

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 22, 1990

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Ronald Hofmann.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 21, 1990

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State S.F. No. 1947.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1922 and 2353.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1990

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1663: A bill for an act relating to Redwood and Lyon counties; abandoning judicial ditch number 37.

Senate File No. 1663 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1990

Mr. Moe, R.D. moved that S.F. No. 1663 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1673, 2084, 2500, 1918, 1960, 2156, 2056, 2131, 2050 and 2163.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1990

FIRST READING OF HOUSE BILLS

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

H.F. No. 1673: A bill for an act relating to occupations and professions; regulating the practice of pharmacy; amending Minnesota Statutes 1988, sections 151.01, subdivisions 3 and 11; 151.13, subdivision 1; and 151.34.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1507, now on General Orders.

H.F. No. 2084: A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1988, chapters 367, as amended; and 368, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1986, now on General Orders.

H.F. No. 2500: A bill for an act relating to insurance; modifying the effective date of the statutory notice requirement for cancellation or non-renewal of individual life policies; amending Laws 1989, chapter 330, section 38.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2129, now on the Calendar.

H.F. No. 1918: A bill for an act relating to waste; providing for criminal and civil penalties for violations of pretreatment standards and requirements in the metropolitan area and for violations in the Western Lake Superior Sanitary District; amending Laws 1971, chapter 478, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2205, now on General Orders.

H.F. No. 1960: A bill for an act relating to natural resources; amending certain provisions concerned with the management of wildlife; amending Minnesota Statutes 1988, sections 97A.135, by adding a subdivision; and 97A.445, by adding a subdivision; and Minnesota Statutes 1989 Supplement, section 97B.603.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1706, now on General Orders.

H.F. No. 2156: A bill for an act relating to counties; regulating performance bonds; amending Minnesota Statutes 1988, section 375.21, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2517, now on General Orders.

H.F. No. 2056: A bill for an act relating to public safety; making it a crime for a driver to flee a peace officer from another state into Minnesota; authorizing a peace officer of another state to enter Minnesota in fresh pursuit for traffic and misdemeanor offenses; authorizing the admissibility of relevant evidence obtained in another state into evidence at Minnesota civil and criminal trials; granting peace officers of other states the authority to transport persons in legal custody under certain circumstances; amending Minnesota Statutes 1988, section 609.487, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 626 and 634.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1916, now on General Orders.

H.F. No. 2131: A bill for an act relating to crimes; prohibiting wild land arson fires; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2175, now on General Orders.

H.F. No. 2050: A bill for an act relating to human services; authorizing the lease of property to provide state-operated, community-based programs; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Governmental Operations.

H.F. No. 2163: A bill for an act relating to minimum wages; defining the term "employee" to exclude certain seasonal children's resident or day

camp employees; amending Minnesota Statutes 1988, section 177.23, subdivision 7.

Referred to the Committee on Employment.

REPORTS OF COMMITTEES

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2223: A bill for an act relating to local government; reauthorizing Ramsey county and the city of St. Paul to issue general obligation bonds to finance the restoration of the concourse of the St. Paul union depot; repealing Minnesota Statutes 1988, section 383A.65, as amended.

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1925: A bill for an act relating to the environment; changing certain requirements for municipal wastewater treatment grants; increasing bonding authority; amending Minnesota Statutes 1988, sections 116.18, subdivision 3c; 446A.07, subdivision 2; 446A.12, subdivision 1; and Minnesota Statutes 1989 Supplement, section 116.16, subdivisions 2 and 5.

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

Page 5, line 34, after "powers" insert ", *but not including the making of grants*"

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

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

S.F. No. 1779: A bill for an act relating to agriculture; providing for mediation and arbitration of certain contract disputes; providing for recapture of capital investments required by certain agricultural contracts; clarifying responsibility of parent companies for affiliates; requiring good faith; prohibiting unfair practices; creating an ombudsman and a task force; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Delete everything after the enacting clause and insert:

"Section 1. [17.90] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 8.

Subd. 2. [AGRICULTURAL COMMODITY.] "Agricultural commodity" means a material produced for use in or as food, feed, seed, or fiber and

includes crops for fiber, food, oilseeds, seeds, livestock, livestock products, poultry, poultry products, and other products or by-products of the farm produced for the same or similar use.

Subd. 3. [CONTRACTOR.] "Contractor" means a person who in the ordinary course of business buys agricultural commodities grown or raised in this state or who contracts with a producer to grow or raise agricultural commodities in this state.

Subd. 4. [PRODUCER.] "Producer" means a person who produces or causes to be produced an agricultural commodity in a quantity beyond the person's own family use and is able to transfer title to another or provides management, labor, machinery, facilities, or any other production input for the production of an agricultural commodity.

Sec. 2. [17.91] [MEDIATION; ARBITRATION.]

A contract for an agricultural commodity between a contractor and a producer must contain language providing for resolution of contract disputes by either mediation or arbitration. If there is a contract dispute, either party may make a written request to the commissioner for mediation or arbitration services as specified in the contract, to facilitate resolution of the dispute.

Sec. 3. [17.92] [RECAPTURE OF CAPITAL INVESTMENT REQUIRED BY AN AGRICULTURAL CONTRACT.]

Subdivision 1. [NOTICE AND DAMAGES TO BE PAID.] A contractor must not terminate or cancel a contract that requires a producer of agricultural commodities to make a capital investment in buildings or equipment that cost \$100,000 or more and have a useful life of five or more years, until:

(1) the producer has been given written notice of the intention to terminate or cancel the contract at least 180 days before the effective date of the termination or cancellation or as provided in subdivision 3; and

(2) the producer has been reimbursed for damages incurred by an investment in buildings or equipment that was made for the purpose of meeting minimum requirements of the contract.

Subd. 2. [NOTICE WHEN PRODUCER BREACHES CONTRACT.] Except as provided in subdivision 3, if a producer fails to comply with the provisions of a contract that requires a capital investment subject to subdivision 1, a contractor may not terminate or cancel that contract until:

(1) the contractor has given written notice with all the reasons for the termination or cancellation at least 90 days before termination or cancellation or as provided in subdivision 3; and

(2) the recipient of the notice fails to correct the reasons stated for termination or cancellation in the notice within 60 days of receipt of the notice.

Subd. 3. [IMMEDIATE EFFECT OF NOTICE.] The 180-day notice period under subdivision 1, clause (1), and the 90-day notice period and 60-day notice period under subdivision 2, clauses (1) and (2), are waived and the contract may be canceled or terminated immediately if the alleged grounds for termination or cancellation are:

(1) voluntary abandonment of the contract relationship by the producer;

or

(2) conviction of the producer of an offense directly related to the business conducted under the contract.

Sec. 4. [17.93] [PARENT COMPANY RESPONSIBILITY FOR CONTRACTS OF SUBSIDIARIES.]

Subdivision 1. [LICENSING.] If a contractor is required to obtain a license to purchase agricultural commodities, the licensing authority may require the parent company of a licensee subsidiary to guarantee payment or contract performance as a condition of licensing.

Subd. 2. [PARENT COMPANY LIABILITY.] If an agricultural contractor is the subsidiary of another corporation, partnership, or association, the parent corporation, partnership, or association is liable to a seller for the amount of any unpaid claim or contract performance claim if the contractor fails to pay or perform according to the terms of the contract.

Sec. 5. [17.94] [IMPLIED PROMISE OF GOOD FAITH.]

There is an implied promise of good faith as defined in section 336.1-201, subsection 19, in all agricultural contracts. In an action to recover damages, if the court finds that there has been a violation of this provision, damages, court costs, and attorney fees may be recovered.

Sec. 6. [17.945] [RULES.]

The commissioner may adopt rules to implement sections 1 to 8 including the prohibition of specific trade practices.

Sec. 7. [17.95] [DEPARTMENT OF AGRICULTURE OMBUDSMAN.]

A position is created in the department of agriculture to provide information, investigate complaints arising from this chapter, and provide or facilitate dispute resolutions.

Sec. 8. [17.97] [AGRICULTURAL INPUT PREPAYMENTS.]

If a producer makes a prepayment for agricultural production inputs that include but are not limited to seed, feed, fertilizer, pesticides, or fuel for future delivery, the producer may demand a letter of credit or bank guarantee to ensure reimbursement if delivery does not occur.

Sec. 9. [17.98] [DAIRY MARKETING CONTRACTS EXCEPTED.]

Dairy marketing agreements between producers and purchasers of milk are not contracts for purposes of sections 1 to 8.

Sec. 10. [514.945] [AGRICULTURAL PRODUCER'S LIEN.]

Subdivision 1. [ATTACHMENT.] (a) A person who produces an agricultural commodity as defined in section 1, subdivision 2, except grain as defined in section 232.21, subdivision 7, and raw milk has a lien for the contract price or, if there is no contract the fair market value, of the agricultural commodity produced by the person and delivered to a buyer. The lien attaches to the agricultural commodity and products and proceeds of the agricultural commodity.

(b) If the agricultural commodity is or becomes commingled with other agricultural commodities or goods, the lien continues in the proportionate share of the other agricultural commodities or goods.

(c) If an agricultural commodity to which the lien attaches becomes manufactured or processed to become part of another product the lien continues and attaches to the product manufactured or processed.

(d) An agricultural producer's lien does not attach to agricultural commodities:

(1) purchased by a marketing cooperative association; or

(2) purchased free of a security interest or lien as provided in United States Code, title 7, section 1631, and sections 223A.03 and 223A.04.

Subd. 2. [PERFECTION.] An agricultural producer's lien is perfected from the time the agricultural commodity is delivered until 20 days after the agricultural commodity is delivered without filing. An agricultural producer's lien may continue to be perfected if a lien statement under subdivision 3 is filed in the appropriate filing office under section 336.9-401 by 20 days after the agricultural commodity is delivered.

Subd. 3. [LIEN STATEMENT.] (a) A lien statement must be in writing and verified by the producer and must contain:

(1) a statement of the amount due for the agricultural commodity after deducting applicable credits and offsets;

(2) the name of the purchaser to whom the agricultural commodity was delivered;

(3) a description sufficient to identify the agricultural commodity delivered and subject to the lien;

(4) the date and location to which the agricultural commodity was delivered; and

(5) the date when payment was due for the agricultural commodity subject to the lien.

(b) A lien statement is void and may be removed from the filing system six months after the date of filing. The lien statement may be physically destroyed 30 months after the date of filing.

Subd. 4. [PRIORITY.] (a) An agricultural producer's lien has priority over all other liens and encumbrances in:

(1) the agricultural commodity;

(2) proceeds from the agricultural commodity;

(3) the proportionate share of the agricultural commodities or goods with which the agricultural commodity has been commingled; and

(4) the products manufactured or processed with the agricultural commodity.

(b) An agricultural producer's lien that is continuously perfected from the time of delivery has priority over other liens and encumbrances whether they are filed before or after the agricultural producer's lien.

(c) An agricultural producer's lien that is filed after 20 days after delivery of the agricultural commodity has priority in the order it is filed.

(d) Priority among perfected agricultural producers' liens is according to the first lien filed.

(e) An agricultural producer's lien that is not perfected has the priority

of an unperfected security interest under section 336.9-312.

Subd. 5. [LIEN TERMINATED.] An agricultural producer's lien is terminated on:

(1) full payment for the agricultural commodity delivered;

(2) recovery of the agricultural commodity in kind; or

(3) six months after the agricultural commodity is delivered if an action to enforce the lien has not been commenced.

Subd. 6. [ENFORCEMENT.] The holder of an agricultural producer's lien may enforce the lien in the manner provided in sections 336.9-501 to 336.9-508, subject to section 550.17. For enforcement of the lien, the lienholder is the secured party and the person receiving the agricultural commodity is the debtor, and each has the respective rights and duties of a secured party and a debtor under sections 336.9-501 to 336.9-508. If a right or duty under sections 336.9-501 to 336.9-508 is contingent upon the existence of express language in a security agreement or may be waived by express language in a security agreement, the requisite language does not exist.

Subd. 7. [SATISFACTION OF LIEN.] A lienholder must remove a lien statement from the filing system after the lien is satisfied.

Subd. 8. [ENFORCEMENT ACTION.] An agricultural producer's lien may be brought in district court in a county where the property to which the lien attaches is located or the county where the agricultural commodity was originally delivered. The court shall allow costs including attorney fees to the prevailing party.

Sec. 11. Laws 1989, chapter 350, article 20, section 25, is amended to read:

Sec. 25. [FORAGE AND TURF SEED SPECIALIST; CROOKSTON CAMPUS.]

\$50,000 is appropriated from the general fund to the University of Minnesota for a crop management specialist on seed production of forage and turf species in northern Minnesota, and for supplies, services, and expenses related to the specialist's work. The specialist must be located at the Crookston campus of the university. This appropriation is available for the fiscal year biennium ending June 30, ~~1990~~ 1991.

Sec. 12. [APPROPRIATION.]

\$50,000 is appropriated to the commissioner of agriculture for purposes of the ombudsman under section 7 for the fiscal year ending June 30, 1991. The complement of the department of agriculture is increased by one position."

Amend the title as follows:

Page 1, line 8, delete "and a task force" and after the semicolon, insert "appropriating money; amending Laws 1989, chapter 350, article 20, section 25;"

Page 1, line 9, delete "chapter 17" and insert "chapters 17 and 514"

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

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

S.F. No. 2037: A bill for an act relating to agriculture; changing the definition of farm products; changing provisions related to wholesale produce dealers; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 17.14, subdivision 3; 27.01, subdivisions 2, 3, 5, 8, and by adding a subdivision; 27.03, subdivision 1, and by adding a subdivision; 27.04; 27.041; 27.05; 27.06; and 27.19; proposing coding for new law in Minnesota Statutes, chapter 27.

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 17.14, subdivision 3, is amended to read:

Subd. 3. [FARM PRODUCTS.] The term “farm products” means ~~and includes~~ butter, milk, cream, butterfat, cheese, other dairy products, honey, eggs, poultry, ~~poultry products, perishable fresh fruits and vegetables,~~ and all livestock and products of livestock such as wool, mohair, hides, and meats.

Sec. 2. Minnesota Statutes 1988, section 27.01, subdivision 2, is amended to read:

Subd. 2. [PRODUCE.] The term “produce” ~~includes means:~~

~~(a)~~ (1) perishable fresh fruits and vegetables;

~~(b)~~ (2) milk and cream and products manufactured ~~therefrom~~ from milk and cream; and

~~(c)~~ (3) poultry and poultry products;

~~(d)~~ Wool and perishable unmaturred feedstuffs.

Sec. 3. Minnesota Statutes 1988, section 27.01, subdivision 5, is amended to read:

Subd. 5. [DUE DATE.] ~~The term~~ “Due date” means ten days from the date of delivery of produce by the seller to the licensee ~~in the case of a sale; in all cases where.~~

If produce is consigned, “due date” means ten days from the date the sale is made by the broker or handler, except as to milk processing plants, where the due date means 15 days following the monthly day of accounting subsequent to deliveries following the date fixed by each milk processing plant for such that accounting.

Sec. 4. Minnesota Statutes 1988, section 27.01, subdivision 8, is amended to read:

Subd. 8. [WHOLESALE PRODUCE DEALER.] (a) ~~The term~~ “Wholesale produce dealer” or “dealer at wholesale” ~~includes means:~~

(1) ~~Any~~ a person who buys or contracts to buy produce in wholesale lots for resale;

(2) ~~Any~~ a person engaging in the business of a broker or agent, who handles or deals in produce for a commission or fee;

(3) ~~Any~~ a truck owner or operator who buys produce in wholesale lots for resale; and

(4) ~~Any~~ a person engaged in the business of a cannery, food manufacturer, or food processor, ~~and who purchases produce in wholesale lots as a part of such that business.~~

(b) ~~The term~~ For purposes of paragraph (a), "wholesale lots" means purchases from Minnesota sellers must total more than \$12,000 annually.

(c) "Wholesale produce dealer" or "dealer at wholesale" does not include:

(1) ~~Any~~ a truck owner and operator who regularly engages in the business of transporting freight, including produce, for a transportation fee only, and who does not purchase, contract to purchase, or sell produce;

(2) ~~Any~~ a marketing cooperative association in which substantially all of the voting stock is held by patrons who patronize the association and in which at least 75 percent of the business of the association is transacted with member or stockholder patrons;

(3) ~~Any~~ a person who purchases, ~~and pays cash in full at the time of purchase,~~ Minnesota seasonally grown produce defined in subdivision 2, clause ~~(a)(1)~~, and pays cash, including lawful money of the United States, a cashier's check, a certified check, or a personal or business check;

(4) ~~Any~~ a person who handles and deals in only canned, packaged, processed produce or packaged dairy products, ~~all of which are no longer deemed to be perishable; or~~

(5) retail merchants who purchase produce, defined in subdivision 2, directly from farmers, which in the aggregate does not exceed \$500 per month.

Sec. 5. Minnesota Statutes 1988, section 27.01, is amended by adding a subdivision to read:

Subd. 10. [SELLER.] "Seller" means a farmer or wholesale produce dealer, whether the owner of the produce or producing it for another person who holds title to it.

Sec. 6. Minnesota Statutes 1988, section 27.03, subdivision 1, is amended to read:

Subdivision 1. [LICENSE.] ~~No~~ A person ~~except a wool dealer shall~~ may not engage in, or purport to be engaged in, or hold out as being engaged in, the business of a dealer at wholesale, or as being a dealer at wholesale, unless licensed and bonded ~~to carry on such business~~ by the commissioner.

Sec. 7. Minnesota Statutes 1988, section 27.03, is amended by adding a subdivision to read:

Subd. 3. [BROKERS.] (a) A wholesale produce dealer operating as a broker, upon negotiating the sale of farm products, shall issue to both buyer and seller a written memorandum of sale before the close of the next business day showing price, date of delivery, quality, and other details of the transaction.

(b) The memorandum required in paragraph (a) must have an individual identifying number printed upon it. Numbers must be organized and printed on the memoranda so that each memorandum can be identified and accounted for sequentially. Unused or damaged memoranda must be retained by the

broker for accounting purposes.

(c) A wholesale produce dealer operating as a broker may not alter the terms of a transaction specified on the original memorandum of sale required in paragraph (a) without the consent of both parties to the transaction. Upon making a change, the broker is required to issue a clearly marked corrected memorandum of sale indicating the date and time when the adjustment or change was made. The broker shall transmit the corrected memorandum to both the buyer and seller before the close of the next business day.

Sec. 8. Minnesota Statutes 1988, section 27.03, is amended by adding a subdivision to read:

Subd. 4. [PAYMENTS FOR PRODUCE.] (a) If there is a contract between a seller and a wholesale produce dealer to buy produce, the wholesale produce dealer must pay for the produce that is delivered to the wholesale produce dealer at the time and in the manner specified in the contract with the seller. If the due date is not set by the contract, the wholesale produce dealer shall pay for the produce by ten days after delivery or taking possession of the produce. A payment received after the due date must include payment of 12 percent annual interest prorated for the number of days past the due date.

(b) For purposes of this section, a signed invoice that specifies a due date is a contract.

Sec. 9. Minnesota Statutes 1988, section 27.04, is amended to read:

27.04 [APPLICATION FOR LICENSE.]

License to engage in the business of a dealer at wholesale within the state shall be issued by the commissioner to such reputable persons as apply therefor, pay the prescribed fee, and comply with the conditions herein specified.

The application shall be in writing, accompanied by the prescribed fee and under oath, and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, the full names of the persons constituting the firm, in case the applicant is a copartnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value and character of the assets and the amount of liabilities of the applicant-, *the income and expenses for the most recent year, the names and addresses of all shareholders who own at least five percent of a corporate applicant's shares of stock, whether the applicant or any of its officers, partners, or agents have been involved in any litigation relating to the business of a wholesale produce dealer in the previous five years, and any other information relevant to the conduct of its business as a wholesale produce dealer in the previous five years, as the commissioner may require.* If a contract is used in a transaction, a copy of that contract must also be submitted to the department.

Financial data required of an applicant under this section is classified as private data with regard to data on individuals and as nonpublic data with regard to data not on individuals under section 13.02.

Applications shall be filed annually ~~to be reviewed semiannually.~~ Upon

special order, the commissioner may require persons engaged in the business of a dealer at wholesale to file at the time and in the manner the commissioner directs, sworn or unsworn reports or answers in writing to specific questions on any matter which the commissioner may investigate.

For the purposes of this section, the commissioner or the commissioner's authorized agents shall have authority to audit and review any records relating to the financial condition of any dealer at wholesale or any transactions between such dealer and those entitled to the protections of this chapter, if such records are in the possession of or under the care, custody, or control of such dealer or the dealer's authorized agent. No person shall willfully make any false entries or statements or fail to make full and true entries and statements in any report, answer required, document demanded under this section. No person shall remove from the state, mutilate, or alter any document relevant to any investigation, hearing, or proceeding conducted under chapter 27.

Sec. 10. Minnesota Statutes 1988, section 27.041, is amended to read:

Subdivision 1. [BONDS.] (a) The applicant required to be bonded shall execute and file with the commissioner a surety bond to the state of Minnesota to be approved by the commissioner, the amount, form, and effective date to be ~~fixed~~ *determined* by the commissioner with the maximum not to exceed ~~\$500,000~~ *\$1,000,000*. In lieu of ~~said~~ the surety bond the commissioner may accept a duly executed letter of credit. ~~Said~~ The bond or letter of credit shall be conditioned on the faithful performance of the applicant's duties as a dealer at wholesale including:

(1) the observance of all laws relating to the carrying on of the business of a dealer at wholesale;

(2) ~~the payment when due of the purchase price of produce purchased by the applicant when notice of default is given the commissioner within 40 days after the due date~~, unless it appears to the commissioner that a voluntary extension of credit has been given on the produce by the seller to the licensee beyond the due date;

(3) the prompt settlement and payment of all claims and charges due the state for services rendered or otherwise;

(4) the prompt reporting of sales as required by law to all persons consigning produce to the licensee for sale on commission, and;

(5) the prompt payment to the persons entitled thereto of the proceeds of the sales, less lawful charges, disbursements, and commissions.

(b) The bond shall cover all wholesale produce business subject to the protection outlined in section 27.001 which is:

(1) transacted within this state; or

(2) transacted in part within this state and in part within the states and provinces contiguous with this state *and sold by Minnesota sellers*.

Subd. 2. [LICENSES.] (a) The license, or a certified copy of the license, must be kept posted in the office of the licensee at each place within the state where the licensee transacts business. ~~Every~~ *A wholesale produce dealer may not appoint, delegate, or authorize a person, firm, or company to purchase produce unless a certified copy, identification card, or truck decal has been issued at the request of the wholesale produce dealer to that person, firm, or company acting as the buyer or agent.*

(b) A license ~~shall expire~~ expires June 30 following its issuance and ~~thereafter must~~ be renewed July 1 of each year. ~~Any~~

(c) A license issued under this subdivision is automatically void upon the termination of the surety bond covering the licensed operation.

(d) The fee for each license ~~shall be based on the following schedule:~~

License Fee	Penalty for		Dollar Volume of Business
	Late	Renewal	
\$30	\$10		\$10,000 or less per month
\$60	\$15		Over \$10,000 to \$50,000 per month
\$300	\$75		Over \$50,000 to \$100,000 per month
\$400	\$100		Over \$100,000 per month

must include a \$50 registration fee and an additional fee of .025 percent of the total annual dollar amount of produce purchased the previous year from sellers within the state of Minnesota subject to this chapter. Fees may not exceed \$1,500 per license. In addition, a fee of \$20 shall be charged for each certified copy of a license, \$5 for each license identification card, and \$5 \$10 for each license identification truck decal. The commissioner shall make appropriate license fee adjustments for up to one year from July 1, 1975, for persons required to be licensed hereunder, who hold validly issued licenses as of the effective date of Laws 1975, chapter 227 under the provisions of law amended or repealed herein.

(e) A penalty amounting to ten percent of the fees due may be imposed by the commissioner for each month for which the fees are delinquent.

(f) *The amounts received by the commissioner must be deposited with the state treasurer and constitute a separate account in the state treasury known as the "wholesale produce dealer account." The wholesale produce dealer account is annually appropriated to the commissioner to be used to defray the cost of administering and enforcing sections 27.001 to 27.06, and sections 27.11 to 27.19.*

(g) A licensee who sells, disposes of, or discontinues the licensee's business during the lifetime of a license shall at the time the action is taken, notify the commissioner in writing, and upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

Money collected from license fees shall be deposited in the state treasury.

Sec. 11. Minnesota Statutes 1988, section 27.05, is amended to read:

27.05 [ADDITIONAL BONDS; TRUST.]

Subdivision 1. [BONDS.] The commissioner, when of the opinion that any bond theretofore given by any licensee is inadequate for the proper protection of the public, may require the licensee to give additional bonds in such amounts as from time to time the commissioner may determine and direct, with sureties to be approved by the commissioner, and conditioned as set forth in section 27.04. For the purpose of fixing or changing the amount of such bonds, the commissioner may require from a licensee verified statements of the licensee's business. Failure of the licensee to furnish such information or to give a new or additional bond is cause for suspension of the licensee's license for as long as the failure continues, or revocation of the license, on ten days' notice to the licensee and opportunity to be heard. Where the public interest requires it the commissioner may

suspend the license after such notice pending hearing and decision.

Subd. 2. [WHOLESALE PRODUCE DEALERS' TRUST.] (a) To satisfy outstanding obligations to unpaid sellers, wholesale produce dealers shall maintain certain assets in trust so that the assets are freely available to satisfy outstanding obligations.

(b) The trust is made up of produce received in all transactions, all inventories of produce or other products derived from the produce, and all receivables or proceeds from the sale of the produce and food or products derived from it. Trust assets are to be preserved as a nonsegregated floating trust. Commingling of trust assets is contemplated.

Subd. 3. [TRUST BENEFITS.] (a) If a seller who has met the eligibility requirements of the due date, as defined in section 27.01, transfers ownership, possession, or control of goods to a wholesale produce dealer, it automatically becomes eligible to participate in the trust. Participants who preserve their rights to benefits within 40 days past the due date remain beneficiaries until they are paid in full.

(b) Wholesale produce dealers acting on behalf of others have the duty to preserve their principals' rights to trust benefits by filing timely written notice with their customers and with the commissioner within 40 days past the due date.

Subd. 4. [FILING NOTICE OF INTENT TO PRESERVE TRUST BENEFITS.] Notice of intent to preserve benefits under a trust must be in writing, given to the debtor, and filed with the commissioner within 40 days after the due date. Timely filing of a notice of intent to preserve trust benefits by a trust beneficiary has been made if written notice is given to the debtor and filed with the commissioner within 40 days after the due date. An appropriate notice of intent to preserve trust benefits must be in writing, must include the statement that it is a notice of intent to preserve trust benefits, and must include information establishing for each shipment: (1) the names and addresses of the trust beneficiary, seller, and debtor, as applicable; (2) the date of the transaction commodity, contract terms, invoice price, and the date payment was due; (3) the date of receipt of notice that a payment instrument has been dishonored, if appropriate; and (4) the amount past due and unpaid.

Sec. 12. [27.055] [MEDIATION AND ARBITRATION.]

A contract for produce between a buyer and a seller must contain language providing for resolution of contract disputes by either mediation or arbitration. If there is a contract dispute, either party may make a written request to the department for mediation or arbitration, as specified in the contract to facilitate resolution of the dispute.

Sec. 13. Minnesota Statutes 1988, section 27.06, is amended to read:

27.06 [COMPLAINTS TO COMMISSIONER, HEARING; ACTION ON BOND.]

Any person claiming to be damaged by any breach of the conditions of a bond given by a licensee, as herein provided, may enter complaint thereof to the commissioner within 40 days after the due date, which complaint shall be a written statement of the facts constituting the complaint. Upon filing the complaint in the manner herein provided, the commissioner shall investigate the charges made and may have the matter heard as a contested case pursuant to chapter 14. No hearing shall be required if all affected

parties to a bond claim proceeding waive their right to a hearing and agree to accept the commissioner's determination as to the validity of the claims and the allocation of the proceeds of the bond, if an affected party requests one.

Sec. 14. [27.065] [PARENT COMPANY LIABILITY.]

If a wholesale produce dealer is a subsidiary of another corporation, partnership, or association, the parent corporation, partnership, or association is liable to a seller for the amount of any unpaid claim or contract performance claim if the wholesale produce dealer fails to pay or perform according to the terms of the contract and this chapter.

Sec. 15. Minnesota Statutes 1988, section 27.19, is amended to read:

27.19 [VIOLATIONS, PENALTIES.]

Subdivision 1. [UNLAWFUL ACTS.] Any It is unlawful for a person subject to the provisions of this section and sections 27.01 to 27.15 who shall to:

(1) operate or advertise to operate as a dealer at wholesale without a license; ~~or~~

(2) make any false statement or report as to the grade, condition, markings, quality, or quantity of produce, as defined in section 27.069, received or delivered, or act in any manner so as to deceive the consignor or purchaser thereof; ~~or~~

(3) refuse to accept any shipment contracted for by the person, unless such refusal is based upon the showing of a state inspection certificate secured with reasonable promptness after the receipt of such shipment showing that the kind and quality of produce, as defined in section 27.069, is other than that purchased or ordered by the person; ~~or~~

(4) fail to account for produce or to make settlement therefor within the time herein limited; or ~~who shall~~ violate or fail to comply with the terms or conditions of any contract entered into by the person for the purchase or sale of produce; ~~or~~

(5) purchase for the person's own account any produce received on consignment, either directly or indirectly, without the consent of the consignor; ~~or~~

(6) issue any false or misleading market quotations, or ~~who shall~~ cancel any quotations during the period advertised by the person; ~~or~~

(7) increase the sales charges on produce shipped to the person by means of "dummy" or fictitious sales; ~~or~~

(8) receive decorative forest products and the products of farms and waters from foreign states or countries for sale or resale, either within or without the state, and give the purchaser the impression, through any method of advertising or description, that the produce is of Minnesota origin; ~~or~~

(9) ~~Whoever shall violate any provisions of this section and sections 27.01 to 27.15, or any rule made or published thereunder by the commissioner, shall be guilty of a misdemeanor and the person's license may be forthwith suspended, revoked, or canceled by the commissioner, upon ten days notice and opportunity to be heard; but, upon conviction of any such offense, or upon conviction in any federal court for violation of the federal statutes relative to the fraudulent use of the mails, or conviction in any~~

court of other criminal acts under any federal food or drug statute, or any statute of this state administered by the commissioner of agriculture, pertaining to the conduct of the person's business, the commissioner may forthwith revoke and cancel the license of the person so convicted. Each day a person violates any provisions of this section and sections 27-01 to 27-15, or any rule published thereunder by the commissioner, shall constitute a separate offense. fail to notify in writing all suppliers of produce of the protection afforded to suppliers by the person's licensee bond including the following: availability of a bond; notice requirements; and any other conditions of the bond;

(10) make any false statement to the commissioner on an application for license or bond or in response to written questions from the commissioner regarding the license or bond;

(11) discriminate between different sections, localities, communities, or cities, or between persons in the same community, by purchasing produce from farmers of the same grade, quality, and kind, at different prices, except that price differentials are allowed if directly related to the costs of transportation, shipping, and handling of the produce. A person is allowed to meet the prices of a competitor in good faith, in the same locality for the same grade, quality, and kind of produce. A showing of different prices by the commissioner is prima facie evidence of discrimination; or

(12) commit to pay and not pay in full for all produce committed for.

Subd. 2. [PENALTIES.] (a) A person who violates this chapter or rules adopted under this chapter may be assessed a civil penalty not to exceed \$500 per violation. In addition, the person's license may be suspended, revoked, or canceled by the commissioner, upon ten days' notice and opportunity to be heard. Action under this subdivision is a civil penalty.

(b) A person who willfully violates this chapter or rules adopted under this chapter is guilty of a misdemeanor. Upon conviction, or upon conviction in a federal court for violation of the federal statutes relative to fraudulent use of the mails or in any court of other criminal acts under a federal food or drug statute or a statute of this state administered by the commissioner of agriculture pertaining to the conduct of the person's business, the commissioner may immediately revoke and cancel the license of the person convicted, without further hearing.

(c) A separate violation occurs with respect to each different person involved, each purchase or transaction involved, and each false statement.

Subd. 3. [SETTLEMENTS.] The commissioner or the commissioner's authorized representative may enter into a written agreement with a person in settlement of an alleged violation whether or not a hearing is held. An agreement must be construed as a "no contest" pleading and may encompass any sanctions, penalties, or affirmative actions that are mutually satisfactory and are consistent with the intent and purpose of this chapter. The agreement is final and conclusive with respect to the action, except upon a showing of fraud or malfeasance or misrepresentation of a material fact. The matter agreed upon in the agreement may not be reopened or modified by an officer, employee, or agent of the state. In an action, suit, or proceeding, the agreement and any determination or payment made under the agreement is final and conclusive and may not be annulled, modified, set aside, or disregarded. A civil penalty amount received by the

commissioner under this section must be deposited in the wholesale produce dealer account.

Subd. 4. [SEIZURE OF VEHICLES.] A person doing business in this state who does not have a business location in this state and who is not licensed as required by this chapter may have the person's vehicles or the vehicles of the person's agents or contractors seized by the commissioner after a hearing in Ramsey county district court. If a person required to comply with this chapter fails to appear, without just cause, or the person appears and is in violation of this chapter, the court shall order the commissioner to seize the vehicles.

Subd. 5. [DOUBLE DAMAGES.] (a) A person injured by a person doing business in this state as a wholesale produce dealer who is not licensed under this chapter or whose license has been suspended or revoked by the commissioner, may in an action recover double the amount of damages sustained.

(b) There is an implied promise of good faith between producers and buyers. In an action to recover damages, if there is a finding that there has been a violation of this provision, double damages may be recovered, as well as court costs and attorney fees."

Delete the title and insert:

"A bill for an act relating to agriculture; changing the definition of farm products; changing provisions related to wholesale produce dealers; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 17.14, subdivision 3; 27.01, subdivisions 2, 5, 8, and by adding a subdivision; 27.03, subdivision 1, and by adding subdivisions; 27.04; 27.041; 27.05; 27.06; and 27.19; proposing coding for new law in Minnesota Statutes, chapter 27."

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. 1982: A bill for an act relating to agriculture; creating a restricted seed potato growing area; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 21.

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

Delete everything after the enacting clause and insert:

"Section 1. [21.1196] [RESTRICTED SEED POTATO GROWING AREA.]

Subdivision 1. [DEFINITION.] (a) "Restricted seed potato growing area" means Kittson county.

(b) "Historic certified seed potato area" means the portion of Marshall county included in the towns of Augsburg and Nelson Park that are north of Marshall county highway No. 5.

Subd. 2. [RESTRICTION.] (a) The seed potato certification requirements under sections 21.111 to 21.122 apply to potatoes grown in plots of ten acres or more in the restricted seed potato growing area. Qualifying potatoes grown in the restricted seed potato growing area must be certified

as seed potatoes.

(b) The commissioner may enter and inspect plots subject to paragraph (a) during the growing season.

Subd. 3. [PENALTY.] A potato grower who violates subdivision 2, paragraph (a), is subject to a penalty of \$100 per acre of potatoes grown and not certified.

Sec. 2. [HISTORIC CERTIFIED SEED POTATO AREA STUDY.]

In the historic certified seed potato area of Marshall county, the certified seed division of the department of agriculture must study the effect of diseases on seed potatoes in the area, including the effect of diseases from commercial potatoes. The commissioner must prepare a report and submit it to the legislature by December 15, 1991.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "area" insert "and historic certified seed potato area; providing restrictions; requiring a study"

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. 1874: A bill for an act relating to meetings of public bodies; government data practices; defining final disposition of a disciplinary action regarding personnel records; making clear that meetings may not be closed on the basis of data classification statutes; providing an exception to the open meeting law for preliminary discussions concerning allegations of misconduct against government employees; amending Minnesota Statutes 1988, sections 13.43, subdivision 2; and 471.705, by adding subdivisions.

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 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action together with the specific reasons for the action and supporting documentation data documenting the basis of the action, excluding data that would identify

confidential sources who are employees of the public body; the terms of any agreement settling administrative or judicial proceedings; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

Sec. 2. Minnesota Statutes 1988, section 471.705, is amended by adding a subdivision to read:

Subd. 1d. [TREATMENT OF DATA CLASSIFIED AS NOT PUBLIC.] (a) Except as provided in this section, meetings may not be closed to discuss data that are not public data. Data that are not public data may be discussed at a meeting subject to this section without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority, is reasonably necessary to conduct the business or agenda item before the public body, and is without malice. During an open meeting, a public body shall make reasonable efforts to protect from disclosure data that are not public data, including where practical acting by means of reference to a letter, number, or other designation that does not reveal the identity of the data subject. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(b) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 5, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a law enforcement agency; or

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.38, 13.42, or 13.46, subdivision 2 or 7.

(c) A public body shall close a meeting for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted, further meetings or hearings must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

(d) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify

the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(e) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

Sec. 3. Minnesota Statutes 1988, section 471.705, is amended by adding a subdivision to read:

Subd. 1e. [REASONS FOR CLOSING A MEETING.] Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed."

Amend the title as follows:

Page 1, line 9, before the semicolon, insert "or evaluations of government employees"

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. 2173: A bill for an act relating to the environment; providing assistance to eligible recipients on methods to prevent toxic pollution; providing financial assistance to research and demonstrate alternative means to prevent toxic pollution; requiring facilities to develop plans to prevent toxic pollution; providing penalties; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 115D.

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

Delete everything after the enacting clause and insert:

"MINNESOTA TOXIC POLLUTION PREVENTION ACT

Section 1. [115D.01] [CITATION.]

Sections 1 to 12 may be cited as the "Minnesota toxic pollution prevention act."

Sec. 2. [115D.02] [POLICY.]

(a) To protect the public health, welfare, and the environment, the legislature declares that it is the policy of the state to encourage toxic pollution prevention. The preferred means of preventing toxic pollution are techniques and processes that are implemented at the source and minimize the transfer of toxic pollutants from one environmental medium to another.

(b) The legislature intends that the programs developed under this act shall encourage and lead to a greater awareness of the need for and benefits of toxic pollution prevention, and to a greater degree of cooperation and coordination among all elements of government, industry, and the public in encouraging and carrying out pollution prevention activities.

Sec. 3. [115D.03] [DEFINITIONS.]

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

Subd. 2. [COMMISSION.] "Commission" means the emergency response commission under section 299K.03.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the pollution control agency.

Subd. 4. [DIRECTOR.] "Director" means the director of the office of waste management.

Subd. 5. [ELIGIBLE RECIPIENT.] "Eligible recipient" means a person who uses, generates, or releases toxic pollutants, hazardous substances, or hazardous wastes.

Subd. 6. [FACILITY.] "Facility" means buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person, or by a person who controls, is controlled by, or is under common control with the person.

Subd. 7. [PERSON.] "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.

Subd. 8. [POLLUTION PREVENTION OR PREVENT POLLUTION.] "Pollution prevention" or "prevent pollution" means eliminating or reducing at the source the use, generation, or release of toxic pollutants, hazardous substances, and hazardous wastes.

Subd. 9. [REDUCE, REDUCING, OR REDUCTION.] "Reduce," "reducing," or "reduction" means lessening the quantity or toxicity of toxic pollutants, hazardous substances, and hazardous wastes used, generated, or released at the source. Methods of reducing pollution include, but are not limited to, process modification, inventory control measures, feedstock substitutions, various housekeeping and management practices, and improved efficiency of machinery. Decreases in quantity or toxicity are not reductions where the decrease is solely the result of a decrease in the output of the facility.

Subd. 10. [RELEASE.] "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the release is subject to requirements with respect to financial protection established by the federal Nuclear Regulatory Commission under United States Code, title 42, section 2210;

(c) Release of source, by-product or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a)(1) or 7942(a); or

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18B.01, subdivision 18.

Subd. 11. [TOXIC POLLUTANT.] "Toxic pollutant" means a chemical identified in United States Code, title 42, section 11023(c).

Sec. 4. [115D.04] [POLLUTION PREVENTION ASSISTANCE PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The director shall establish a pollution prevention assistance program to assist eligible recipients in preventing pollution. The program must emphasize techniques and processes that minimize the transfer of pollutants from one environmental medium to another and focus primarily on toxic pollutants.

Subd. 2. [ASSISTANCE.] The pollution prevention assistance program must include at least the following:

(1) a program to assemble, catalog, and disseminate information on pollution prevention;

(2) a program to provide technical research and assistance, including on-site consultations, to identify alternative methods that may be applied to prevent pollution and assistance for planning under section 7, but excluding design engineering services; and

(3) outreach programs including seminars, workshops, training programs, and other similar activities designed to provide pollution prevention information and assistance to eligible recipients.

Subd. 3. [ADMINISTRATION.] (a) The pollution prevention assistance program must be coordinated with other public and private programs that provide management and technical assistance to eligible recipients.

(b) The director may make grants to public or private entities to operate elements of the program. Grantees must provide periodic reports on their efforts to assist eligible recipients to reduce pollution.

Sec. 5. [115D.05] [POLLUTION PREVENTION GRANTS.]

Subdivision 1. [PURPOSE.] The director may make grants to study or demonstrate the feasibility of applying specific technologies and methods to prevent pollution.

Subd. 2. [ELIGIBILITY.] (a) Eligible recipients may receive grants under this section.

(b) Grants may be awarded up to a maximum of two-thirds of the total cost of the project. Grant money awarded under this section may not be spent for capital improvements.

Subd. 3. [PROCEDURE FOR AWARDED GRANTS.] (a) In determining whether to award a grant, the director must consider at least the following:

(1) the potential of the project to prevent pollution;

(2) the likelihood that the project will develop techniques or processes that will minimize the transfer of pollution from one environmental medium to another;

(3) the extent to which information to be developed through the project will be applicable to other persons in the state;

(4) the willingness of the grant applicant to implement feasible methods and technologies developed under the grant;

(5) the willingness of the grant applicant to assist the director in disseminating information about the pollution prevention methods to be developed through the project; and

(6) the extent to which the project will conform to the pollution prevention policy established in section 2.

(b) The director shall adopt rules to administer the grant program. Before adopting rules under this subdivision, the director may administer the program under the procedures in rules adopted under section 115A.154.

Sec. 6. [115D.06] [GOVERNOR'S AWARD FOR EXCELLENCE IN POLLUTION PREVENTION.]

The governor may issue annual awards in the form of a commendation for excellence in pollution prevention. A person must apply to the director to be considered for an award.

Sec. 7. [115D.07] [TOXIC POLLUTION PREVENTION PLANS.]

Subdivision 1. [REQUIREMENT TO PREPARE AND MAINTAIN A PLAN.] (a) Persons who operate a facility required by United States Code, title 42, section 11023, to submit a toxic chemical release form must prepare a toxic pollution prevention plan for that facility. The plan must contain the information listed in subdivision 2.

(b) Except for facilities that release less than a total of 10,000 pounds of toxic pollutants annually, the plan must be completed as follows:

(1) on or before July 1, 1991, for facilities having a two-digit standard industrial classification of 35 to 39;

(2) by January 1, 1992, for facilities having a two-digit standard industrial classification of 28 to 34; and

(3) by July 1, 1992, for all other persons required to prepare a plan under this subdivision.

(c) Facilities that release less than a total of 10,000 pounds of toxic pollutants annually must complete their plans by July 1, 1992.

(d) Each plan must be updated every two years and must be maintained at the facility to which it pertains.

Subd. 2. [CONTENTS OF PLAN.] Each toxic pollution prevention plan must establish a program identifying the specific technically and economically practicable steps that could be taken during at least the three years following the date the plan is due, to eliminate or reduce the generation or release of toxic pollutants reported by the facility. Toxic pollutants resulting solely from research and development activities need not be included in the plan. Each plan must include:

(1) a policy statement articulating upper management support for eliminating or reducing the generation or release of toxic pollutants at the facility;

(2) a description of the current processes generating or releasing toxic pollutants, which must be specific as to types, sources, and quantities of toxic pollutants currently being generated or released by the facility;

(3) a description of the current and past practices used to eliminate or reduce the generation or release of toxic pollutants at the facility and an evaluation of the effectiveness of these practices;

(4) an assessment of technically and economically practicable options available to eliminate or reduce the generation or release of toxic pollutants at the facility, including options of changing the raw materials, operating techniques, equipment and technology, personnel training, and other practices used at the facility, and may include a cost-benefit analysis of the available options;

(5) a statement of objectives based on the assessment in clause (4), including a schedule for achieving these objectives, in which (i) wherever technically and economically practicable, the objectives for eliminating or reducing the generation or release of each toxic pollutant at the facility shall be expressed in numeric terms; and (ii) if the establishment of numeric objectives is not practicable, the objectives shall include a clearly stated list of actions designed to lead to the establishment of numeric objectives as soon as is practicable;

(6) an explanation of the rationale for each objective established for the facility;

(7) a listing of options that were considered not to be economically and technically practicable; and

(8) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 6J9.63, attesting to the accuracy of the information in the plan.

Sec. 8. [115D.08] [PROGRESS REPORTS.]

Subdivision 1. [REQUIREMENT TO SUBMIT PROGRESS REPORT.]
Persons required to prepare a toxic pollution prevention plan under section 7 must submit an annual progress report to the commissioner. Progress reports are due on October 1 of each year. The first progress reports are due in 1992. Progress reports may be drafted in a manner that does not disclose proprietary information. At a minimum, each progress report must include:

(1) a summary of each objective established in the plan including the schedule for meeting these objectives;

(2) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of toxic pollutants eliminated or reduced;

(3) a statement of the methods through which elimination or reduction has been achieved;

(4) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including an identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 7 has been prepared and also attesting to the accuracy of the information in the progress report.

Subd. 2. [REVIEW OF PROGRESS REPORTS.] (a) The commissioner

shall review the progress reports to determine if they meet the requirements of subdivision 1. If the commissioner determines that a progress report does not meet the requirements, the commissioner shall notify the facility in writing, identifying specific deficiencies and specifying a reasonable time frame, of not less than 90 days, for the facility to modify the progress report.

(b) The commissioner shall be given access to a facility plan required under section 7 if the commissioner determines that the progress report for that facility does not meet the requirements of subdivision 1. Twenty-five or more persons living within ten miles of the facility may submit to the commissioner a petition that requests commissioner review of the plan and identifies specific deficiencies in the progress report. Within 30 days after receiving the petition, the commissioner shall provide a written response. If, in the response, the commissioner agrees that the progress report does not meet the requirements of subdivision 1, the commissioner shall be given access to the facility plan required under section 7.

(c) After reviewing the plan and the progress report with any modifications submitted, the commissioner shall state in writing whether the progress report meets the requirements of subdivision 1. If the commissioner determines that a modified progress report still does not meet the requirements of subdivision 1, the commissioner shall schedule a public meeting. The meeting shall be held in the county where the facility is located. The meeting is not subject to the requirements of chapter 14.

(d) The facility shall be given the opportunity to amend the progress report within a period of not less than 30 days after the public meeting.

(e) If the commissioner determines that a modified progress report still does not meet the requirements of subdivision 1, action may be taken under section 115.071 to obtain compliance with sections 1 to 12.

Sec. 9. [115D.09] [CONFIDENTIALITY.]

Information and techniques developed under section 4, the reduction information and techniques under section 5, and the progress reports required under section 8 are public data under chapter 13. The plans required under section 7 are nonpublic data under chapter 13.

Sec. 10. [115D.10] [TOXIC POLLUTION PREVENTION EVALUATION REPORT.]

The director, in cooperation with the commissioner and commission, shall report to the environment and natural resources committees of the legislature annually on progress being made in achieving the objectives of sections 1 to 12. The report must be submitted by December 15 of each year, beginning in 1992.

Sec. 11. [115D.11] [TOXIC POLLUTION PREVENTION ADVISORY COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] The director shall appoint members to a toxic pollution prevention advisory council. The council shall act in an advisory capacity to the director and the commissioner on matters related to sections 1 to 12.

Subd. 2. [MEMBERSHIP.] (a) The council membership shall represent each of the following groups equally: (1) industry; (2) citizens; and (3) government representatives involved in pollution prevention activities.

(b) *The council shall have at least 12 but not more than 18 members and shall include representatives of labor, the commission, and a publicly-owned treatment works.*

(c) *Members of the council shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director.*

(d) *Council members shall be appointed for two-year terms.*

(e) *Council members may be removed as provided in section 15.059, subdivision 4.*

Sec. 12. [115D.12] [POLLUTION PREVENTION ACCOUNT.]

Subdivision 1. [REVENUE SOURCES.] Revenue from the following sources must be deposited in the environmental fund and credited to a pollution prevention account:

(1) *the proceeds of the fees imposed by subdivision 2;*

(2) *interest attributable to investment of money in the pollution prevention account; and*

(3) *money received by the director in the form of gifts, grants other than federal grants, reimbursements, and appropriations from any source intended to be used for the purposes of the pollution prevention account.*

Subd. 2. [FEES.] The following pollution prevention fees are established:

(a) *Persons required by United States Code, title 42, section 11023, to submit a toxic chemical release form to the commission must pay pollution prevention fees of \$150 for each toxic pollutant reported released and a graduated fee, based on the total pounds of toxic pollutants reported released per facility, of:*

1) less than 1,000 pounds	\$ 250;
2) 1,000 but less than 10,000 pounds	\$ 500;
3) 10,000 but less than 50,000 pounds	\$ 1,000;
4) 50,000 but less than 100,000 pounds	\$ 2,500;
5) 100,000 but less than 500,000 pounds	\$ 5,000;
6) 500,000 but less than 1,000,000 pounds	\$ 8,000;
7) 1,000,000 or more pounds	\$12,000 plus \$1,000 for each additional 1,000,000 pounds over 1,000,000 pounds

(b) *Persons who generate more than 1,000 kilograms of hazardous waste per month but who are not subject to the fee under paragraph (a) must pay pollution prevention fees of \$2,000 per facility. Hazardous waste as used in this paragraph has the meaning given it in section 116.06, subdivision 13, and Minnesota Rules, chapter 7045.*

(c) *Fees required under this subdivision must be paid to the director by October 1 of each year.*

Sec. 13. [REPORTS TO THE LEGISLATURE.]

Subdivision 1. [REPORT ON BARRIERS TO POLLUTION PREVENTION.] By January 1, 1991, the director shall prepare and submit a report to the environment and natural resources committees of the legislature analyzing the barriers to pollution prevention. At a minimum, the director

shall report on regulatory, economic, educational, and institutional barriers and shall recommend strategies to overcome these barriers. Further, the report shall describe ways in which government may serve as a role model in pollution prevention. In preparing the report required by this subdivision, the director shall seek the assistance of the toxic pollution prevention advisory council established in section 11.

Subd. 2. [REPORT ON TOXIC POLLUTANTS USE REPORTING.] *By January 1, 1993, the director shall prepare and submit a report to the environment and natural resources committees of the legislature evaluating the utility of requiring companies to prepare toxic pollutant use reports and reduction plans. The report shall discuss, among other information, the potential uses of the data and the potential impact of such requirements on pollution prevention efforts. The report also shall discuss the need for a chemical accident prevention program to promote safety initiatives by industry. The report shall contain a recommendation as to whether to require toxic pollutant use reports and reduction plans. In preparing the report required by this subdivision, the director shall seek the assistance of the toxic pollution prevention advisory council established in section 11.*

Sec. 14. [APPROPRIATIONS.]

Subdivision 1. [OFFICE OF WASTE MANAGEMENT.] \$ is appropriated from the pollution prevention account to the office of waste management to be available for the biennium ending June 30, 1991:

(a) For pollution prevention assistance to eligible recipients	\$
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(b) For pollution prevention grants	\$
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(c) For reports to the legislature and administration of sections 1 to 12	\$
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The approved complement of the office is increased by positions.

Subd. 2. [POLLUTION CONTROL AGENCY.] \$ is appropriated from the pollution prevention account to the pollution control agency to be available for the biennium ending June 30, 1991, for the purposes specified in sections 1 to 12.

The approved complement of the agency is increased by positions.

Subd. 3. [DEPARTMENT OF PUBLIC SAFETY.] \$ is appropriated from the pollution prevention account to the department of public safety to be available for the biennium ending June 30, 1991, to ensure timely and accurate submittal of the toxic chemical release forms and annual progress reports in sections 1 to 12.

The approved complement of the department of public safety is increased by positions.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective the day following final enactment."

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

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

S.F. No. 1843: A bill for an act relating to crimes; permitting individuals to request that the department of public safety not release the individual's residential address to the public; permitting individuals to designate a mailing address for purposes of the department's public records; increasing penalties for certain acts of harassment; authorizing courts to issue orders to restrain acts of harassment; amending Minnesota Statutes 1988, section 171.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168 and 609.

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

Pages 1 and 2, delete sections 1 and 2 and insert:

"Section 1. [168.346] [PRIVACY OF RESIDENCE ADDRESS.]

The registered owner of a motor vehicle may request in writing that the owner's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family. The residence address and any information provided in the classification request are private data on individuals and may be provided to requesting law enforcement agencies.

Sec. 2. Minnesota Statutes 1988, section 171.12 is amended by adding a subdivision to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] An applicant for a driver's license or a Minnesota identification card may request in writing that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family. The residence address and any information provided in the classification request are private data on individuals and may be provided to requesting law enforcement agencies."

Page 2, line 36, delete "victim" and insert "individual"

Page 3, line 21, delete "comfort,"

Page 3, line 22, delete the first comma and insert "or" and delete ", or privacy"

Page 3, delete lines 24 to 28

Page 4, after line 3, insert:

"The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought."

Page 4, line 27, before "The" insert "(a)"

Page 4, line 35, before the semicolon, insert ", or service has been made by publication under paragraph (b)"

Page 5, after line 5, insert:

"(b) The order may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

(2) a copy of the order is mailed to the respondent at the respondent's residence or the respondent is not known to the petitioner.

Service under this paragraph is complete seven days after publication."

Page 5, after line 13, insert:

"Subd. 7. [COPY TO LAW ENFORCEMENT AGENCY.] An order for protection granted under this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued under this section.

Subd. 8. [NOTICE.] An order granted under this section must contain a conspicuous notice to the respondent:

(1) of the specific conduct that will constitute a violation of the order;

(2) that violation of an order is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700 or both; and

(3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 3 to 6 and insert "that the commissioner of public safety hold certain information on the individual as private;"

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. 2149: A bill for an act relating to occupations and professions; prohibiting certain acts by protective agents and security guards during a labor dispute; amending Minnesota Statutes 1988, section 326.3384, by adding a subdivision; and amending Minnesota Statutes 1989 Supplement, section 326.3384, subdivision 2.

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

Page 1, line 11, after "DISPUTES" insert ", STRIKES, AND LOCKOUTS"

Page 1, line 14, before the period, insert "who is primarily performing the duties of a security guard"

Page 1, line 17, after the first comma, insert "strike, or lockout"

Page 1, delete lines 18 to 20 and insert "subdivisions 7, 8, and 9:

(1) inciting, encouraging, or aiding in the incitement or encouragement of any participant to do unlawful acts against the person or property of anyone;"

Page 1, line 21, after "when" insert "neither" and after "person" insert "nor the photographer" and delete "nor"

Page 1, line 22, after "protected" insert "by the persons described in paragraph (a)"

Page 1, delete lines 23 to 25 and insert:

"(3) stopping or detaining any vehicle unless the vehicle is on premises being protected by the persons described in paragraph (a);"

Page 1, line 26, after the comma, insert "when neither the participant nor the person conducting the surveillance is on the premises being protected by the persons described in paragraph (a), or of"

Page 2, line 3, delete "section" and insert "sections" and delete "or" and insert "and"

Page 2, line 4, delete "and" and insert "that" and delete "effect" and insert "purpose"

Page 2, line 8, strike "license holder" and insert "person"

Page 2, line 9, strike "subdivision 1 or 1a" and insert "this section"

Page 2, line 11, after "if" insert "the license holder or"

Page 2, lines 12 and 15, delete "violates" and insert "is convicted of a violation of"

Page 2, delete section 3

Amend the title as follows:

Page 1, line 6, delete "amending"

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. 2132: A bill for an act relating to crimes; making it a crime to obtain telecommunication services by fraud; requiring forfeiture of telecommunication devices used for fraudulent purposes; prescribing penalties; amending Minnesota Statutes 1988, section 609.89, subdivision 1; 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. [237.73] [OBTAINING SERVICES BY FRAUD; INJUNCTION.]

Subdivision 1. [EQUITABLE RELIEF] Whenever it appears that a person is engaged in an act that constitutes or will constitute a violation of section 6, a representative of a telecommunications provider or a person harmed by an alleged violation of section 6 may begin a civil proceeding in a district court to enjoin the violation and may petition the court to

issue an order for the discontinuance of telephone service.

Subd. 2. [VENUE.] An action under this section must be brought in the county in which subject matter of the action, or some part of it, is located or found, and must be commenced by the filing of a complaint that must be verified by affidavit.

Subd. 3. [TEMPORARY RESTRAINING ORDER.] If it is shown to the satisfaction of the court, either by verified complaint or affidavit, that a person is engaged in an act that constitutes a violation of section 6, the court shall issue a temporary restraining order to abate and prevent the continuance or recurrence of the act. Notice of the complaint shall be given and a hearing on the issuance of a temporary restraining order shall be held under the rules of civil procedure. The court shall direct the county sheriff to seize and keep until further order of the court any device that is being used in violation of section 6. The temporary restraining order expires after ten days.

Subd. 4. [PERMANENT INJUNCTION.] The court may issue a permanent injunction to restrain, abate, or prevent the continuance or recurrence of the violation of section 6. The court may grant declaratory relief, mandatory orders, or any other relief it judges necessary to accomplish the purposes of the injunction. The court may keep jurisdiction of the case for the purpose of enforcing its orders.

Subd. 5. [DISCONTINUANCE OF TELEPHONE SERVICE.] If it is shown to the satisfaction of the court, by affidavit, that a person is engaged in an act that constitutes a violation of section 6, the court may issue an order that shall be promptly served upon the person in whose name the telecommunications device is listed, requiring the party, within a reasonable time to be fixed by the court but not exceeding 48 hours from the time of service of the petition on said party, to show cause before the judge why telephone service should not promptly be discontinued. At the hearing, the burden of proof is on the complainant.

Subd. 6. [DISCONNECT ORDER.] Upon a finding by the court that the telecommunications device is being used or has been used in violation of section 6, the court shall issue an order requiring the telephone company that is rendering service over the device to disconnect the service. Upon receipt of the order, that shall be served upon an officer of the telephone company by the sheriff of the county in which the telecommunications device is installed or by a duly authorized deputy, the telephone company shall proceed promptly to disconnect and remove the service and discontinue all telephone service until further order of the court.

Subd. 7. [NECESSARY PARTY.] The telecommunications provider or person who petitions the court for the removal of a telecommunications device under this section shall be a necessary party to a proceeding or action arising out of or under section 6.

Subd. 8. [IMMUNITY.] No telephone company is liable for any damages, penalty, or forfeiture, whether civil or criminal, for an act performed in compliance with an order issued by the court.

Sec. 2. Minnesota Statutes 1989 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5317, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, or a city or airport police department.

(f) "Designated offense" includes:

(1) For weapons used: any violation of this chapter;

(2) For all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, and 5; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; section 1; 617.246; or a gross misdemeanor or felony violation of section 609.891.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 3. Minnesota Statutes 1988, section 609.87, subdivision 3, is amended to read:

Subd. 3. [COMPUTER.] "Computer" means an electronic device which performs logical, arithmetic ~~and~~ *or* memory functions by the manipulations of signals, including but not limited to electronic or magnetic impulses.

Sec. 4. Minnesota Statutes 1988, section 609.87, subdivision 5, is amended to read:

Subd. 5. [COMPUTER NETWORK.] "Computer network" means the interconnection of a communication system with a computer through a remote terminal, or with two or more interconnected computers or computer systems, *and includes private and public telecommunications networks.*

Sec. 5. [609.892] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 and 6 to 8.

Subd. 2. [ACCESS DEVICE.] "Access device" means a card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain telecommunications

service.

Subd. 3. [CREDIT CARD NUMBER.] "Credit card number" means the card number appearing on a credit card that is an identification card or plate issued to a person by a supplier of telecommunications service that permits the person to whom the card has been issued to obtain telecommunications service on credit. The term includes the number or description of the card or plate even if the card or plate itself is not produced when obtaining telecommunications service.

Subd. 4. [TELECOMMUNICATIONS DEVICE.] "Telecommunications device" means an instrument, apparatus, equipment mechanism, operating procedure, or code designed or adapted for a particular use and that is intended or can be used in violation of section 6. The term includes but is not limited to computer hardware, software, programs, electronic mail system, voice mail system, identification validation system, private branch exchange, or any other means of facilitating telecommunications service.

Subd. 5. [TELECOMMUNICATIONS PROVIDER.] "Telecommunications provider" means a person, firm, association, or a corporation, private or municipal, owning, operating, or managing facilities used to provide telecommunications service.

Subd. 6. [TELECOMMUNICATIONS SERVICE.] "Telecommunications service" means a service that, in exchange for a pecuniary consideration, provides or offers to provide transmission of messages, signals, facsimiles, or other communication between persons who are physically separated from each other by telephone, telegraph, cable, wire, fiber optic cable, or the projection of energy without physical connection. This term applies when the telecommunications service originates or ends or both originates and ends in this state.

Subd. 7. [TELEPHONE COMPANY.] "Telephone company" means a telecommunications provider that provides local exchange telecommunications service.

Sec. 6. [609.893] [TELECOMMUNICATIONS AND INFORMATION SERVICES FRAUD; CRIME DEFINED.]

Subdivision 1. [OBTAINING SERVICES BY FRAUD.] A person commits telecommunications and information services fraud and may be sentenced as provided in subdivision 3 if the person, with intent to evade a lawful charge, obtains telecommunications service for the person's own use by any fraudulent means.

Subd. 2. [FACILITATION OF TELECOMMUNICATIONS FRAUD.] A person commits a felony and may be sentenced as provided in subdivision 4 who:

(1) makes available to another, or offers or advertises to make available, a telecommunications device or information in order to facilitate violation of subdivision 1 by another; or

(2) makes, assembles, or possesses a telecommunications device that is designed or adapted to violate subdivision 1 or to conceal from a provider of telecommunications service or from a lawful authority, the existence or place of origin or destination of telecommunications service.

Subd. 3. [FRAUD.] (a) Whoever commits telecommunications and information services fraud in violation of subdivision 1 may be sentenced as

follows:

(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the services is in excess of \$2,500;

(2) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the services is more than \$500 but not more than \$2,500; or

(3) in all other cases, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

(b) Amounts involved in a violation of paragraph (a) under one scheme or course of conduct, whether from the same credit card number or several credit card numbers, may be aggregated in determining the classification of the offense.

Subd. 4. [FACILITATION OF FRAUD.] Whoever violates subdivision 2 is guilty of a felony and 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.

Sec. 7. [REPEALER.]

Minnesota Statutes 1988, section 609.785, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 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; making it a crime to obtain telecommunication services by fraud; requiring forfeiture of telecommunication devices used for fraudulent purposes; prescribing penalties; amending Minnesota Statutes 1988, section 609.87, subdivisions 3 and 5; Minnesota Statutes 1989 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 237 and 609; repealing Minnesota Statutes 1988, section 609.785."

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

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

H.F. No. 2609: A bill for an act relating to capital improvements; providing for emergency capital expenses at Inver Hills Community College; authorizing sale of state bonds; appropriating money.

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

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

H.F. No. 1730 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.
1730	1795				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1730 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1730 and insert the language after the enacting clause of S.F. No. 1795, the first engrossment; further, delete the title of H.F. No. 1730 and insert the title of S.F. No. 1795, the first engrossment.

And when so amended H.F. No. 1730 will be identical to S.F. No. 1795, and further recommends that H.F. No. 1730 be given its second reading and substituted for S.F. No. 1795, 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. 1846 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.
1846	1977				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1846 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1846 and insert the language after the enacting clause of S.F. No. 1977, the first engrossment; further, delete the title of H.F. No. 1846 and insert the title of S.F. No. 1977, the first engrossment.

And when so amended H.F. No. 1846 will be identical to S.F. No. 1977, and further recommends that H.F. No. 1846 be given its second reading and substituted for S.F. No. 1977, 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. 1883 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.
1883	1826				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1883 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1883 and insert the language after the enacting clause of S.F. No. 1826, the first engrossment; further, delete the title of H.F. No. 1883 and insert the title of S.F. No. 1826, the first engrossment.

And when so amended H.F. No. 1883 will be identical to S.F. No. 1826, and further recommends that H.F. No. 1883 be given its second reading and substituted for S.F. No. 1826, 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. 2594 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.
2594	2391				

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. 2103 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.
2103	2105				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2103 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2103 and insert the language after the enacting clause of S.F. No. 2105, the first engrossment; further, delete the title of H.F. No. 2103 and insert the title of S.F. No. 2105, the first engrossment.

And when so amended H.F. No. 2103 will be identical to S.F. No. 2105,

and further recommends that H.F. No. 2103 be given its second reading and substituted for S.F. No. 2105, 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. 2305 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.
2305	2477				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2305 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2305 and insert the language after the enacting clause of S.F. No. 2477, the first engrossment; further, delete the title of H.F. No. 2305 and insert the title of S.F. No. 2477, the first engrossment.

And when so amended H.F. No. 2305 will be identical to S.F. No. 2477, and further recommends that H.F. No. 2305 be given its second reading and substituted for S.F. No. 2477, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2223, 2037, 1982, 1874, 1843, 2149 and 2132 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2609, 1730, 1846, 1883, 2594, 2103 and 2305 were read the second time.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2609 and that the rules of the Senate be so far suspended as to give H.F. No. 2609, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 2609: A bill for an act relating to capital improvements; providing for emergency capital expenses at Inver Hills Community College; authorizing sale of state bonds; appropriating money.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Morse moved that S.F. No. 2037, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

SUSPENSION OF RULES

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

CALENDAR

H.F. No. 2204: A bill for an act relating to insurance; clarifying an insurer's duty to provide loss or claims experience data to an insured; regulating insurance fair information reporting; amending Minnesota Statutes 1989 Supplement, sections 72A.20, subdivision 26; 72A.501, subdivision 1; and 72A.502, subdivision 9, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2242: A bill for an act relating to insurance; no-fault auto; exempting certain antique automobiles and recreational vehicles from rental vehicle coverage; amending Minnesota Statutes 1989 Supplement, section 65A.49, subdivision 5a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1067: A bill for an act relating to education; requiring students on all HECB advisory groups; amending Minnesota Statutes 1988, section 136A.02, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 136A.02, subdivision 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Brandl voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2135: A bill for an act relating to Anoka county; authorizing the sale or exchange of certain land.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1869: A bill for an act relating to labor; requiring employers to prepare and implement a written program that describes how they will reduce the extent and severity of work-related injuries and illnesses; providing for safety awards by the commissioner of labor and industry; amending Minnesota Statutes 1988, section 182.653, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 182.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1675: A bill for an act relating to game and fish; authorizing the Leech Lake Band of Chippewa Indians to conduct certain types of aquiculture; directing promotion of and commercial licenses to take rough fish from Lake of the Woods; removing certain aquiculture restrictions in private waters if public waters or groundwater is not degraded or public health is not affected; authorizing transportation of minnows by common carrier; providing restrictions for taking crayfish; amending Minnesota Statutes 1988, sections 97A.155, by adding a subdivision; 97A.401, by adding a subdivision; 97C.501, subdivision 1; and 97C.525, by adding a subdivision; Minnesota Statutes 1989 Supplement, section 17.49, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 17 and 97C.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Dicklich; Johnson, D.J. and Morse voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1703: A bill for an act relating to natural resources; authorizing the enforcement of certain natural resource laws by conservation officers; amending Minnesota Statutes 1988, section 97A.205.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2063: A bill for an act relating to health; requiring an environmental impact statement for burning of PCBs; authorizing counties to be compensated for human health risks; requiring permits and local approval before burning PCBs; amending Minnesota Statutes 1988, section 116.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116.

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 47 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Metzen	Renneke
Anderson	Diessner	Knutson	Moe, D.M.	Samuelson
Beckman	Flynn	Laidig	Moe, R.D.	Schmitz
Benson	Frederick	Langseth	Olson	Solon
Berglin	Frederickson, D.J.	Lantry	Pariseau	Storm
Bernhagen	Frederickson, D.R.	Larson	Peterson, R.W.	Stumpf
Bertram	Freeman	Lessard	Piepho	Vickerman
Brataas	Hughes	McGowan	Piper	
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	
Davis	Johnson, D.J.	Mehrkins	Reichgott	

Those who voted in the negative were:

Berg	Decker	Kroening	Novak	Waldorf
Brandl	Frank	Merriam	Pehler	
Cohen	Gustafson	Morse	Spear	

So the bill passed and its title was agreed to.

S.F. No. 1976: A bill for an act relating to education; providing for certain notice and board membership requirements under certain joint powers arrangements; amending Minnesota Statutes 1988, section 124.494, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1975: A bill for an act relating to education; providing for the notice of and place for meeting of certain joint powers organizations; proposing coding for new law in Minnesota Statutes, chapter 124.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1681: A bill for an act relating to occupations and professions; allowing a graduate social work license to be issued without examination to an applicant who was unable to apply before the transition period ended; amending Minnesota Statutes 1988, section 148B.23, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1499: A bill for an act relating to consumer protection; regulating certain rental-purchase agreements; prescribing the rights and duties of all parties; requiring disclosures; regulating advertising; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2508: 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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2541: A bill for an act relating to real property; providing for filing and recording of maps or plats for proposed rights-of-way by local governing bodies; proposing coding for new law in Minnesota Statutes, chapter 505.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1937: A bill for an act relating to health; establishing standards for safe levels of lead; requiring education about lead exposure; requiring lead assessments of certain residences; establishing standards for lead abatement; requiring rules; amending Minnesota Statutes 1988, section 116.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1989 Supplement, sections 144.851 to 144.862.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2149: A bill for an act relating to port authorities; expanding the range of titles for certain offices; amending Minnesota Statutes 1988, section 469.051, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frederick	Marty	Pehler	Peterson, R.W.	Reichgott
Knutson	Merriam			

So the bill passed and its title was agreed to.

S.F. No. 2297: A bill for an act relating to taxation; property; requiring equal access to food or beverage services or facilities for golf clubs under open space property tax treatment; amending Minnesota Statutes 1989 Supplement, section 273.112, subdivision 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1989: A bill for an act relating to motor vehicles; allowing tax-exempt license plates for vehicles used for driver education programs at nonpublic high schools; amending Minnesota Statutes 1989 Supplement, section 168.012, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2109 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2109: A bill for an act relating to insurance; regulating cancellations, reductions, and nonrenewals of commercial property and liability insurance; amending Minnesota Statutes 1988, section 60A.38, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2412 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2412: A bill for an act relating to state government; requiring the state board of investment to invest certain assets currently managed by the commerce department; amending Minnesota Statutes 1988, section 79.251, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1743 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1743: A bill for an act relating to telephone service; requiring the expansion of the metropolitan extended area telephone service, under some circumstances; proposing coding for new law in Minnesota Statutes, chapter 237.

Mr. Waldorf moved to amend S.F. No. 1743 as follows:

Page 1, after line 6, insert:

"Section 1. [237.161] [EXTENDED AREA SERVICE.]

Subdivision 1. [CRITERIA.] (a) The commission shall grant a petition for installation of extended intrastate area service when:

(1) the exchange for which installation is proposed is contiguous to an exchange to which extended intra-LATA area service is requested;

(2) local measured service or another lower cost alternative to basic flat-rate service is available in the exchange for which installation is proposed;

(3) a majority of the customers in the exchange for which installation is proposed favor its installation; and

(4) at least 50 percent of the customers in the petitioning exchange make one or more calls a month to the exchange or wire center to which extended area service is requested, as determined by a traffic study.

(b) The commission may not grant a petition for installation of extended area service when the criteria in paragraph (a) have not been met.

Subd. 2. [COSTS.] Seventy percent of the cost of providing extended area service over the petitioned route must be apportioned to the petitioning exchange and the remaining 30 percent apportioned to the exchange or exchanges to which extended area service is requested. The cost must be apportioned among the customers in an exchange so that the relationship between the rates for classes of service remains the same. The cost to the petitioning exchange must be available to its customers before the commission determines whether a majority of them favor the installation of extended area service.

Subd. 3. [BASIS OF RATES.] For a proposal to install extended area service, proposed rates must be based on specific additional cost incurred, operating expenses, actual cost for new facilities constructed specifically to provide for extended area service, net book value of existing facilities transferred from another service to extended area service, a return on the capital investment associated with installing and providing the extended area service, and appropriate contributions to common overheads. In its order granting an extended area service petition, the commission shall establish rates that are income neutral and allow the telephone company providing local exchange service to the petitioning exchange and the telephone company providing local exchange service to the petitioned exchange to recover toll or access contribution lost as a result of the installation of extended area service. Rates within the existing metropolitan extended area telephone service may not be raised as a result of the addition of a local exchange or wire center under this section until the rate in the added exchange or wire center is at least equal to the tier four rate."

Page 2, line 11, delete "1" and insert "2"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "regulating the installation of extended area service in exchanges;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1743 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2108 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2108: 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.

Mr. Solon moved to amend S.F. No. 2108 as follows:

Page 1, after line 28, insert:

"Section 1. Minnesota Statutes 1988, section 31.121, is amended to read:

31.121 [FOOD ADULTERATION.]

A food shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive, which is unsafe within the meaning of section 31.122; or

(c) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 31.122; or

(d) If it is or it bears or contains any food additive which is unsafe within the meaning of section 31.122; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under section 31.122, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of section 31.122 and this clause, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or

(e) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(f) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(g) If it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter, or of an animal that has been fed upon the uncooked offal from a slaughterhouse; or

(h) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(i) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption in effect pursuant to section 31.122 or section 409 of the federal act; or

(j) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(k) If any substance has been substituted wholly or in part therefor; or

(l) If damage or inferiority has been concealed in any manner; or

(m) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is; or

(n) If it is confectionery, and (1) has partially or completely imbedded therein any nonnutritive object; provided, that this clause shall not apply in the case of any nonnutritive object if in the judgment of the commissioner, as provided by rules, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; or (2) bears or contains any alcohol, other than alcohol not in excess of one half of one percent by volume derived solely from the use of flavoring extracts; or (3) bears or contains any nonnutritive

substance; provided, that this clause shall not apply to a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of the Minnesota food law; and provided further, that the commissioner may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue rules allowing or prohibiting the use of particular nonnutritive substances; or

(o) If it is or bears or contains any color additive which is unsafe within the meaning of section 31.122; or

(p) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food."

Page 8, line 14, delete "2" and insert "3"

Page 8, line 16, delete "3" and insert "4"

Page 8, line 17, delete "11" and insert "12"

Page 8, line 19, delete "12" and insert "13"

Page 8, line 21, delete "13" and insert "14"

Page 8, line 23, delete "14" and insert "15"

Page 8, line 26, delete "15" and insert "16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, after "sections" insert "31.121;"

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend S.F. No. 2108 as follows:

Pages 4 and 5, delete sections 7 and 8 and insert:

"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 1:00 a.m., *except as provided in section 10*, and 8:00 a.m. on the days of Monday through Saturday;

(2) after 1:00 a.m. on Sundays, *except as provided by subdivision 3 in section 10*;

(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 1:00 a.m. on Mondays, *except as provided in section 10.*

(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 1:00 a.m. on Mondays, *except as provided in section 10*, 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.504, subdivision 6, is amended to read:

Subd. 6. [MUNICIPALITIES MAY LIMIT HOURS.] A municipality may further limit the hours of sale of alcoholic beverages, provided that further restricted hours must apply equally to sales of nonintoxicating malt liquor and intoxicating liquor. A city may not permit the sale of alcoholic beverages during hours when the sale is prohibited by this section, *except as provided in section 10.*

Sec. 10. Minnesota Statutes 1988, section 340A.504, is amended by adding a subdivision to read:

Subd. 7. [LICENSES AUTHORIZED.] *A municipality may by ordinance after a public hearing, issue to a holder of an on-sale alcoholic beverage license an additional license authorizing the licensee to make on-sales between the hours of 1:00 a.m. and 1:30 a.m. The license is in addition to the number authorized by section 340A.413.*"

Page 8, line 17, delete "11" and insert "13"

Page 8, line 19, delete "12" and insert "14"

Page 8, line 21, delete "13" and insert "15"

Page 8, line 23, delete "14" and insert "16"

Page 8, line 26, delete "15" and insert "17"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 23, delete "subdivision 1" and insert "subdivisions 1 and

6, and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Samuelson
Anderson	Diessner	Lantry	Olson	Schmitz
Berglin	Flynn	Lessard	Peterson, R. W.	Solon
Bertram	Freeman	Merriam	Piepho	Spear
Chmielewski	Gustafson	Metzen	Pogemiller	Stumpf
Dahl	Johnson, D.J.	Morse	Reichgott	Waldorf

Those who voted in the negative were:

Beckman	Davis	Knaak	McGowan	Piper
Benson	Decker	Knutson	McQuaid	Ramstad
Berg	Frank	Laidig	Mehrrens	Renneke
Bernhagen	Frederick	Langseth	Moe, D.M.	Storm
Brandl	Frederickson, D.J.	Larson	Moe, R.D.	Vickerman
Brataas	Hughes	Luther	Pariseau	
Cohen	Johnson, D.E.	Marty	Pehler	

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

Mr. Knaak moved to amend S.F. No. 2108 as follows:

Pages 4 and 5, delete sections 7 and 8

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Davis	Hughes	Marty	Peterson, R. W.
Beckman	Decker	Johnson, D.E.	McGowan	Piepho
Berg	Dicklich	Johnson, D.J.	McQuaid	Piper
Berglin	Diessner	Knaak	Mehrrens	Pogemiller
Bernhagen	Flynn	Kroening	Merriam	Ramstad
Bertram	Frank	Laidig	Moe, D.M.	Renneke
Brandl	Frederick	Langseth	Moe, R.D.	Spear
Chmielewski	Frederickson, D.J.	Lantry	Olson	Storm
Cohen	Frederickson, D.R.	Larson	Pariseau	Vickerman
Dahl	Freeman	Luther	Pehler	Waldorf

Those who voted in the negative were:

Adkins	Lessard	Novak	Samuelson	Solon
Brataas	Metzen	Reichgott	Schmitz	Stumpf
Gustafson	Morse			

The motion prevailed. So the amendment was adopted.

S.F. No. 2108 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1987 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1987: A bill for an act relating to housing; establishing a procedure for the allocation of low-income housing tax credits; amending Minnesota Statutes 1988, sections 462A.221, by adding subdivisions; 462A.222, subdivisions 2, 3, and by adding subdivisions; and 462A.223, subdivision 2.

Mr. Pogemiller moved that the amendment made to H.F. No. 1987 by the Committee on Rules and Administration in the report adopted March 21, 1990, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1987 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2355 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2355: A bill for an act relating to statutes of limitations; establishing a three-year time limit to bring an action for penalty or forfeiture

for violation of certain environmental statutes; amending Minnesota Statutes 1989 Supplement, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 575.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1995 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1995: A bill for an act relating to insurance; property and casualty; regulating terminations of agents; prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 60A.

Mr. Metzen moved to amend S.F. No. 1995 as follows:

Page 3, line 2, after "*commissioner*" insert "*or a determination of the board of review*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1995 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2026 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2026: A bill for an act relating to health; authorizing the creation of a technical advisory task force for emergency dispatch services; requiring the submission of a multidisciplinary report on training needs of emergency dispatchers operating within 911 systems.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 158 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 158: A bill for an act relating to local government; describing relations between counties and towns for planning and zoning; amending Minnesota Statutes 1988, section 394.33, subdivision 1.

Mrs. Adkins moved to amend S.F. No. 158 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 394.33, is amended by adding a subdivision to read:

Subd. 1a. If a conflict occurs as to whether or not an official control enacted by a town is less restrictive than the county's controls, the county board shall direct a member of its board, and the town board shall direct a member of its board to revise jointly the town or county control to bring them into conformity. Upon approval by the county and town boards and filing a certified copy with the county recorder, the revised control shall take effect. If the two officials cannot reach agreement, the state planning agency shall arbitrate the matter. The county and town boards may agree to accept the arbitrator's decision as binding on both parties, in which case upon the filing of a certified copy with the county recorder, the revised control shall take effect. If the decision is not made binding, appeal of the decision may be made to the district court.”

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 158 was read the third time, as amended, and placed on its final passage.

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

Mr. Gustafson moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Mehrkens	Schmitz
Anderson	Davis	Johnson, D.E.	Pariseau	Storm
Benson	Decker	Laidig	Peterson, R. W.	
Bernhagen	Frederick	Langseth	Piper	
Bertram	Frederickson, D.J.	Larson	Renneke	
Chmielewski	Frederickson, D.R.	Lessard	Samuelson	

Those who voted in the negative were:

Beckman	Diessner	Kroening	Metzen	Ramstad
Berg	Flynn	Lantry	Morse	Reichgott
Berglin	Frank	Luther	Novak	Solon
Brandl	Gustafson	Marty	Olson	Spear
Brataas	Johnson, D.J.	McGowan	Pehler	Stumpf
Cohen	Knaak	McQuaid	Piepho	Vickerman
Dicklich	Knutson	Merriam	Pogemiller	Waldorf

So the bill, as amended, failed to pass.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2498 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2498: A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstracters; abolishing requirement of seals by impression; providing for inactive license status; repealing an obsolete provision; amending Minnesota Statutes 1988, sections 386.66; 386.67; and 386.69; repealing Minnesota Statutes 1988, section 386.65, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1365 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1365: A bill for an act relating to crimes; requiring prosecutor training in bias-motivated crimes; proposing coding for new law in Minnesota Statutes, chapter 8.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1971 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1971: A bill for an act relating to education; establishing an automobile safety awareness week; proposing coding for new law in Minnesota Statutes, chapter 126.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	McGowan	Reichgott
Anderson	Dicklich	Knaak	McQuaid	Renneke
Beckman	Flynn	Knutson	Mehrrens	Schmitz
Benson	Frank	Kroening	Metzen	Solon
Bernhagen	Frederick	Laidig	Morse	Spear
Bertram	Frederickson, D.J.	Langseth	Novak	Storm
Brandl	Frederickson, D.R.	Lantry	Olson	Stumpf
Brataas	Freeman	Larson	Pariseau	Vickerman
Cohen	Gustafson	Lessard	Piepho	Waldorf
Dahl	Hughes	Luther	Piper	
Davis	Johnson, D.E.	Marty	Ramstad	

Messrs. Merriam and Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 394 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 394: A bill for an act relating to education; requiring a report on preparation of post-secondary education administrators and faculty.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2072 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2072: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1988, sections 11A.14, subdivision 5; 15.0597, subdivision 1; 15.50, subdivisions 2 and 5; 16B.53, subdivision 3; 62C.141; 115.49, subdivision 4; 163.06, subdivision 6; 197.55; 232.21, subdivision 7; 256B.69, subdivision 6; 257.41; 273.124, subdivision 13; 273.1315; 333.135; 336.9-105; 353A.02, subdivision 14; 354.05, subdivision 23; 354.66, subdivision 7; 412.701; 412.711; 459.07; 469.155, subdivision 12; 481.12; 626.556, subdivision 10c; Minnesota Statutes 1989 Supplement, sections 18.022, subdivision 2; 62A.045; 105.41, subdivision 1a; 115C.03, subdivision 9; 124.86, subdivision 2; 127.455; 144.6501, subdivision 10; 168.013, subdivision 1a; 168.33, subdivision 2; 176.421, subdivision 7; 204C.361; 236.02, subdivision 7; 245.462, subdivision 4; 256E.08, subdivision 5; 256H.08; 256H.22, subdivisions 2 and 3; 260.185, subdivision 1; 270B.12, subdivision 7; 273.119, subdivision 1; 319A.20; 336.2A-104; 352.01, subdivision 2b; 352.72, subdivision 1; 352B.30, subdivision 1; 383D.41, subdivisions 1 and 2; 422A.05, subdivision 2a; 469.129, subdivision 1; 501B.61, subdivision 1; 563.01, subdivision 3; 609.605, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 121.904, subdivision 4a; 245A.14, subdivision 6; and 275.50, subdivision 5; and Laws 1989, chapters 329,

article 8, section 15, subdivision 2; 332, section 3, subdivision 3; repealing Minnesota Statutes 1988, sections 11A.19, subdivisions 1 to 8; 43A.192; Minnesota Statutes 1989 Supplement, sections 11A.19, subdivision 9; and 226.01 to 226.06.

Mr. Cohen moved to amend S.F. No. 2072 as follows:

Pages 3 to 9, delete section 7 and insert:

"Sec. 7. Minnesota Statutes 1989 Supplement, section 15.50, subdivision 2, is amended to read:

Subd. 2. (a) The board shall prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area, herein called the area which shall initially consist of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the centerline of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the centerline of Summit Avenue to the south line of the right-of-way of the Fifth Street ramp, thence southeasterly along the right-of-way of the Fifth Street ramp to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Eleventh Street, thence easterly along the south line of Eleventh Street to the west line of Cedar Street, thence southeasterly along the west line of Cedar Street to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. Pursuant to the comprehensive plan, or any portion thereof, the board may regulate, by means of zoning rules adopted pursuant to the administrative procedure act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person shall undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, ~~obtained~~ obtaining a zoning permit from the board and ~~received~~ receiving a written certification from the board

specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of St. Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when they request reports for their planning purpose.

(c) No public building, street, parking lot, or monument, or other construction shall be built or altered on any public lands within the area unless the plans for the same conforms to the comprehensive use plan as specified in clause (d) and to the requirement for competitive plans as specified in clause (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under clause (e), may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan shall show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas and open spaces; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement shall be made to public lands or buildings in the area save with the written approval of the board.

(e) The board shall secure by competitions, plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition, which may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. Such competition shall be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected shall become the property of the state of Minnesota and the board may award one or more premiums in each such competition and may pay such costs and fees as may be required for the conduct thereof. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided such plans have been considered by the advisory committee described in clause (f). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) The board shall not adopt any plan under clause (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee shall not be contestants under clause (e). The comments and criticism shall be a matter of public information.

The committee shall advise the board on all architectural and planning matters. For that purpose:

(1) the committee shall be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the same are developed or in the process of preparation whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area. A copy of any such data prepared by any public employee or agency shall be filed with the board promptly upon completion;

(2) the board may employ such stenographic or technical help as may be reasonable to assist the committee to perform its duties;

(3) when so directed by the board, the committee may serve as, and any member or members thereof may serve on, the jury or as professional advisor for any architectural competition. The board shall select the architectural advisor and jurors for any competition with the advice of the committee; and

(4) the city of St. Paul shall advise the board.

(g) The comprehensive plan for the area shall be developed and maintained in close cooperation with the commissioner of trade and economic development and the planning department and the council for the city of Saint Paul and the board of the arts, and no such plan or amendment thereof shall be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts.

(h) The board and the commissioner of administration jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance and cleanliness of the public and ceremonial areas of the state capitol building. Pursuant to this power, the board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed as herein provided shall be binding upon the commissioner of administration. The provisions of sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45 shall not apply to this clause.

(i) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program.

(j) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase or eminent domain proceedings any real property situated in the area described in this section and it shall also have the power to acquire an interest less than a fee simple interest in the property, if it finds that it is needed for future expansion or beautification of the area.

(k) The board is the successor of the state veterans' service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and acts amendatory

thereof.

(l) The board shall meet at the call of the chair and at such other times as it may prescribe.

(m) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs of which such part as the commissioner of administration and commissioner of veterans affairs may mutually determine shall be on the first floor above the ground and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available to such other state departments and agencies as the commissioner may deem desirable."

Page 15, delete section 19 and insert:

"Sec. 19. Minnesota Statutes 1989 Supplement, section 163.06, subdivision 6, is amended to read:

Subd. 6. [EXPENDITURE IN CERTAIN COUNTIES.] In any county having not less than 95 nor more than 105 full and fractional townships, and having a net tax capacity of not less than \$3,000,000 nor more *than* \$5,000,000, exclusive of money and credits, the county board, by resolution, may expend the funds provided in subdivision 4 in any organized or unorganized township or portion thereof in such county."

Pages 57 to 59, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 1989 Supplement, section 273.124, subdivision 13, is amended to read:

Subd. 13. [SOCIAL SECURITY NUMBER REQUIRED FOR HOMESTEAD APPLICATION.] Every property owner applying for homestead classification must furnish to the county assessor that owner's social security number. If the social security number is not provided, the county assessor shall classify the property as nonhomestead. The social security numbers of the property owners are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue.

At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner applying for homestead classification.

If, in comparing the lists supplied by the counties, the commissioner finds that a property owner is claiming more than one homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the homestead credit ~~under section 273.13 for taxes payable in 1989 and~~ under section 273.1398 for taxes payable in 1990 and thereafter, the taconite homestead credit, and the supplemental homestead credit, and the tax reduction resulting from the agricultural credit ~~under section 273.132 for taxes payable in 1989 and~~ under section 273.1398 for taxes payable in 1990 and

thereafter. The county auditor shall send a notice to the owners of the affected property, demanding reimbursement of the homestead benefits plus a penalty equal to 25 percent of the homestead benefits. The property owners may appeal the county's determination by filing a notice of appeal with the Minnesota tax court within 60 days of the date of the notice from the county.

If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount to the succeeding year's tax list to be collected as part of the property taxes.

Any amount of homestead benefits recovered from the property owner must be transmitted to the commissioner by the end of each calendar quarter. Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. The amount of penalty collected must be deposited in the county general fund.

The commissioner will provide suggested homestead applications to each county. If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners."

Amend the title as follows:

Page 1, line 8, delete "subdivisions 2 and" and insert "subdivision"

Page 1, line 10, delete "163.06, subdivision 6;"

Page 1, line 11, delete "273.124,"

Page 1, line 12, delete "subdivision 13;"

Page 1, line 16, after "sections" insert "15.50, subdivision 2;"

Page 1, line 19, after the second semicolon, insert "163.06, subdivision 6;"

Page 1, line 25, after the first semicolon, insert "273.124, subdivision 13;"

The motion prevailed. So the amendment was adopted.

Mr. Cohen then moved to amend S.F. No. 2072 as follows:

Page 10, after line 8, insert:

"Sec. 11. Minnesota Statutes 1988, section 79A.14, is amended to read:
79A.14 [LETTER OF CREDIT FORM.]

The form for the letter of credit under this chapter shall be:

Effective Date

State of Minnesota (Beneficiary)

(Address)

Dear Sirs:

By order of (Self-Insurer) we are instructed to open a clean irrevocable Letter of Credit in your favor for United States \$ (Amount).

We undertake that drawings under this Letter of Credit will be honored upon presentation of your draft drawn on (~~Self-Insurer~~ *issuing bank*), at (Address) prior to expiration date.

The Letter of Credit expires on , but will automatically extend for an additional one year if you have not received by registered mail notification of intention not to renew 60 days prior to the original expiration date and each subsequent expiration date.

Except as expressly stated herein, this undertaking is not subject to any condition or qualification. The obligation of (issuing bank) under this letter of credit shall be the individual obligation of (issuing bank), in no way contingent upon reimbursement with respect thereto.

Very truly yours,

. (Signature)"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the third semicolon, insert "79A.14;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2072 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1955 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1955: A bill for an act relating to housing; changing the definition of designated home ownership area for the Minnesota rural and urban homesteading program; amending Minnesota Statutes 1989 Supplement, section 462A.057, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2068 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2068: A bill for an act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, section 65B.64, subdivision 1; and Minnesota Statutes 1989 Supplement, section 65B.64, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.J.	Mehrkens	Samuelson
Anderson	Dicklich	Knaak	Merriam	Solon
Beckman	Diessner	Knutson	Metzen	Spear
Berg	Flynn	Kroening	Moe, R.D.	Storm
Berglin	Frank	Langseth	Morse	Stumpf
Bernhagen	Frederick	Lantry	Novak	Vickerman
Bertram	Frederickson, D.J.	Lessard	Pariseau	Waldorf
Brandl	Frederickson, D.R.	Luther	Peterson, R.W.	
Cohen	Gustafson	Marty	Piepho	
Dahl	Hughes	McGowan	Piper	
Davis	Johnson, D.E.	McQuaid	Ramstad	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2431 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2431: A bill for an act relating to buildings; changing the definition of public building in the state building code; ratifying the interstate compact on industrialized/modular buildings; amending Minnesota Statutes 1989 Supplement, section 16B.60, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 16B.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2181 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2181: A bill for an act relating to labor; regulating joint labor-management committees; regulating public employee elections; providing for the selection of arbitrators by mutual agreement; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179.84, subdivision 1; 179.85; 179A.04, subdivision 3; 179A.12, subdivisions 7 and 11; and Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4.

Ms. Flynn moved to amend S.F. No. 2181 as follows:

Page 5, after line 3, insert:

“Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

S.F. No. 2181 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1866 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1866: A bill for an act relating to Lake Superior; establishing an information and education authority; proposing coding for new law as Minnesota Statutes, chapter 85B.

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 47 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Hughes	Marty	Samuelson
Anderson	DeCramer	Johnson, D.E.	McQuaid	Schmitz
Beckman	Dicklich	Johnson, D.J.	Moe, R.D.	Solon
Bernhagen	Diessner	Kroening	Morse	Spear
Bertram	Frank	Laidig	Novak	Storm
Brandl	Frederick	Langseth	Olson	Stumpf
Brataas	Frederickson, D.J.	Lantry	Pehler	Vickerman
Chmielewski	Frederickson, D.R.	Larson	Piper	
Cohen	Freeman	Lessard	Pogemiller	
Dahl	Gustafson	Luther	Reichgott	

Those who voted in the negative were:

Benson	Flynn	McGowan	Pariseau	Ramstad
Berg	Knaak	Mehrkens	Peterson, R.W.	
Decker	Knutson	Merriam	Piepho	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2445 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2445: A bill for an act relating to state government; establishing positions in the unclassified service; authorizing the commissioner of jobs and training to establish a position in the unclassified service; amending Minnesota Statutes 1988, section 268.0121, subdivision 3; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 409 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 409: A bill for an act relating to employment; providing for certain employee leaves of absences; amending Minnesota Statutes 1988, sections 181.940; 181.941; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2360 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2360: A bill for an act relating to economic development; clarifying the appointing authority for the board of the Minnesota Project Outreach Corporation; requiring duties of the Minnesota Project Outreach Corporation; requiring notification under the capital access program; removing the requirement that employees of the Greater Minnesota Corporation file

statements of economic interest; changing the procedure for adopting a neighborhood revitalization program; amending Minnesota Statutes 1989 Supplement, sections 116J.691, subdivisions 1, 2, and 4; 116J.8766, by adding a subdivision; 116O.03, subdivision 11; and 469.203, subdivision 4; repealing Minnesota Statutes 1989 Supplement, section 469.203, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Freeman	Luther	Renneke
Beckman	DeCramer	Gustafson	Metzen	Samuelson
Berglin	Dicklich	Hughes	Moe, R.D.	Solon
Bertram	Diessner	Kroening	Morse	Spear
Brandl	Flynn	Laidig	Novak	Stumpf
Chmielewski	Frank	Langseth	Pehler	Waldorf
Cohen	Frederickson, D.J.	Lantry	Piper	
Dahl	Frederickson, D.R.	Lessard	Reichgott	

Those who voted in the negative were:

Anderson	Frederick	Larson	Merriam	Piepho
Benson	Johnson, D.E.	McGowan	Olson	Ramstad
Berg	Knaak	McQuaid	Pariseau	Storm
Decker	Knutson	Mehrkens	Peterson, R.W.	Vickerman

So the bill passed and its title was agreed to.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

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. 1913, 1928, 2343 and 2374.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1990

FIRST READING OF HOUSE BILLS

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

H.F. No. 1913: A bill for an act relating to commerce; regulating dividends on claims in liquidation proceedings; regulating the lending practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; amending Minnesota Statutes 1988, sections 49.24, subdivision 9; 56.131, subdivisions 1, and 2; 56.14; and 325G.22, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2241, now on General Orders.

H.F. No. 1928: A bill for an act relating to occupations and professions; providing for training for armed employees of private detectives and protective agents; prohibiting certain acts by protective agents and security guards during a labor dispute; amending Minnesota Statutes 1988, sections 326.32, by adding a subdivision; and 326.3384, by adding a subdivision; and amending Minnesota Statutes 1989 Supplement, section 326.3384, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2149.

H.F. No. 2343: A bill for an act relating to insurance; accident and health; providing for the classification and disclosure of certain comprehensive health insurance data; regulating the Minnesota comprehensive health insurance plan; requiring insurers to provide written materials on the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 13.71, by adding a subdivision; 62E.10, subdivision 9; 62E.14, by adding subdivisions; and 62E.15, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2536, now on General Orders.

H.F. No. 2374: A bill for an act relating to agriculture; changing the makeup of potato research and promotion councils; providing for the certification of seed potatoes; amending Minnesota Statutes 1988, section 17.54, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 21.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1889, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1847. The motion prevailed.

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

S.F. No. 2126: A bill for an act relating to health; clarifying requirements for water well construction and ownership; amending Minnesota Statutes 1988, sections 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 103B.3369, subdivision 5; 103I.005, subdivisions 2, 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5; 103I.205, subdivisions 1, 2, 4, and 8; 103I.208, subdivision 2; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.525, subdivisions 1, 5, and 6; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; 105.41, subdivisions 1c and 5a; Laws 1989, chapter 326, article 3, section 49; proposing coding for new law in Minnesota Statutes, chapter 103I; repealing Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; and 103I.325, subdivision 1.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1988, section 18B.14, subdivision 2, is amended to read:

Subd. 2. [BULK PESTICIDE STORAGE.] (a) A person storing pesticides in containers of a rated capacity of 500 gallons or more *for more than ten consecutive days at a bulk pesticide storage facility* must obtain a pesticide storage permit from the commissioner *as required by rule*.

(b) Applications must be on forms provided by the commissioner containing information established by rule. The initial application for a permit must be accompanied by a nonrefundable application fee of \$100 for each location where the pesticides are stored.

(c) The commissioner shall by rule develop and implement a program to regulate bulk pesticides. The rules must include installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit approval, a schedule for compliance, and other appropriate requirements necessary to minimize potential adverse effects on the environment. The rules must conform with existing rules of the pollution control agency.

(d) *A person must obtain a permit from the commissioner on forms provided by the commissioner before the person constructs or substantially alters a bulk pesticide storage facility. If an application is incomplete the commissioner must notify the applicant as soon as possible. The permit must be acted upon within 30 days after receiving a completed application.*

(e) *An application to substantially alter a facility must be accompanied by a \$50 fee.*

(f) *An additional application fee of \$250 must be paid by an applicant who begins construction of, or substantially alters, a bulk pesticide storage facility before a permit is issued by the commissioner. An application for a facility that includes both fertilizers, as regulated under chapter 18C, and pesticides as regulated under this chapter shall pay only one application fee of \$250. The fee under this paragraph may not be charged if the permit is not acted upon within 30 days after receiving a completed application.*

Sec. 2. Minnesota Statutes 1989 Supplement, section 18B.26, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FEE.] (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at one-tenth of one percent for 1990 and at one-fifth of one percent thereafter of annual gross sales within the state, with a minimum *nonrefundable* fee of \$150. A registrant paying more than the minimum fee shall pay the *additional* application fee in quarterly installments by 30 days after the end of each calendar quarter based on the gross sales of the pesticide by the registrant for the preceding calendar quarter. The fee for disinfectants and sanitizers is \$150. *The minimum fee is due by December 31 preceding the year for which the application for registration is made.* Of the amount collected after July 1, 1990, \$600,000 per year must be credited to the waste pesticide account under section 18B.065, subdivision 5.

(b) An additional fee of \$100 must be paid by the applicant for each

pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed ~~at the time of payment of the~~ *by March 1 for the previous year's registration application fee*. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 3. Minnesota Statutes 1988, section 18B.27, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FEE.] An application fee for a special local need registration must be accompanied by a nonrefundable fee of ~~\$125~~ *\$150*.

Sec. 4. Minnesota Statutes 1988, section 18B.28, subdivision 4, is amended to read:

Subd. 4. [APPLICATION FEE.] (a) An application for registration of an experimental use pesticide product must be accompanied by a nonrefundable application fee of ~~\$125~~ *\$150*.

(b) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before an initial experimental use pesticide product registration was issued for the pesticide.

Sec. 5. Minnesota Statutes 1989 Supplement, section 18C.205, subdivision 2, is amended to read:

Subd. 2. [PERMIT REQUIRED.] A person may not apply fertilizers through an irrigation system without a chemigation permit from the commissioner. A chemigation permit is required for one or more wells *or other sources of irrigation water* that are protected from contamination by the same devices *as required by rule*.

Sec. 6. Minnesota Statutes 1989 Supplement, section 18C.305, subdivision 1, is amended to read:

Subdivision 1. [CONSTRUCTION PERMIT.] A person must obtain a permit from the commissioner on forms provided by the commissioner before the person constructs or substantially alters:

(1) safeguards; or

(2) an existing facility used for the ~~manufacture, blending~~ *distribution*, handling, or bulk storage of fertilizers, soil amendments, or plant amendments. The commissioner may not grant a permit for a site without safeguards that are adequate to prevent the escape or movement of the fertilizers from the site.

Sec. 7. Minnesota Statutes 1989 Supplement, section 18D.103, subdivision 1, is amended to read:

Subdivision 1. [REPORT TO COMMISSIONER.] A responsible party or an owner of real property must, on discovering an incident has occurred,

immediately report the incident to the commissioner. *The responsible party must immediately take all reasonable action necessary to minimize or abate the incident and to recover any agricultural chemicals involved in the incident with or without a directive from the commissioner.*

Sec. 8. Minnesota Statutes 1989 Supplement, section 18D.321, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE REVIEW.] If a person notifies the commissioner that the person intends to contest an order issued under this chapter, the state office of administrative hearings shall conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings in contested cases. *For contested corrective action orders, the state office of administrative hearings shall conduct an administrative hearing not later than 14 days after notification that a corrective action order is contested.*

Sec. 9. [18D.323] [CREDITING OF PENALTIES, FEES, AND COSTS.]

Except for money repaid to the agricultural chemical response and reimbursement account under section 18E.04, subdivision 6, penalties, cost reimbursements, fees, and other moneys collected under this chapter must be deposited into the state treasury and credited to the appropriate pesticide or fertilizer regulatory account.

Sec. 10. Minnesota Statutes 1989 Supplement, section 18E.03, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION OF RESPONSE AND REIMBURSEMENT FEE.] (a) The commissioner shall determine the amount of the response and reimbursement fee under subdivision 5 after a public hearing, but notwithstanding section 16A.128, based on:

(1) the amount needed to maintain ~~a~~ *an unencumbered* balance in the account of \$1,000,000;

(2) the amount estimated to be needed for responses to incidents as provided in subdivision 2, clauses (1) and (2); and

(3) the amount needed for payment and reimbursement under section 18E.04.

(b) The commissioner shall determine the response and reimbursement fee so that the *total* balance in the account does not exceed \$5,000,000.

(c) Money from the response and reimbursement fee shall be deposited in the treasury and credited to the agricultural chemical response and reimbursement account.

Sec. 11. Minnesota Statutes 1989 Supplement, section 18E.03, subdivision 5, is amended to read:

Subd. 5. [FEE AFTER 1990.] (a) The response and reimbursement fee after December 31, 1990, consists of the surcharges in this subdivision and shall be collected by the commissioner. The amount of the response and reimbursement fee shall be determined *and imposed annually as required* under subdivision 3. The amount of the surcharges shall be proportionate to ~~and may not exceed~~ the surcharges in subdivision 4.

(b) The commissioner shall impose a surcharge on pesticides registered under chapter 18B to be collected as a surcharge on the registration application fee under section 18B.26, subdivision 3, as a percent of sales of the pesticide in the state for use in the state during the previous calendar quarter,

except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants as determined by the commissioner.

(c) The commissioner shall impose a fee per ton surcharge on the inspection fee under section 18C.425, subdivision 6, for fertilizers, soil amendments, and plant amendments.

(d) The commissioner shall impose a surcharge on the application fee of persons licensed under chapters 18B and 18C consisting of:

(1) a surcharge for each site where pesticides are stored or distributed, to be imposed as a surcharge on pesticide dealer application fees under section 18B.31, subdivision 5;

(2) a surcharge for each site where a fertilizer, plant amendment, or soil amendment is distributed, to be imposed on persons licensed under sections 18C.415 and 18C.425;

(3) a surcharge to be imposed on a structural pest control applicator license application under section 18B.32, subdivision 6, for business license applications only;

(4) a surcharge to be imposed on commercial applicator license application fees under section 18B.33, subdivision 7;

(5) a surcharge to be imposed on noncommercial applicator license application fees under section 18B.34, subdivision 5, except a surcharge may not be imposed on a noncommercial applicator that is a state agency, a political subdivision of the state, the federal government, or an agency of the federal government; and

(6) a surcharge for licensed lawn service applicators under chapter 18B or 18C, to be imposed on license application fees.

(e) If a person has more than one license for a site, only one surcharge may be imposed to cover all the licenses for the site.

Sec. 12. Minnesota Statutes 1989 Supplement, section 18E.03, is amended by adding a subdivision to read:

Subd. 7. [APPROPRIATION AND REIMBURSEMENT.] The amount of the response and reimbursement fee imposed under subdivisions 3 to 5 is appropriated from the general fund to the agricultural chemical response and reimbursement account to be reimbursed when the fee is collected.

Sec. 13. Minnesota Statutes 1989 Supplement, section 18E.04, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSEMENT OF RESPONSE COSTS.] The commissioner shall reimburse an eligible person from the agricultural chemical response and reimbursement account for the reasonable and necessary costs incurred by the eligible person in taking corrective action as provided in subdivision 4, if the board determines:

(1) *the eligible person takes all reasonable action necessary to minimize and abate an incident and the action is subsequently approved by the commissioner;*

(2) *the eligible person complies with any reasonable requests for corrective action issued to the eligible person by the commissioner;*

(3) *the eligible person complied with corrective action orders issued to the eligible person by the commissioner; and*

~~(2)~~ (4) the incident was reported as required in chapters 18B, 18C, and 18D."

Page 8, after line 29, insert:

"Sec. 29. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 5, is amended to read:

Subd. 5. [AT-GRADE MONITORING WELLS.] At-grade monitoring wells are authorized *without variance* and may be installed for the purpose of evaluating groundwater conditions or for use as a leak detection device. ~~The An at-grade completion monitoring well must comply~~ *be installed in accordance with the rules of the commissioner. The at-grade monitoring wells must be installed with an impermeable double locking cap approved by the commissioner and must be labeled monitoring wells.*

Sec. 30. Minnesota Statutes 1989 Supplement, section 103I.205, subdivision 6, is amended to read:

Subd. 6. [DISTANCE REQUIREMENTS FOR SOURCES OF CONTAMINATION.] (a) A person may not place, construct, or install an actual or potential source of contamination any closer to a well than the isolation distances prescribed by the commissioner by rule unless a variance has been prescribed by rule.

(b) The commissioner shall establish by rule reduced isolation distances for facilities which have safeguards in accordance with sections 18B.01, subdivision 26, and 18C.005, subdivision 29."

Page 14, after line 9, insert:

"Sec. 40. Minnesota Statutes 1989 Supplement, section 103I.531, subdivision 4, is amended to read:

Subd. 4. [ISSUANCE OF LICENSE.] If an applicant passes the examination as determined by the commissioner, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a limited well contractor's license. *If the other conditions of this section are satisfied, the commissioner may not withhold issuance of a license based on the applicant's prior experience under a licensed well contractor."*

Page 20, lines 23 and 24, delete "*within the seven county metropolitan area*"

Page 22, after line 10, insert:

"Sec. 54. Minnesota Statutes 1988, section 115B.02, subdivision 3, is amended to read:

Subd. 3. [AGENCY.] "Agency" means the *commissioner of agriculture for actions, duties, or authorities relating to agricultural chemicals, or for other substances the pollution control agency.*

Sec. 55. Minnesota Statutes 1988, section 115B.02, is amended by adding a subdivision to read:

Subd. 3a. [AGRICULTURAL CHEMICAL.] "*Agricultural chemical*" has the meaning given in section 18D.01, subdivision 3.

Sec. 56. Minnesota Statutes 1988, section 115B.02, subdivision 4, is amended to read:

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture for actions, duties, or authorities related to agricultural chemicals or the commissioner of the pollution control agency for other substances."

Page 22, after line 28, insert:

"Sec. 58. Laws 1989, chapter 326, article 6, section 33, subdivision 2, is amended to read:

Subd. 2. [TASK FORCE.] (a) The task force must include farmers, representatives from farm organizations, the fertilizer industry, University of Minnesota, environmental groups, representatives of local government involved with comprehensive local water planning, and other state agencies, including the pollution control agency, the department of health, the department of natural resources, the state planning agency, and the board of water and soil resources.

(b) The task force shall review existing research including pertinent research from the University of Minnesota and shall develop recommendations for a nitrogen fertilizer management plan for the prevention, evaluation, and mitigation of nonpoint source occurrences of nitrogen fertilizer in waters of the state. The nitrogen fertilizer management plan must include components promoting prevention and developing appropriate responses to the detection of inorganic nitrogen from fertilizer sources in ground or surface water.

(c) The task force shall report its recommendations to the commissioner by ~~May~~ August 1, 1990. The commissioner shall report to the environmental quality board by ~~July~~ October 1, 1990, on the task force's recommendations. The recommendations of the task force shall be incorporated into an overall nitrogen plan prepared by the pollution control agency and the department of agriculture.

Sec. 59. Laws 1989, chapter 326, article 8, section 10, is amended to read:

Sec. 10. [EFFECTIVE DATE.]

~~Sections Section 3, 4, and 5 are~~ is effective ~~July~~ January 1, 1990, and applies to sales, licenses issued, applications received for licenses, and inspection fees imposed on or after that date.

~~Section 4 is effective July 1, 1989, and applies to costs of a corrective action as defined by section 18D.01, subdivision 4, incurred by eligible persons after that date.~~

~~Section 5 is effective July 1, 1990.~~

Sec. 60. Laws 1989, chapter 335, article 1, section 23, subdivision 4, is amended to read:

Subd. 4. Groundwater and Solid
Waste Pollution Control

\$ 7,813,000 \$ 8,313,000

Summary by Fund

General	\$ 2,553,000	\$ 3,053,000
Environmental Response	\$ 2,890,000	\$ 2,890,000

Metro Landfill		
Abatement	\$ 1,700,000	\$ 1,700,000
Metro Landfill		
Contingency	\$ 670,000	\$ 670,000

All money in the environmental response, compensation, and compliance fund ~~not otherwise appropriated for purposes of Minnesota Statutes, section 115B.20, subdivision 2, paragraphs (a), (b), (c), and (d), is appropriated to the commissioner of finance for the pollution control agency for the purposes described in the environmental response and liability act, Minnesota Statutes, section 115B.20, subdivision 2, paragraphs (a), (b), (c), and (d) and the commissioner of agriculture. Money in the fund not otherwise appropriated and not needed for purposes of Minnesota Statutes, section 115B.20, subdivision 2, paragraphs (a), (b), (c), and (d), is appropriated to the pollution control agency for other purposes of subdivision 2. This appropriation is available until June 30, 1991.~~

All money in the metropolitan landfill abatement fund not otherwise appropriated is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the purposes of Minnesota Statutes, section 473.844. The council may not spend the money until the legislative commission on waste management has made its recommendations on the budget and work program submitted by the council.

\$1,000,000 the first year and \$1,500,000 the second year are appropriated from the general fund for transfer to the environmental response, compensation, and compliance fund. *Of the amount appropriated in the second year \$75,000 is appropriated from the environmental response, compensation, and compliance fund to the commissioner of agriculture to pay for legal costs relating to response activities.*

Any unencumbered balance from the metropolitan landfill contingency fund remaining in fiscal year 1990 does not cancel but is available for fiscal year 1991.

Sec. 61. [INSTRUCTION TO REVISOR.]

In the 1990 and subsequent editions of Minnesota Statutes the revisor shall:

(1) change the terms "pollution control agency" and "commissioner of

the pollution control agency" to "agency" and "commissioner" respectively in sections 115B.17 and 115B.18; and

(2) change the terms "commissioner" and "agency" to "commissioner of the pollution control agency" and "pollution control agency" respectively in section 115B.17, subdivision 13."

Page 23, line 4, before "*Minnesota*" insert "*Minnesota Statutes 1988, section 115B.17, subdivision 8; and*"

Page 23, line 8, delete "*37 and 39 to 41*" and insert "*13 are effective July 1, 1990. Sections 14 to 56 and 58 to 64*"

Page 23, line 9, delete "*38*" and insert "*57*"

Page 23, line 11, delete "*3*" and insert "*16*"

Page 23, line 12, after "*may*" insert "*be constructed and*"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to health; providing regulations for bulk pesticide storage; amending provisions relating to pesticide registration fees and application fees; requiring permits for sources of irrigation water; requiring a permit for construction of a fertilizer distribution facility; requiring a responsible party to immediately take reasonable action necessary to abate an agricultural chemical incident; requiring certain administrative hearings on contested orders within 14 days; crediting certain agricultural penalties to the pesticide or fertilizer regulatory accounts; amending provisions relating to the agricultural chemical response and reimbursement fee; appropriating money from the general fund to be reimbursed with response and reimbursement fees; amending provisions relating to response and reimbursement eligibility; providing commissioner of agriculture authority under chapter 115B for agricultural chemical incidents; clarifying requirements for water well construction and ownership; clarifying provisions for at-grade monitoring wells; establishing reduced isolation distances for facilities with safeguards; clarifying conditions to issue a limited well contractor's license; amending effective dates; amending appropriations; amending Minnesota Statutes 1988, sections 18B.14, subdivision 2; 18B.27, subdivision 3; 18B.28, subdivision 4; 105.37, by adding a subdivision; 105.41, subdivision 4, and by adding a subdivision; 115B.02, subdivisions 3, 4, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 18B.26, subdivision 3; 18C.205, subdivision 2; 18C.305, subdivision 1; 18D.103, subdivision 1; 18D.321, subdivision 2; 18E.03, subdivisions 3, 5, and by adding a subdivision; 18E.04, subdivision 1; 103B.3369, subdivision 5; 103I.005, subdivisions 2, 8, 9, 16, and by adding a subdivision; 103I.101, subdivisions 2, 5, and 6; 103I.111, subdivision 5, and by adding a subdivision; 103I.205, subdivisions 1, 2, 4, 5, 6, and 8; 103I.208, subdivision 2; 103I.235; 103I.301, subdivision 3; 103I.311, subdivision 3; 103I.325, subdivision 2; 103I.525, subdivisions 1, 5, and 6; 103I.531, subdivision 4; 103I.541, subdivision 1, and by adding subdivisions; 103I.681; 103I.685; 103I.691; 103I.705, subdivisions 2 and 3; 105.41, subdivisions 1c and 5a; Laws 1989, chapters 326, article 3, section 49; article 6, section 33, subdivision 2; article 8, section 10; and 335, article 1, section 23, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters

18D and 103I; repealing Minnesota Statutes 1988, section 115B.17, subdivision 8; Minnesota Statutes 1989 Supplement, sections 103I.005, subdivision 19; 103I.211; 103I.301, subdivision 5; 103I.321; and 103I.325, subdivision 1."

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

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

S.F. No. 2178: A bill for an act relating to peace officers; requiring applicants seeking initial peace officer licensure on or after August 1, 1994, to have successfully completed a professional peace officer education program; requiring the board of peace officer standards and training to adopt rules by August 1, 1993, providing for the certification of professional peace officer education programs in accredited colleges and universities; requiring the board to establish a task force to assist in the formulation of these rules; requiring the board to submit an interim report to the legislature concerning the development of these rules; proposing coding for new law in Minnesota Statutes, chapter 626.

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 626.86, is amended to read:

626.86 [PEACE OFFICERS TRAINING.]

Money appropriated for peace officers training shall be expended as follows:

(a) ~~Ten~~ Thirty percent shall be provided for reimbursement to board approved skills courses ~~in proportion to the number of students successfully completing the board's skills licensing examination.~~

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

Sec. 2. Minnesota Statutes 1989 Supplement, section 626.861, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICERS TRAINING ACCOUNT.] Receipts from penalty assessments must be credited to the general fund. The peace officers standards and training board may allocate from funds appropriated as follows:

(a) Up to ~~ten~~ 30 percent may be provided for reimbursement to board approved skills courses ~~in proportion to the number of students successfully completing the board's skills licensing examination.~~

(b) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 3. [PROFESSIONAL PEACE OFFICER EDUCATION; STUDY REQUIRED.]

The peace officer standards and training board shall study and report on the training and educational requirements, including the need to require a baccalaureate degree, prerequisite to licensure as a peace officer. In conducting this study, the board shall, at a minimum, consult with peace officers, police chiefs, sheriffs, elected officials from municipalities and counties, representatives of the minority communities, each public post-secondary education system, and the higher education coordinating board. A report based on this study shall be submitted to the legislature on or before February 1, 1991."

Delete the title and insert:

"A bill for an act relating to peace officer education; requiring the POST board and the state higher education boards to study ways of restructuring professional peace officer education programs to include a requirement for a baccalaureate degree; requiring a report to the legislature; increasing the percentage of penalty assessments funds allocated for skills course reimbursement; amending Minnesota Statutes 1988, section 626.86; and Minnesota Statutes 1989 Supplement, section 626.861, subdivision 4."

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

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

S.F. No. 1873: A bill for an act relating to crime victims; providing victims of delinquent acts the right to request notice of release of juvenile offenders from juvenile correctional facilities; providing notice to sexual assault victims when a juvenile offender is released from pretrial detention; requiring that victims be informed of their right to request the withholding of public law enforcement data that identifies them; clarifying the duty of court administrators to disburse restitution payments; making certain changes to the crime victims reparations act; amending Minnesota Statutes 1988, section 611A.53, subdivision 2; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 2, line 3, delete "entity" and insert "authority"

Page 2, after line 10, insert:

"Sec. 2. Minnesota Statutes 1989 Supplement, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 611A.03, 611A.04, ~~and~~ 611A.06, and 629.73. The records of juvenile probation officers and county home schools are

records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95."

Page 2, delete line 13

Page 2, line 14, delete "*to notify the victim of the victim's*" and insert:
"*A victim has a*"

Page 2, line 15, delete "*clauses (b) and*" and insert "*clause*" and delete "*the*" and insert "*a law enforcement*"

Page 4, line 1, after "(2)" insert "*reasonable expenses associated with recreational therapy where a claimant has suffered amputation of a limb; (3)*"

Page 4, line 18, strike "(3)" and insert "(4)"

Page 4, line 20, strike "(4)" and insert "(5)"

Page 4, line 32, strike "(5)" and insert "(6)"

Page 6, after line 36, insert:

"Sec. 8. Minnesota Statutes 1988, section 611A.57, subdivision 6, is amended to read:

Subd. 6. Claims for reparations and supporting documents and reports are investigative data and subject to the provisions of section 13.39 until the claim is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or abandonment of a claim, the claim and supporting documents and reports are private data on individuals as defined in section 13.02, subdivision 12; *provided that the board may forward any reparations claim forms, supporting documents, and reports to local law enforcement authorities for purposes of implementing section 611A.67.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "section" and insert "sections" and after the semicolon, insert "and 611A.57, subdivision 6;"

Page 1, line 14, after the semicolon, insert "260.161, subdivision 2;"

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. 2134: A bill for an act relating to crime; imposing penalties on persons who commit a crime while wearing or possessing soft body armor; permitting summary forfeiture of weapons used to commit a controlled substance offense; permitting summary forfeiture of soft body armor worn or possessed during the commission of a crime; amending Minnesota Statutes 1988, section 609.5316, subdivision 3; 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. [609.486] [COMMISSION OF CRIME WHILE WEARING OR POSSESSING A BULLET-RESISTANT VEST.]

A person who commits or attempts to commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest is guilty of a felony and, upon conviction, shall be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

As used in this section, "bullet-resistant vest" means a bullet-resistant garment that provides ballistic and trauma protection.

Sec. 2. Minnesota Statutes 1988, section 609.5316, subdivision 3, is amended to read:

Subd. 3. [WEAPONS AND BULLET-RESISTANT VESTS.] Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter. *Bullet-resistant vests, as defined in section 1, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter.* Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 3. Minnesota Statutes 1988, section 609.66, subdivision 1, is amended to read:

Subdivision 1. [~~ACTS PROHIBITED MISDEMEANOR.~~] Whoever does any of the following is guilty of a misdemeanor:

(1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or

(2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or

(3) manufactures or sells for any unlawful purpose any weapon known as a slungshot or sand club; or

(4) manufactures, transfers, or possesses metal knuckles or a switch blade knife opening automatically; or

(5) possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or

(6) ~~sells or has in possession any device designed to silence or muffle the discharge of a firearm; or~~

~~(7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits the child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or~~

~~(8) in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the police department of the municipality.~~

Sec. 4. Minnesota Statutes 1988, section 609.66, is amended by adding a subdivision to read:

Subd. 1a. [FELONY.] Whoever does any of the following is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both:

(1) sells or has in possession any device designed to silence or muffle the discharge of a firearm;

(2) in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the police department of the municipality; or

(3) intentionally discharges a firearm under circumstances that endanger the safety of another.

Sec. 5. Minnesota Statutes 1988, section 609.67, subdivision 3, is amended to read:

Subd. 3. [USES PERMITTED.] The following persons may own or possess a machine gun or short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) law enforcement officers for use in the course of their duties;

(2) chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties;

(3) persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or the superintendent's delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons;

(4) manufacturers of ammunition who possess and use machine guns for the sole purpose of testing ammunition manufactured for sale to law

~~enforcement agencies and correctional facilities federal and state agencies or political subdivisions; and~~

(5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machine guns or short-barreled shotguns and who either use the machine guns or short-barreled shotguns in peace officer training under courses approved by the board of peace officer standards and training, or are engaged in the sale of machine guns or short-barreled shotguns to ~~Minnesota law enforcement federal and state agencies and will use the machine gun or short-barreled shotgun for law enforcement sales demonstrations or political subdivisions.~~

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1990, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after "a" and insert "gross misdemeanor or felony while wearing or possessing a bullet-resistant vest"

Page 1, line 4, delete "armor"

Page 1, line 6, delete "soft body armor" and insert "bullet-resistant vests"

Page 1, line 7, after the semicolon, insert "increasing the penalty for furnishing firearms to a minor, intentionally discharging a firearm under circumstances that endanger another, and selling a firearm with a silencer; clarifying that ammunition manufacturers and federally licensed dealers may sell to government agencies;"

Page 1, line 8, delete "section" and insert "sections"

Page 1, line 9, after the semicolon, insert "609.66, subdivision 1, and by adding a subdivision; and 609.67, subdivision 3;"

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. 2400: A bill for an act relating to traffic regulations; establishing penalties for driving past railroad crossing warning devices and flaggers; providing for instruction in railroad crossing safety at driver improvement clinics; establishing standards and procedures for closing a railroad crossing; 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.

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

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) A person who violates subdivision 1 or an ordinance in conformity with it is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor who violates subdivision 1 or an ordinance in conformity with it within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions.

For purposes of this paragraph, a prior impaired driving conviction is a prior conviction under this section, section 84.91, subdivision 1, paragraph (a), 169.129, 361.12, subdivision 1, paragraph (a), 609.21, subdivision 1, clause (2) or (3), 609.21, subdivision 2, clause (2) or (3), 609.21, subdivision 3, clause (2) or (3), 609.21, subdivision 4, clause (2) or (3), or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(c) A person who violates subdivision 1a is guilty of a gross misdemeanor.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(e) A person is guilty of a gross misdemeanor if the person violates section 169.26 while in violation of subdivision 1."

Page 2, lines 3 and 4, strike "when the crossing gate is lowered or"

Page 2, line 8, delete "PENALTIES" and insert "PENALTY" and delete "(a)"

Page 2, delete lines 10 and 11

Page 3, lines 14, 20, 27, 35, and 36, delete "3" and insert "4"

Page 4, delete lines 9 to 11 and insert:

"Sections 1 and 2 are effective August 1, 1990, and apply to violations committed on or after that date. Sections 3 and 4 are effective the day following final enactment. Sections 5 and 6 are effective December 1, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "establishing" and insert "increasing from a petty misdemeanor to a misdemeanor the penalty"

Page 1, line 3, delete "penalties"

Page 1, line 4, after the semicolon, insert "providing a gross misdemeanor penalty for a railroad crossing violation committed while intoxicated;"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 1989 Supplement, section 169.121, subdivision 3;"

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. 2089: A bill for an act relating to crime; imposing penalties for assaulting social workers and other medical and social service employees; prohibiting repeated threats of crimes of violence; amending Minnesota Statutes 1988, sections 609.2231, by adding a subdivision; and 609.713, 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 609.713, subdivision 1, is amended to read:

Subdivision 1. Whoever threatens, *directly or indirectly*, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1990, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; clarifying that terroristic threats include those made indirectly; amending Minnesota Statutes 1988, section 609.713, subdivision 1."

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. 2004: A bill for an act relating to courts; delaying the effective date of the law requiring counties to pay filing fees in district court actions; exempting certain public authorities from paying filing fees in district court actions in certain circumstances; amending Minnesota Statutes Second 1989 Supplement, section 357.021, subdivision 1a; Laws 1989, chapter 335, article 3, section 58, as amended.

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

Page 1, line 19, delete "1994" and insert "1992"

Page 2, after line 6, insert:

"(b) In a county that has a screener-collector position, fees paid by a county under this subdivision must be transmitted monthly to the county treasurer who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected must be forwarded to the state treasurer for deposit in the state treasury and credit to the general fund. For purposes of this paragraph, a screener-collector position is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender in order to verify eligibility for that service."

Page 2, line 7, delete "(b)" and insert "(c)"

Page 2, line 21, delete "*the protection of juveniles*" and insert "*court relief*"

Page 2, line 23, delete "or"

Page 2, line 28, before the period, insert "; or

(8) *restitution under section 611A.04*"

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

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

S.F. No. 2200: A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; clarifying access to data on decedents; changing classification nomenclature as it relates to medical examiner's data; establishing a statute of limitations for actions brought; amending Minnesota Statutes 1988, sections 13.10, subdivision 3; 13.83, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1989 Supplement, sections 13.83, subdivision 8; 171.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641.

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

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 1988, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data. The responsible authority or designee shall provide copies of public government data upon request. If a person requests copies, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data and for making, certifying and compiling the copies of the data but may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a *substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency*, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based."

Page 1, line 22, delete "*shall be*" and insert "*are*"

Page 1, line 23, delete everything after the period

Page 1, delete lines 24 to 27

Page 1, line 28, delete "*died.*"

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1989 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge

of the information is necessary to protect the health or safety of the individual or other individuals or persons; or

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person; or

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person.

(b) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 4. Minnesota Statutes 1988, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration *or who formerly were licensed or registered* under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data are public: name, address, telephone number of licensees, licensed capacity, type of ~~children~~ *client* preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, ~~the nature and content and the existence and status of complaints after resolution when the information is not maintained in anticipation of legal action, record of informal resolutions of licensing violations.~~ *When disciplinary action has been taken against a licensee, the following data regarding the disciplinary action are public: the substance of a complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, and conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.*

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the

licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, ~~or~~ nonpublic, or *protected nonpublic* under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11."

Page 2, lines 3 and 7, delete "All"

Page 2, line 4, delete "*the Grand Marais*" and insert "*a*"

Page 2, line 5, after "*ordinance*" insert "*under section 469.190 or 477A.018*" and before the period, insert "*data*"

Page 2, line 6, delete "DIAL-A-RIDE" and insert "SPECIAL TRANSPORTATION SERVICE"

Page 2, line 8, delete "*the*"

Page 2, line 9, delete "*dial-a-ride*" and insert "*a special transportation*" and after "*service*" insert "*provided under section 174.29 or 473.386*"

Page 2, line 10, before the period, insert "*data*"

Page 2, delete lines 11 to 19 and insert:

"Sec. 7. [13.643] [DEPARTMENT OF AGRICULTURE DATA.]

All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in an application received by the department of agriculture in its sustainable agricultural loans and grants program under sections 17.115 and 17.116 are private data with regard to data on individuals and nonpublic data with regard to data not on individuals until the application is approved."

Page 2, line 21, delete "*The following*"

Page 2, line 22, delete "*are private: any data*"

Page 2, line 24, after "*audit*" insert "*are private*" and delete "*this*" and insert "*the*"

Page 2, after line 27, insert:

"Data collected by the office of the state auditor relating to an audit are protected nonpublic data or confidential data until the final report of the audit has been completed or the audit is no longer being actively pursued.

Sec. 9. Minnesota Statutes 1988, section 13.69, subdivision 1, is amended to read:

Subdivision 1. [CLASSIFICATIONS.] *(a) The following government data collected and maintained by of the state department of public safety are classified as private, pursuant to section 13.02, subdivision 12 data:*

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons; and

(2) social security numbers in driver's license and motor vehicle registration records, except that social security numbers must be provided to the department of revenue for purposes of tax administration.

(b) The following government data collected and maintained by of the state department of public safety are classified as confidential, pursuant to section 13.02, subdivision 3 data: data concerning an individual's driving ability when that data is received from a member of the individual's family."

Page 3, line 11, after "nonpublic" insert "data"

Page 4, after line 4, insert:

"Sec. 15. Minnesota Statutes 1988, section 60A.03, is amended by adding a subdivision to read:

Subd. 9. [CONFIDENTIALITY OF INFORMATION.] The commissioner may not be required to divulge any information obtained in the course of the supervision of insurance companies, or the examination of insurance companies, including examination related correspondence and workpapers, until the examination report is finally accepted and issued by the commissioner, and then only in the form of the final public report of examinations. This subdivision does not apply to the extent the commissioner is required or permitted by law, or ordered by a court of law to testify or produce evidence in a civil or criminal proceeding. For purposes of this subdivision, a subpoena is not an order of a court of law.

Sec. 16. Minnesota Statutes 1989 Supplement, section 144.335, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; and (3) a health care facility licensed pursuant to this chapter or chapter 144A."

Page 4, line 19, delete "Applications" and insert "Every application"

Page 4, line 20, delete "licenses" and insert "license" and delete "applicant's"

Page 4, line 21, after "number" insert "of the applicant"

Page 4, after line 35, insert:

“Sec. 18. [626B.01] [RECORDING TELEPHONE CONVERSATIONS.]

Subdivision 1. [NOTICE OR CONSENT REQUIRED.] No person may record or cause to be recorded a telephone conversation without the consent of all parties to the conversation or a notice to all parties that the conversation is being recorded. For purposes of this subdivision, “notice” means a verbal notification that is recorded at the beginning of the call by the recording party.

Subd. 2. [EXCEPTIONS.] (a) Subdivision 1 does not apply to a fire station, law enforcement agency, ambulance service, agency operating an emergency telephone number 911 system, or any other entity with published telephone numbers for a police, fire, or medical emergency that records:

- (1) an incoming call on a published emergency telephone number; or*
- (2) an outgoing call to a number from which an incoming call on a published number was placed when necessary to obtain information required to provide requested emergency services.*

(b) Subdivision 1 does not apply to recording:

(1) by a person acting under color of law as part of a lawful investigation if the purpose of the recording is to obtain evidence of a possible violation of law or rule;

(2) by a person who receives a telephone call that is obscene, harassing, or involves threats of extortion, blackmail, bodily harm, or other criminal activity;

(3) by a licensed private detective doing investigative work for a criminal defendant if the purpose of the recording is to obtain evidence for use in a criminal defense;

(4) by a person who receives a telephone call if the caller is offering to buy or sell property, or is soliciting money or other property;

(5) by a person who receives a telephone call at the person’s residence;

(6) by a public utility under chapter 216B or a telephone company under chapter 237 for the purpose of construction, maintenance, or operation of its services and facilities; or

(7) by an employer who records telephone calls for the purpose of training or monitoring the performance of employees engaged in customer service, incoming sales calls, or telemarketing, provided that the employer destroys the recordings within 90 days and the information is used only for the purpose of evaluating employees.

(c) This subdivision does not permit interceptions that are prohibited under chapter 626A.

Sec. 19. [626B.02] [PROHIBITION OF USE AS EVIDENCE; CIVIL PROCEEDINGS.]

No part of the contents of a conversation recorded in violation of section 1 and no evidence derived from the conversation may be used by the person who violated section 18 as evidence in a civil or administrative proceeding.

Sec. 20. [626B.03] [CIVIL REMEDIES.]

A person whose conversation has been recorded in violation of section

18 may recover appropriate relief in a civil action including:

- (1) preliminary and equitable relief;*
- (2) actual damages; and*
- (3) reasonable costs and attorney fees."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after "to" and insert "privacy;"

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete everything before "amending" and insert "regulating the recording of telephone conversations;"

Page 1, line 8, after "sections" insert "13.03, subdivision 3;" and after the semicolon, insert "13.46, subdivision 4; 13.69, subdivision 1;"

Page 1, line 9, after the semicolon, insert "60A.03, by adding a subdivision;"

Page 1, line 10, after "sections" insert "13.46, subdivision 2;" and after the semicolon, insert "144.335, subdivision 1;"

Page 1, line 12, after the semicolon, insert "proposing coding for new law as Minnesota Statutes, chapter 626B;"

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. 1996: A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the requirement that government agencies use degradable polyethylene bags; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivision 5; 325E.045, subdivision 1; 473.823, subdivision 5, and by adding a subdivision; 473.845,

subdivision 4; 473.846; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115B.04, subdivision 4; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, section 79; and chapter 335, article 1, sections 23, subdivision 4, and 269; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; and Laws 1987, chapter 348, section 51, subdivision 5.

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

Page 2, line 21, delete "When" and insert "(a) If"

Page 2, line 23, delete the first "a" and insert "another" and delete "shall make a"

Page 2, delete lines 24 to 28 and insert "*must approve or disapprove the application or request by 120 days after it is received. The application or request is not considered to be received until it is completed in accordance with the requirements of applicable local ordinances.*"

(b) *If an environmental impact*"

Page 2, line 30, before the comma, insert "*for the proposed facility*" and delete "shall make a" and insert "must"

Page 2, line 31, delete "*final decision on*" and insert "*approve or disapprove*" and delete "*within 60*" and insert "*by 90*"

Page 2, line 33, delete everything after "statement" and insert ", *or the environmental assessment worksheet if an environmental impact statement is not required.*"

Page 4, line 23, after "activity" insert ", *other than an activity to reduce waste generation or reuse waste materials,*"

Page 5, line 14, after the comma, insert "*and give special consideration to*"

Page 5, line 16, after the semicolon, insert "and"

Page 5, line 18, strike everything after "years"

Page 5, line 19, strike the old language and delete the new language

Page 5, line 20, strike "government unit"

Page 5, line 24, before "The" insert "*Subdivision 1. [ELIGIBLE PROJECTS.]*"

Page 5, line 35, before "The" insert:

"*Subd. 2. [PRIORITY.]*"

Page 6, line 1, before "The" insert:

"*Subd. 3. [RULES.]*"

Page 7, line 10, before the first "The" insert:

"Subdivision 1. [BOARD.] (a)"

Page 7, line 12, before "Members" insert:

"(b)"

Page 7, line 13, before the second "The" insert:

"Subd. 2. [FIRST MEETING.]"

Page 7, line 17, before the second "The" insert:

"Subd. 3. [BYLAWS.] (a)"

Page 7, line 20, before "The" insert:

"(b)"

Page 7, line 21, strike "(a)" and insert "(1)"

Page 7, line 24, strike "(b)" and insert "(2)"

Page 7, line 26, strike "(c)" and insert "(3)"

Page 7, line 29, strike "(d)" and insert "(4)"

Page 7, line 32, strike "(e)" and insert "(5)"

Page 7, line 35, strike "(f)" and insert "(6)"

Page 8, line 2, strike "(g)" and insert "(7)"

Page 10, lines 1 and 18, delete "*as provided in*" and insert "*for an amendment authorized under*"

Page 10, after line 33, insert:

"Sec. 16. Minnesota Statutes 1989 Supplement, section 115A.919, is amended to read:

115A.919 [COUNTY FEE AUTHORITY.]

Subdivision 1. [FEE.] A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the county. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities.

Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

Subd. 2. [ADDITIONAL FEE.] A county may impose a fee, by cubic yard or the equivalent, for waste collected outside the county on operators of mixed municipal solid waste disposal facilities located within the county. The fee is in addition to the fee imposed under subdivision 1 and may not be more than 50 percent of the fee charged under subdivision 1. Revenue generated from the additional fee shall be credited to the county general

fund and shall be used only for the purposes listed in subdivision 1."

Page 11, line 16, strike "operating" and insert "licensed to operate" and after "services" insert "in the local government unit"

Page 11, line 36, after "persons" insert ", including persons licensed to operate solid waste collection services,"

Page 12, line 15, delete "known to be operating" and insert "licensed as of the date of the resolution of intent to operate"

Page 12, line 16, before "collector" insert "licensed"

Page 12, line 21, delete "from" and insert "after"

Page 12, line 23, delete "interested" and insert "all licensed collectors operating in the city or town who have expressed interest"

Page 12, delete line 24

Page 12, line 25, delete the first "town"

Page 12, line 26, delete "one or more" and insert "a majority" and delete "interested" and insert "licensed"

Page 12, line 27, delete ", it may then" and insert "who have expressed interest, or upon expiration of the 90 days the city or town may"

Page 12, line 32, delete "interested" and after "collectors" insert "who expressed interest"

Page 13, after line 5, insert:

"Sec. 19. Minnesota Statutes 1988, section 115A.97, subdivision 4, is amended to read:

Subd. 4. [INTERIM PROGRAM.] (a) Incinerator ash is considered special waste for an interim period which expires on the occurrence of the earliest of the following events:

(1) The United States Environmental Protection Agency establishes testing and disposal requirements for incinerator ash;

(2) The agency adopts the rules required in subdivision 3; or

(3) June 30, ~~1990~~ 1992.

(b) As a special waste incinerator ash must be stored separately from mixed municipal solid waste with adequate controls to protect the environment as provided in agency permits. For the interim period, the agency, in cooperation with generators of incinerator ash and other interested parties, shall establish a temporary program to test, monitor, and store incinerator ash. The program must include separate testing of fly ash, bottom ash, and combined ash unless the agency determines that because of physical constraints at the facility separate samples of fly ash and bottom ash cannot be reasonably obtained in which case only combined ash must be tested. Incinerator ash stored during the interim is subject to the rules adopted pursuant to subdivision 3 and to the provisions of chapter 115B."

Page 13, line 22, strike "By January 1,"

Page 13, line 23, strike "1990, the" and delete "director" and strike "shall report to the legislative"

Page 13, lines 24 to 30, strike the old language and delete the new

language

Page 13, after line 30, insert:

"Sec. 21. [115A.9995] [NEWSPAPER FEE.]

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

(b) "Glossy" means made without newspaper fiber.

(c) "Highly calendered" means high sheen paper made with newspaper fiber.

Subd. 2. [FEE.] A person distributing newspapers must pay a fee of five cents per pound of glossy and highly calendered stock distributed in the state. The fee must be deposited in the state treasury and credited to a separate account."

Page 14, after line 22, insert:

"Sec. 23. Minnesota Statutes 1989 Supplement, section 116.41, subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency ~~shall~~ may develop standards of competence for persons operating and inspecting various classes of ~~disposal~~ waste management facilities. The agency ~~shall~~ may conduct training programs for persons operating waste management facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs. All fees received shall be paid into the state treasury and credited to the pollution control agency training account and are appropriated to the agency to pay expenses relating to the training of ~~disposal~~ waste management facility personnel.

The agency ~~shall~~ may require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency ~~shall~~ may conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual."

Page 16, after line 23, insert:

"Sec. 26. Minnesota Statutes 1988, section 400.08, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For purposes of this section, "solid waste management services" includes *recycling and waste reduction services*, collection, processing, and disposal of solid waste, closure and postclosure care of a solid waste facility, and response, as defined in section 115B.02, to releases from a solid waste facility or closed solid waste facility.

Sec. 27. Minnesota Statutes 1988, section 400.08, subdivision 3, is amended to read:

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by

others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 28. Minnesota Statutes 1988, section 473.811, subdivision 3, is amended to read:

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, nondiscriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, chapter 556, as amended shall not apply to the sale of the materials or energy.

Sec. 29. Minnesota Statutes 1988, section 473.811, is amended by adding a subdivision to read:

Subd. 12. [ONLY COUNCIL, COUNTY, AND AGENCY APPROVAL REQUIRED FOR CERTAIN SITES.] *No local government unit shall prevent the establishment, operation, or expansion of a solid waste disposal facility that has approval of the metropolitan council to expand before December 31, 1989, and has received approval of the pollution control agency and the county where the facility is located, except that with the approval of the metropolitan council, the local government unit may impose reasonable conditions respecting the construction, inspection, monitoring, and maintenance of a facility.*

Page 17, line 25, strike the second "and" and insert a comma

Page 17, line 26, after "procedure" insert ", and criteria"

Page 17, line 28, strike the second "and" and insert a comma and after "procedure" insert ", and criteria"

Page 19, after line 7, insert:

"Sec. 32. Minnesota Statutes 1988, section 473.833, is amended by adding a subdivision to read:

Subd. 2c. [BUFFER AREA.] *The buffer area must ensure, at a minimum, protection of surrounding land uses from adverse or incompatible impacts due to landfill operations and related activities. Related activities that the buffer area must protect against include but are not limited to stockpiling of materials, soil modification operations, and landfill borrow operations.*"

Page 19, line 10, before "COMMISSION" insert "*EXPENDITURE NOTIFICATION AND*" and before "The" insert "(a)"

Page 19, line 13, before the second "The" insert:

"(b)"

Page 19, after line 30, insert:

"Sec. 35. Laws 1987, First Special Session chapter 5, section 1, is amended to read:

Section 1. [WINONA COUNTY SOLID WASTE GRANT.]

The waste management board shall disburse the local project grant awarded to Winona county under Laws 1985, First Special Session chapter 15, section 6, pending issuance of the necessary state permits. If the permits are issued and Winona county abandons the project, Winona county must repay the grant to the state. If the permits are not issued and the project is abandoned *or if the city of Winona files a resolution with the Winona county board to assume authority and responsibility for mixed municipal solid waste processing and disposal under Minnesota Statutes, section 115A.465, by September 1, 1990*, neither the state nor Winona county need reimburse the other for its costs incurred. *No forgiveness of the grant repayment shall be granted until all issues as determined by the director of the office of waste management have been resolved.*

Sec. 36. Laws 1989, chapter 325, section 72, subdivision 2, is amended to read:

Subd. 2. [SOLID WASTE ASH PROJECT; REPORT.] The Hennepin county board and the commissioner of transportation shall jointly conduct a demonstration project to determine the long-term potential and effects of using solid waste ash as an aggregate in asphalt for use in road projects. The commissioners of transportation and the pollution control agency shall assess the practicality, costs, and potential effects of the use of the ash in asphalt and shall submit a report to the legislative commission on waste management by May 1, ~~1990~~ 1991. The report must include a description of the projects undertaken, findings, and recommendations for the future research needs and future use of ash in asphalt.

Sec. 37. Laws 1989, chapter 325, section 75, is amended to read:

Sec. 75. [USE OF GREATER MINNESOTA LANDFILL CLEANUP FEE UNTIL JULY 1, 1990.]

Notwithstanding section 21, subdivisions 2 and 3, and section 22, the entire amount of the fee imposed under section 21, subdivision 1, until July 1, 1990, shall be paid by the operator of facilities to the county *or the sanitary district* where the facilities are located. The fees received by the counties may be spent only as provided in Minnesota Statutes, section 115A.919."

Page 22, after line 11, insert:

"Sec. 42. [POLITICAL SUBDIVISION DISPOSAL MANAGEMENT OPTION IN WINONA COUNTY.]

Subdivision 1. [OPTION FOR POLITICAL SUBDIVISION JURISDICTION.] (a) After Winona county has adopted a solid waste management plan that has been signed as approved by the director, the county may

allow political subdivisions to elect to have their own authority and responsibility for processing and disposal of mixed municipal solid waste. To provide the option for a political subdivision the county board must adopt a resolution:

(1) giving the political subdivision the option of receiving authority and responsibility for processing and disposal of mixed municipal solid waste; and

(2) recognizing that if the political subdivision chooses to receive authority and responsibility for mixed municipal solid waste disposal, the county will amend its plan to reflect the loss of the authority and responsibility for the political subdivision.

(b) The county must file the resolution with the governing body of the political subdivision. Within 60 days after receiving the county resolution the political subdivision may adopt a resolution and file it with the county that resolves to assume authority and responsibility for processing and disposal of mixed municipal solid waste generated within the political subdivision as provided in this section. The assumption of authority and responsibility for processing and disposal of mixed municipal solid waste is effective 60 days after the political subdivision's resolution is filed with the county board.

Subd. 2. [ASSUMPTION OF SOLID WASTE DISPOSAL AUTHORITY.]

(a) A political subdivision that assumes authority and responsibility for processing and disposal of mixed municipal solid waste under subdivision 1 must submit a plan to the director covering the duties required of counties for mixed municipal solid waste under this chapter. The political subdivision is responsible for processing and disposal of mixed municipal solid waste generated within the political subdivision including making provision for processing and disposal facilities and, notwithstanding other law, may not use mixed municipal solid waste disposal or processing facilities of the county except by mutual agreement with the county. The assumption of mixed municipal solid waste processing and disposal authority and responsibility is flow control for the political subdivision to direct its mixed municipal solid waste to processing and disposal facilities other than those owned or operated by the county except by mutual agreement. The county may license persons transferring mixed municipal solid waste to the county facilities and may prohibit acceptance of mixed municipal solid waste generated within a political subdivision that has assumed authority and responsibility for mixed municipal solid waste processing and disposal unless there is a mutual agreement with the political subdivision.

(b) The assumption of mixed municipal solid waste processing and disposal authority and responsibility by a political subdivision shall be construed as a binding agreement for the political subdivision to provide mixed municipal solid waste processing and disposal for the political subdivision without any obligation by the county to provide assistance from the county, including the use of county facilities.

Sec. 43. [RESOURCE RECOVERY FACILITY STUDY.]

(a) The pollution control agency, with cooperation from the office of waste management and the department of health, shall undertake a comprehensive study of the individual and cumulative effects of all currently permitted mixed municipal solid waste incineration and refuse-derived fuel facilities on ambient air quality, water supply, water quality, and natural

resources.

(b) *The study must make recommendations for frequency of testing, and determine which substances or criteria for substances should be added to the list in Minnesota Statutes, section 116.07, subdivision 4j, paragraph (d).*

(c) *The agency may contract with others for all or portions of the study. Each permitted facility shall provide the agency or its designee access to the facility for activities related to the study and to all facility records related to the study.*

(d) *The agency shall complete the study and submit a report of its findings, together with any recommendations for legislative action, to the legislative commission on waste management and the legislative committees on the environment and natural resources by June 1, 1993.*

Sec. 44. [USE OF THE GREATER MINNESOTA LANDFILL CLEANUP FEE UNTIL JULY 1, 1991.]

The operator of a facility shall pay the fee required under Minnesota Statutes, section 115A.923, subdivision 1, to the county or sanitary district where the facility is located until July 1, 1991.

By October 1, 1990, each county or sanitary district that collects the required fee shall pay three percent out of the revenue generated by the fee during the first quarter of collection to the department of revenue for deposit in the general fund of the state.

The remainder of the fees received by the county or sanitary district may not be spent but must be held in trust by the county until July 1, 1991, after which date the county or sanitary district may spend the funds generated by the fee for the purposes specified in Minnesota Statutes, section 115A.919. Funds held in trust by a county under this section may be used on behalf of public and private landfill owners to partially comply with the financial assurance rules adopted under Minnesota Statutes, section 116.07, subdivision 4h, subject to the approval of the commissioner of the pollution control agency. If the funds are used for contingency action costs the county shall replace those funds during the next fiscal year.

Sec. 45. [STUDY; FINANCIAL ASSURANCE ASSISTANCE MECHANISM.]

The legislative commission on waste management, in coordination with counties, organization of counties, state agencies, and other interested parties, shall develop and evaluate a possible mechanism or mechanisms to assist public and private landfill owners and operators to comply with the contingency action requirements of the financial assurance rules adopted under Minnesota Statutes, section 116.07, subdivision 4h. The assistance mechanisms identified may include use of the fees collected under section 37.

Development and evaluation of possible assistance mechanisms must include at least:

- (1) how each mechanism should be structured;*
- (2) what facilities and costs should be assisted by each mechanism;*
- (3) how each mechanism should be funded and administered;*
- (4) how each mechanism should be coordinated with the environmental*

response and liability act, Minnesota Statutes, chapter 115B; and

(5) how and to what extent each mechanism would assist owners and operators of landfills to comply with the financial assurance rules.

The commission shall report its findings and make any applicable recommendations for legislative action by December 31, 1990.

Sec. 46. [REPORT ON INCINERATOR ASH.]

By January 1, 1990, the director shall report to the legislative commission on waste management on the proposal goals and timetables with recommendations for their implementation and, by November 15, 1991, shall submit to the legislative commission on waste management a supplementary report that, at a minimum, assesses the nature of the incinerator ash produced in the state and progress made in removal of problem materials and noncombustibles from the waste stream.

Sec. 47. [APPROPRIATION.]

The amount of the newspaper fee in the separate account under section 21 is appropriated to the director of the office of waste management for payment to counties under Laws 1989, chapter

\$ is appropriated from the general fund to the pollution control agency for the purpose of conducting the study required in section 43.

\$ is appropriated from the general fund to the legislative commission on waste management for the purposes of conducting the study required in section 46."

Page 22, line 14, after the semicolon, insert "Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2, 3, 4, and 5; 115A.924; 115A.925; 115A.927; and 115A.928;"

Page 22, delete lines 21 and 22 and insert:

"Sections 2, 3, 5, 6, 8, 9, 13 to 15, 19, 22, 24 to 26, 30, 31, 35, 36, 38 to 42, and 48 are effective the day following final enactment. Sections 16, 23, 27 to 29, 32, 37, and 43 are effective July 1, 1990."

Page 37, line 7, before "council" insert "metropolitan"

Page 37, line 8, after "or" insert "metropolitan"

Page 38, line 5, before "Upon" insert "(a)"

Page 38, line 8, before "If" insert:

"(b)"

Page 38, line 11, before "If" insert:

"(c)"

Page 38, line 21, before "If" insert:

"(d)"

Page 39, line 3, before "After" insert "(a)"

Page 39, line 8, before "If" insert:

"(b)"

Page 39, line 20, before "If" insert:

“(c)”

Page 40, line 4, before “If” insert “(a)”

Page 40, line 13, strike the period and insert “and”

Page 40, line 16, before “If” insert:

“(b)”

Page 40, line 18, before “If” insert:

“(c)”

Page 42, line 34, delete everything after “to” and insert “115A.30”

Page 42, line 35, delete “115A.291”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the semicolon, insert “authorizing additional county fees on in-county disposal of out-of-county solid waste;”

Page 1, line 16, after the semicolon, insert “delaying the date for incinerator ash to be considered special waste; establishing a fee on certain paper stock in newspapers; providing waste management training and certification programs; authorizing counties to charge property owners, lessees, and occupants for solid waste management services; authorizing metropolitan counties to charge reasonable rates for solid waste facilities; restricting the authority of certain local governments to prevent establishment, operation, or expansion of solid waste disposal facilities; providing buffer areas around landfill operations; extending the solid waste ash project report; authorizing sanitary districts to use the greater Minnesota landfill cleanup fee; specifying use of the greater Minnesota landfill fee; providing a landfill compliance and financial assurance study; authorizing Winona county to give political subdivisions the authority to accept responsibility for managing their solid waste; amending provisions for forgiving a grant to Winona county; directing a resource recovery facility study to be conducted;”

Page 1, line 32, delete “subdivision” and insert “subdivisions 4 and”

Page 1, line 33, after the semicolon, insert “400.08, subdivisions 1 and 3; 473.811, subdivision 3, and by adding a subdivision;”

Page 1, line 34, after the first semicolon, insert “473.833, by adding a subdivision;”

Page 1, line 37, after “5;” insert “115A.919;”

Page 1, line 38, after the first semicolon, insert “116.41, subdivision 2;”

Page 1, line 42, after the semicolon, insert “Laws 1987, First Special Session chapter 5, section 1;”

Page 1, line 43, delete “section” and insert “sections 72, subdivision 2; and”

Page 2, line 2, before the second “and” insert “Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2 to 5; 115A.924; 115A.925; 115A.927; 115A.928;”

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

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

S.F. No. 1847: A bill for an act relating to human rights; amending definitions of public accommodation, age, and familial status; clarifying medical information obtainable from prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; adding familial status as a protected class in employment; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; renumbering definitions; amending Minnesota Statutes 1988, sections 363.01, subdivisions 18 and 28; 363.03, subdivisions 2, 8a, and by adding a subdivision; 363.06, subdivision 1, and by adding a subdivision; 363.11; and 363.116; Minnesota Statutes 1989 Supplement, sections 363.01, subdivision 31; 363.02, subdivision 1; and 363.03, subdivision 1.

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 363.01, subdivision 28, is amended to read:

Subd. 28. [AGE.] ~~"Age" insofar as it refers to any prohibited unfair employment or education practice shall be deemed to protect only those individuals~~ *The prohibition against unfair employment or education practices based on age prohibits using a person's age as a basis for a decision if the person is over the age of majority except for section 363.03, subdivision 5 which shall be deemed to protect any individual over the age of 25 years.*

Sec. 2. Minnesota Statutes 1989 Supplement, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided

(a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job, *except that a law enforcement agency filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the board of peace officer standards and training for psychological evaluations and is otherwise lawful;*

(b) that the examination tests only for essential job-related abilities; and

(c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, *after employment has commenced, to obtain additional medical information for the purposes of establishing an employee health record assessing continuing ability to perform the job or employee health insurance eligibility; for purposes mandated by local, state, or federal law; for purposes of assessing the need to reasonably accommodate an employee or obtaining information to determine eligibility for the second injury fund under chapter 79A; or pursuant to sections 181.950 to 181.957; or other legitimate business reason not otherwise prohibited by law;*

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Sec. 3. Minnesota Statutes 1989 Supplement, section 363.03, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age; or, subject to section 363.02, subdivision 1, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. *A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint*

criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(b) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age, unless for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(c) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under section 363.06.

(5) For an employer, an employment agency, or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work, *including a duty to make reasonable accommodations as provided by paragraph (6).*

(6) For an employer with 50 or more permanent, full-time employees, an employment agency, or a labor organization, not to make reasonable accommodation to the known disability of a qualified disabled person or job applicant unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable accommodation" may include but is not limited to, nor does it necessarily require: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

(a) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;

(b) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;

(c) the nature and cost of the needed accommodation;

(d) the reasonable ability to finance the accommodation at each site of business; and

(e) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 4. Minnesota Statutes 1988, section 363.03, subdivision 2, is amended to read:

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(2) For a real estate broker, real estate salesperson, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group

of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect

to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(5) For a person to deny a totally or partially blind, physically handicapped, or deaf person with a service dog full and equal access to real property provided for in this section. The person may not be required to pay extra compensation for the service dog but is liable for damage done to the premises by the service dog.

(6) For a person to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged a third person in the exercise or enjoyment of, any right granted or protected by this subdivision.

Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

Sec. 5. Minnesota Statutes 1988, section 363.03, subdivision 8a, is amended to read:

Subd. 8a. [BUSINESS; ~~SEX~~ DISCRIMINATION.] It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(a) to refuse to do business with or provide a service to a woman based on her use of her current or former surname-; or

It is an unfair discriminatory practice for a person (b) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname-; or

(c) intentionally to refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, color, sex, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose.

Nothing in this subdivision shall prohibit positive action plans.

Sec. 6. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

Subd. 11. [DISPARATE IMPACT CASES.] *If the complaining party has met its burden of showing that an employment practice is responsible for a statistically significant adverse impact on a particular class of persons protected by section 363.03, subdivision 1, clause (2), an employer must justify that practice by demonstrating that the practice is manifestly related to the job or significantly furthers an important business purpose. Upon establishment of this justification, the charging party may prevail upon demonstration of the existence of a comparably effective practice that the*

court finds would cause a significantly lesser adverse impact on the identified protected class.

Sec. 7. Minnesota Statutes 1988, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [ACTIONS.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or the commissioner's designated agent. A charge filed with the commissioner must be in writing on a form provided by the commissioner and signed by the charging party. The charge must state the name of the person alleged to have committed an unfair discriminatory practice and set out a summary of the details of the practice complained of. The commissioner may require a charging party to provide the address of the person alleged to have committed the unfair discriminatory practice, names of witnesses, documents, and any other information necessary to process the charge. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within ten days of the filing shall serve a copy of the charge and a form for use in responding to the charge upon the respondent personally or by mail. The respondent shall file with the department a written response *setting out a summary of the details of the respondent's position relative to the charge* within 20 days of receipt of the charge. If the respondent fails to respond *with a written summary of the details of the respondent's position* within 30 days after service of the charge, and service was consistent with rule 4 of the rules of civil procedure, the commissioner, on behalf of the complaining party, may bring an action for default in district court pursuant to rule 55.01 of the rules of civil procedure.

Sec. 8. Minnesota Statutes 1988, section 363.06, is amended by adding a subdivision to read:

Subd. 3a. For purposes of subdivision 3, the first application of an unfair discriminatory practice, employment policy, or seniority system to a new person establishes a basis for the filing of a claim by that person.

Sec. 9. Minnesota Statutes 1988, section 363.11, is amended to read:

363.11 [CONSTRUCTION.]

(a) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, age, disability, marital status, status with regard to public assistance or national origin or familial status; but, as to acts declared unfair by sections 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

(b) *An action under this chapter is not precluded because a claim or action has arisen under common law or any other statute.*

(c) *Paragraph (b) applies only to the extent that total damages are not awarded in excess of actual, common law or other statutory damages allowed.*

Sec. 10. Minnesota Statutes 1988, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. Notwithstanding the provisions of any ordinance or resolution to the contrary, a charge may be filed with a local commission within ~~300 days~~ *one year* after the occurrence of the practice. The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of the party's rights under Laws 1967, chapter 897.

Where this chapter provides additional protections and remedies not provided for under a local antidiscrimination ordinance, the local commission shall advise a party bringing a charge under a local ordinance of those additional protections and remedies and of the option to file a charge under this chapter.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

Sec. 11. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall alphabetize the definitions in Minnesota Statutes, section 363.01, and make all appropriate cross-reference changes in Minnesota Statutes and Minnesota Rules."

Delete the title and insert:

"A bill for an act relating to human rights; amending the definition of age; clarifying medical information obtainable from prospective employees; clarifying protection for pregnant employees; prohibiting threats against home owners and renters; prohibiting discriminatory business practices; clarifying the meaning of business necessity and continuing violations; renumbering definitions; amending Minnesota Statutes 1988, sections 363.01, subdivision 28; 363.03, subdivisions 2, 8a, and by adding a subdivision; 363.06, subdivision 1, and by adding a subdivision; 363.11; 363.116; Minnesota Statutes 1989 Supplement, sections 363.02, subdivision 1; and 363.03, subdivision 1."

And when so amended the bill do pass. Mr. Knaak questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2204: A bill for an act relating to human services; establishing requirements, procedures, and incentives for child support and medical support enforcement; appropriating money; amending Minnesota Statutes 1988, sections 171.07, subdivision 1a; 518.551, subdivisions 1 and 5; 518.611, subdivisions 1, 2, 8, 8a, and by adding a subdivision; 518C.02, by adding subdivisions; 518C.03; 518C.05; 518C.09; 518C.12; 518C.27, subdivision 1; and Minnesota Statutes 1989 Supplement, sections 256.74, subdivision 1; 257.57, subdivision 1; 518.551, subdivision 10; 518.611, subdivision 4; 518.613, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Pages 1 and 2, delete section 1

Page 7, delete lines 1 to 3

Page 7, line 21, after "majority" insert "*or one year after the presumed father knows or reasonably should have known of the birth of the child, whichever is earlier*"

Page 7, after line 24, insert:

"Sec. 4. Minnesota Statutes 1988, section 518.54, is amended by adding a subdivision to read:

Subd. 2a. [DEPOSIT ACCOUNT.] "Deposit account" means funds deposited with a financial institution in the form of a savings account, checking account, NOW account, or demand deposit account.

Sec. 5. Minnesota Statutes 1988, section 518.54, is amended by adding a subdivision to read:

Subd. 2b. [FINANCIAL INSTITUTION.] "Financial institution" means a savings association, bank, trust company, credit union, industrial loan and thrift company, bank and trust company, or building and loan association, and includes a branch or detached facility of a financial institution."

Pages 14 and 15, delete section 10 and insert:

"Sec. 11. Minnesota Statutes 1988, section 518.611, is amended by adding a subdivision to read:

Subd. 2a. [PREAUTHORIZED TRANSFERS FROM OBLIGOR ACCOUNTS.] In any case where income withholding is ineffective due to the obligor's method of obtaining income, the court shall order the obligor to identify a child support deposit account owned solely by the obligor, or to establish an account, in a financial institution located in this state for the purpose of depositing court-ordered child support payments. The court shall order the obligor to execute an agreement with the appropriate public authority authorizing preauthorized transfers from the obligor's child support deposit account payable to an account of the public authority responsible for child support enforcement. The court shall order the obligor to disclose to the court all deposit accounts owned by the obligor in whole or in part in any financial institution. The court may order the obligor to disclose to the court the opening or closing of any deposit account owned in whole or in part by the obligor within 30 days of the opening or closing. The court may order the obligor to execute an agreement with the appropriate public authority authorizing preauthorized transfers from any deposit account owned in whole or in part by the obligor to the obligor's child support deposit account if necessary to satisfy court-ordered child support payments. The court may order a financial institution to disclose to the court the account number and any other account identification information regarding accounts owned in whole or in part by the obligor. An obligor who, without prior court approval, fails to comply with this section, fails to deposit funds in at least one deposit account sufficient to pay court-ordered child support, or stops payment or revokes authorization of any preauthorized transfer is subject to contempt of court procedures under chapter 588."

Page 15, lines 22 and 28, delete "holder of funds" and insert "financial

institution”

Page 15, lines 25 and 26, delete the new language and insert “*In the case of a financial institution, preauthorized transfers must occur in accordance with a court-ordered payment schedule.*”

Page 15, line 27, delete everything before “An”

Page 16, lines 1 to 5, delete the new language and insert “*The financial institution shall execute preauthorized transfers from the deposit accounts of the obligor in the amount specified in the order and amounts required under subdivision 2 as directed by the public authority responsible for child support enforcement.*”

Page 16, line 13, reinstate the stricken language and delete the new language

Page 16, line 14, delete the new language

Page 16, line 15, after the period, insert “*A financial institution is liable to the obligee if funds in any of the obligor’s deposit accounts identified in the court order equal the amount stated in the preauthorization agreement but are not transferred by the financial institution in accordance with the agreement.*”

Page 18, line 32, after the period, insert “*A Minnesota court may order that judgment be entered for a child support arrearage owed under an order of another state or order that payments be made toward an arrearage or existing judgment regardless of whether the matter is before the court on a petition or by registration.*”

Page 21, after line 15, insert:

“Sec. 23. [CHILD SUPPORT JUDGMENT BY OPERATION OF LAW; RETROACTIVE APPLICATION.]

Minnesota Statutes, section 548.091, subdivision 1a, applies retroactively to any child support arrearage that accrued before August 1, 1988, except that no arrearage may be docketed under Minnesota Statutes, section 548.091, subdivision 2a, if the arrearage is more than ten years past due at the time of docketing.”

Page 21, line 19, delete “3” and insert “2”

Page 21, line 24, delete “2 and 7” and insert “1 and 8”

Page 21, line 25, delete “3” and insert “2” and delete “4” and insert “3”

Page 21, line 27, before the period, insert “, *except that section 3 does not bar an action by a presumed father who discovered the birth of the child within two years before the effective date of section 3 if the action is brought within one year after the effective date*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 5 and 6, delete “171.07, subdivision 1a” and insert “518.54, by adding subdivisions”

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

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

S.F. No. 1725: A bill for an act relating to the environment; changing the fund balances required to impose the fee and the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; providing certain tank facilities and refineries are ineligible for reimbursement; appropriating money reimbursed to state agencies; amending Minnesota Statutes 1988, sections 115C.02, by adding subdivisions; 115C.08, subdivision 2; Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivision 3, and by adding a subdivision.

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

Page 3, lines 5 to 7, delete the new language and insert "*A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2429: A bill for an act relating to independent school district No. 316, Coleraine; independent school district No. 381, Lake Superior; independent school district No. 695, Chisholm; independent school district No. 696, Ely; independent school district No. 697, Eveleth; independent school district No. 699, Gilbert; independent school district No. 707, Nett Lake; and independent school district No. 710, St. Louis county; authorizing issuance of bonds.

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

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1989 Supplement, section 298.28, subdivision 4, is amended to read:

Subd. 4. [SCHOOL DISTRICTS.] (a) 27.5 cents per taxable ton plus the increase provided in paragraph (d) must be allocated to qualifying school districts to be distributed, based upon the certification of the commissioner of revenue, under paragraphs (b) and (c).

(b) 5.5 cents per taxable ton must be distributed to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The distribution must be based on the apportionment formula prescribed in subdivision 2.

(c)(i) 22 cents per taxable ton, less any amount distributed under paragraph (e), shall be distributed to a group of school districts comprised of those school districts in which the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district indexes as follows: for each school district, its pupil units determined under section 124.17 for the prior school year shall be multiplied by the ratio of the average adjusted net tax capacity per pupil unit for school districts receiving aid under this clause as calculated pursuant to chapter 124A for the school

year ending prior to distribution to the adjusted net tax capacity per pupil unit of the district. Each district shall receive that portion of the distribution which its index bears to the sum of the indices for all school districts that receive the distributions.

(ii) Notwithstanding clause (i), each school district that receives a distribution under sections 298.018; 298.23 to 298.28, exclusive of any amount received under this clause; 298.34 to 298.39; 298.391 to 298.396; 298.405; or any law imposing a tax on severed mineral values that is less than the amount of its levy reduction under section 275.125, subdivision 9, for the second year prior to the year of the distribution shall receive a distribution equal to the difference; the amount necessary to make this payment shall be derived from proportionate reductions in the initial distribution to other school districts under clause (i).

(d) On July 15, in years prior to 1988, an amount equal to the increase derived by increasing the amount determined by paragraph (c) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in paragraph (c) where a levy increase pursuant to section 124A.03, subdivision 2, is authorized by referendum, according to the following formula. On July 15, 1988, the increase over the amount established for 1987 shall be determined as if there had been an increase in the tax rate under section 298.24, subdivision 1, paragraph (b), according to the increase in the implicit price deflator. On July 15, 1989, and subsequent years, the increase over the amount established for the prior year shall be determined according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, paragraph (a). Each district shall receive the product of:

(i) ~~\$150~~ \$175 times the pupil units identified in section 124.17, subdivision 1, enrolled in the second previous year or the 1983-1984 school year, whichever is greater, less the product of 0.04231 percent times the district's taxable market value in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 124A.03, subdivision 2, in the previous year, to the product of 0.04231 percent times the district's taxable market value in the second previous year.

If the total amount provided by paragraph (d) is insufficient to make the payments herein required then the entitlement of ~~\$150~~ \$175 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to paragraph (d) shall not be applied to reduce general education aid which the district receives pursuant to section 124A.23 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of iron range resources and rehabilitation who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in subdivision 11.

(e) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975."

Page 1, line 13, delete "NETT LAKE" and insert "BABBITT"

Page 1, line 25, delete "and"

Page 1, line 27, after "\$1,000,000" insert "; and independent school district No. 692, Babbitt, may issue bonds in an aggregate principal amount not exceeding \$500,000"

Page 2, delete lines 1 and 2

Page 2, line 4, delete "\$1,500,000" and insert "\$1,750,000"

Page 4, line 15, delete "707" and insert "692"

Page 4, after line 19, insert:

"Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective for production years 1989 and thereafter, taxes payable in 1990 and thereafter. Section 2 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "to" insert "education finance; providing for distribution of taconite production tax proceeds to school districts; authorizing issuance of bonds by"

Page 1, line 8, delete "707, Nett Lake" and insert "692, Babbitt"

Page 1, delete line 10 and insert "amending Minnesota Statutes 1989 Supplement, section 298.28, subdivision 4."

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2174: A bill for an act relating to public lands; providing payments in lieu of taxes for certain federal land leased to the state; amending Minnesota Statutes 1988, section 477A.11, subdivision 4.

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

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1988, section 477A.13, is amended to read: 477A.13 [TIME OF PAYMENT, DEDUCTIONS.]

Payments to the counties shall be made from the general fund during the month of July of the year next following certification. There shall be deducted from amounts paid any amounts paid to a county or township during the preceding year pursuant to sections 89.036, 97A.061, subdivisions 1 and 2, and 272.68, subdivision 3 with respect to the lands certified pursuant to section 477A.12.

~~Payments under section 477A.12 must also be reduced by the following percentages of the amounts paid during the preceding year under section 84A.51:~~

~~(1) for the payment made July 15, 1984, 75 percent;~~

- (2) for the payment made July 15, 1985, 50 percent;
- (3) for the payment made July 15, 1986, 25 percent; and
- (4) for the payment made thereafter, 0 percent."

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 5, after "4" insert "; and 477A.13"

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. 2188: A bill for an act relating to children; creating a legislative commission on children; providing improved procedures to protect the safety and welfare of abused and neglected children; providing for more permanent placements of children in need of protection or services; improving data practices; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalty for malicious child punishment resulting in great bodily harm; increasing the penalty for assaulting a child protection worker who is performing lawful duties; excluding persons convicted of child abuse or criminal sexual conduct seeking employment in juvenile corrections from certain protections for criminal offenders; appropriating money; amending Minnesota Statutes 1988, sections 147.09; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.191, subdivision 1; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 144; 147; 148; 245; 260; and 626.

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

Page 3, delete section 3

Page 4, delete section 5

Page 8, line 13, after the period, insert "*In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with sections 257.35 to 257.3579.*"

Pages 9 to 11, delete section 9

Page 11, lines 16 and 18, before the comma, insert "*and petitions for termination of parental rights*"

Page 11, line 19, delete "*only*" and insert "*nor*" and delete "*if*" and insert "*more than one week unless*"

Pages 14 to 20, delete sections 13 to 16

Page 21, lines 21 to 26, delete the new language

Page 22, after line 12, insert:

"(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;"

Page 22, line 13, delete "(i)" and insert "(ii)"

Page 22, line 15, delete "(ii)" and insert "(iii)" and after "failed" insert *"two or more times"*

Page 22, line 16, delete *"two or more times"* and after "refused" insert *"two or more times"*

Page 22, line 17, delete *"the"* and insert *"a culturally and linguistically appropriate"*

Page 22, line 18, delete "(iii)" and insert "(iv)"

Page 22, after line 28, insert:

"In an action involving an American Indian child, sections 257.35 to 257.3579 control to the extent that the provisions of this section are inconsistent with those laws."

Page 23, delete section 20

Page 24, after line 10, insert:

"Sec. 14. Minnesota Statutes 1988, section 609.379, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section applies to sections 260.315, 609.255, 609.376, ~~609.377~~, 609.378, and 626.556."

Page 24, line 34, delete the new language

Page 24, line 35, after "subjection" insert *"of a child"*

Page 25, line 5, after the period, insert *"Sexual abuse includes threatened sexual abuse."*

Page 27, line 1, delete *"which"* and insert *"that"*

Page 29, line 5, delete *"section 23"* and insert *"section 16"*

Page 33, line 21, after the period, insert *"The commissioner also shall consult with the task force established under section 27."*

Page 34, line 6, after the comma, insert *"guardian ad litem programs, the task force established under section 27,"*

Page 36, after line 24, insert:

"Sec. 28. [ALTERNATIVE DISPOSITIONS STUDY.]

The department of human services shall report and make recommendations regarding the use of permanency planning and alternative dispositions for children who are placed in out-of-home care, cannot be returned to their families, and for whom termination of parental rights is not in the child's best interest. The department shall consult with a multidisciplinary task force, including representatives of the Minnesota Indian affairs council, the council on Black Minnesotans, the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, public and private agencies, guardians ad litem, the judiciary, attorneys representing all parties in juvenile court proceedings, and community advocates. The department shall report and make recommendations to the legislature by

January 7, 1991."

Page 36, line 34, delete "30" and insert "23"

Page 37, line 14, delete "34" and insert "27"

Page 37, line 16, delete "19, 20, and 21" and insert "12, 13, and 14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete line 6

Page 1, line 7, delete "services;"

Page 1, line 13, delete everything after the semicolon

Page 1, delete line 14

Page 1, line 15, delete "duties;"

Page 1, line 20, delete everything after the second semicolon

Page 1, line 21, delete "subdivision" and insert "609.379, subdivision 2"

Page 1, line 24, delete "260.015, subdivision 2a;"

Page 1, line 25, delete "260.191,"

Page 1, line 26, delete the first "subdivision 1;"

Page 1, line 29, delete "147;"

Page 1, line 30, delete "148;" and delete "260;"

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

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

H.F. No. 2059: A bill for an act relating to education; permitting special school district No. 1 to remodel the Aviation Training Center with federal funds.

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

Page 1, delete section 1 and insert:

"Section 1. [AIR TRAFFIC CONTROL TRAINING.]

The commissioner of transportation is the state agent for the Mid-American Aviation Resource Consortium. The commissioner may receive federal money due the consortium for air traffic control training. Federal money received is appropriated to the commissioner, who may pay it to the state board of vocational technical education, to remodel space as necessary to provide instruction of air traffic controllers in the Aviation Training Center at Flying Cloud Airport, as well as to provide the instruction. The total cost of the remodeling project may not be more than \$800,000, to be paid entirely from federal money."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “designating the commissioner of transportation as agent for the Mid-American Aviation Resource Consortium;”

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1873, 2134, 2400, 2089, 2200, 1725, 2429 and 2174 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2059 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davis introduced—

Senate Resolution No. 168: A Senate resolution congratulating the Elk River High School Girls Basketball Team for being Runner-up in the 1990 Class AA State High School Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 169: A Senate resolution supporting the efforts of the volunteers working to build a Minnesota Vietnam Veterans Memorial.

Referred to the Committee on Rules and Administration.

Mr. Ramstad and Ms. Olson introduced—

Senate Resolution No. 170: A Senate resolution congratulating the Minnetonka Boys Swimming and Diving Team for winning the 1990 State High School Boys Swimming and Diving Championship.

Referred to the Committee on Rules and Administration.

Mr. Cohen moved that S.F. No. 2571, No. 30 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Stumpf moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Peterson, R.W. be added as a chief author to S.F. No. 1898. The motion prevailed.

Mr. Marty moved that the name of Mr. Dahl be added as a co-author to S.F. No. 2006. The motion prevailed.

Mr. DeCramer moved that S.F. No. 1663 be taken from the table. The motion prevailed.

S.F. No. 1663: A bill for an act relating to Redwood and Lyon counties; abandoning judicial ditch number 37.

CONCURRENCE AND REPASSAGE

Mr. DeCramer moved that the Senate concur in the amendments by the House to S.F. No. 1663 and that the bill be placed on its repassage as

amended. The motion prevailed.

S.F. No. 1663: A bill for an act relating to local government; abandoning judicial ditch number 17 in Redwood and Lyon counties; authorizing the Faribault county local redevelopment agency board to have nine members.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Dahl voted in the negative.

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

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Ramstad introduced—

S.F. No. 2610: A bill for an act relating to metropolitan transit; requiring, authorizing, and encouraging assistance to private providers of public transit; amending Minnesota Statutes 1988, section 473.375, subdivision 4; Minnesota Statutes 1989 Supplement, sections 473.375, subdivision 13; and 473.385, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation.

Mr. Kroening introduced—

S.F. No. 2611: A bill for an act relating to veterans; authorizing certain veterans to receive state educational assistance; amending Minnesota Statutes 1988, section 197.75, subdivision 2.

Referred to the Committee on Veterans and Military Affairs.

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

S.F. No. 2612: A bill for an act relating to taxation; providing for valuation and property taxation of certain minerals and mining property; exempting

clay from the net proceeds tax; providing for the deduction from the net proceeds tax of certain reclamation costs; changing the computation of the production tax for concentrates produced in 1990; amending Minnesota Statutes 1988, sections 272.03, subdivision 1; 273.1104, subdivision 1; 298.015, subdivision 1; 298.017; 298.05; and 298.24, subdivision 1; repealing Minnesota Statutes 1988, section 273.02, subdivision 4; Minnesota Statutes 1989 Supplement, section 273.02, subdivisions 5 and 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Samuelson and Lessard introduced—

S.F. No. 2613: A bill for an act relating to environment; requiring a bond before challenging a permit or rule of the department of natural resources or the pollution control agency; amending Minnesota Statutes 1988, sections 84.027, by adding a subdivision; and 116.07, by adding a subdivision.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2064 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2064: A bill for an act relating to commercial transactions; adopting an article of the uniform commercial code that governs funds transfers; amending Minnesota Statutes 1989 Supplement, section 336.1-105; proposing coding for new law in Minnesota Statutes, chapter 336.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2421 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2421: A bill for an act relating to elections; presidential primary; changing the primary date; providing procedures for conducting the primary; changing the requirements for being a candidate at the primary; allowing voters to prefer uncommitted delegates; allowing write-in votes; providing for voter receipt of ballots; eliminating the provision that the primary winner is the party's endorsed candidate; changing the apportionment of party delegates; requiring provision of certain information to interested persons; amending Minnesota Statutes 1988, sections 204B.06, by adding a subdivision; 204B.11, subdivision 2; Minnesota Statutes 1989 Supplement, sections 207A.01; 207A.02; 207A.03; 207A.04; and 207A.06, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1989 Supplement, section 207A.05.

Mr. Johnson, D.J. moved to amend S.F. No. 2421 as follows:

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 1988, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [PRECINCT LIST.] Each county auditor shall prepare and maintain a current list of the duplicate registration cards, which list shall be known as the precinct list. It shall show the name and residence address of each voter registered in the precinct, *but shall not include the voter's party choice provided when voting in a presidential primary*. The telephone number shall be included on the list if provided by the voter."

Page 7, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Berg	DeCramer	Johnson, D.J.	Merriam	Stumpf
Bertram	Dicklich	Knutson	Peterson, R.W.	Waldorf
Chmielewski	Frank	Langseth	Samuelson	
Davis	Gustafson	Lessard	Schmitz	

Those who voted in the negative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Piper
Anderson	Decker	Knaak	Mehrkens	Ramstad
Beckman	Diessner	Kroening	Moe, R.D.	Reichgott
Benson	Flynn	Laidig	Morse	Renneke
Berglin	Frederick	Lantry	Novak	Spear
Bernhagen	Frederickson, D.J.	Larson	Olson	Storm
Brandl	Frederickson, D.R.	Luther	Pariseau	Vickerman
Brataas	Freeman	Marty	Pehler	
Cohen	Hughes	McGowan	Piepho	

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

Mr. Johnson, D.E. moved to amend S.F. No. 2421 as follows:

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1988, section 204D.03, subdivision 1, is

amended to read:

Subdivision 1. [STATE PRIMARY.] The state primary shall be held on the first Tuesday after the second Monday in ~~September~~ *June* in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors."

Page 7, line 29, before "Minnesota" insert "*Minnesota Statutes 1988, sections 202A.14; 202A.15, subdivision 1; 202A.16; 202A.17; 202A.18; and*" and delete "section" and insert "*sections*" and delete ", is" and insert "*and 202A.15, subdivision 2, are*"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 2421 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 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Dicklich	Johnson, D.J.	Merriam	Waldorf
Chmielewski	Frank	Lessard	Samuelson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Freeman moved that S.F. No. 1945 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Messrs. Belanger and Purfeerst were excused from the Session of today. Mr. DeCramer was excused from the Session of today from 12:00 noon to 2:30 p.m. Mr. Luther was excused from the Session of today from 12:00 noon to 1:00 p.m. Ms. Reichgott was excused from the Session of today from 3:00 to 3:30 p.m. Mr. Metzen was excused from the Session of today at 3:30 p.m. Mr. Johnson, D.J. was excused from the Session of today from 3:30 to 4:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Friday, March 23, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate