, subdivisions 1, 1a, 2, 2a, 3, 3a, 4, 5, 7, 8, 9, 10, and 11; 290.54; 290.56; 290.57; 290.58; 290.59; 290.65; 290.92, subdivisions 6, 7, 8, 11, 13, 14, and 15; 290.923, subdivision 7; 290.93; 290.931; 290.932; 290.933; 290.934; 290.935; 290.936; 290.974; 290A.06; 290A.11, subdivisions 1, 1a, 2, 3, and 4; 290A.111; 290A.112; 290A.12;

291.09, subdivisions 1a, 2a, 4a, 6, and 7; 291.11; 291.131; 291.14; 291.15, subdivisions 1 and 3; 291.215, subdivisions 2 and 3; 291.31, subdivisions 1 and 2; 291.32; 296.027; 296.16, subdivision 3; 296.17, subdivision 13; 296.18, subdivisions 3a and 7; 296.24; 297A.08; 297A.121; 297A.15, subdivision 3; 297A.20; 297A.26; 297A.27; 297A.275; 297A.29; 297A.30; 297A.31; 297A.32; 297A.33, subdivisions 1, 3, 4, and 5; 297A.34; 297A.35; 297A.39, subdivisions 1, 2, 2a, 3, 4, 5, 7, and 8; 297A.40; 297A.41; 297A.42; and 297A.44, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 14, 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 Taxes and Tax Laws”. 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. 2236: A bill for an act relating to the environment; changing the requirements for management plans; directing the commissioner of health to refund fees; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 8, and by adding a subdivision; 116.77; and 116.79, subdivisions 1 and 3.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for March 14, 1990, be adopted; that committee recommendation being:

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1952 and 2236 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 2395. The motion prevailed.

Mr. Pogemiller moved that S.F. No. 1950 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Piepho moved that S.F. No. 2366, No. 74 on General Orders, be stricken and returned to its author. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 19, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate