

EIGHTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 5, 1990

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Peterson, R.W. 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. Kathleen Gatson.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 3, 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. Nos. 1692, 1968, 2039, 2048, 2159, 2381 and 2383.

Sincerely,
Rudy Perpich, Governor

April 4, 1990

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1990 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1990	Date Filed 1990
	2650	380	2031 hours April 3	April 3
	2407	381	2032 hours April 3	April 3
2048		382	2033 hours April 3	April 3
2159		383	2034 hours April 3	April 3
2381		384	2035 hours April 3	April 3
2039		385	2036 hours April 3	April 3
2383		386	2037 hours April 3	April 3
1968		387	2038 hours April 3	April 3
1692		388	2039 hours April 3	April 3
	2156	389	2040 hours April 3	April 3
	2386	400	2042 hours April 3	April 3

Sincerely,
Joan Anderson Growe
Secretary of State

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. 1726, 1927, 1980, 2119, 2046, 2079, 2136, 2172, 2134, 2373 and 2433.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 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. 1897: A bill for an act relating to taxation; property; clarifying employment terms of city and town assessors; amending Minnesota Statutes 1988, section 273.05, subdivision 1.

Senate File No. 1897 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 1897 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1897 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Mehrkens	Purfeerst
Anderson	Davis	Johnson, D.E.	Merriam	Ramstad
Beckman	Decker	Knaak	Metzen	Schmitz
Benson	DeCramer	Kroening	Moe, R.D.	Spear
Berg	Flynn	Laidig	Morse	Storm
Berglin	Frank	Langseth	Olson	Stumpf
Bertram	Frederick	Lantry	Pariseau	Vickerman
Brandl	Frederickson, D.R.	Larson	Pehler	Waldorf
Brataas	Freeman	Luther	Piper	
Cohen	Gustafson	McQuaid	Pogemiller	

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2478 at 1:30 p.m.:

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 1752: A bill for an act relating to railroads; establishing standard for abandonment of tracks; clarifying standard for abandonment of shops, terminals, and stations; amending Minnesota Statutes 1988, sections 219.681; 219.71; and 219.85.

Senate File No. 1752 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mr. Pehler moved that the Senate concur in the amendments by the House to S.F. No. 1752 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1752 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 1879: A bill for an act relating to natural resources; amending a certain requirement relating to the sale of state timber; amending Minnesota Statutes 1988, section 90.101, subdivision 1.

Senate File No. 1879 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mr. Bertram moved that the Senate concur in the amendments by the House to S.F. No. 1879 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1879 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 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, sections 611A.53, subdivision 2; and 611A.57, subdivision 6; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 260.161, subdivision 2; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73; proposing coding for new law in Minnesota Statutes, chapter 611A.

Senate File No. 1873 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mr. Cohen moved that the Senate concur in the amendments by the House to S.F. No. 1873 and that the bill be placed on its repassage as amended. The motion prevailed.

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; clarifying the duty of court administrators to disburse restitution payments; making certain changes to the crime victims reparations act; amending Minnesota Statutes 1988, sections 611A.53, subdivision 2; 611A.57, subdivision 6; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 260.161, subdivision 2; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73; proposing coding for new law in Minnesota Statutes, chapter 611A.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 2089: 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.

Senate File No. 2089 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

Mr. Moe, R.D. moved that S.F. No. 2089 be laid on the table. The motion prevailed.

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. 1794: A bill for an act relating to veterans; redefining the term "veteran"; amending Minnesota Statutes 1988, section 197.447.

Senate File No. 1794 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mr. Metzen moved that the Senate concur in the amendments by the House to S.F. No. 1794 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1794: A bill for an act relating to veterans; redefining the term "veteran" setting criteria for educational assistance; amending Minnesota Statutes 1988, sections 197.447; and 197.75, subdivision 2.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 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.

There has been appointed as such committee on the part of the House: Scheid, Otis and Abrams.

Senate File No. 2421 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 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. 2127: A bill for an act relating to forestry; implementing a statewide program to encourage maintenance and expansion of community and urban forests; assigning responsibilities to various state agencies and municipalities; proposing coding for new law in Minnesota Statutes, chapter 17.

Senate File No. 2127 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1990

CONCURRENCE AND REPASSAGE

Mr. Bernhagen moved that the Senate concur in the amendments by the House to S.F. No. 2127 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2127 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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. 1996. The motion prevailed.

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

S.F. No. 2375: A bill for an act relating to workers' compensation; providing for loggers; requiring the commissioner of labor and industry to study issues concerning loggers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 176.

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

as follows:

Page 3, line 1, delete "40" and insert "30"

Page 4, line 19, after "*fund*" insert ", *in addition to the assessment,*"

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

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

S.F. No. 2060: A bill for an act relating to drivers' licenses; defining gross vehicle weight and commercial motor vehicle; allowing holder of class CC driver's license with school bus endorsement to operate a small school bus; changing effective dates of requirements for commercial driver's license; setting fees; appropriating money; amending Minnesota Statutes 1988, sections 169.01, subdivision 46; 171.01, subdivision 16; and 171.321, subdivision 1; Minnesota Statutes 1989 Supplement, sections 169.01, subdivision 75; 171.01, subdivision 22; 171.02, subdivision 2; and 171.06, subdivision 2; Laws 1989, chapter 307, sections 43 and 44.

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

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

S.F. No. 1787: A bill for an act relating to education; modifying the maximum effort education facility aid law capital loan program and review and comment procedures for certain construction; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1988, sections 121.148, subdivision 2; 121.15, subdivisions 1, 7, and 8; Minnesota Statutes 1989 Supplement, sections 121.15, subdivision 2; 124.38, subdivision 7; Minnesota Statutes Second 1989 Supplement, section 124.2442, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 124; repealing Minnesota Statutes 1988, section 124.43, subdivisions 2, 3, 3a, 3b, 4, 5, and 6; and Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1.

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

Page 4, line 27, delete "*which*" and insert "*that*" and after "*approved*" insert "*by the voters in the district and recommended by the state board of education for approval by the legislature*" and delete "*June 30, 1989*" and insert "*February 15, 1990*"

Page 10, line 9, after "*exceeding*" insert "*the lesser of \$8,000,000 or*"

Page 10, line 29, before the period, insert ", *but not more than \$8,000,000*"

Page 14, delete section 10

Page 15, after line 17, insert:

"Sec. 12. [LIMITATION ON LOAN AMOUNT.]

A capital loan approved by the legislature after February 15, 1990, may not exceed \$8,000,000."

Page 15, line 31, delete "*11*" and insert "*10*"

Page 15, line 35, after the period, insert "*However, districts in which*

voters authorized borrowing money for a facility financed by a capital loan and that were recommended before February 15, 1990, by the state board of education for approval for a capital loan by the legislature are governed by Minnesota Statutes 1988, section 124.43, subdivisions 2, 3, 3a, 3b, 4, 5, and 6, and Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1."

Page 16, delete section 16 and insert:

"Sec. 16. [APPLICABILITY.]

Sections 8 and 9 apply to a district in which voters authorize issuance of bonds and that is approved by the state board of education and recommended for a capital loan to the legislature after February 15, 1990.

Sec. 17. [EFFECTIVE DATE.]

Sections 1, 6, 8, 9, 11, 13, and 15 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

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

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

S.F. No. 1473: A bill for an act relating to the environment; requiring a report to the legislature on carbon dioxide emissions; appropriating money.

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

Page 2, line 12, delete "*Money*" and insert "*Donations*"

Page 2, line 13, delete "*general fund*" and insert "*state treasury*"

Page 2, line 16, delete "*are*" and insert "*is*"

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

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

S.F. No. 1944: A bill for an act relating to elections; requiring the designation of a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; requiring that certain questions be voted on only at the local government election for the political subdivision; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; superseding certain inconsistent general and special laws and home rule charter provisions; appropriating money; amending Minnesota Statutes 1988, sections 40.05, subdivisions 1, 3, and 4; 40.06, subdivision 1; 122.23, subdivisions 12 and 17; 122.25, subdivision 2; 123.12, subdivision 1; 123.33, subdivision 1; 123.34, subdivision 1; 123.351, subdivisions 1 and 3; 123.51; 200.02, by adding a subdivision; 201.071, subdivisions 1, 3, and 8; 203B.06, subdivision 3; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2, and by adding

a subdivision; 204C.10, subdivision 1; 204D.02, subdivisions 1 and 2; 204D.11, subdivision 5; 204D.16; 205.02, subdivision 2; 205.13, subdivisions 1 and 6; 205.185, subdivisions 2, 3, and by adding a subdivision; 205A.02; 205A.06, subdivision 5; 375.03; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 410.21; 412.02, subdivision 2; 412.571, subdivision 5; 447.32, subdivisions 1 and 2; Minnesota Statutes 1989 Supplement, sections 122.23, subdivision 18; 128.01, subdivision 3; 412.021, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1988, sections 123.11, subdivisions 2, 3, 4, 5, and 6; 200.015; 204D.28, subdivision 5; 205.02; 205.065, subdivisions 2, 3, 4, 5, 6, and 7; 205.07; 205.10; 205.121; 205.175; 205.18, subdivision 1; 205.20; 206.76; 375.101, subdivisions 1 and 2; and 447.32, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 205.065, subdivision 1; and 205.18, subdivision 2.

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

Pages 39 and 40, delete section 3

Renumber the sections of article 5 in sequence

Amend the title as follows:

Page 1, line 12, delete "appropriating money;"

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

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

S.F. No. 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; 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; 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; 609.379, subdivision 2; 626.556, subdivisions 1, 3, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.161, subdivision 2; 260.171, subdivision 4; 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; 245; and 626.

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

Page 4, line 24, delete everything after the paragraph coding and insert "*When amending rules governing*"

Page 4, delete line 25

Page 4, line 28, before the period, insert "*, the commissioner of human services shall include provisions governing the use of restrictive techniques and procedures*"

Page 7, line 36, before the period, insert "*and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923*"

Page 15, line 22, before "*control*" insert "*and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923,*"

Pages 25 and 26, delete section 23

Page 26, line 29, delete everything after "*general*"

Page 26, delete lines 30 to 36

Page 27, line 1, delete everything before "*shall*" and insert "*and the department of human services, in consultation with the multi-disciplinary task force established under section 26,*"

Page 27, line 16, after "*general*" insert "*and the department of human services*"

Page 29, delete section 27

Page 29, delete lines 35 and 36

Page 30, delete lines 1 to 23 and insert:

"Notwithstanding Minnesota Statutes, sections 299A.22 to 299A.25, or any other law to the contrary, up to \$45,000 of the money appropriated by Minnesota Statutes, section 299A.27, from the children's trust fund established under section 299A.22, to be administered by the children's trust fund for the fiscal year ending June 30, 1991, for grants must be used to provide a grant for administration of the professional consultation telephone line and service authorized by Minnesota Statutes, section 626.562. Notwithstanding section 626.562, subdivision 2, the commissioner of public safety shall provide a grant only to agencies that agree to match 50 percent of the grant amount through cash or in-kind donations."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 24, delete "245;" and insert "and 245."

Page 1, delete line 25

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. 851: A bill for an act relating to courts; increasing certain fees collected by the court administrator; amending Minnesota Statutes 1988, sections 171.06, subdivisions 2 and 4; 357.021, subdivision 2; and 525.22.

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

Pages 1 and 2, delete sections 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "171.06, subdivisions 2 and 4;"

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

adopted.

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

S.F. No. 2194: A bill for an act relating to hazardous materials; directing the commissioner of public safety to plan a system for a regional hazardous materials incident response program; establishing an advisory council; appropriating money.

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

Page 3, delete sections 3 and 4

Page 3, line 15, delete "to 4" and insert "and 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete the second semicolon and insert a period

Page 1, delete line 6

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

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

S.F. No. 1950: A bill for an act relating to housing; establishing a local government housing account that may be used for transitional housing, public housing modernization and rehabilitation, and subsidized rental housing preservation; requiring state interagency coordination on homelessness; providing for treatment of certain obligations upon foreclosure of certain mortgages; appropriating nonrefundable bond allocation deposits to the housing trust fund account; appropriating money; amending Minnesota Statutes 1988, sections 462A.201, subdivision 2; 462C.07, by adding a subdivision; 469.155, by adding a subdivision; and 474A.21; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Pages 2 and 3, delete section 2

Page 5, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 5

Page 1, line 6, delete "preservation;"

Page 1, lines 10 and 11, delete "appropriating money;"

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

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

H.F. No. 2230 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.
2230	2075				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2230 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2230 and insert the language after the enacting clause of S.F. No. 2075, the first engrossment; further, delete the title of H.F. No. 2230 and insert the title of S.F. No. 2075, the first engrossment.

And when so amended H.F. No. 2230 will be identical to S.F. No. 2075, and further recommends that H.F. No. 2230 be given its second reading and substituted for S.F. No. 2075, 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. Merriam from the Committee on Finance, to which was re-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; authorizing additional county fees on in-county disposal of out-of-county solid waste; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; 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; 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, subdivisions 4 and 5; 325E.045, subdivision 1; 400.08, subdivisions 1 and 3; 473.811, subdivision 3, and by adding a subdivision; 473.823, subdivision 5, and by adding a subdivision; 473.833, 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; 115A.919; 115B.04, subdivision 4; 116.41, subdivision 2; 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 1987, First Special Session chapter 5, section 1; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, sections 72, subdivision 2; and 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; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2 to 5; 115A.924; 115A.925; 115A.927; 115A.928; 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 42, strike "less" and insert "fewer"

Page 2, line 47, strike "15" and insert "14"

Page 2, line 50, delete "TIMELINES" and insert "DEADLINES"

Page 2, line 51, delete "(a)" and insert "*Subdivision 1.* [WITHOUT EIS.]"

Page 3, lines 2 and 9, delete "by" and insert "within"

Page 3, line 6, delete "(b)" and insert "*Subd. 2.* [WITH EIS OR EAW.]"

Page 4, line 19, delete "as submitted" and delete "By" and insert "Within"

Page 4, line 25, delete "shall" and insert "must"

Page 4, line 31, delete "another" and insert "a"

Page 5, line 2, delete "another" and insert "a"

Page 12, line 16, delete "shall" and insert "must"

Page 12, line 17, delete "shall" and insert "may"

Page 14, line 15, after "days" insert a comma

Page 16, delete section 21

Page 20, line 13, after the stricken "to" insert "for the benefit of" and reinstate the stricken "their properties"

Page 21, line 9, delete “No” and insert “A” and delete “shall” and insert “may not”

Page 21, line 11, delete “has” and insert “had”

Page 21, line 33, delete “period”

Page 24, line 9, delete “but are not limited to”

Page 24, line 17, delete “prior to” and insert “before”

Page 25, line 9, after “abandoned” insert a comma

Page 25, line 12, delete everything before “by” and insert “section 35”

Page 25, after line 16, insert:

“Sec. 35. [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 of the office of waste management, the county may allow a political subdivision to elect to assume authority and responsibility for processing and disposal of the mixed municipal solid waste generated within the political subdivision. To provide the option for a political subdivision the county board must adopt a resolution:

(1) giving the political subdivision the option of assuming authority and responsibility for processing and disposal of the mixed municipal solid waste generated there; and

(2) recognizing that if the political subdivision chooses to assume authority and responsibility for mixed municipal solid waste disposal, the county will amend its plan to reflect the transfer of the authority and responsibility to 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 assuming the authority and responsibility. The assumption is effective 60 days after the resolution is filed with the county board.

Subd. 2. [ASSUMPTION OF SOLID WASTE DISPOSAL AUTHORITY.]

(a) A political subdivision that assumes authority and responsibility under subdivision 1 must submit a plan to the director of the office of waste management covering the duties required of counties for mixed municipal solid waste under Minnesota Statutes, chapter 115A. The assumption makes the political subdivision responsible for processing and disposal of mixed municipal solid waste generated within it, including making provision for processing and disposal facilities. The assumption gives the political subdivision the authority to require that mixed municipal solid waste generated within the political subdivision be processed and disposed of at facilities designated by the political subdivision, except that the political subdivision may not use or designate mixed municipal solid waste disposal or processing facilities of the county without the consent of the county. The county may license persons transferring mixed municipal solid waste to the county facilities and may prohibit them from accepting mixed municipal solid waste generated within a political subdivision that has assumed authority and responsibility for mixed municipal solid waste processing and disposal.

(b) The assumption of mixed municipal solid waste processing and disposal authority and responsibility by a political subdivision is a binding agreement by 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."

Pages 26 and 27, delete section 39

Pages 28 to 30, delete sections 42 and 43

Page 30, line 34, delete "1" and insert "10"

Page 30, line 35, delete "out"

Page 30, line 36, delete everything after "fee"

Page 31, line 1, delete "collection" and insert "from July 1, 1990, to September 30, 1990,"

Page 31, line 25, delete "37" and insert "41"

Page 32, delete lines 15 to 21

Page 32, line 22, delete "\$" and insert "\$75,000"

Page 32, line 23, delete "the purposes of"

Page 32, line 24, delete "conducting" and delete "46" and insert "42, to be available until November 30, 1991"

Page 32, line 36, delete everything after "19," and insert "21, 23 to 25, 29,"

Page 33, line 1, delete everything before "are" and insert "30, 34 to 36, 38 to 40, and 45"

Page 33, line 2, delete everything after "Sections" and insert "37 and 41 are"

Renumber the sections of article I in sequence

Amend the title as follows:

Page 1, lines 20 and 21, delete "establishing a fee on certain paper stock in newspapers;"

Page 1, lines 38 and 39, delete "directing a resource recovery facility study to be conducted;"

Page 2, line 25, after "2;" insert "75;" and delete "sections 23," and insert "section"

Page 2, line 26, delete "subdivision 4, and"

And when so amended the bill do pass. Mr. Storm questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

H.F. No. 173 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.
173	2468				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 173 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 173 and insert the language after the enacting clause of S.F. No. 2468, the first engrossment; further, delete the title of H.F. No. 173 and insert the title of S.F. No. 2468, the first engrossment.

And when so amended H.F. No. 173 will be identical to S.F. No. 2468, and further recommends that H.F. No. 173 be given its second reading and substituted for S.F. No. 2468, 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. 2375, 2060, 1787, 1473, 1944, 2188, 2194 and 1950 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 851, 2230 and 173 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Beckman moved that his name be stricken as a co-author to S.F. No. 2119. The motion prevailed.

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 bill was read the first time and referred to the committee indicated.

Messrs. Berg; Moe, R.D.; Decker; Samuelson and Anderson introduced—

S.F. No. 2633: A resolution memorializing the President and Congress of the United States to prevent the severe cutbacks in local programming on KCCO/KCCW-TV in Alexandria and Walker.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2401 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2401: 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.

Mr. Metzen moved to amend H.F. No. 2401, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2400.)

Page 4, line 4, delete "*establishment*,"

Page 4, line 19, delete "3" and insert "2"

The motion prevailed. So the amendment was adopted.

H.F. No. 2401 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2365 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2365: 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; amending Minnesota Statutes 1988, sections 13.03, subdivision 3; 13.10, subdivision 3; 13.41, subdivision 2; 13.46, subdivision 4; 13.83, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1989 Supplement, sections 13.46, subdivision 2; 13.83, subdivision 8; 13.84, subdivision 5a; 171.06, subdivision 3; 270B.14, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 13.641.

Mr. Peterson, R. W. moved to amend H.F. No. 2365, as amended pursuant to Rule 49, adopted by the Senate April 2, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2200.)

Page 12, line 3, delete "1" and insert "18"

Page 12, after line 14, insert:

"Sec. 22. [EFFECTIVE DATE.]

Section 9 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. then moved to amend H.F. No. 2365, as amended pursuant to Rule 49, adopted by the Senate April 2, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2200.)

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1988, section 13.37, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them.

(a) "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers.

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position.

Sec. 4. Minnesota Statutes 1988, section 13.37, is amended by adding a subdivision to read:

Subd. 3. [DATA DISSEMINATION.] Crime prevention block maps and names, home addresses, and telephone numbers of volunteers who participate in community crime prevention programs may be disseminated to volunteers participating in crime prevention programs."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. then moved to amend H.F. No. 2365, as amended pursuant to Rule 49, adopted by the Senate April 2, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2200.)

Page 3, after line 5, insert:

“Sec. 3. Minnesota Statutes 1988, section 13.41, is amended by adding a subdivision to read:

Subd. 2a. [BOARD OF PEACE OFFICER STANDARDS AND TRAINING.] The following government data of the board of peace officer standards and training are private data:

(1) home addresses of licensees and applicants for licenses; and

(2) data that identify the state agency, statewide system, or political subdivision that employs a licensed peace officer.

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure.”

Page 12, after line 14, insert:

“Sec. 23. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 2365, as amended pursuant to Rule 49, adopted by the Senate April 2, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2200.)

Page 10, after line 27, insert:

“Sec. 18. Minnesota Statutes 1989 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, ~~or~~ (2) as required by section 126.036, ~~or~~ (3) as authorized under section 13.82, subdivision 2, or (4) to the child's parent or guardian; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.”

Renumber the sections in sequence and correct the internal references
Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2365 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1798 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1798: A bill for an act relating to health; providing limited prescription privileges for physician assistants; requiring permanent registration for certain physician assistants; amending Minnesota Statutes 1988, section 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.

Mr. Johnson, D.E. moved to amend S.F. No. 1798 as follows:

Page 3, line 21, after the period, insert "*The board shall register as a physician assistant any person who as of August 24, 1987:*

(1) *had at least seven years of experience practicing as a physician assistant or surgical assistant;*

(2) *had been certified as a physician assistant by the national commission on certification of physician assistants, whether or not the person is currently certified; and*

(3) *had graduated from a physician assistant training program in Minnesota, whether or not the program was or has since been accredited or approved by the board."*

The motion prevailed. So the amendment was adopted.

S.F. No. 1798 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	Decker	Knaak	Merriam	Reichgott
Anderson	DeCramer	Kroening	Metzen	Renneke
Beckman	Dicklich	Laidig	Moe, D.M.	Schmitz
Benson	Diessner	Langseth	Moe, R.D.	Solon
Berg	Flynn	Lantry	Morse	Spear
Bernhagen	Frank	Larson	Olson	Storm
Bertram	Frederick	Lessard	Pariseau	Stumpf
Brataas	Frederickson, D.J.	Luther	Pehler	Vickerman
Chmielewski	Frederickson, D.R.	Marty	Peterson, R.W.	Waldorf
Cohen	Gustafson	McGowan	Piepho	
Dahl	Hughes	McQuaid	Piper	
Davis	Johnson, D.E.	Mehrrens	Ramstad	

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 2618 at 3:00 p.m.:

Messrs. Dicklich; Hughes; Johnson, D.E.; Waldorf and Mrs. Brataas. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2162 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2162: A bill for an act relating to the operation of state government; changing certain procedures and limits for contracts with the state; establishing an advisory task force; authorizing reimbursement of certain expenses; changing certain vehicle marking and color provisions; clarifying certain transfer authority; amending Minnesota Statutes 1988, sections 16B.09, by adding a subdivision; 16B.17, subdivisions 3 and 4; 16B.24, subdivision 10; 16B.41, subdivision 4; 16B.58, subdivision 7; and Minnesota Statutes 1989 Supplement, sections 16B.28, subdivision 3; 16B.54, subdivision 2; and 40.46, subdivision 1.

Mr. Moe, D.M. moved to amend H.F. No. 2162, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2114.)

Page 8, line 17, delete everything after "*commissioner*"

Page 8, line 18, delete everything before "*may*"

Page 8, line 19, delete "*, respectively,*" and delete "*, the*"

Page 8, line 20, delete everything before "*from*"

Page 8, line 26, after the period, insert "*A certificate of occupancy may not be denied because of an exemption under this section.*"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 2162, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2114.)

Page 9, delete section 15

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knaak then moved to amend H.F. No. 2162, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2114.)

Pages 10 and 11, delete section 17

Amend the title accordingly

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

Mr. Knaak then moved to amend H.F. No. 2162, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2114.)

Page 2, delete section 2

Renumber the sections in sequence

Amend the title accordingly

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

Mr. Pehler moved to amend H.F. No. 2162, as amended pursuant to Rule 49, adopted by the Senate March 26, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2114.)

Page 4, after line 12, insert:

"Sec. 6. Minnesota Statutes 1988, section 16B.24, subdivision 5, is amended to read:

Subd. 5. [RENTING OUT STATE PROPERTY.] (a) [AUTHORITY.] The commissioner may rent out state property, real or personal, that is not needed for public use, if the rental is not otherwise provided for or prohibited by law. The property may not be rented out for more than five years at a time without the approval of the state executive council and may never be rented out for more than 25 years. *A rental agreement may provide that the state will reimburse a tenant for a portion of capital improvements that the tenant makes to state real property if the state does not permit the tenant to renew the lease at the end of the rental agreement.*

(b) [RESTRICTIONS.] Paragraph (a) does not apply to state trust fund lands, other state lands under the jurisdiction of the department of natural resources, lands forfeited for delinquent taxes, lands acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the department of agriculture.

(c) [FORT SNELLING CHAPEL; RENTAL.] The Fort Snelling Chapel, located within the boundaries of Fort Snelling State Park, is available for use only on payment of a rental fee. The commissioner shall establish rental fees for both public and private use. The rental fee for private use by an organization or individual must reflect the reasonable value of equivalent rental space. Rental fees collected under this section must be deposited in the general fund.

(d) [RENTAL OF LIVING ACCOMMODATIONS.] The commissioner shall establish rental rates for all living accommodations provided by the state for its employees. Money collected as rent by state agencies pursuant

to this paragraph must be deposited in the state treasury and credited to the general fund.

(e) [LEASE OF SPACE IN CERTAIN STATE BUILDINGS TO STATE AGENCIES.] The commissioner may lease portions of the state owned buildings in the capitol complex, the capitol square building, the health building, and the building at 1246 University Avenue, St. Paul, Minnesota, to state agencies and charge rent on the basis of space occupied. Notwithstanding any law to the contrary, all money collected as rent pursuant to the terms of this section shall be deposited in the state treasury. Money collected as rent to recover the depreciation cost of a building built with state dedicated funds shall be credited to the dedicated fund which funded the original acquisition or construction. All other money received shall be credited to the general services revolving fund."

Renumber the sections in sequence and correct the internal references
Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2162 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	Dahl	Gustafson	McQuaid	Piepho
Anderson	Davis	Hughes	Mehrkens	Ramstad
Beckman	Decker	Knaak	Merriam	Renneke
Benson	DeCramer	Laidig	Metzen	Schmitz
Berg	Diessner	Langseth	Moe, D.M.	Spear
Bernhagen	Flynn	Lantry	Moe, R.D.	Storm
Bertram	Frank	Larson	Morse	Vickerman
Brandl	Frederick	Lessard	Olson	
Brataas	Frederickson, D.J.	Luther	Pariseau	
Chmielewski	Frederickson, D.R.	Marty	Pehler	
Cohen	Freeman	McGowan	Peterson, R.W.	

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

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Mr. Cohen moved that the vote whereby S.F. No. 1873 was passed by the Senate on April 5, 1990, be now reconsidered. The motion prevailed.

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, sections 611A.53, subdivision 2; and 611A.57, subdivision 6; Minnesota Statutes 1989 Supplement, sections 13.84, subdivision 5a; 260.161, subdivision 2; 611A.04, subdivision 2; 611A.06; 611A.52, subdivision 8; and 629.73;

proposing coding for new law in Minnesota Statutes, chapter 611A.

RECONSIDERATION

Having voted on the prevailing side, Mr. Cohen moved that the vote whereby the Senate concurred in the House amendments to S.F. No. 1873 on April 5, 1990, be now reconsidered. The motion prevailed.

Mr. Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 1873, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2419 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2419: A bill for an act relating to human services; clarifying requirements for employment and training programs for recipients of AFDC; allowing county agencies to implement grant diversion programs; clarifying eligibility and payment requirements for general assistance and work readiness; clarifying requirements for child care programs; establishing criteria to certify employment and training service provider; requiring a two-year plan from the local service unit; amending Minnesota Statutes 1988, sections 256.73, subdivision 2; 256.736, subdivision 1a; 256.7365, subdivision 2; 256D.01, by adding a subdivision; 256D.02, subdivisions 5, 8, and 12; 256D.052, subdivision 5; 256D.06, subdivision 2; 256H.10, subdivisions 1 and 4; 256H.17; 268.673, subdivisions 3 and 5; 268.6751, subdivision 1; 268.676, subdivision 2; 268.677, subdivisions 2 and 3; 268.678; 268.681, subdivisions 1, 2, and 3; 268.86, subdivision 8; 268.871, subdivisions 1, 2, and by adding a subdivision; 268.90, subdivisions 1, 3, and 4; Minnesota Statutes 1989 Supplement, sections 256.73, subdivision 3a; 256.736, subdivisions 3, 3b, 4, 10, 10a, 11, 14, and 18; 256.737, subdivisions 1, 1a, and 2; 256D.01, subdivision 1a; 256D.051, subdivisions 1a, 1b, 2, 3, and 8; 256H.01, subdivisions 7, 8, and 12; 256H.09, subdivision 1; 256H.10, subdivision 3; 256H.11, subdivision 1; 256H.21, subdivision 9; 256H.22, subdivisions 2, 3, and 10; 268.0111, subdivision 4; 268.86, subdivision 2; 268.88; 268.881; Minnesota Statutes Second 1989 Supplement, section 256D.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1988, sections 256.736, subdivisions 1b, 2a, and 17; 256.7365, subdivision 8; 256D.06, subdivision 1c; 256H.01, subdivision 14; 256H.16; 268.672, subdivision 12; 268.86, subdivision 9; 268.872, subdivision 3; and Minnesota Statutes 1989 Supplement, section 256H.05, subdivisions 1, 1a, and 3a.

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:

Anderson	Decker	Laidig	Metzen	Reichgott
Beckman	DeCramer	Langseth	Moe, D.M.	Renneke
Benson	Diessner	Lantry	Moe, R.D.	Schmitz
Berg	Flynn	Larson	Morse	Solon
Bernhagen	Frank	Lessard	Olson	Spear
Bertram	Frederickson, D.J.	Luther	Pariseau	Stumpf
Brandl	Frederickson, D.R.	Marty	Pehler	Vickerman
Chmielewski	Freeman	McGowan	Peterson, R.W.	
Cohen	Gustafson	McQuaid	Piepho	
Dahl	Knaak	Mehrkens	Purfeerst	
Davis	Kroening	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. 2483 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2483: A bill for an act relating to corporations; clarifying and modifying provisions relating to the organization and operation of nonprofit corporations; amending Minnesota Statutes 1989 Supplement, sections 317A.011, subdivision 15; 317A.021, subdivisions 1, 2, 4, and 7; 317A.111, subdivisions 3 and 4; 317A.115, subdivision 2; 317A.133, subdivisions 1, 2, 3, and 4; 317A.181, subdivision 2; 317A.201; 317A.205; 317A.207, subdivision 1; 317A.213; 317A.225; 317A.237; 317A.251, subdivision 3; 317A.301; 317A.311; 317A.321; 317A.341, subdivision 2; 317A.401, subdivision 4; 317A.403; 317A.431; 317A.435, subdivision 2; 317A.443, subdivision 1; 317A.453, subdivision 3; 317A.455, subdivision 3; 317A.615, subdivision 1; 317A.711, subdivision 2; 317A.735, subdivisions 1 and 2; 317A.811, subdivisions 1, 4, and 6; 317A.821, subdivisions 1 and 2; 317A.823, subdivisions 2 and 3; and 354A.021, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Mehrkens	Ramstad
Anderson	Davis	Kroening	Merriam	Reichgott
Beckman	Decker	Laidig	Metzen	Renneke
Belanger	DeCramer	Langseth	Moe, R.D.	Schmitz
Benson	Diessner	Lantry	Morse	Spear
Berg	Flynn	Larson	Olson	Stumpf
Bernhagen	Frank	Lessard	Pariseau	Vickerman
Bertram	Frederickson, D.J.	Luther	Pehler	
Brandl	Frederickson, D.R.	Marty	Peterson, R.W.	
Chmielewski	Freeman	McGowan	Piepho	
Cohen	Gustafson	McQuaid	Piper	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 1843 be taken from the table. The motion prevailed.

H.F. No. 1843: A bill for an act relating to crime; changing the scope of certain controlled substance offenses; allowing prosecution in any county of controlled substance offenses involving sales of amounts aggregated over

a 90-day period; providing that cocaine base is weighed as a mixture for purposes of first, second, and third degree controlled substance crimes; prohibiting the importing of controlled substances into the state; requiring the reporting of transactions involving substances that are precursors to controlled substances; providing for the distribution of forfeiture proceeds; defining controlled substances for purposes of reporting prenatal exposure to controlled substances; clarifying these reporting provisions; providing for maternal and child health services in chemical abuse situations; clarifying habitual DWI offender sanctions; requiring adoption of day-fine systems by each judicial district; creating intensive community supervision programs for certain prison inmates and offenders; creating pilot programs to require drug and alcohol testing as a condition of probation; creating pilot programs to provide chemical dependency treatment services in juvenile and adult jails and correctional facilities; creating pilot programs to require chemical dependency assessments for drug offenders; requiring a chemical use assessment to be conducted when a child is found delinquent of a drug offense; requiring chemical dependency treatment for certain offenders; providing an affirmative defense for certain liquor offenses; authorizing the court to order intermediate sanctions as a condition of probation; defining intermediate sanctions; appropriating money; amending Minnesota Statutes 1988, sections 90.301, subdivision 6; 145.88; 169.121, subdivisions 3a and 5; 169.124, subdivisions 1 and 2; 169.126, subdivisions 1, 4b, and 6; 244.05, by adding a subdivision; 256.98, subdivision 1; 256B.35, subdivision 5; 260.151, subdivision 1; 268.18, subdivision 3; 340A.503, subdivisions 1 and 3; 473.608, subdivision 17; 609.135, subdivisions 1, 6, and by adding a subdivision; 609.14; 631.40; and 631.48; Minnesota Statutes 1989 Supplement, sections 145.882, subdivision 7; 152.021; 152.022; 152.023, subdivisions 1 and 2; 152.024, subdivisions 1 and 2; 152.025, subdivision 1; 152.027, subdivision 4; 152.028, subdivision 2; 169.121, subdivision 3b; 169.126, subdivision 4; 244.05, subdivision 4; 260.193, subdivision 8; 299A.34, subdivision 1; 299A.35, subdivision 2; 299C.155, subdivisions 2 and 3; 340A.503, subdivision 2; 609.5315, subdivision 5; 626.556, subdivision 2; 626.5561, subdivisions 1, 3, 4, and by adding a subdivision; and 626.5562, subdivisions 1, 2, and 4; Laws 1989, chapter 290, article 1, section 6; proposing coding for new law in Minnesota Statutes, chapters 152; 214; 244; 299A; and 481; repealing Minnesota Statutes 1988, sections 169.124, subdivision 3; 169.126, subdivisions 2 and 3; Minnesota Statutes 1989 Supplement, section 169.126, subdivision 4a.

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. 1843 and that the rules of the Senate be so far suspended as to give H.F. No. 1843 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1843 was read the second time.

Mr. Spear moved to amend H.F. No. 1843 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1843, and insert the language after the enacting clause, and the title, of S.F. No. 1759, the third engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend H.F. No. 1843, as amended by the Senate April 5, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 1759.)

Page 5, after line 10, insert:

"Sec. 3. Minnesota Statutes 1989 Supplement, section 152.023, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully sells one or more mixtures containing a narcotic drug;

(2) the person unlawfully sells one or more mixtures containing phenylidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;

(3) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except a schedule I or II narcotic drug, ~~marijuana or Tetrahydrocannabinols~~, to a person under the age of 18; ~~or~~

(4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in schedule I, II, or III, except a schedule I or II narcotic drug, ~~marijuana or Tetrahydrocannabinols~~; ~~or~~

(5) the person unlawfully sells one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols."

Page 5, line 24, strike the second "or"

Page 5, line 26, strike the period and insert "; or

(6) the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols.

Sec. 5. Minnesota Statutes 1989 Supplement, section 152.024, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except ~~marijuana or Tetrahydrocannabinols~~ *a small amount of marijuana for no remuneration;*

~~(2) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols to a person under the age of 18;~~

~~(3) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing marijuana or Tetrahydrocannabinols;~~

~~(4)~~ (2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV or V to a person under the age of 18; or

~~(5)~~ (3) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in schedule IV or V.

Sec. 6. Minnesota Statutes 1989 Supplement, section 152.025, subdivision 2, is amended to read:

Subd. 2. [POSSESSION AND OTHER CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; ~~or~~

(2) the person unlawfully possesses one or more mixtures containing marijuana or Tetrahydrocannabinols with the intent to sell it, except a small amount of marijuana for no remuneration; or

~~(2)~~ (3) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Mr. Spear imposed a call of the Senate for the balance of the proceedings on H.F. No. 1843. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Spear amendment.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend the second Spear amendment to H.F. No. 1843, adopted by the Senate April 5, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 1759.)

Page 1, line 25, delete "five" and insert "one"

Page 1, line 30, delete "ten" and insert "five"

Page 2, after line 14, insert:

"Sec. 6. Minnesota Statutes 1989 Supplement, section 152.024, subdivision 2, is amended to read:

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, or III, except marijuana or Tetrahydrocannabinols, with the intent to sell it; or

(3) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing marijuana or Tetrahydrocannabinols.

Sec. 7. Minnesota Statutes 1989 Supplement, section 152.025, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

~~(1) the person unlawfully sells one or more mixtures containing marijuana or Tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or~~

~~(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV."~~

Page 2, line 15, delete "6" and insert "8"

The question was taken on the adoption of the McGowan amendment to the Spear amendment.

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

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.R.	Larson	Ramstad
Anderson	Cohen	Freeman	Lessard	Reichgott
Beckman	Dahl	Gustafson	McGowan	Renneke
Belanger	Davis	Johnson, D.E.	McQuaid	Samuelson
Benson	Decker	Knaak	Mehrkens	Solon
Berg	DeCramer	Knutson	Metzen	Storm
Bernhagen	Diessner	Kroening	Morse	Stumpf
Bertram	Frank	Laidig	Olson	Vickerman
Brandl	Frederick	Langseth	Pariseau	Waldorf
Brataas	Frederickson, D.J.	Lantry	Piepho	

Those who voted in the negative were:

Berglin	Hughes	Marty	Moe, R.D.	Piper
Dicklich	Johnson, D.J.	Merriam	Pehler	Schmitz
Flynn	Luther	Moe, D.M.	Peterson, R.W.	Spear

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

Mr. Spear moved that H.F No. 1843 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1981, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1981 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 4, 1990

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1981

A bill for an act relating to motor vehicles; providing for temporary permit while awaiting delivery of special vehicle license plates; requiring registered owner of motor vehicle to list address or mailing address of primary residence on application for registration; permitting motor vehicle owners to classify residence addresses as private data and to use mailing addresses on motor vehicle registration forms; clarifying when inspection fee must be paid to receive certificate of inspection for salvage vehicle; clarifying disclosure requirements for motor vehicle pollution control system; amending Minnesota Statutes 1988, sections 168.09, by adding a subdivision; 168.10, subdivision 1; and 325E.0951, subdivision 3a; Minnesota Statutes 1989 Supplement, section 168A.152, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168.

April 2, 1990

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 1981, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1981 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 168.09, is amended by adding a subdivision to read:

Subd. 7. [DISPLAY OF TEMPORARY PERMIT; SPECIAL PLATES.] A vehicle that displays a special plate issued under section 168.021; 168.12, subdivision 2, 2a, 2b, or 2c; 168.123; 168.124; 168.125; 168.126; or

168.128 may display a temporary permit in conjunction with expired registration if:

(1) the current registration tax and all other fees have been paid in full; and

(2) the plate requires replacement under section 168.12, subdivision 1, paragraph (3).

The permit is valid for a period of 60 days. The permit must be in a form prescribed by the commissioner of public safety and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new license plates to be manufactured and delivered to the applicant.

Sec. 2. Minnesota Statutes 1988, section 168.10, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] Except as provided in subdivisions 1a, 1b, 1c, 1d, 1g, and 1h, every registered owner of any motor vehicle in this state, not exempted by section 168.012 or 168.26, shall as soon as registered ownership of a motor vehicle is acquired and annually thereafter during the period provided in section 168.31, file with the commissioner of public safety on a blank provided by the commissioner a listing for taxation and application for the registration of such vehicle, stating the first, middle and last names, the ~~dates~~ date of birth, and ~~addresses~~ the address of the primary residence of ~~all~~ each registered ~~owners~~ owner thereof who ~~are~~ is a natural ~~persons~~ person or mailing address if the address of the primary residence has been classified as private data under this chapter, the full ~~names~~ name and ~~addresses~~ address of ~~all~~ any other registered ~~owners~~ owner, the name and address of the person from whom purchased, make of motor vehicle, year and number of the model, manufacturer's identification number or serial number, type of body, the weight of the vehicle in pounds, for trailers only, its rated load carrying capacity and for buses only, its seating capacity, and such other information as the commissioner may require. Any false statement willfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this chapter, imposed upon the manufacturer.

Registration shall be refused a motor vehicle if the original identification or serial number has been destroyed, removed, altered, covered, or defaced. However, if the commissioner is satisfied on the sworn statements of the registered owner or registered owners or such other persons as the commissioner may deem advisable that the applicant is the legal owner, a special identification number in the form prescribed by the commissioner shall be assigned to the motor vehicle. When it has been determined that the number had been affixed to such vehicle in a manner prescribed by the commissioner, the vehicle may thereafter be registered in the same manner as other motor vehicles. In the case of a new or rebuilt motor vehicle manufactured or assembled without an identification or serial number, the commissioner may assign an identification number to the motor vehicle in the same manner as prescribed heretofore.

Sec. 3. Minnesota Statutes 1989 Supplement, section 168A.152, subdivision 2, is amended to read:

Subd. 2. [INSPECTION FEE.] A fee of \$20 must be paid to the department before the department ~~conducts an inspection under~~ *issues a certificate of title for a vehicle that has been inspected and for which a certificate of inspection has been issued pursuant to subdivision 1.* The only additional fee that may be assessed for issuing the certificate of title is the filing fee imposed under section 168.33, subdivision 7.

Fees collected by the department under this subdivision, for conducting inspections under subdivision 1, must be deposited in the general fund.

Sec. 4. Minnesota Statutes 1988, section 325E.0951, subdivision 3a, is amended to read:

Subd. 3a. [DISCLOSURE.] No person may transfer a motor vehicle *that was required to be manufactured with an air pollution control system* without certifying in writing to the transferee that to the best of the person's knowledge, the air pollution control systems, including the restricted gasoline fill pipe, have not been removed, altered, or rendered inoperative. The registrar of motor vehicles shall prescribe the manner and form in which this written disclosure must be made. No transferor may knowingly give a false statement to a transferee in making a disclosure required by this subdivision.

Sec. 5. [U.S. OPEN LICENSE PLATES.]

Subdivision 1. [DEFINITIONS.] (a) "Committee" means the 1991 U.S. Open Committee.

(b) "Registrar" means the registrar of motor vehicles.

Subd. 2. [ISSUANCE AND DESIGN.] Upon the request of the committee, the registrar shall issue to the committee special license plates for use in connection with the 1991 United States Golf Association Open Championship. The special plates must be of a design approved by the registrar after consultation with the committee. The plates may be displayed on a passenger vehicle the use of which has been donated for the open championship by the vehicle manufacturer. The plates are valid for a period of 14 days after issuance.

Subd. 3. [FEES.] The registrar shall collect a fee of \$10 for each pair of special plates issued under this section. The minimum number of special plates the registrar may issue to the committee under this section is 50 pairs.

Subd. 4. [APPLICATION.] In requesting special plates under this section, the committee shall provide the following information to the registrar at least 120 days before the start of the period for which the plates are requested:

- (1) the dates of the period for which the plates are requested;*
- (2) the name, address, and telephone number of an authorized representative of the committee;*
- (3) the quantity of plates requested; and*
- (4) a certification that the insurance required under Minnesota Statutes, section 65B.49, subdivision 3, will be provided for each vehicle for which special plates are provided under this section.*

Subd. 5. [LIABILITY.] If a parking violation citation is issued for a violation committed by a driver of a vehicle displaying special plates issued under this section, the committee is liable for the amount of fine, penalty assessment, late payment penalty, or cost of warrants issued in connection with the violation unless, within 15 days after receiving knowledge of the violation, the committee provides to the issuing authority the following information to the extent available: the driver's full name, home address, local address, if any, license number, and employer's name and address. If the committee is relieved of liability under this subdivision, the person who committed the violation remains liable for the violation.

Sec. 6. [EFFECTIVE DATE.]

Sections 3 and 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor vehicles; providing for temporary permit while awaiting delivery of special vehicle license plates; requiring registered owner of motor vehicle to list address or mailing address of primary residence on application for registration; clarifying when inspection fee must be paid to receive certificate of inspection for salvage vehicle; clarifying disclosure requirements for motor vehicle pollution control system; providing for special U.S. Open license plates; amending Minnesota Statutes 1988, sections 168.09, by adding a subdivision; 168.10, subdivision 1; and 325E.0951, subdivision 3a; Minnesota Statutes 1989 Supplement, section 168A.152, subdivision 2."

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

House Conferees: (Signed) Alice M. Johnson, Chuck Brown, Arthur W. Seaberg

Senate Conferees: (Signed) LeRoy A. Stumpf, William V. Belanger, Jr., Keith Langseth

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1981 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1981 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2500, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2500 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1990

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2500

A bill for an act relating to insurance; modifying the effective date of the statutory notice requirement for cancellation or nonrenewal of individual life policies; amending Laws 1989, chapter 330, section 38.

March 30, 1990

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 2500, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 2500 be further amended as follows:

Page 1, line 16, delete "1989" and insert "1984"

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

House Conferees: (Signed) Phil Carruthers, Wes Skoglund, Jerry Knickerbocker

Senate Conferees: (Signed) Sam G. Solon, Don Anderson, Michael O. Freeman

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2500 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2500 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2135, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2135 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1990

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2135

A bill for an act relating to Anoka county; authorizing the sale or exchange of certain land.

April 2, 1990

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 2135, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: (Signed) Joe Quinn, Charlie Weaver, Joel Jacobs

Senate Conferees: (Signed) Steven G. Novak, Don Frank, Gene Merriam

Mr. Novak moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2135 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2135 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2056, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2056 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1990

CONFERENCE COMMITTEE REPORT ON 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.

April 3, 1990

The Honorable Robert Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 2056, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Marvin K. Dauner, Terry Dempsey, Kathleen Vellenga

Senate Conferees: (Signed) Keith Langseth, LeRoy A. Stumpf, David J. Frederickson

Mr. Langseth moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2056 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2056 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

REPORTS OF COMMITTEES

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

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

H.F. No. 2666: A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; limiting certain contribution receipts by congressional candidates; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing

penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.02, subdivision 1; 10A.04, subdivisions 2, 4, and 4a; 10A.05; 10A.20, subdivision 3; 10A.24; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 204D.03, subdivision 1; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

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

Delete everything after the enacting clause and insert:

"GOVERNMENT REFORM ACT OF 1990

ARTICLE 1

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

Subd. 2a. [EXTENDED FAMILY.] "Extended family" means a public or local official's or employee's spouse and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, or cousin of the official or employee or the official's or employee's spouse.

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

Subd. 2b. [GIFT.] "Gift" means the payment or receipt of anything of value unless consideration of greater or equal value is provided in return, but does not mean a contribution as defined in subdivision 7.

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

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

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

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

Sec. 5. Minnesota Statutes 1988, section 10A.02, is amended by adding a subdivision to read:

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

(1) a copy of this chapter; and

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

Sec. 6. Minnesota Statutes 1988, section 10A.04, subdivision 2, is amended to read:

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

- (a) January 15;
- (b) April 15; and
- (c) July 15; ~~and~~
- ~~(d) October 15.~~

Sec. 7. Minnesota Statutes 1988, section 10A.04, subdivision 4a, is amended to read:

Subd. 4a. If in any reporting period the lobbyist's reportable disbursements total not over \$100 and no honorarium, gift, loan, item or benefit equal in value to \$50 or more was given or paid to any public official, a statement to that effect in lieu of the report may be filed for that period. The unreported disbursements shall be included in the report for the following period, unless the total for that period, including the carryover, is not over \$100. The ~~October~~ January 15 report shall include all previously unreported disbursements, even though the total for the year is not over \$100.

Sec. 8. Minnesota Statutes 1988, section 10A.06, is amended to read:
10A.06 [CONTINGENT FEES PROHIBITED.]

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

Sec. 9. [LEGISLATIVE ETHICS COMMISSION.]

Subdivision 1. [MEMBERSHIP] (a) The legislative ethics commission consists of 13 members appointed as follows:

(1) five members of the senate, with minority representation proportionate to minority membership in the senate, appointed by the subcommittee on committees of the committee on rules and administration, to serve until their successors are appointed;

(2) five members of the house of representatives, with minority representation proportionate to minority membership in the house, appointed by the speaker, to serve until their successors are appointed; and

(3) three members of the ethical practices board, at least one of whom is a lobbyist, appointed by the chair of the ethical practices board.

(b) Each appointing authority shall fill a vacancy occurring among the members it originally appointed. Vacancies do not affect the authority of the remaining members to carry out the function of the commission.

Subd. 2. [STAFF] The commission shall utilize existing legislative and ethical practices board staff members to enable the commission to carry out its functions.

Subd. 3. [DUTIES.] (a) The commission shall review Minnesota Statutes, chapter 10A, particularly with regard to the nature and extent of any problems that may exist regarding the current disclosure requirements for lobbyists and public officials and related campaign filing requirements.

(b) The commission shall conduct public hearings and otherwise obtain data and comments, and make recommendations by January 1, 1991, to assist the legislature in formulating legislation addressing problems relating to disclosure of information by lobbyists and public officials or other matters governed by chapter 10A that come to its attention.

Sec. 10. [REPEALER.]

Section 9 is repealed June 30, 1991.

ARTICLE 2

CONFLICT OF INTEREST REPORTING

Section 1. Minnesota Statutes 1988, section 10A.07, is amended to read:
10A.07 [CONFLICTS OF INTEREST.]

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

- ~~(a)~~ (1) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest;
- ~~(b)~~ (2) deliver copies of the statement ~~to the board and~~ to the official's or employee's immediate superior, if any; and
- ~~(c)~~ (3) if a member of the legislature or of the governing body of a political subdivision, deliver a copy of the statement to the presiding officer of the ~~house~~ body of service.

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

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

official or employee shall file with the board a statement describing the potential conflict and the action taken. The statement must be filed within a week of the action taken.

Sec. 2. Minnesota Statutes 1989 Supplement, section 10A.09, subdivision 1, is amended to read:

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

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

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

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

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

Sec. 3. Minnesota Statutes 1988, section 10A.09, subdivision 2, is amended to read:

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

Sec. 4. Minnesota Statutes 1988, section 10A.09, is amended by adding a subdivision to read:

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

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

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

available for public inspection.

Sec. 6. [APPROPRIATION.]

\$108,000 is appropriated from the general fund to the ethical practices board for the purposes of this act. \$20,000 is for fiscal year 1990 and \$88,000 is for fiscal year 1991. The approved complement of the ethical practices board is increased by one and one-half positions.

ARTICLE 3

STATE CAMPAIGN FINANCE REFORM

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

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

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

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

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

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

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

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

Subd. 10c. "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

Noncampaign disbursement includes:

- (a) Payment for accounting and legal services;
- (b) Return of a contribution to the source;
- (c) Repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund;

(d) Return of money from the state elections campaign fund;

(e) Payment for food and beverages consumed at a fundraising event of expenses relating to fundraising;

(f) Services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to 60 days after adjournment sine die of the legislature in the election year for the office held; and

(g) A donation in kind given to the political committee, political fund, or principal campaign committee for purposes listed in clauses (e) and (f). The board shall determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

Sec. 4. [10A.065] [CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION.]

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

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

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

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

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

**Sec. 5. Minnesota Statutes 1988, section 10A.18, is amended to read:
10A.18 [BILLS WHEN RENDERED AND PAID.]**

Every person who has a bill, charge, or claim against any political committee or political fund for any expenditure shall render, to the extent practicable, in writing to the treasurer of the committee or fund the bill, charge, or claim within 60 days after the material or service is provided.

~~Failure to so present the bill, charge or claim is a misdemeanor.~~

Sec. 6. Minnesota Statutes 1988, section 10A.19, subdivision 1, is amended to read:

Subdivision 1. No candidate shall accept contributions from any source, other than self, in aggregate in excess of \$100 or any money from the state elections campaign fund unless the candidate designates and causes to be formed a single principal campaign committee. *A candidate may not designate or cause to be formed any other committee that has the candidate's name or title or otherwise operates with the direct, indirect, or implied authorization of the candidate.*

Sec. 7. Minnesota Statutes 1988, section 10A.20, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

the name, address and office sought for each such candidate;

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

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

(j) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

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

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

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

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

Sec. 8. Minnesota Statutes 1988, section 10A.20, subdivision 5, is amended to read:

Subd. 5. In any statewide election any contribution or contributions from any one source totaling \$2,000 or more, or in any legislative election totaling more than \$400, received between the last day covered in the last report prior to an election and the election shall be reported to the board in one of the following ways:

- (1) in person within 48 hours after its receipt;
- (2) by telegram or mailgram within 48 hours after its receipt; or
- (3) by certified mail sent within 48 hours after its receipt.

These contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to primary elections where the statewide or legislative candidate is unopposed in that primary.

Sec. 9. Minnesota Statutes 1988, section 10A.20, is amended by adding a subdivision to read:

Subd. 13. [SPECIFIC PURPOSE.] A requirement that the report disclose the specific purpose of an expenditure or noncampaign disbursement means that the report must contain a meaningful description of the goods or

services in exchange for which the expenditure or disbursement was made. The use of broad categories, such as "miscellaneous," "entertainment," or "travel," does not satisfy this reporting requirement.

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

Subd. 14. [THIRD PARTY REIMBURSEMENT.] An individual, political committee, or political fund filing a report disclosing an expenditure or noncampaign disbursement that must be reported and itemized under subdivision 3, paragraph (g), that is a reimbursement to a single third party is required to report the specific purpose of each expenditure or disbursement for which the third party is being reimbursed. An expenditure or disbursement is a reimbursement to a third party if it is for goods or services that were not directly provided by the individual or association to whom the expenditure is made. Third party reimbursements include payments to credit card companies and reimbursement of individuals for expenses they have incurred.

Sec. 11. Minnesota Statutes 1988, section 10A.20, is amended by adding a subdivision to read:

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

Sec. 12. Minnesota Statutes 1988, section 10A.22, subdivision 7, is amended to read:

Subd. 7. The treasurer of a political committee or political fund shall not accept a contribution of more than \$100 from a ~~political committee or political fund~~ an association not registered in this state unless the contribution is accompanied by a written statement which meets the disclosure and reporting period requirements imposed by section 10A.20. This statement shall be certified as true and correct by an officer of the contributing ~~political committee or political fund~~ association. The political committee or political fund which accepts the contribution shall include a copy of the statement with the report which discloses the contribution to the board. The provisions of this subdivision shall not apply when a national political party transfers money to its affiliate in this state.

Sec. 13. Minnesota Statutes 1988, section 10A.22, is amended by adding a subdivision to read:

Subd. 8. [CONDITIONS.] Notwithstanding subdivision 7, the unregistered association may provide the statement to no more than three political committees or political funds in any calendar year and each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An individual or association violating this subdivision is subject to a civil penalty of up to \$1,000. An individual who knowingly violates this subdivision is guilty of a misdemeanor.

Sec. 14. Minnesota Statutes 1988, section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.]

Subdivision 1. [TERMINATION REPORT.] No political committee or political fund shall dissolve until it has settled all of its debts and disposed of all its assets in excess of \$100 and filed a termination report. The

termination report may be made at any time and shall include all information required in periodic reports.

Subd. 2. [TERMINATION ALLOWED.] Notwithstanding subdivision 1, after mailing notice to any remaining creditors by certified mail, a political committee or political fund that has debts which were incurred more than six years previously, has disposed of all its assets, and has met the requirements of section 10A.20, subdivision 7, may file a termination report.

Subd. 3. [LIQUIDATION OF INACTIVE FUNDS.] (a) An inactive principal campaign committee, or other political committee or political fund with the name or title of a candidate or authorized by a candidate for the candidate's benefit, must be dissolved and its assets liquidated and deposited in the general account of the state elections campaign fund within 30 days of becoming inactive. A principal campaign committee becomes inactive on the later of the following dates:

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

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

A committee or fund other than a principal campaign committee becomes inactive when two years have elapsed since the committee or fund engaged in a transaction requiring the filing of a report under this chapter.

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

Sec. 15. Minnesota Statutes 1988, section 10A.241, is amended to read:
10A.241 [TRANSFER OF FUNDS AND DEBTS.]

~~Notwithstanding any provisions of this chapter to the contrary except as provided in this section;~~ A candidate may terminate the candidate's principal campaign committee for ~~one~~ a state office by transferring ~~any~~ all funds and debts of that committee to the candidate's principal campaign committee for another state office, a local office, or a congressional office, subject to applicable limits, provided that any outstanding unpaid bills or loans from the committee being terminated are assumed and continuously reported by the committee to which the transfer is being made until paid or forgiven. A loan that is forgiven is covered by section 10A.20 and, for purposes of section 10A.32, is a contribution to the principal campaign committee from which the debt was transferred under this section.

Sec. 16. Minnesota Statutes 1988, section 10A.25, is amended by adding a subdivision to read:

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

Sec. 17. Minnesota Statutes 1988, section 10A.25, subdivision 5, is amended to read:

Subd. 5. Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary who receives less than twice as many votes as any one of the candidate's opponents in that primary may make aggregate expenditures and approved expenditures equal to 120 percent of the applicable amount as set forth in subdivision 2, *as adjusted by section 10A.255.*

Sec. 18. Minnesota Statutes 1988, section 10A.25, subdivision 10, is amended to read:

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

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

Sec. 19. Minnesota Statutes 1988, section 10A.255, is amended by adding a subdivision to read:

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

Sec. 20. Minnesota Statutes 1988, section 10A.27, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

Sec. 21. Minnesota Statutes 1988, section 10A.27, subdivision 4, is

amended to read:

Subd. 4. For the purposes of this section, a political party means the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts, and all or part of the party organization within either house of the legislature, except for individual members.

Sec. 22. [10A.271] [CONTRIBUTION LIMIT ADJUSTMENT.]

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

Sec. 23. Minnesota Statutes 1988, section 10A.275, is amended to read:

10A.275 [MULTICANDIDATE POLITICAL PARTY EXPENDITURES.]

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

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

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

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

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

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

Subd. 2. [PARTY UNIT.] *For purposes of this section, "party unit"*

means all or part of the party organization within each house of the legislature; the state party organization; or the party organization within a congressional district, county, legislative district, municipality, or precinct.

Sec. 24. Minnesota Statutes 1988, section 10A.28, subdivision 1, is amended to read:

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

Sec. 25. Minnesota Statutes 1988, section 10A.30, subdivision 2, is amended to read:

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

Sec. 26. [10A.315] [SPECIAL ELECTION SUBSIDY.]

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

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

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

(b) If the filing period for the special election does not coincide with the filing period for the general election, a candidate who wishes to receive this public subsidy must submit a signed agreement under section 28 to the board not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office. The special election subsidy must be distributed in the same manner as money in the general account is distributed to legislative candidates in a general election.

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

Sec. 27. [10A.321] [ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.]

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

Subd. 2. [PUBLICATION, CERTIFICATION, AND NOTIFICATION PROCEDURES.] *Before the first day of filing for office, the board shall*

publish and forward to all filing officers the estimates calculated and certified under subdivision 1 along with a copy of section 10A.25. Within seven days after the last day for filing for office, the secretary of state shall certify to the board the name, address, office sought, and party affiliation of each candidate who has filed with that office an affidavit of candidacy or petition to appear on the ballot. The auditor of each county shall certify to the board the same information for each candidate who has filed with that county an affidavit of candidacy or petition to appear on the ballot. Within seven days afterward, the board shall estimate the minimum amount to be received by each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7. By August 15 the board shall notify all candidates of their minimum amount. The board shall include with the notice a form for the agreement provided in section 28 along with a copy of section 10A.25.

Sec. 28. [10A.322] [PUBLIC SUBSIDY AGREEMENTS.]

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

(1) the aggregate of expenditures made by the principal campaign committee of the candidate and approved expenditures made on behalf of the candidate will not exceed the expenditure limits in section 10A.25, as adjusted by section 10A.255, except as otherwise provided by section 10A.25, subdivision 10;

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

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

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

Subd. 2. [SUBMISSION OF AGREEMENT.] Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the

ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the candidate may submit the agreement directly to the board by the following September 1. An agreement may not be rescinded after that date. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

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

Sec. 29. [10A.323] [MATCHING REQUIREMENTS.]

In addition to the requirements of section 28, to be eligible to receive a public subsidy from the state elections campaign fund a candidate shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions, including unexpended balances from the year before, or has made self-contributions, equal to 20 percent or more of the minimum amount that the board estimates, on August 15 of the general election year, would be received by the candidate from the state elections campaign fund. The candidate or the candidate's treasurer shall submit the affidavit required by this subdivision to the board in writing by October 1 of the general election year.

Sec. 30. [10A.324] [RETURN OF PUBLIC SUBSIDY.]

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

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

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

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

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

received by the candidate from the state elections campaign fund.

Subd. 3. [RETURN NOT REQUIRED.] A candidate whose campaign spending is unlimited under conditions imposed by section 10A.25, subdivision 10, and who certifies that the candidate made campaign expenditures equal to the full amount of the public financing received is not required to return any portion of the money received from the state elections campaign fund under the aggregate contribution limit provisions of this section.

Sec. 31. [10A.325] [POLITICAL PARTY NOT HAVING CERTAIN CANDIDATES.]

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

**Sec. 32. Minnesota Statutes 1988, section 211A.07, is amended to read:
211A.07 [BILLS WHEN RENDERED AND PAID.]**

A person who has a bill, charge, or claim against a candidate's committee shall, to the extent practicable, render it in writing to the committee within 60 days after the material or service is provided. ~~A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.~~

Sec. 33. [REPEALER.]

Minnesota Statutes 1988, sections 10A.32, subdivisions 1, 2, 3, and 4; and 10A.33; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a, are repealed.

Sec. 34. [EFFECTIVE DATE.]

This article is effective July 1, 1990.

ARTICLE 4

LIMITATIONS ON CONGRESSIONAL CAMPAIGN SPENDING

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

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

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

Subd. 3. [CAMPAIGN EXPENDITURE; EXPENDITURE.] "Campaign expenditure" or "expenditure" means "expenditure" as that term is defined

under United States Code, title 2, section 431, paragraph (9).

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

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

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

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

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

The provisions of sections 10A.11 to 10A.24 relating to the organization, registration, and administration of and reporting and disclosure by political funds and political committees, including principal campaign committees, do not apply to congressional candidates and authorized committees of congressional candidates. The organization, registration, and administration of and reporting and disclosure by authorized committees of congressional candidates are governed by United States Code, title 2, chapter 14.

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

Subdivision 1. [PUBLIC SUBSIDY.] (a) The state treasurer shall pay a public subsidy to each congressional candidate of a major political party whose name will appear on the ballot in a general or special election, who has signed an agreement to limit campaign spending as provided in this section, and who is abiding by the agreement. A public subsidy is not payable to a congressional candidate whose name appears only on the ballot in a primary election, but a subsidy paid to a candidate in a general or special election may be used to pay expenses or retire debt incurred in the primary campaign.

(b) The amount of the subsidy is up to \$1,000,000 for a congressional candidate for the office of United States senator and up to \$100,000 for a congressional candidate for the office of representative in Congress. If the amount appropriated to pay these subsidies is insufficient to provide the maximum amount to each eligible candidate, the subsidy must be prorated among the eligible candidates so that each candidate for the house of representatives will receive one-tenth the amount given to each candidate for the senate.

Subd. 2. [AGREEMENT.] As a condition of receiving a public subsidy, a congressional candidate shall sign and file with the board a written agreement in which the candidate agrees that the aggregate of expenditures made by the authorized committees of the congressional candidate may

not exceed the spending limits in section 4. The spending limits apply only to congressional candidates who have agreed to be bound by the limits as a condition of receiving a public subsidy for their campaigns.

Subd. 3. [SUBMISSION OF AGREEMENT.] Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The congressional candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, for a general election the congressional candidate may submit the agreement directly to the board by the following September 1. An agreement may not be rescinded after that date. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

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

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

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

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

A congressional candidate whose name will appear on the ballot in more than one general or special election in a year is subject to a separate spending limit for each election.

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

(b) The dollar amounts in subdivision 1 must be adjusted for the 1992 races for representative in Congress and the 1994 race for United States senate, and subsequent general elections for those offices in the manner provided in paragraph (a), except that the last general election year must be considered to be 1986 and the dollar amounts used for the last general

election year for the offices of United States senator and representative in Congress must be \$3,000,000 and \$300,000 respectively.

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

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

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

Subd. 5. [LIMITATION CONDITIONAL.] (a) The spending limits imposed by this section apply only to congressional candidates whose major political party opponents also agree to be bound by the limits.

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

(1) if the opponent agrees to be bound by the limits, both candidates are bound by the limits but neither may receive a public subsidy; and

(2) if the opponent does not agree to be bound by the limits, the congressional candidate is not bound by the limits but is still eligible to receive a public subsidy.

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

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

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

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

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

Subdivision 1. [SPENDING LIMITS.] A congressional candidate subject to the spending limits in section 4 who permits the candidate's authorized committees to make aggregate expenditures on the candidate's behalf in excess of the limits imposed by section 4 is subject to a civil fine of up to four times the amount by which the expenditures exceed the limit.

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

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

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

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

In order to be eligible to receive a public subsidy, a congressional candidate must provide evidence to the board of nonpublic contributions equal to the public subsidy. When a candidate submits an affidavit to the board showing nonpublic contributions equal to one-quarter of the public subsidy, that amount will be paid to the candidate. A candidate may receive the subsidy at any time during the calendar year in which the election is held, and may receive the subsidy in quarters, or in larger portions if the candidate submits an affidavit showing that a larger amount of nonpublic contributions has been made.

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

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

Subd. 2. [DISTRIBUTION OF MONEY AFTER PRIMARY.] Within two weeks after certification by the state canvassing board of the results of the primary, the state treasurer shall pay a public subsidy to each congressional candidate who has signed an agreement as required under section 4 and is eligible to receive a public subsidy.

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

Subdivision 1. [WHEN REQUIRED.] A congressional candidate shall return all or a portion of the public subsidy received under the circumstances in this subdivision. To the extent that the public subsidy received exceeds the aggregate of actual expenditures made by the authorized committees of the congressional candidate, the treasurer of the congressional candidate's principal campaign committee shall return an amount equal to the difference to the board.

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

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

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

Sec. 12. [NO MORE THAN 40 PERCENT FROM PACS.]

A congressional candidate may receive no more than 40 percent of campaign contributions in any calendar year from political committees as defined in United States Code, title 2, section 431, paragraph (4)(A) or (B).

Sec. 13. [APPROPRIATION.]

\$1,500,000 is appropriated from the general fund to the state treasurer to pay the public subsidies for congressional campaigns provided for by this act. This appropriation does not cancel and is available until expended.

Sec. 14. [EFFECTIVE DATE.]

This article is effective July 1, 1990.

ARTICLE 5

OPEN MEETINGS OF THE LEGISLATURE

Section 1. [3.055] [OPEN MEETINGS.]

Except as inconsistent with or otherwise provided in this section, meetings of the legislature are governed by section 471.705, including sessions of the senate, sessions of the house of representatives, joint sessions of the senate and the house of representatives, and meetings of a standing committee, committee division, subcommittee, conference committee, or legislative commission, but not including a caucus of the members of any of those bodies from the same house and political party nor a delegation of legislators representing a geographic area or political subdivision. For purposes of this section, a meeting occurs when a quorum is present and substantive discussion of matters within the jurisdiction of the body occurs or action is taken. Notice of the meeting must be provided in accordance with the rules of each house or the joint rules of both houses. Upon a complaint by any person that a member of the legislature has violated this section, the house of which the legislator is a member shall act on the complaint according to the rules of that house. If, after review, a committee of the house finds the complaint substantiated by the evidence, it shall recommend to the house appropriate disciplinary action. No court has

jurisdiction to adjudicate matters arising under this section.

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

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

ARTICLE 6

MISCELLANEOUS PROVISIONS

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

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

Sec. 2. [204D.165] [SAMPLE BALLOTS TO SCHOOLS.]

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

Sec. 3. Minnesota Statutes 1988, section 383B.055, subdivision 1, is amended to read:

Subdivision 1. The state ethical practices board shall:

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

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

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

Sec. 4. Minnesota Statutes 1988, section 383B.055, subdivision 2, is amended to read:

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

Delete the title and insert:

"A bill for an act relating to elections; requiring local officials and public employees to file disclosures of economic interest; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; limiting contributions and solicitations during a regular legislative session; requiring itemization of noncampaign disbursements over \$100; requiring disclosure of specific purpose of campaign expenditures and noncampaign disbursements; requiring the dissolution of inactive political committees and funds; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; providing a schedule for distribution of political campaign checkoff money to political parties; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; applying the open meeting law to the legislature; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7, 10b, 10c, and by adding subdivisions; 10A.02, by adding a subdivision; 10A.04, subdivisions 2 and 4a; 10A.06; 10A.07; 10A.09, subdivision 2, and by adding subdivisions; 10A.18; 10A.19, subdivision 1; 10A.20, subdivisions 3, 5, and by adding subdivisions; 10A.22, subdivision 7, and by adding a subdivision; 10A.24; 10A.241; 10A.25, subdivision 5, 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 204B.09, subdivision 1; 211A.07; 383B.055, subdivisions 1 and 2; 471.705, subdivision 1; Minnesota Statutes 1989 Supplement, section 10A.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.32,

subdivisions 1, 2, 3, and 4; 10A.33; and Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.”

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

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

S.F. No. 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, 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.

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

Page 1, lines 14 and 21, strike “The term”

Page 2, line 3, before the period, insert “*if the due date is not specified in the contract. For purposes of this definition a signed invoice with a due date is a contract*”

Page 3, line 3, strike “produce defined”

Page 3, line 4, strike “in subdivision 2, clause” and delete “(1)” and insert “*perishable fresh fruits and vegetables*”

Page 3, line 6, delete “*personal or business check*” and insert “*bank draft*”

Page 3, line 8, before “processed” insert “or”

Page 3, delete line 9 and insert “~~which~~ *that are no longer deemed to be perishable as determined by the commissioner by rule; or*”

Page 3, line 16, after the first “the” insert “*person is the*” and delete “*producing*” and insert “*produces*”

Page 4, line 14, delete “(a)”

Page 4, delete lines 24 and 25

Page 4, delete lines 29 to 32 and insert:

“Subdivision 1. [ISSUANCE.] The commissioner shall issue a wholesale produce dealer’s 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 submitting an application, pay paying the prescribed fee, and comply complying with the conditions herein specified in this section.~~”

Page 4, line 33, before the first “The” insert “*Subd. 2. [APPLICATION CONTENTS.] (a)*” and strike “shall” and insert “*must*”

Page 4, line 34, strike “and under oath” and strike “shall set forth” and insert “*state*”

(1)”

Page 4, line 36, strike the comma and insert “:

(2)”

Page 5, line 1, strike the comma and insert “;

(3)”

Page 5, line 2, strike the first comma and strike the second comma and insert “;

(4)”

Page 5, line 3, strike everything after “firm” and insert “*for a partnership, and for a corporation*”

Page 5, line 5, strike “, if a corporation, and” and insert “;

(5)”

Page 5, line 7, delete the comma and insert “;

(6)”

Page 5, line 8, delete the comma and insert “;

(7)”

Page 5, line 10, delete the first comma and insert “;

(8)”

Page 5, line 13, delete the comma and insert a semicolon and after “*and*” insert:

“(9)”

Page 5, line 15, before “*If*” insert:

“(b)”

Page 5, line 16, delete “*that*” and insert “*the*”

Page 5, line 17, delete everything after “*be*” and insert “*filed with the commissioner.*”

Page 5, line 18, before “*Financial*” insert “(c)”

Page 5, line 22, before “Applications” insert “*Subd. 3. [FILING.]*”

Page 5, line 23, strike everything after the period

Page 5, strike lines 24 to 36

Page 6, strike lines 1 to 4

Page 6, after line 4, insert:

“Sec. 10. [27.0405] [INVESTIGATIONS.]

Subdivision 1. [PRODUCTION AND REVIEW OF INFORMATION.]

(a) *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.*

(b) *For the purposes of this section, the commissioner or the commissioner's authorized agents may audit and review any records relating to the financial condition of any dealer at wholesale and any transactions between the dealer and persons entitled to the protections of this chapter, if the records are in the possession of or under the case, custody, or control*

of the dealer or the dealer's authorized agent.

Subd. 2. [FALSE AND INCOMPLETE INFORMATION.] A person may not willfully make any false entries or statements or fail to make full and true entries and statements in a report, answer required, or document demanded under this chapter.

Subd. 3. [PRESERVATION OF DOCUMENTS.] A person may not remove from the state, mutilate, or alter a document relevant to an investigation, hearing, or proceeding conducted under chapter 27."

Page 7, after line 2, insert:

"Subd. 1a. [ADDITIONAL BONDS.] (a) The commissioner, after determining a bond given by a licensee is inadequate for the proper protection of the public, may require the licensee to give additional bonds in amounts as determined by the commissioner, with sureties to be approved by the commissioner, and conditioned as provided in section 27.041.

(b) To set or change the amount of a bond, the commissioner may require a licensee to provide verified statements of the licensee's business.

(c) Failure of the licensee to furnish the information or to give a new or additional bond is cause for:

(1) suspension of the licensee's license for as long as the failure continues; or

(2) revocation of the license, on ten days' notice to the licensee and opportunity to be heard.

(d) If the commissioner determines it is in the public's interest the commissioner may suspend the license after giving notice and holding a hearing."

Page 8, delete lines 6 to 12

Page 8, line 13, delete "(g)" and insert "(f)"

Pages 8 to 10, delete sections 11 and 12

Page 10, line 18, strike the first "Any" and insert "A" and strike the second "any" and insert "a"

Page 10, line 19, strike ", as herein provided,"

Page 10, line 20, strike "enter" and insert "submit a" and strike "thereof"

Page 10, line 21, strike ", which" and insert ". The" and strike "shall" and insert "must"

Page 10, line 22, strike "Upon filing the" and insert "After receiving a filed"

Page 10, line 23, strike "in the manner herein provided"

Page 10, line 30, delete "one" and insert "a hearing"

Page 10, after line 30, insert:

"Sec. 13. [27.131] [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."

Page 10, line 31, delete “[27.065]” and insert “[27.133]”

Page 11, line 5, delete “UNLAWFUL” and insert “PROHIBITED” and delete “*It is unlawful for a*”

Page 11, line 6, before “person” insert “(a) A”

Page 11, line 7, delete “to” and insert “*may not*”

Page 11, line 13, strike “so as” and strike “the” and insert “a” and strike “thereof”

Page 11, line 14, strike “any” and insert “a”

Page 11, lines 15 and 17, strike “such” and insert “*the*”

Page 11, line 20, after “account” insert “*or make a settlement*” and strike “or to make settlement”

Page 11, delete line 21 and insert “~~therefor~~ within the *required time herein limited; or who shall*

(5) violate or”

Page 11, line 22, strike “any” and insert “a”

Page 11, line 25, strike “(5)” and insert “(6)” and strike “the” and insert “a”

Page 11, line 28, strike “(6)” and insert “(7)” and strike “any” and insert “a” and strike “quotations” and insert “*quotation*”

Page 11, line 29, strike “any quotations” and insert “*a quotation*”

Page 11, line 31, strike “(7)” and insert “(8)”

Page 11, line 33, strike “(8)” and insert “(9)”

Page 11, line 35, strike “without” and insert “*outside of*”

Page 12, line 2, strike “(9)”

Page 12, line 18, before “*fail*” insert “(10)”

Page 12, line 20, delete “*the following*” and delete the semicolon and insert a comma

Page 12, line 21, delete the first semicolon and insert a comma

Page 12, line 22, delete “(10)” and insert “(11)” and delete “any” and insert “a”

Page 12, after line 24, insert:

“(12) *commit to pay and not pay in full for all produce committed for; or*”

Page 12, line 25, delete “(11)” and insert “(13)”

Page 12, line 30, delete the period and insert “and”

Page 12, line 34, delete “; or” and insert a period

Page 12, delete lines 35 and 36 and insert:

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

Page 13, line 1, delete “PENALTIES” and insert “CIVIL PENALTY”

and after "violates" insert "a provision of"

Page 13, line 2, delete "may be assessed" and insert "is subject to"

Page 13, line 3, before "In" insert:

"(b)"

Page 13, after line 6, insert:

"(c) A civil penalty amount received by the commissioner under this section must be deposited in the wholesale produce dealer account."

Page 13, line 7, delete "(b)" and insert "Subd. 3. [CRIMINAL PENALTY.] (a)" and after "violates" insert "a provision of"

Page 13, line 8, before "Upon" insert:

"(b)"

Page 13, delete lines 17 to 19

Page 13, line 20, delete "3" and insert "4" and before the first "The" insert "(a)"

Page 13, line 24, delete "any"

Page 13, line 25, delete "or" and insert "and"

Page 13, line 27, before "The" insert:

"(b)"

Page 13, line 34, delete "A civil"

Page 13, delete lines 35 and 36

Page 14, line 1, delete "4" and insert "5"

Page 14, delete lines 10 to 19 and insert:

"Sec. 16. [127.137] [WHOLESALE PRODUCE DEALERS' TRUST.]

Subdivision 1. [ESTABLISHMENT.] (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. 2. [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. 3. [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. 17. [APPROPRIATION.]

\$15,000 is appropriated from the general fund to the commissioner of agriculture to administer and enforce sections 27.001 to 27.06, and sections 27.11 to 27.19.

Sec. 18. [REPEALER.]

Minnesota Statutes 1988, section 27.05, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "changing" and insert "amending"

Page 1, line 4, after the semicolon, insert "imposing fees; providing for a wholesale dealers' trust; requiring mediation and arbitration in certain produce contracts; providing parent company liability; authorizing seizure of vehicles;"

Page 1, line 8, delete "27.05;"

Page 1, line 10, delete "chapter 27" and insert "chapters 27 and 127; repealing Minnesota Statutes 1988, section 27.05"

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

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

S.F. No. 2126: 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.

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

Page 2, line 22, after the period, insert *"An application for a facility that includes both fertilizers as regulated under chapter 18C and bulk pesticides as regulated under this chapter shall pay only one application fee of \$100."*

Page 2, line 38, after the period, insert *"An application for a facility that includes both fertilizers regulated under chapter 18C and bulk pesticides regulated under this chapter shall pay only one application fee of \$50."*

Page 3, line 2, delete everything after the period

Page 3, delete lines 3 and 4

Page 3, line 5, delete everything before *"The"*

Page 3, line 12, after *"for"* insert *"calendar year"*

Page 3, line 14, after *"state"* insert *"and annual gross sales of pesticides used in the state"* and before the period, insert *"plus an additional one-tenth of one percent for each pesticide for which the United States Environmental Protection Agency, Office of Water, has published a Health Advisory Summary by December 1 of the previous year"* and after the period, insert *"The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by*

the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors."

Page 3, line 16, strike "in quarterly installments" and strike "30"

Page 3, line 17, strike everything before "based" and insert "*March 1*"

Page 3, line 19, strike "quarter" and insert "*year*"

Page 3, line 22, strike "July 1," and insert "*calendar year*"

Page 3, line 24, before the period, insert "*, and the additional amount collected for pesticides with Health Advisory Summaries shall be credited to the agricultural project utilization account under section 1160.13 to be used for pesticide use reduction grants by the agricultural utilization research institute*"

Page 6, after line 12, insert:

"Sec. 11. Minnesota Statutes 1989 Supplement, section 18E.03, subdivision 4, is amended to read:

Subd. 4. [FEE THROUGH 1990.] (a) The response and reimbursement fee consists of the surcharge fees in this subdivision *for calendar year 1990 and shall be collected until ~~December 31, 1990~~ March 1, 1991.*

(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, that is equal to 0.1 percent of sales of the pesticide in the state *and sales of pesticides for use in the state during the ~~previous~~ calendar ~~quarter~~ year 1990*, except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants as determined by the commissioner. *The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under section 18B.26, subdivision 3, paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the surcharge in this paragraph if the registrant properly documents the sale location and the distributors.*

(c) The commissioner shall impose a ten cents 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 license application of persons licensed under chapters 18B and 18C consisting of:

(1) a \$150 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 \$150 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 \$50 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 \$20 surcharge to be imposed on commercial applicator license application fees under section 18B.33, subdivision 7;

(5) a \$20 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, political subdivision of the state, the federal government, or an agency of the federal government; and

(6) a \$50 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.

(f) A \$1,000 fee shall be imposed on each site where pesticides are stored and sold for use outside of the state unless:

(1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or

(2) the registrant pays the surcharge under paragraph (b) for all of the pesticides stored and sold for use outside of the state."

Page 6, line 16, after "fee" insert "*for calendar years*" and strike "December 31," and insert "*calendar year*" and strike the comma

Page 6, line 26, after the first "of" insert "*gross*"

Page 6, line 27, after the first "state" insert "*and sales of the pesticide*" and strike "quarter" and insert "*year*"

Page 6, line 29, after the period, insert "*The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under section 18B.26, subdivision 3, paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the surcharge in this paragraph if the registrant properly documents the sale locations and the distributors.*"

Page 7, after line 21, insert:

"(f) A \$1,000 fee shall be imposed on each site where pesticides are stored and sold for use outside of the state unless:

(1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or

(2) the registrant pays the surcharge under paragraph (b) for all of the pesticides stored and sold for use outside of the state."

Page 8, line 8, after "orders" insert "*if*"

Page 10, lines 2 and 24, after "constructing" insert "*, repairing, and*

sealing”

Page 21, line 24, before “license” insert “dewatering limited”

Page 21, line 25, before “prior” insert “lack of”

Page 29, line 6, strike “subdivision 1c” and insert “section 105.37, subdivision 19”

Page 30, after line 6, insert:

“Sec. 58. Minnesota Statutes 1989 Supplement, section 115B.20, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) The environmental response, compensation, and compliance account is in the environmental fund in the state treasury and may be spent only for the purposes provided in subdivision 2.

(b) The commissioner of finance shall administer a response account ~~in the fund~~ for the agency and the commissioner of agriculture to take removal, response, and other actions authorized under subdivision 2, clauses (1) to (4) and (11) to (13). The commissioner of finance shall ~~allocate~~ transfer money from the response account to the agency and the commissioner of agriculture to take actions required under subdivision 2, clauses (1) to (4) and (11) to (13).

(c) The commissioner of finance shall administer the account in a manner that allows the commissioner of agriculture and the agency to utilize the money in the account to implement their removal and remedial action duties as effectively as possible.

(d) Amounts appropriated to the commissioner of finance under this subdivision shall not be included in the department of finance budget but shall be included in the pollution control agency and department of agriculture budgets.”

Page 31, delete lines 41 to 43

Page 32, delete lines 1 to 47 and insert:

“Of the amount appropriated from the environmental response fund, \$55,000 the first year and \$55,000 the second year is appropriated to the commissioner of agriculture for two positions to administer agricultural chemical superfund site activities. The appropriation the first year does not cancel and is available for the second year.

All money in the environmental response, compensation, and compliance fund not otherwise appropriated, is appropriated to the commissioner of finance for transfer to 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 for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2),

(3), (4), (11), (12), and (13). 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.

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. 63. [BOND WAIVER.]

Until December 31, 1991, the commissioner may waive the bond requirement for licensure under section 1031.525, subdivision 5, or 1031.531, subdivision 5, if the commissioner determines that a well contractor or limited well contractor has made a good faith effort to obtain a bond from more than one company, and the bond cannot be obtained because of insufficient net worth or inadequate liquid assets as determined by the bond company, and the well contractor or limited well contractor complies with all other requirements for licensure under the provisions of this chapter."

Page 33, line 7, delete everything after "executed"

Page 33, line 8, delete everything before "shall" and insert "before July 1, 1989,"

Page 33, line 14, after "1" insert " ; and 1031.533"

Page 33, after line 14, insert:

"Sec. 68. [APPROPRIATION; AGRICULTURE LEGAL COSTS.]

\$75,000 is appropriated from the environmental account to the commissioner of agriculture to pay for legal costs relating to responses to agricultural incidents."

Page 33, line 16, delete "13" and insert "12 and 14" and after the period, insert "Section 13 is effective July 1, 1991." and delete "14" and insert "15"

Page 33, line 17, delete everything before "are" and insert "to 58 and 60 to 67"

Page 33, line 18, delete "57" and insert "59"

Page 33, line 20, delete "16" and insert "17"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 13, after "the" insert "registration surcharge and the"

Page 1, line 35, after "3," insert "4,"

Page 2, line 1, after the first semicolon, insert "115B.20, subdivision 1;"

Page 2, line 9, delete "and" and before the period, insert " ; and 103I.533"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2037 and 2126 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2666 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that S.F. No. 1759, No. 46 on General Orders, be stricken and laid on the table. The motion prevailed.

RECONSIDERATION

Mr. Freeman moved that the vote whereby H.F. No. 2704 was passed by the Senate on April 4, 1990, be now reconsidered. The motion prevailed.

Mr. Freeman moved that H.F. No. 2704 be laid on the table. The motion prevailed.

Mr. Berg moved that S.F. No. 2230, No. 13 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Berg moved that S.F. No. 2239, No. 5 on General Orders, be stricken and returned to its author. The motion prevailed.

MEMBERS EXCUSED

Mr. Chmielewski was excused from the Session of today from 1:30 to 2:15 p.m. Mr. Frederickson, D.J. was excused from the Session of today from 1:30 to 1:40 p.m. Ms. Berglin was excused from the Session of today from 2:00 to 4:45 p.m. Ms. Piper was excused from the Session of today from 3:10 to 4:20 p.m. Ms. Reichgott was excused from the Session of today from 4:20 to 5:20 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Friday, April 6, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate