

## NINETY-SIXTH DAY

St. Paul, Minnesota, Wednesday, April 25, 1990

The Senate met at 11:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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	Flynn	Laidig	Morse	Schmitz
Berg	Frank	Langseth	Novak	Solon
Berglin	Frederick	Lantry	Olson	Spear
Bernhagen	Frederickson, D.J.	Larson	Pariseau	Storm
Bertram	Frederickson, D.R.	Lessard	Pehler	Stumpf
Brandl	Freeman	Luther	Peterson, R. W.	Vickerman
Brataas	Gustafson	Marty	Piepho	Waldorf
Cohen	Hughes	McGowan	Piper	
Dahl	Johnson, D.E.	McQuaid	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 24, 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. 838, 1698, 1704, 1789, 1820, 1821, 2026, 2051, 2090, 2092, 2132, 2208, 2281, 2318, 2349, 2424, 2430, 2483, 2493 and 2564.

Sincerely,  
Rudy Perpich, Governor

April 25, 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
2090		471	2117 hours April 24	April 25
	2480	480	2115 hours April 24	April 25
2281		481	2119 hours April 24	April 25
1821		483	2120 hours April 24	April 25
1820		484	2100 hours April 24	April 25
	2134	486	2124 hours April 24	April 25
2483		488	2127 hours April 24	April 25
1789		489	2130 hours April 24	April 25
2026		490	2132 hours April 24	April 25
2430		491	2135 hours April 24	April 25
2564		492	2138 hours April 24	April 25
2092		493	2142 hours April 24	April 25
2132		494	2147 hours April 24	April 25
2318		495	2150 hours April 24	April 25
2493		496	2152 hours April 24	April 25
838		497	2154 hours April 24	April 25
2051		498	2156 hours April 24	April 25
2208		499	2158 hours April 24	April 25
1698		500	2200 hours April 24	April 25
1704		502	2104 hours April 24	April 25
	1927	503	2105 hours April 24	April 25
2349		504	2107 hours April 24	April 25
2424		507	2212 hours April 24	April 25
	2294	510	2111 hours April 24	April 25

Sincerely,  
Joan Anderson Growe  
Secretary of State

**MOTIONS AND RESOLUTIONS**

S.F. No. 1674 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 1674**

A bill for an act relating to agriculture; providing grasshopper control; authorizing the commissioner to exempt certain lands from grasshopper control; exempting certain persons from losses relating to grasshopper control; clarifying when public utilities are subject to grasshopper control; providing for notices for control and approval of grasshopper control costs;

authorizing levies; appropriating money; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226.

April 24, 1990

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1674, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1674 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 18.0225, is amended to read:

18.0225 [GRASSHOPPER CONTROL PROGRAM.]

(a) The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. Within grasshopper control zones the commissioner, ~~landowners, and counties~~, local weed inspectors, *and landowners* have the same authorities and duties under chapter 18 for grasshoppers as if grasshoppers are noxious weeds under chapter 18. After consultation and cooperation with the ~~state~~ *Minnesota extension service* entomologist, the commissioner must develop the program to economically and efficiently control grasshoppers and to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.

*(b) Notwithstanding the provisions of this chapter, the board of a town designated by the commissioner as a grasshopper control zone may appoint a grasshopper control advisory committee of members who are residents of the township. The advisory committee must include:*

*(1) at least one owner of land enrolled in the conservation reserve program if any land is enrolled and an owner of enrolled land is willing to serve; and*

*(2) at least one dairy farmer if dairying occurs in the township and a dairy farmer is willing to serve.*

*If the town board appoints a grasshopper control advisory committee, the board must seek the advice of the advisory committee before the issuance of each order for grasshopper control or the advisory committee may adopt guidelines for issuing grasshopper control orders.*

~~(b)~~ (c) The grasshopper control program must utilize proven methods of grasshopper control and the commissioner may make grants for experimental methods of control in selected areas.

*(d) Before any grasshopper control measures, including, but not limited to, spraying or the deposit of pelletized controls, are applied on or to streams, lakes, waterways, or public waters, the commissioner shall seek the review and approval of the commissioner of natural resources. As used*

in this paragraph, "streams, lakes, waterways, or public waters," does not include farm ditches, drainage ditches, or county ditches.

(e) The commissioner, upon written request from any person or organization, may exempt from grasshopper control measures a parcel of land that the commissioner, in consultation with the commissioner of natural resources, determines to be of particular, unique scientific or natural significance or is particularly sensitive to the use of insecticides or other control methods being used. The commissioner must consider previous pesticide applications to the property to be exempted and agricultural practices conducted on the property. The exemption may be conditional, may apply to all or part of the property requested, and may be revoked by the commissioner at any time. An exemption granted under this paragraph is for mandatory grasshopper control and does not affect liability under other law.

(f) The request for exemption must include at least the following:

(1) the name and address of the person or organization making the request;

(2) the acreage and legal description of the parcel;

(3) a statement of the specific reasons why an exemption is requested; and

(4) any agreements for grasshopper control and any other information required by the commissioner.

(g) Upon notice of the approval of an exemption, the owner of the exempted property must mail the following notice to adjoining landowners:

"(Name of exempt landowner) has requested and the commissioner of agriculture has exempted (description of land exempted) from mandatory grasshopper control measures due to the scientific or natural significance or sensitivity to insecticides of the property. It is the intent of (landowner's name) not to control grasshoppers on the property. If you have questions about how you may make an agreement for grasshopper control you may contact (exempt landowner's name, address, and phone number).

Cost-sharing may be available for treatment of grasshoppers on your property. For more information contact the commissioner of agriculture.

The exemption does not affect liability under other law."

(h) A decision of the commissioner under paragraph (e) must be in writing and delivered to the person or organization making the request and the clerk of the town in which the property is located. The commissioner, counties, towns, and their agents are not liable for damages from exemptions granted under this section.

(i) From funds appropriated for this purpose, the commissioner must reimburse a person for the cost of grasshopper control measures in a 20-rod wide buffer area on property adjacent to property exempted from grasshopper control measures under paragraph (e), to the extent funds are available. Reimbursement to a person must be made only upon receipt of a completed application form indicating the need for treatment based on an inspector's determination that the exempted property has grasshoppers in densities greater than the density determined by the commissioner to cause economic or potential economic damage for all affected lands

and identifying the location of the treatment. For each application, reimbursement must be 50 percent of cost not to exceed \$4 reimbursement per acre for aerial spraying and \$2.50 reimbursement per acre for ground spraying.

Sec. 2. [18.0228] [CONTROL PROVISIONS.]

*Subdivision 1. [PESTICIDE SELECTION.] (a) The commissioner, in consultation with the Minnesota extension service entomologist, shall prepare a list of registered pesticides and their federal label requirements for use in the grasshopper control program. The commissioner shall recommend pesticides and application methods in designated grasshopper control zones that will minimize the adverse impact on foraging bees. The pesticides must economically and efficiently control grasshoppers and minimize adverse environmental impacts. Grasshopper control may only be conducted under this chapter with pesticides used according to their label requirements.*

*(b) The commissioner shall prescribe methods to determine grasshopper densities and densities causing economic or potential economic damage.*

*Subd. 2. [INDIVIDUAL NOTICES.] (a) The individual notices required under this chapter for the grasshopper control program must be in a form prescribed by the commissioner and state at least the following:*

- (1) the legal description of the property covered by the notice to control;*
- (2) the date the notice is issued;*
- (3) the name and work telephone number of the inspector issuing the notice;*
- (4) the grasshopper counts found on the property;*
- (5) the approximate date the grasshoppers on the property will be controlled by the county or municipality if the owner or occupant does not comply with the notice, which must be at least three days after the date the notice was served;*
- (6) that the costs of the control will be a lien and applied against the property's tax roll; and*
- (7) that the owner or occupant may contact the inspector about the notice before the time that the county or the municipality will control grasshoppers, which must be at least three days after the date the notice was served.*

*(b) The commissioner, a county agricultural inspector, or a local weed inspector issuing a notice under this subdivision shall provide the same number of days for compliance under paragraph (a), clause (5), for property controlled by a private land owner or occupant as for property controlled by a unit of state or local government.*

*Subd. 3. [EFFECTS ON FORAGING BEES.] (a) The Minnesota extension service shall hold meetings in grasshopper control zone areas explaining grasshopper control methods and procedures to minimize adverse effects on foraging bees.*

*(b) Not later than May 1 of each year, an owner of honeybee colonies must notify the commissioner as to the number and location of the colonies. Notification under this section must be accomplished by identifying on a map provided by the commissioner the location of colonies. The notice must include the name, address, and telephone number of the owner. If an*

owner of honeybee colonies relocates the colonies the owner must report the relocation orally, by phone, or in writing to the extension agent, the town clerk, and the commissioner within ten days after the relocation.

(c) The commissioner shall prepare maps of the location of all registered honeybee colonies, including identification of the name, address, and telephone number of the owner. The maps must be updated at least once each 14 days if owners of registered honeybee colonies give notice of relocations.

(d) The commissioner shall provide a list of licensed commercial and noncommercial pesticide applicators, including the applicator's name, business address, and phone number, to the registered beekeepers in designated grasshopper control zones.

(e) The commissioner shall prescribe a system by which owners of honeybee colonies, licensed commercial and noncommercial pesticide applicators, and county extension agents must, and town clerks may, be advised of the location of registered honeybee colonies reported under this section, of the federal pesticide label requirements pertaining to foraging bees, and of penalties for violating label requirements.

(f) The commissioner shall also develop guidelines for a voluntary system to facilitate the exchange of information between owners of registered honeybee colonies and pesticide applicators regarding the pesticide selected for use, the anticipated date and time of application, and the location of honeybee colonies.

(g) In a year in which grasshopper control zones are designated, the commissioner shall report to the chairs of the house and senate agriculture and environment committees on the number of acres treated for grasshopper control, the pesticides recommended for use, the pesticides used, the results of research and application of nonpesticide grasshopper control, the number of acres exempted from grasshopper control, and any evidence of negative environmental impacts of the grasshopper control program.

### Sec. 3. [18.0229] [LIABILITY; APPEALS.]

*Subdivision 1. [COUNTIES AND TOWNSHIPS.] Counties and townships and their agents are not liable for damages from the grasshopper control program for actions conducted in accordance with sections 18.0223 to 18.0229.*

*Subd. 2. [ACCESS FOR INSPECTION.] An inspector may enter any land to inspect grasshopper densities.*

*Subd. 3. [APPEAL TO COUNTY BOARD.] A person who is ordered to control grasshoppers under sections 18.0225 to 18.0229 and is charged for grasshopper control may appeal the cost of grasshopper control to the county board of the county where the grasshopper control measures were undertaken within 30 days after being charged. The county board shall determine the amount and approve the charge and filing of a lien against the property if it determines that:*

*(1) the owner, or occupant if other than the owner, responsible for controlling grasshoppers did not comply with the order of the inspector; and*

*(2) the grasshopper densities on the property exceeded the densities determined by the commissioner to cause economic or potential economic damage.*

*Subd. 4. [COURT APPEAL OF COSTS; PETITION.] (a) A land owner*

who has appealed the cost of grasshopper control measures under subdivision 3 may petition for judicial review. The petition must be filed within 30 days after the conclusion of the hearing before the county board. The petition must be filed with the court administrator in the county in which the real property where the grasshopper control measures were undertaken is located, together with proof of service of a copy of the petition on the commissioner and the county auditor. The petition must be accompanied by the standard filing fee for civil actions. No responsive pleadings may be required of the commissioner or the county, and no court fees may be charged for the appearance of the commissioner or the county in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner of agriculture and the respective county as respondents. The petition must include the petitioner's name, the legal description of the real estate involved, a copy of the notice to control grasshoppers, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of grasshopper control measures.

Subd. 5. [HEARING.] (a) A hearing under subdivisions 4 to 6 must be held at the earliest practicable date, and in no event later than 90 days following the filing of the petition of objection. The hearing must be before a district judge in the county in which the real property where the grasshopper control measures were undertaken is located, and must be conducted in accordance with the district court rules of civil procedure.

(b) The court shall either order that a lien representing part or all of the costs for grasshopper control measures be imposed against the real property or that the land owner be relieved of responsibility for payment of grasshopper control measures undertaken.

Subd. 6. [FURTHER APPEAL.] A party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

#### Sec. 4. [18.205] [PUBLIC UTILITY EASEMENTS.]

For property that is subject to a public utility easement, the person controlling the surface of the land other than the holder of the public utility easement is the person responsible for control of grasshoppers under this chapter. For purposes of this section, a "public utility easement" means an easement used for the purpose of transmission, distribution, furnishing at wholesale or retail natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under chapter 308A, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service.

#### Sec. 5. [FEDERAL COST-SHARE FOR EXEMPT LANDS.]

In the event that federal cost-share funds become available for grasshopper control, the commissioner shall attempt to secure a proportionate share for lands exempted under section 18.0225.

#### Sec. 6. [APPROPRIATIONS; CONTINGENT ACCOUNT.]

in this paragraph, "streams, lakes, waterways, or public waters," does not include farm ditches, drainage ditches, or county ditches.

(e) The commissioner, upon written request from any person or organization, may exempt from grasshopper control measures a parcel of land that the commissioner, in consultation with the commissioner of natural resources, determines to be of particular, unique scientific or natural significance or is particularly sensitive to the use of insecticides or other control methods being used. The commissioner must consider previous pesticide applications to the property to be exempted and agricultural practices conducted on the property. The exemption may be conditional, may apply to all or part of the property requested, and may be revoked by the commissioner at any time. An exemption granted under this paragraph is for mandatory grasshopper control and does not affect liability under other law.

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Cost-sharing may be available for treatment of grasshoppers on your property. For more information contact the commissioner of agriculture.

The exemption does not affect liability under other law."

(h) A decision of the commissioner under paragraph (e) must be in writing and delivered to the person or organization making the request and the clerk of the town in which the property is located. The commissioner, counties, towns, and their agents are not liable for damages from exemptions granted under this section.

(i) From funds appropriated for this purpose, the commissioner must reimburse a person for the cost of grasshopper control measures in a 20-foot wide buffer area on property adjacent to property exempted from grasshopper control measures under paragraph (e), to the extent funds are available. Reimbursement to a person must be made only upon receipt of a completed application form indicating the need for treatment based on an inspector's determination that the exempted property has grasshoppers in densities greater than the density determined by the commissioner to cause economic or potential economic damage for all affected lands



and identifying the location of the treatment. For each application, reimbursement must be 50 percent of cost not to exceed \$4 reimbursement per acre for aerial spraying and \$.50 reimbursement per acre for ground spraying.

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- (2) the date the notice is issued;*
- (3) the name and work telephone number of the inspector issuing the notice;*
- (4) the grasshopper counts found on the property;*
- (5) the approximate date the grasshoppers on the property will be controlled by the county or municipality if the owner or occupant does not comply with the notice, which must be at least three days after the date the notice was served;*
- (6) that the costs of the control will be a lien and applied against the property's tax roll; and*
- (7) that the owner or occupant may contact the inspector about the notice before the time that the county or the municipality will control grasshoppers, which must be at least three days after the date the notice was served.*

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*owner of honeybee colonies relocates the colonies the owner must report the relocation orally, by phone, or in writing to the extension agent, the town clerk, and the commissioner within ten days after the relocation.*

*(c) The commissioner shall prepare maps of the location of all registered honeybee colonies, including identification of the name, address, and telephone number of the owner. The maps must be updated at least once each 14 days if owners of registered honeybee colonies give notice of relocations.*

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*(g) In a year in which grasshopper control zones are designated, the commissioner shall report to the chairs of the house and senate agriculture and environment committees on the number of acres treated for grasshopper control, the pesticides recommended for use, the pesticides used, the results of research and application of nonpesticide grasshopper control, the number of acres exempted from grasshopper control, and any evidence of negative environmental impacts of the grasshopper control program.*

**Sec. 3. [18.0229] [LIABILITY; APPEALS.]**

*Subdivision 1. [COUNTIES AND TOWNSHIPS.] Counties and townships and their agents are not liable for damages from the grasshopper control program for actions conducted in accordance with sections 18.0223 to 18.0229.*

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*Subd. 3. [APPEAL TO COUNTY BOARD.] A person who is ordered to control grasshoppers under sections 18.0225 to 18.0229 and is charged for grasshopper control may appeal the cost of grasshopper control to the county board of the county where the grasshopper control measures were undertaken within 30 days after being charged. The county board shall determine the amount and approve the charge and filing of a lien against the property if it determines that:*

*(1) the owner, or occupant if other than the owner, responsible for controlling grasshoppers did not comply with the order of the inspector; and*

*(2) the grasshopper densities on the property exceeded the densities determined by the commissioner to cause economic or potential economic damage.*

*Subd. 4. [COURT APPEAL OF COSTS; PETITION.] (a) A land owner*

who has appealed the cost of grasshopper control measures under subdivision 3 may petition for judicial review. The petition must be filed within 30 days after the conclusion of the hearing before the county board. The petition must be filed with the court administrator in the county in which the real property where the grasshopper control measures were undertaken is located, together with proof of service of a copy of the petition on the commissioner and the county auditor. The petition must be accompanied by the standard filing fee for civil actions. No responsive pleadings may be required of the commissioner or the county, and no court fees may be charged for the appearance of the commissioner or the county in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner of agriculture and the respective county as respondents. The petition must include the petitioner's name, the legal description of the real estate involved, a copy of the notice to control grasshoppers, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of grasshopper control measures.

*Subd. 5. [HEARING.]* (a) A hearing under subdivisions 4 to 6 must be held at the earliest practicable date, and in no event later than 90 days following the filing of the petition of objection. The hearing must be before a district judge in the county in which the real property where the grasshopper control measures were undertaken is located, and must be conducted in accordance with the district court rules of civil procedure.

(b) The court shall either order that a lien representing part or all of the costs for grasshopper control measures be imposed against the real property or that the land owner be relieved of responsibility for payment of grasshopper control measures undertaken.

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#### Sec. 5. [FEDERAL COST-SHARE FOR EXEMPT LANDS.]

In the event that federal cost-share funds become available for grasshopper control, the commissioner shall attempt to secure a proportionate share for lands exempted under section 18.0225.

#### Sec. 6. [APPROPRIATIONS; CONTINGENT ACCOUNT.]

**Sec. 2. [REPEALER.]**

*Section 1 is repealed July 1, 1991.*

**Sec. 3. [EFFECTIVE DATE.]**

*Section 1 is effective on approval of the Scott County Board."*

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

Senate Conferees: (Signed) William P. Luther, Allan H. Spear, Fritz Knaak

House Conferees: (Signed) Thomas W. Pugh, Dave Bishop, Randy C. Kelly

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1150 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1150 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

## MESSAGES FROM THE HOUSE

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. 1870: A bill for an act relating to horse racing; increasing per diem rate for racing commissioners; requiring licenses for pari-mutuel clerks at county fairs; apportioning money for promotion of the breeding and racing industry; allowing supervision of administration of certain medications by designated persons; prohibiting acceptance of bets by telephone; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1988, sections 240.02, subdivision 3; 240.09, subdivision

2; 240.13, subdivision 8; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

Senate File No. 1870 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1990

### CONCURRENCE AND REPASSAGE

Mrs. Lantry moved that the Senate concur in the amendments by the House to S.F. No. 1870 and that the bill be placed on its repassage as amended.

Mr. Dicklich moved that the Senate do not concur in the amendments by the House to S.F. No. 1870, 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 question was taken on the adoption of the motion of Mr. Dicklich.

The roll was called, and there were yeas 36 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Dahl	Knutson	Morse	Samuelson
Beckman	Decker	Laidig	Olson	Spear
Belanger	Dicklich	Larson	Pehler	Storm
Benson	Flynn	Luther	Peterson, R. W.	Vickerman
Berg	Frank	Marty	Piepho	
Berglin	Frederickson, D.R.	McGowan	Ramstad	
Bernhagen	Johnson, D.E.	McQuaid	Reichgott	
Brandl	Johnson, D.J.	Merriam	Renneke	

Those who voted in the negative were:

Adkins	DeCramer	Kroening	Moe, D.M.	Schmitz
Bertram	Frederick	Langseth	Moe, R.D.	Solon
Brataas	Frederickson, D.J.	Lantry	Novak	Stumpf
Cohen	Hughes	Lessard	Piper	Waldorf
Davis	Knaak	Metzen	Purfeerst	

The motion prevailed.

### 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. 1960, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1960 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 24, 1990

**CONFERENCE COMMITTEE REPORT ON H.F. NO. 1960**

A bill for an act relating to natural resources; amending certain provisions concerned with the management of wildlife; amending Minnesota Statutes 1988, sections 97A.135, by adding a subdivision; and 97A.445, by adding a subdivision; and Minnesota Statutes 1989 Supplement, section 97B.603.

April 21, 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. 1960, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 1960 be further amended as follows:

Page 4, after line 36, insert:

“Sec. 6. Minnesota Statutes 1989 Supplement, section 97B.603, is amended to read:

97B.603 [SMALL GAME PARTY HUNTING.]

While two or more persons are hunting small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. *This section does not apply to the hunting of migratory game birds or turkeys.*”

Page 5, line 2, delete “*This act is*” and insert “*Sections 1 to 5 are*”

Re-number the remaining section

Amend the title as follows:

Page 1, line 7, delete “section” and insert “sections”

Page 1, line 8, before the period insert “; and 97B.603”

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

House Conferees: (Signed) David P. Battaglia, Tom Osthoff, Phyllis Kahn

Senate Conferees: (Signed) Charles A. Berg, Bob Lessard, Dennis R. Frederickson

Mr. Berg moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1960 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. 1960 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 53 and nays 4, as follows:

Those who voted in the affirmative were:

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

Mr. Beckman, Mses. Berglin, Flynn and Mr. Spear voted in the negative.

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 the passage by the House of the following House File, herewith transmitted: H.F. No. 2833.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1990

### FIRST READING OF HOUSE BILLS

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

H.F. No. 2833: A resolution memorializing the Minnesota High Technology Council to take action to plan for development of a scientific research institute within the state.

Referred to the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that the names of Messrs. Freeman and Luther be added as co-authors to S.F. No. 2177. The motion prevailed.

Mr. Cohen moved that S.F. No. 1777 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

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

### RECONSIDERATION

Mr. Luther moved that the vote whereby the motion to adopt the Conference Committee Report on S.F. No. 1777 did not prevail on April 24, 1990, be now reconsidered.

**CALL OF THE SENATE**

Mr. Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 1777. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Luther.

The roll was called, and there were yeas 32 and nays 30, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Kroening	Moe, D.M.	Spear
Belanger	DeCramer	Laidig	Moe, R.D.	Stumpf
Berg	Flynn	Langseth	Morse	Vickerman
Berglin	Frederickson, D.J.	Lantry	Piper	Waldorf
Brandl	Freeman	Lessard	Purfeerst	
Cohen	Hughes	Luther	Renneke	
Davis	Johnson, D.E.	Merriam	Schmitz	

Those who voted in the negative were:

Anderson	Dahl	Johnson, D.J.	McQuaid	Piepho
Beckman	Dicklich	Knaak	Metzen	Ramstad
Benson	Frank	Knutson	Novak	Reichgott
Bernhagen	Frederick	Larson	Olson	Samuelson
Bertram	Frederickson, D.R.	Marty	Pariseau	Solon
Brataas	Gustafson	McGowan	Pehler	Storm

The motion prevailed.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 1777**

A bill for an act relating to Ramsey county; setting the terms of charter commission members; amending Minnesota Statutes 1988, section 383A.553, subdivision 1.

April 23, 1990

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1777, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Richard J. Cohen, Gene Waldorf

House Conferees: (Signed) Dick Kostohryz, Mary Jo McGuire, Don Valento

Mr. Cohen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1777 be now adopted, and that the bill be repassed as amended by the Conference Committee.

The question was taken on the adoption of the motion of Mr. Cohen.

The roll was called, and there were yeas 34 and nays 27, as follows:

Those who voted in the affirmative were:



Adkins	Cohen	Johnson, D.E.	Moe, D.M.	Solon
Anderson	DeCramer	Knutson	Moe, R.D.	Spear
Belanger	Flynn	Kroening	Peterson, R.W.	Storm
Berg	Frederick	Langseth	Purfeerst	Stumpf
Berglin	Frederickson, D.J.	Lantry	Renneke	Vickerman
Brandl	Freeman	Lessard	Samuelson	Waldorf
Brataas	Hughes	Merriam	Schmitz	

Those who voted in the negative were:

Beckman	Dicklich	Laidig	Metzen	Piepho
Benson	Frank	Larson	Morse	Ramstad
Bernhagen	Frederickson, D.R.	Luther	Novak	Reichgott
Bertram	Gustafson	Marty	Olson	
Dahl	Johnson, D.J.	McGowan	Pariseau	
Decker	Knaak	McQuaid	Pehler	

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

S.F. No. 1777 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 36 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Hughes	Moe, R.D.	Spear
Anderson	Davis	Knutson	Peterson, R.W.	Stumpf
Belanger	Decker	Kroening	Piper	Vickerman
Benson	DeCramer	Langseth	Purfeerst	Waldorf
Berg	Flynn	Lantry	Renneke	
Berglin	Frederick	Lessard	Samuelson	
Brandl	Frederickson, D.J.	Merriam	Schmitz	
Brataas	Freeman	Moe, D.M.	Solon	

Those who voted in the negative were:

Beckman	Frederickson, D.R.	Larson	Morse	Ramstad
Bernhagen	Gustafson	Luther	Novak	Reichgott
Bertram	Johnson, D.E.	Marty	Olson	
Dahl	Johnson, D.J.	McGowan	Pariseau	
Dicklich	Knaak	McQuaid	Pehler	
Frank	Laidig	Metzen	Piepho	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Marty moved that his name be stricken as a co-author to S.F. No. 1777. The motion prevailed.

Mr. Knaak moved that his name be stricken as a co-author to S.F. No. 1777. The motion prevailed.

Mr. Marty moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Moe, D.M. be shown as chief author to S.F. No. 1679. The motion prevailed.

## RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 576 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 576

A bill for an act relating to human services; providing that medical certification for general assistance benefits may be made by a licensed chiropractor; amending Minnesota Statutes 1988, section 256D.02, by adding a subdivision.

April 25, 1990

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 576, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 576 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [148.09] [INDEPENDENT EXAMINATION.]

*A doctor of chiropractic conducting a physical examination of a patient or a review of records by a doctor of chiropractic, for the purpose of generating a report or opinion to aid a reparation obligor under chapter 65B in making a determination regarding the condition or further treatment of the patient, shall meet the following requirements:*

*(1) the doctor of chiropractic must either be an instructor at an accredited school of chiropractic or have devoted not less than 50 percent of practice time to direct patient care during the two years immediately preceding the examination;*

*(2) the doctor of chiropractic must have completed any annual continuing education requirements for chiropractors prescribed by the board of chiropractic examiners;*

*(3) the doctor of chiropractic must not accept a fee of more than \$500 for each independent exam conducted; and*

*(4) the doctor of chiropractic must register with the board of chiropractic examiners as an independent examiner and adhere to all rules governing the practice of chiropractic.*

Sec. 2. Minnesota Statutes 1988, section 256D.02, is amended by adding a subdivision to read:

*Subd. 17. [PROFESSIONAL CERTIFICATION.] "Professional certification" means:*

*(1) a statement about a person's illness, injury, or incapacity that is signed by a licensed physician, licensed consulting psychologist, or licensed psychologist, whose professional training and experience qualifies him or her to diagnose and certify the person's condition; or*

*(2) a statement about an incapacity involving a spinal subluxation condition that is signed by a licensed chiropractor whose professional training and experience qualifies him or her to diagnose and certify the condition.*

**Sec. 3. [REVISOR'S INSTRUCTION.]**

*The revisor of statutes shall change the words "medical certification" or "medically certified" wherever they appear in Minnesota Statutes, chapter 256D to "professional certification" or "professionally certified" in Minnesota Statutes 1990."*

Delete the title and insert:

"A bill for an act relating to human services; providing that certification of illness, injury, or incapacity for purposes of general assistance benefits may be made by a licensed chiropractor; regulating independent medical examinations by chiropractors; changing terminology; amending Minnesota Statutes 1988, section 256D.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148."

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

Senate Conferees: (Signed) Pat Piper, Sam G. Solon, Cal Larson, William P. Luther, Mel Frederick

House Conferees: (Signed) Richard H. Jefferson, Paul Anders Ogren, Chris Tjornhom, Becky Kelso, Peter Rodosovich

Ms. Piper moved that the foregoing recommendations and Conference Committee Report on S.F. No. 576 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 576 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Brandl voted in the negative.

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

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1150, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1150: A bill for an act relating to creditors remedies; regulating executions and garnishments; amending Minnesota Statutes 1988, section 550.142; proposing coding for new law in Minnesota Statutes, chapters 550 and 557; proposing coding for new law as Minnesota Statutes, chapter 551; repealing Minnesota Statutes 1988, sections 550.041; 550.05; 550.14; 550.141; 571.41; 571.42; 571.43; 571.44; 571.45; 571.46; 571.471; 571.495; 571.50; 571.51; 571.52; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.63; 571.64; 571.65; 571.66; 571.67; 571.68; and 571.69.

Senate File No. 1150 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1990

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1674, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1674: A bill for an act relating to agriculture; providing grasshopper control; authorizing the commissioner to exempt certain lands from grasshopper control; exempting certain persons from losses relating to grasshopper control; clarifying when public utilities are subject to grasshopper control; providing for notices for control and approval of grasshopper control costs; authorizing levies; appropriating money; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1989 Supplement, section 18.0226.

Senate File No. 1674 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1990

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. 2666, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2666 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1990

### CONFERENCE COMMITTEE REPORT ON 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.

April 24, 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. 2666, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2666 be further amended as follows:

Delete everything after the enacting clause and insert:

"ELECTIONS AND ETHICS REFORM ACT OF 1990

ARTICLE 1

LOBBYING DISCLOSURE

Section 1. Minnesota Statutes 1988, section 10A.01, subdivision 11, is amended to read:

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

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

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

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

~~(a)~~ (1) a public official ~~or employee of the state or any of its~~;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivisions ~~or public bodies~~ subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

~~(b)~~ (5) a party or the party's representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

~~(e)~~ (6) an individual while engaged in selling goods or services to be paid for by public funds;

~~(d)~~ (7) a news media medium or ~~their~~ its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

~~(e)~~ (8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing

or delivering testimony;

~~(f)~~ (9) a stockholder of a family farm corporation as defined in section 500.24, subdivision 2, who does not spend over \$250, excluding the stockholder's own travel expenses, in any year in communicating with public officials; or

~~(g)~~ (10) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 2. 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, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.*

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

*Subd. 26. [METROPOLITAN GOVERNMENTAL UNIT.] "Metropolitan governmental unit" means any of the seven counties in the metropolitan area as defined in section 473.121, subdivision 2, a regional railroad authority established by one or more of those counties under section 398A.03, a city with a population of over 50,000 located in the seven-county metropolitan area, the metropolitan council, a metropolitan agency as defined in section 473.121, subdivision 5a, the Minnesota state high school league, and the Greater Minnesota Corporation.*

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

*Subd. 27. [POLITICAL SUBDIVISION.] "Political subdivision" means the metropolitan council, a metropolitan agency as defined in section 473.121, subdivision 5a, a municipality as defined in section 471.345, subdivision 1, the Minnesota state high school league, and the Greater Minnesota Corporation.*

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

*Subd. 28. [PRINCIPAL.] "Principal" means an individual or association that:*

*(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or*

*(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10.*

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

Subdivision 1. There is hereby created a state ethical practices board

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

Sec. 7. 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. 8. Minnesota Statutes 1988, section 10A.04, subdivision 4, is amended to read:

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

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

~~(b)~~ (c) *Each lobbyist shall report* the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$50 or more, given or paid to any public *or local* official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public *or local* official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; ~~and~~.

~~(c)~~ (d) *Each lobbyist shall report* each original source of funds in excess



of \$500 in any year used for the purpose of lobbying to influence legislative action, each such source of funds used to influence administrative action, and each such source of funds used to influence the official action of metropolitan governmental units. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

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

*Subd. 6. [PRINCIPALS TO REPORT.] (a) Each principal shall report to the board as required in this subdivision by March 15 for the preceding calendar year.*

*(b) Each principal shall report which of the following categories includes the total amount, rounded to the nearest dollar, spent by the principal during the preceding calendar year to influence legislative action, administrative action, and the official action of metropolitan governmental units:*

- (1) \$501 to \$50,000;*
- (2) \$50,001 to \$150,000; or*
- (3) \$150,001 to \$250,000.*

*(c) Beyond \$250,000, each additional \$250,000 constitutes an additional category, and each principal shall report which of the categories includes the total amount spent by the principal for the purposes provided in this subdivision.*

*(d) The principal shall report under this subdivision a total amount that includes:*

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

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

*Subd. 7. [FINANCIAL RECORDS.] The board may randomly audit the*

*financial records of lobbyists and principals required to report under this section.*

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

**10A.05 [LOBBYIST REPORT.]**

Within 30 days after each lobbyist filing date set by section 10A.04, the executive director of the board shall report to the governor, and the presiding officer of each house of the legislature, the names of the lobbyists registered who were not previously reported, the names of the persons or associations whom they represent as lobbyists ~~and~~, the subject or subjects on which they are lobbying, *and whether in each case they lobby to influence legislative or administrative action or both. At the same times, the executive director of the board shall report to the governing body of each metropolitan governmental unit, the names of the registered lobbyists who attempt to influence the official action of metropolitan governmental units, the names of the persons or associations whom they represent as lobbyists, and the subject or subjects on which they are lobbying.*

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

**10A.06 [CONTINGENT FEES PROHIBITED.]**

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

Sec. 14. [CURRENT BOARD MEMBERS.]

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

Sec. 15. [SEVERABILITY.]

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

Sec. 16. [EFFECTIVE DATE.]

*Sections 1 to 5, 8, 10, 11, and 12 are effective January 1, 1991. Section 13 is effective January 1, 1991, and applies to crimes committed on or after that date.*

## ARTICLE 2

### ECONOMIC INTEREST AND CONFLICT 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 official or a local official elected to or appointed by a metropolitan governmental unit 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 financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official'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 immediate superior, if any; and

~~(c)~~ (3) if a member of the legislature *or of the governing body of a metropolitan governmental unit*, 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 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 is not a member of the legislature *or of the governing body of a metropolitan governmental unit*, 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 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 is not permitted or is otherwise unable to abstain from action in connection with the matter, the official shall file a statement describing the potential conflict and the action taken. A public official shall file the statement with the board and a local official shall file the statement with the governing body of the official's political subdivision. The statement must be filed within a week of the action taken.*

Subd. 3. [INTEREST IN CONTRACT; LOCAL OFFICIALS.] *This section does not apply to a local official with respect to a matter governed by sections 471.87 and 471.88.*

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 metropolitan governmental unit*;

~~(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 metropolitan governmental unit*;

~~(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. 6a. [LOCAL OFFICIALS.] A local official required to file a statement under this section shall file it with the governing body of the official's political subdivision. The governing body shall maintain statements filed with it under this subdivision as public data.*

Sec. 5. Minnesota Statutes 1988, section 383B.053, subdivision 1, is amended to read:

Subdivision 1. [OFFICIALS REQUIRED TO FILE; DEADLINES.] Every candidate for county office, every elected official of Hennepin county, every candidate for office and every elected official of a home rule charter city or statutory city located wholly within Hennepin county and having a population of 75,000 or more, and every candidate for school board and every elected official in special school district No. 1, Minneapolis shall file statements of economic interest as required by this section with the filing officer. A candidate shall file an original statement within 14 days of the filing of an affidavit or petition to appear on the ballot. All elected officials of Hennepin county and of a home rule charter city or statutory city located wholly in Hennepin county and having a population of 75,000 or more who are in office on March 19, 1980, shall file an original statement of economic interest 60 days after forms for disclosure are provided to the filing officer. Every individual required to file a statement shall file a supplementary statement on April 15 of each year in which the individual remains a candidate or elected official. *An official required to file a statement of economic interest under section 10A.09 is not required to comply with this section.*

Sec. 6. [APPROPRIATION.]

*\$20,000 is appropriated from the general fund to the ethical practices board for the purposes of this act. This appropriation is for fiscal year 1991.*

Sec. 7. [EFFECTIVE DATE.]

*Article 2 is effective January 1, 1991.*

### ARTICLE 3

#### STATE CAMPAIGN 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~~, *entertainment, and facility rental for a fundraising event*;
- (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, a candidate's principal campaign committee, any other political committee with the candidate's*

*name or title, or any committee authorized by 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, 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 state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by all or part of the party organization within each house of the legislature, except for individual members; by a candidate for an office other than the legislature; or to a member of such a political committee acting solely on behalf of the committee.*

Sec. 5. 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 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) Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1, the name and address of each individual or association to whom aggregate noncampaign disbursements in excess of \$100 have been made within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each noncampaign disbursement.*

Sec. 6. 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 a primary if the statewide or legislative candidate is unopposed in that primary.*

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

*Subd. 13. [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) or (l), that is a reimbursement to a third party is required to report the 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 or disbursement is made. Third party reimbursements include payments to credit card companies and reimbursement of individuals for expenses they have incurred.*

Sec. 8. Minnesota Statutes 1988, section 10A.22, subdivision 7, is amended to read:

Subd. 7. [STATEMENT REQUIRED; PENALTY.] (a) 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.

*(b) An unregistered association may provide the written statement required by this subdivision to no more than three political committees or political funds in any calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty up to \$1,000 if the association or its officer:*

*(1) fails to provide a written statement as required by this subdivision;*  
*or*

*(2) fails to register after giving the written statement required by this subdivision to more than three political committees or political funds in any calendar year.*



*An officer of an association who violates this paragraph is guilty of a misdemeanor.*

Sec. 9. 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 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.*

Sec. 10. [10A.242] [DISSOLUTION OF INACTIVE COMMITTEES AND FUNDS.]

*Subdivision 1. [DISSOLUTION REQUIRED.] (a) A political committee or political fund must be dissolved within 60 days after receiving notice from the board that the committee has become inactive. The assets of the committee or fund must be spent for the purposes authorized by section 211B.12 and other applicable law or liquidated and deposited in the general account of the state elections campaign fund within 60 days after the board notifies the committee or fund that it has become inactive.*

*Subd. 2. [INACTIVITY DEFINED.] (a) A principal campaign committee becomes inactive on the later of the following dates:*

*(1) when six years have elapsed since the last election in which the person was a candidate for the office sought or held at the time the principal campaign committee registered with the board; or*

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

*(b) A committee or fund other than a principal campaign committee becomes inactive when two years have elapsed since the end of a reporting period during which the committee or fund made an expenditure or disbursement requiring disclosure under this chapter.*

*Subd. 3. [REMAINING DEBTS.] If a committee or fund becomes inactive when it still has unpaid debts, the committee or fund shall liquidate 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. This section does not extinguish debts incurred by the committee or fund.*

Sec. 11. Minnesota Statutes 1988, section 10A.25, subdivision 2, is amended to read:

*Subd. 2. In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:*

*(a) For governor and lieutenant governor, running together, \$600,000*

\$1,626,691;

(b) For attorney general, ~~\$100,000~~ \$271,116;

(c) For secretary of state, state treasurer, and state auditor, separately, ~~\$50,000~~ \$135,559;

(d) For state senator, ~~\$15,000~~ \$40,669;

(e) For state representative, ~~\$7,500~~ \$20,335.

Sec. 12. Minnesota Statutes 1988, section 10A.25, is amended by adding a subdivision to read:

*Subd. 2a. [AGGREGATED EXPENDITURES.] If 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. 13. 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. 14. Minnesota Statutes 1988, section 10A.25, subdivision 6, is amended to read:

*Subd. 6. In any year following an election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent one-fourth of the expenditure limit set forth in subdivision 2.*

Sec. 15. 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, including those in section 26, subdivision 1, paragraph (c), but is still eligible to receive a public subsidy.*

Sec. 16. 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. 17. 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~~ *one-third of that amount* in other years; and

(e) To a candidate for state representative, \$750 in an election year for the office sought and ~~\$150~~ *one-third of that amount* in the other year.

Sec. 18. Minnesota Statutes 1988, section 10A.27, is amended by adding a subdivision to read:

*Subd. 9. A candidate's principal campaign committee shall not accept in any calendar year aggregate contributions in an amount greater than the maximum amount allowed under subdivision 1 from another candidate's principal campaign committee or any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate.*

Sec. 19. 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.*

*Subd. 2. [APPLICATION.] This section applies to a political committee of a political party as defined in section 10A.27, subdivision 4.*

*Subd. 3. [PARTY UNIT.] For purposes of this section, "party unit" means 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. 20. 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. 21. 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. 22. [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 24 to the board not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office. To receive a subsidy, the candidate must meet the matching requirements of section 25, except that the dates in that section do not apply to a special election in which the filing period does not coincide with the filing period for the general election. To the extent feasible, the special election subsidy must be distributed in the same manner as money in the party and general accounts 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. 23. [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, subdivision 10. 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 24 along with a copy of section 10A.25, subdivision 10.

**Sec. 24. [10A.322] [PUBLIC SUBSIDY AGREEMENTS.]**

**Subdivision 1. [AGREEMENT BY CANDIDATE.]** 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 the candidate will comply with sections 10A.25 and section 26. 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. 2. [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.

**Subd. 3. [ESTIMATE: ACTUAL AMOUNT.]** For the purposes of subdivisions 1 to 3 only, the total amount to be distributed to each candidate is calculated to be the candidate's share of the total estimated funds in the candidate's party account as provided in section 23, subdivision 1, plus the total amount estimated as provided in section 23, subdivision 1, to be in the general account of the state elections campaign fund and set aside for that office divided by the number of candidates whose names are to

appear on the general election ballot for that office. If for any reason the amount actually received by the candidate is greater than the candidate's share of the estimate, and the contributions thereby exceed the difference, the agreement must not be considered violated.

*Subd. 4. [CREDIT RECEIPT FORMS; PENALTY.] The board shall make available to a political party on request and to any candidate for whom an agreement under this section is effective, a supply of official credit receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a credit as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in section 24. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official credit receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.*

**Sec. 25. [10A.323] [MATCHING REQUIREMENTS.]**

*In addition to the requirements of section 24, 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, 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. 26. [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 between: (1) the amount which legally may be expended by or for the candidate; and (2) the amount the candidate receives from the state elections campaign fund must be returned to the state treasurer, deposited in the state treasury, and credited to the general fund.*

*Subd. 2. [CALCULATION.] 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 section.*

*Subd. 3. [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. For purposes of this section, a transfer from one principal campaign committee to another principal campaign committee is considered to be a noncampaign disbursement. 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. 4. [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. 27. [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. 28. Minnesota Statutes 1988, section 290.06, is amended by adding a subdivision to read:**

**Subd. 23. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.]** *(a) A taxpayer may claim a credit equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to any political party. The maximum credit for an individual must not exceed \$50 and, for a married couple filing jointly, must not exceed \$100. A credit for a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official credit receipt form issued by the candidate or party. A claim must be filed with the commissioner not sooner than September 1 of the calendar year in which the contribution is made and no later than April 15 of the calendar*

year following the calendar year in which the contribution is made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution is made must include interest at the rate specified in section 270.76.

(b) No credit is allowed under this subdivision for a contribution to any candidate who has not signed an agreement to limit campaign expenditures as provided in section 24, or article 4, section 4, and for whom voluntary spending limits are specified in section 10A.25 or article 4, section 4. This subdivision does not limit the campaign expenditure of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a credit.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a. A "major or minor party" includes 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. "Candidate" means a candidate as defined in section 10A.01, subdivision 5, but does not include a candidate for judicial office. Beginning January 1, 1991, "candidate" also means a candidate for the United States Senate or United States House of Representatives from Minnesota.

(d) The commissioner shall include a copy of the credit form with the instructions for the long and short individual taxation forms. The commissioner shall make copies of the form available to the public and candidates upon request.

(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a credit, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The amount necessary to pay claims for the credit provided in this section is appropriated from the general fund to the commissioner of revenue.

#### Sec. 29. [TRANSITIONAL PROVISION FOR INACTIVE POLITICAL COMMITTEES AND FUNDS.]

Subdivision 1. [NOTICE.] Within 30 days after the effective date of section 10, the ethical practices board shall send a notice to all political committees and funds informing them of the new requirements concerning inactive committees and funds, along with a copy of section 10.

Subd. 2. [EXISTING INACTIVE COMMITTEES AND FUNDS.] A political committee or fund that is inactive under the criteria set forth in section 10, subdivision 3, on the effective date of that section, shall dissolve by December 31, 1990, unless the board defers dissolution under section 10, subdivision 3.

#### Sec. 30. [SEVERABILITY.]

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

#### Sec. 31. [APPROPRIATION.]



*The sum of \$150,000 is appropriated from the general fund to the commissioner of revenue for fiscal years 1990 and 1991 for the administration of the credit in section 28.*

Sec. 32. [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. 33. [EFFECTIVE DATE.]

*Sections 1 to 4, 6 to 17, 19 to 27, 29, 30, and 32 are effective the day following final enactment. Sections 5 and 18 are effective January 1, 1991. Section 28 is effective for taxable years beginning after December 31, 1989, for contributions to candidates as defined in section 10A.01, subdivision 5, excluding candidates for judicial office. Section 28 is effective for taxable years beginning after December 31, 1990, for contributions to candidates for the United States House of Representatives and United States Senate.*

## ARTICLE 4

### CONGRESSIONAL CAMPAIGN REFORM

Section 1. [10A.40] [LEGISLATIVE FINDINGS OF FACT; LEGISLATIVE INTENT.]

*Subdivision 1. [CAMPAIGN FINANCING; FINDINGS OF FACT.] The legislature finds that:*

*(1) the spending on campaigns for congressional office has increased to a disgraceful level and continues to rise;*

*(2) the need to raise campaign contributions has caused Minnesota congressional candidates to aggressively solicit contributions from special interest groups and out-of-state sources, which diverts them from meeting Minnesota voters and publicly debating the pressing issues of the day;*

*(3) the current practice of congressional campaign contributions and spending, along with ethical scandals in Washington, D.C., have created a public perception of political corruption and undue influence by wealthy special interests;*

*(4) the United States Congress has debated necessary reforms for years but has failed to act, and the Federal Elections Campaign Act does not provide a means to encourage congressional candidates to voluntarily limit the amount of money they spend in campaigns; and*

*(5) as a consequence, Minnesota's representation in Congress is jeopardized and the public's confidence in our elected congressional representatives is weakened.*

*Subd. 2. [PURPOSE.] (a) In order to redress the problems described in subdivision 1, it is necessary to encourage congressional candidates to voluntarily limit the amount of money they spend on campaigns. A further purpose is to achieve the same successful results in congressional campaigns that have made Minnesota's state campaign spending system a model for the nation in the 15 years since its adoption.*

*(b) This article is intended to address the problems described in subdivision 1 as follows:*

(1) by establishing voluntary limitations on campaign spending, candidates are discouraged from escalating campaign spending through the current means of financing campaigns, and campaign spending will likely be curtailed;

(2) by providing an alternate source of financing, congressional candidates will be less susceptible to political corruption and less dependent on special interests, which will enhance the public's confidence in their congressional representatives;

(3) by allowing candidates to focus on public issues rather than fundraising, the public will be better served in its representation and its opportunity to select the better candidate;

(4) by reducing the influence of special interest groups and out-of-state contributions, the integrity of the process and the confidence of the public in their public servants will be enhanced; and

(5) as a consequence, Minnesota will build on the success of its system of voluntary expenditure limits.

*Subd. 3. [LEGISLATIVE INTENT.] In enacting sections 1 to 12, the legislature intends to provide a system to encourage voluntary campaign expenditure limits that, in concert with the existing federal law and rules, will provide a comprehensive system of campaign and election regulation. The legislature does not intend to enact legislation that is in conflict with existing federal law, and does not intend to regulate where specific federal laws have already been enacted.*

Sec. 2. [10A.41] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 1 to 12. Where consistent with federal law, the definitions in section 10A.01 also apply to sections 1 to 12.*

*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 United States 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. [INDEPENDENT CANDIDATE.] "Independent candidate means a congressional candidate who is not the candidate of a major political party, minor political party, or new political party.*

*Subd. 7. [MINOR POLITICAL PARTY.] "Minor political party" means*

any political party under whose name in the last state general election a candidate filed for statewide or congressional office and received less than five percent but more than three percent of the vote for that office.

Subd. 8. [NEW POLITICAL PARTY.] "New political party" means a political party that is neither a major political party nor a minor political party.

Subd. 9. [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. 10. [PRINCIPAL CAMPAIGN COMMITTEE.] "Principal campaign committee" means a political committee designated and authorized by a congressional candidate under United States Code, title 2, section 432, subsection (e)(1).

### Sec. 3. [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. 4. [10A.43] [EXPENDITURE LIMIT AGREEMENT.]

Subdivision 1. [FINANCIAL INCENTIVE.] (a) The state treasurer shall pay a financial incentive to each congressional candidate of a major political party or minor political party whose name will appear on the ballot in a general or special election, who has signed an agreement to limit campaign expenditures as provided in this section, and who is abiding by the agreement. In the case of an independent or new political party candidate, the congressional candidate must in addition receive more than three percent of the vote cast at the general election for the office sought. An incentive is not payable to a congressional candidate whose name appears only on the ballot in a primary election, but an incentive 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 incentive is up to 25 percent of the expenditure limit for a congressional candidate for the office of United States senator and up to 25 percent of the expenditure limit for a congressional candidate for the office of representative in Congress.

Subd. 2. [AGREEMENT.] As a condition of receiving an incentive, a congressional candidate shall sign and file with the board an agreement that the aggregate of expenditures made by the authorized committees of the congressional candidate will not exceed the expenditure limits in section 5. The expenditure limits apply only to congressional candidates who have agreed to be bound by the limits as a condition of receiving an incentive 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 September 1 preceding the general election. 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 5, 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.*

*Subd. 5. [CREDIT RECEIPT FORMS; PENALTY.] The board shall make available to a political party on request and to any congressional candidate signing an agreement under this section a supply of official credit receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a credit as provided in section 290.06, subdivision 23, and (2) if the contribution is to a congressional candidate, that candidate has signed an agreement to limit campaign expenditures as provided in this section. A congressional candidate who does not sign an agreement under this section and who willfully issues an official credit receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.*

**Sec. 5. [10A.44] [CONGRESSIONAL CAMPAIGN SPENDING LIMITS.]**

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

- (1) for United States senator, \$3,400,000; and*
- (2) for representative in Congress, \$425,000.*

*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. For a candidate for representative in Congress in a special election, the expenditure limits apply during the ten months before and the two months after the special 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 races in years subsequent to 1990 in the manner provided in paragraph (a), and the last general election year must be considered to be 1990 and the dollar amounts used for the last general election year for the offices of United States senator and representative in Congress must be \$3,400,000 and \$425,000 respectively.*

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

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

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

*Subd. 5. [LIMITATION CONDITIONAL.] (a) The expenditure limits imposed by this section apply as provided by this subdivision.*

*(b) If all the congressional candidates seeking an office agree to be bound by the limits, no candidate may receive an incentive, but all candidates are bound by the limits.*

*(c) If all major political party congressional candidates seeking an office agree to be bound by the limits, no such candidate of a major political party may receive an incentive, but all such candidates are bound by the limits.*

*(d) If a candidate of a major political party, minor political party or new political party, or an independent candidate, (i) agrees to be bound by the limits, and (ii) has an opponent who is a candidate of a major political party and who declines to be bound by the limits, the candidate who agrees to limits is eligible to receive an incentive and is not bound by the limits.*

*Subd. 6. [CERTAIN POSTELECTION COSTS.] After the election, a congressional candidate who is not a congressional incumbent and has been elected to Congress may spend an amount up to ten percent of the limits under subdivision 1 or 2 to defray transition costs. This money may be spent only for the costs of the transition that are incurred between the election and the date on which the elected candidate begins congressional service and cannot be used to retire debts remaining from the primary or general election campaign.*

**Sec. 6. [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. 7. [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. 8. [10A.47] [PENALTY FOR EXCEEDING LIMITS.]

*Subdivision 1. [EXPENDITURE LIMITS.] A congressional candidate subject to the expenditure limits in section 5 who permits the candidate's authorized committees to make aggregate expenditures on the candidate's behalf in excess of the limits imposed by section 5 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. 9. [10A.48] [MATCHING REQUIREMENTS.]

*In order to be eligible to receive a financial incentive, a congressional candidate must provide evidence to the board of contributions equal to the financial incentive. Except as otherwise provided by section 10, when a candidate submits an affidavit to the board showing contributions equal to at least one-fourth of the incentive amount, that amount will be paid to the candidate. A candidate may receive the incentive at any time during the calendar year in which the election is held, after the certification of primary results, and may receive it in quarters, or in larger portions if the candidate submits an affidavit showing that a larger amount of contributions has been made.*

## Sec. 10. [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 major political party or minor political party congressional candidate who is eligible to receive a financial incentive.*

*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 an incentive to each major political party or minor political party congressional candidate who has signed an agreement as required under section 5 and is eligible to receive an incentive.*

*Subd. 3. [INDEPENDENT AND NEW PARTY CANDIDATES.] Within two weeks after certification by the state canvassing board of the results of the state general election, the state treasurer shall pay an incentive to each independent or new political party congressional candidate who has signed an agreement as required under section 5 and is eligible to receive an incentive. To be eligible to receive an incentive, an independent or new party congressional candidate must receive at least three percent of the vote cast at the general election for the office sought.*

*Subd. 4. [APPROPRIATION.] The amount necessary to pay the incentives under this section is appropriated from the general fund to the state treasurer.*

#### **Sec. 11. [10A.50] [RETURN OF FINANCIAL INCENTIVE.]**

*Subdivision 1. [WHEN REQUIRED.] A congressional candidate shall return all or a portion of the financial incentive received under the circumstances in this subdivision. To the extent that the incentive 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 a congressional candidate is required under subdivision 1 to return all or a portion of the incentive received must be determined from the report required to be filed with the secretary of state 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 under section 12. The secretary of state 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 incentive received by the congressional candidate.*

#### **Sec. 12. [10A.51] [CAMPAIGN REPORTS.]**

*A congressional candidate who agrees to be bound by the expenditure limits in section 5, as a condition of receiving an incentive for the candidate's campaign, shall file with the secretary of state 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 secretary of state shall forward copies of the reports, within 30 days after they are received, to the board.*

#### **Sec. 13. [SEVERABILITY.]**

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

**Sec. 14. [EFFECTIVE DATE.]**

*This article is effective January 1, 1991.*

**ARTICLE 5****CONGRESSIONAL ACTION ENCOURAGED****Section 1. [NO MORE THAN 40 PERCENT FROM PACS.]**

*The Congress of the United States, acting under article I, section 4, of the Constitution, having chosen to regulate contributions to candidates for Congress, so that questions exist regarding the authority of state legislatures to regulate those contributions, is urged to enact additional regulations of contributions to congressional candidates so that 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).*

**ARTICLE 6****OPEN MEETINGS OF THE LEGISLATURE****Section 1. [3.055] [OPEN MEETINGS.]**

*Subdivision 1. [MEETINGS TO BE OPEN.] Meetings of the legislature shall be open to the public, 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 action is taken regarding a matter within the jurisdiction of the body.*

*Subd. 2. [ENFORCEMENT.] The house of representatives and the senate shall adopt rules to implement this section. Remedies provided by rules of the house and senate are exclusive. No court or administrative agency has jurisdiction to enforce, enjoin, penalize, award damages, or otherwise act upon a violation or alleged violation of this section, to invalidate any provision of law because of a violation of this section, or to otherwise interpret this section.*

**Sec. 2. [SEVERABILITY.]**

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

**ARTICLE 7****MISCELLANEOUS PROVISIONS**

**Section 1.** Minnesota Statutes 1988, section 97A.485, is amended by adding a subdivision to read:

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



Sec. 2. 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. 3. [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. 4. 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. 5. 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.*

ARTICLE 8  
JUDICIAL MERIT SELECTION

Section 1. [480B.01] [COMMISSION ON JUDICIAL SELECTION.]

*Subdivision 1. [JUDICIAL VACANCIES.] If a judge of the district court dies, resigns, retires, or is removed during the judge's term of office, or if a new district judgeship is created, the resulting vacancy must be filled by the governor as provided in this section.*

*Subd. 2. [COMMISSION ESTABLISHED; MEMBERS.] A commission on judicial selection is established. It is composed of permanent members chosen as described in paragraphs (a) to (e).*

*(a) The governor shall appoint seven at-large members to the commission who serve at the pleasure of the governor. The governor shall appoint one of these members as chair of the commission. The chair may but does not have to be an attorney. The governor may appoint attorneys to fill no more than four of the remaining six positions.*

*(b) The justices of the supreme court shall appoint two at-large members to the commission to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an attorney to fill no more than one of the two positions.*

*(c) The governor shall appoint two district members to the commission in each judicial district who serve at the pleasure of the governor. The governor may appoint an attorney to fill no more than one of the two positions.*

*(d) The justices of the supreme court shall appoint two district members to the commission from each judicial district to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an attorney to fill no more than one of the two positions.*

*(e) The appointing authorities shall ensure that the permanent members of the commission include women and minorities.*

*Subd. 3. [PARTICIPATION IN MEETINGS.] Individuals appointed as district members under subdivision 2, paragraphs (c) and (d), may participate in commission meetings and deliberations only when the commission is considering applicants to fill a vacancy on the district court in the judicial district from which those individuals were appointed.*

*Subd. 4. [VACANCIES.] If a vacancy occurs on the commission by reason of the death or resignation of a member or by the removal of a member appointed under subdivision 2, the appointing or electing authority shall appoint or elect an individual to fill the vacancy for the unexpired term.*

*Subd. 5. [QUORUM.] A quorum of the commission is seven members.*

*Subd. 6. [TEMPORARY INELIGIBILITY FOR VACANCY.] Members of the commission who would otherwise be eligible to hold judicial office may not be considered or appointed to fill a district court judicial vacancy while they are members of the commission or for one year following the end of their membership on the commission.*

*Subd. 7. [RECRUITMENT PROCESS.] The commission shall prepare and make available to the public and file with the clerk of the appellate courts and the secretary of state an outline of the process the commission will follow in recruiting and evaluating candidates to fill judicial vacancies.*

*The commission shall actively seek out and encourage qualified individuals, including women and minorities, to apply for judicial offices.*

*Subd. 8. [CANDIDATE EVALUATION.] The commission shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. The commission shall give consideration to women and minorities. The commission shall solicit, in writing, recommendations from attorney associations in the judicial district and from organizations that represent minority or women attorneys in the judicial district who have requested solicitation.*

*Subd. 9. [COMMISSION MEETINGS; NOTICE; TIME.] Within ten days after a judicial vacancy occurs or the governor has been notified that a vacancy will occur on a named date, the governor shall give notice of the vacancy to the chair of the commission on judicial selection. A meeting of the commission to consider the candidates for the vacancy must be held not less than 21 days nor more than 42 days after the governor provides notification of the vacancy.*

*Subd. 10. [NOTICE TO THE PUBLIC.] Upon receiving notice from the governor that a judicial vacancy has occurred or will occur on a specified date, the chair shall provide notice of the following information:*

- (1) the office that is or will be vacant;*
- (2) that applications from qualified persons or on behalf of qualified persons are being accepted by the commission;*
- (3) that application forms may be obtained from the governor or the commission at a named address; and*
- (4) that application forms must be returned to the commission by a named date.*

*The notice must be made available to attorney associations in the judicial district where the vacancy has occurred or will occur and to at least one newspaper of general circulation in each county in the district.*

*Subd. 11. [NOMINEES TO GOVERNOR.] Within 60 days after the receipt of a notice of a judicial vacancy, the committee shall recommend to the governor no fewer than three and no more than five nominees for each judicial vacancy. The names of the nominees must be made public. The governor may fill the vacancy from the nominees recommended by the commission. If the governor declines to select a nominee to fill the vacancy from the list of nominees, or if no list is submitted to the governor under this subdivision, the governor may select a person to fill the vacancy without regard to the commission's recommendation. If fewer than 60 days remain in the term of office of a governor who will not succeed himself or herself in office, the governor may fill a vacancy without waiting for the commission to recommend a list of nominees.*

*Subd. 12. [COMMISSION MEETINGS AND DATA.] Meetings of the commission may be closed to discuss the candidates. The commission shall file an annual tabulation with the governor of the number of applicants for judicial office and the age, sex, and race of applicants.*

**Sec. 2. [EFFECTIVE DATE.]**

*Section 1 is effective July 1, 1990, and applies to vacancies that occur after that date."*

Delete the title and insert:

“A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a financial incentive for their campaigns; changing certain campaign practice and ethical practice requirements; 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 a tax credit for contributions to 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 for selection of judicial candidates; encouraging certain congressional action; requiring certain legislative meetings to be open; appropriating money; providing penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7, 10b, 10c, 11, and by adding subdivisions; 10A.02, subdivision 1; 10A.04, subdivisions 2, 4, 4a, and by adding subdivisions; 10A.05; 10A.06; 10A.07; 10A.09, subdivision 2, and by adding a subdivision; 10A.20, subdivisions 3, 5, and by adding a subdivision; 10A.22, subdivision 7; 10A.24; 10A.25, subdivisions 2, 5, 6, 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivision 1, and by adding a subdivision; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 290.06, by adding a subdivision; 383B.053, subdivision 1; and 383B.055, subdivisions 1 and 2; Minnesota Statutes 1989 Supplement, section 10A.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 10A; and 204D; proposing coding for new law as Minnesota Statutes, chapter 480B; repealing 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.”

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

House Conferees: (Signed) Linda Scheid, Robert Vanasek, Loren A. Solberg, Tom Osthoff, Dave Bishop

Senate Conferees: (Signed) William P. Luther, Gregory L. Dahl, Richard J. Cohen, John J. Marty, Lawrence J. Pogemiller

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2666 be now adopted, and that the bill be repassed as amended by the Conference Committee.

The question was taken on the adoption of the motion of Mr. Luther.

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

Those who voted in the affirmative were:

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

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

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

H.F. No. 2666 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, R.W. voted in the negative.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Moe, R.D. and Benson introduced—

Senate Resolution No. 191: A Senate resolution relating to conduct of Senate business during the interim between Sessions.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The powers, duties, and procedures set forth in this resolution apply during the interim between the adjournment sine die of the 76th Legislature, 1990 Session, and the convening of the 77th Legislature, 1991 Session.

The Committee on Rules and Administration may, from time to time, assign to the various committees and subcommittees of the Senate, in the interim, matters brought to its attention by any member of the Senate for study and investigation. The standing committees and subcommittees may study and investigate all subjects that come within their usual jurisdiction, as provided by Minnesota Statutes, Section 3.921. A committee shall carry

on its work by subcommittee or by committee action as the committee from time to time determines. Any study undertaken by any of the standing committees, or any subcommittee thereof, shall be coordinated to the greatest extent possible with other standing committees or subcommittees of the Senate and House of Representatives, and may, if the committee or subcommittee so determines, be carried on jointly with another committee or subcommittee of the Senate or House of Representatives.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in committees, commissions, and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise. The Subcommittee on Committees may appoint members of the Senate to assist in the work of any committee.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees, and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Committee on Rules and Administration may authorize members of the Senate and personnel employed by the Senate to travel and to attend courses of instruction or conferences for the purpose of improving and making more efficient Senate operation and may reimburse these persons for the costs thereof out of monies appropriated to the Senate for the standing committees.

All members of activated standing committees or subcommittees of the Senate, and staff, shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties during the interim in the manner provided by law. Payment shall be made by the Secretary of the Senate out of monies appropriated to the Senate for the standing committees. The Committee on Rules and Administration shall determine the amount and manner of reimbursement for living and other expenses of each member of the Senate incurred in the performance of his duties when the Legislature is not in regular session.

The Secretary of the Senate shall continue to perform his duties during the interim. During the interim, but not including time which may be spent in any special session, the Secretary of the Senate shall be paid for services rendered the Senate at the rate established for that position for the 1990 regular session, unless otherwise directed by the Committee on Rules and Administration, plus travel and subsistence expense incurred incidental to his Senate duties, including salary and travel expense incurred in attending meetings of the American Society of Legislative Clerks and Secretaries and the National Conference of State Legislatures.

Should a vacancy occur in the position of Secretary of the Senate, by resignation or other causes, the Committee on Rules and Administration shall appoint an acting Secretary of the Senate who shall serve in such capacity during the remainder of the interim under the provisions herein specified.

The Secretary of the Senate is authorized to employ after the close of the session, the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 1990 regular session. He is authorized to employ the necessary employees to prepare for the 1991 session at the salaries in effect at that time.

The Secretary of the Senate shall classify as "permanent" for purposes

of Minnesota Statutes, Sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as "permanent" by the Committee on Rules and Administration.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies, and may reimburse each member for long distance telephone calls and answering services upon proper verification of the expenses incurred, and for other expenses authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 76th Legislature. He may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after adjournment sine die.

The Secretary of the Senate may pay election and litigation costs as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for the printing of the daily Senate journals, bills, general orders, special orders, calendars, resolutions, printing and binding of the permanent Senate Journal, shall secure bids and enter into contracts for remodeling, improvement and furnishing of Senate office space, conference rooms and the Senate Chamber and shall purchase all supplies, equipment and other goods and services necessary to carry out the work of the Senate. Any contracts in excess of \$5,000 shall be signed by the Chair of the Committee on Rules and Administration and another member designated by the Committee on Rules and Administration.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts herein referred to.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate shall be reserved for use by the Senate and its standing committees only and shall not be released or used for any other purpose except upon authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration, or the Chair thereof.

The custodian of the Capitol shall continue to provide parking space through the Secretary of the Senate for members and staff of the Minnesota State Senate on Aurora Avenue and other areas as may be required during the interim. The Secretary of the Senate may deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the department of Administration.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Moe, R.D. and Benson introduced—

Senate Resolution No. 192: A Senate resolution relating to notifying the House of Representatives the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify the House of Representatives the Senate is about to adjourn sine die.

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

Messrs. Moe, R.D. and Benson introduced—

Senate Resolution No. 193: A Senate resolution relating to notifying the Governor the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify The Honorable Rudy Perpich, Governor of the State of Minnesota, the Senate is ready to adjourn sine die.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2629 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 2629: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1988, sections 343.21, subdivision 10, as amended; and 469.005, subdivision 1, as amended; Minnesota Statutes 1989 Supplement, sections 62A.316, as amended; 144A.071, subdivision 3, as amended; and 308A.621; repealing Laws 1990, chapter 494, section 1, subdivision 7.



Mr. Spear moved to amend S.F. No. 2629 as follows:

Page 9, after line 34, insert:

“Sec. 8. 1990 H.F. No. 2419, article 1, section 23, if enacted, is amended to read:

Sec. 23. OFFICE OF WASTE MANAGEMENT

(a) General Reduction (200,000) (414,000)

(b) This reduction is from the SCORE grants to counties identified in Laws 1989, First Special Session chapter 1, article 24, section 2. (1,234,000)

(c) This appropriation is for the capital assistance program. The agency’s authorized complement is increased by seven positions for administration of the capital assistance program. 285,000

(d) Notwithstanding any other law to the contrary, any outstanding obligations that may be held in St. Louis county for grants and loans issued to the county for construction or operation of the Babbitt waste tire facility under Minnesota Statutes 1986, section 116M.07; Minnesota Statutes, section 115A.54, subdivision 2a; or 298.22; or, Minnesota Rules, parts 8300.3881 to 8300.3090, shall be suspended until June 30, 1993.

Sec. 9. 1990 S.F. No. 2621, article 2, section 56, if enacted, is amended to read:

Sec. 56. Minnesota Statutes 1988, section 252.27, as amended by Laws 1989, chapter 282, article 2, section 92, is amended to read:

252.27 [PARENTAL CONTRIBUTION FOR THE COST OF CHILDREN’S SERVICES.]

Subdivision 1. [COUNTY RESPONSIBILITY.] Whenever any child who has mental retardation or a related condition, or a physical or emotional handicap is in 24-hour care outside the home including respite care, in a facility licensed by the commissioner of human services, the cost of services shall be paid by the county of financial responsibility determined pursuant to chapter 256G. If the child’s parents or guardians do not reside in this state, the cost shall be paid by the responsible governmental agency in the state from which the child came, by the parents or guardians of the child if they are financially able, or, if no other payment source is available, by the commissioner of human services.

Subd. 1a. [DEFINITIONS.] A person has a “related condition” if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, Prader-Willi syndrome, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with

mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living. For the purposes of this section, a child has an "emotional handicap" if the child has a psychiatric or other emotional disorder which substantially impairs the child's mental health and requires 24-hour treatment or supervision.

Subd. 2. [PARENTAL RESPONSIBILITY.] Responsibility of the parents for the cost of services shall be based upon ability to pay. The state agency shall adopt rules to determine responsibility of the parents for the cost of services when:

(a) Insurance or other health care benefits pay some but not all of the cost of services; and

(b) No insurance or other health care benefits are available.

Subd. 2a. [CONTRIBUTION AMOUNT.] (a) The natural or adoptive parents of a minor child, including a child determined eligible for medical assistance without consideration of parental income, must contribute monthly to the cost of services, unless the child is married or has been married, parental rights have been terminated, or the child's adoption is subsidized according to section 259.40 or through title IV-E of the Social Security Act.

(b) The parental contribution equals the following percentage of that portion of the income of the natural or adoptive parents that exceeds 200 percent of the federal poverty guidelines for the applicable household size:

Adjusted Gross Income	Percentage contribution exceeding 200 percent of poverty
<del>Under \$40,000</del>	0
<del>\$40,000 to</del> Under \$49,999	10
\$50,000 to \$59,999	12
\$60,000 to \$74,999	14
\$75,000 or more	15

If the child lives with the parent, the parental contribution is reduced by \$200. If the child resides in an institution specified in section 256B.35, the parent is responsible for the personal needs allowance specified under that section in addition to the parental contribution determined under this section. The parental contribution is reduced by any amount required to be paid directly to the child pursuant to a court order, but only if actually paid.

(c) The household size to be used in determining the amount of contribution under paragraph (b) includes natural and adoptive parents and their dependents under age 21, including the child receiving services. Adjustments in the contribution amount due to annual changes in the federal poverty guidelines shall be implemented on the first day of July following publication of the changes.

(d) For purposes of paragraph (b), "income" means the adjusted gross income of the natural or adoptive parents determined according to the previous year's federal tax form.

(e) The contribution shall be explained in writing to the parents at the

time eligibility for services is being determined. The contribution shall be made on a monthly basis effective with the first month in which the child receives services. Annually upon redetermination or at termination of eligibility, if the contribution exceeded the cost of services provided, the local agency or the state shall reimburse that excess amount to the parents, either by direct reimbursement if the parent is no longer required to pay a contribution, or by a reduction in or waiver of parental fees until the excess amount is exhausted.

(f) The monthly contribution amount must be reviewed at least every 12 months; when there is a change in household size; and when there is a loss of or gain in income from one month to another in excess of ten percent. The local agency shall mail a written notice 30 days in advance of the effective date of a change in the contribution amount. A decrease in the contribution amount is effective in the month that the parent verifies a reduction in income or change in household size.

(g) Parents of a minor child who do not live with each other shall each pay the contribution required under paragraph (a), except that a court-ordered child support payment actually paid on behalf of the child receiving services shall be deducted from the contribution of the parent making the payment.

(h) The contribution under paragraph (b) shall be increased by an additional five percent if the local agency determines that insurance coverage is available but not obtained for the child. For purposes of this section, "available" means the insurance is a benefit of employment for a family member at an annual cost of no more than five percent of the family's annual income. For purposes of this section, insurance means health and accident insurance coverage, enrollment in a nonprofit health service plan, health maintenance organization, self-insured plan, or preferred provider organization.

Parents who have more than one child receiving services shall not be required to pay more than the amount for the child with the highest expenditures. There shall be no resource contribution from the parents. The parent shall not be required to pay a contribution in excess of the cost of the services provided to the child, not counting payments made to school districts for education-related services. Notice of an increase in fee payment must be given at least 30 days before the increased fee is due.

Subd. 2b. [CHILD'S RESPONSIBILITY.] Responsibility of the child for the cost of care shall be up to the maximum amount of the total income and resources attributed to the child except for the clothing and personal needs allowance as provided in section 256B.35, subdivision 1. Reimbursement by the parents and child shall be made to the county making any payments for services. The county board may require payment of the full cost of caring for children whose parents or guardians do not reside in this state.

To the extent that a child described in subdivision 1 is eligible for benefits under chapter 62A, 62C, 62D, 62E, or 64B, the county is not liable for the cost of services.

Subd. 2c. [APPEALS.] A parent may appeal the determination of an obligation to make a contribution under this section, according to section 256.045.

Subd. 3. [CIVIL ACTIONS.] If the parent fails to make appropriate

reimbursement as required in subdivision 2a and 2b, the attorney general, at the request of the commissioner, may institute or direct the appropriate county attorney to institute civil action to recover the required reimbursement.

Subd. 4. [ORDER OF PAYMENT.] If the parental contribution is for reimbursement for the cost of services to both the local agency and the medical assistance program, the local agency shall be reimbursed for its expenses first and the remainder must be deposited in the medical assistance account.

Sec. 10. [PUBLIC DEFENDERS.]

*Subdivision 1. [REPEALER.] 1990 H.F. No. 2478, article 9, section 6, if enacted, is repealed. The section amended by 1990 H.F. No. 2478, article 9, section 6, remains in effect.*

*Subd. 2. [REPEALER.] 1990 H.F. No. 2478, article 9, section 7, if enacted, is repealed. The section amended by 1990 H.F. No. 2478, article 9, section 7, remains in effect.*

*Subd. 3. [REPEALER.] 1990 H.F. No. 2478, article 9, section 12, if enacted, is repealed. The law amended by 1990 H.F. No. 2478, article 9, section 12, remains in effect.*

*Subd. 4. [EFFECTIVE DATE.] Subdivisions 1 to 3 are effective July 1, 1990.*

Sec. 11. [SUPER COMPUTERS.]

*Subdivision 1. [REPEALER.] Minnesota Statutes 1988, section 297A.25, subdivision 45, as added in 1990 H.F. No. 2478, article 6, section 5, if enacted, is repealed.*

*Subd. 2. [EFFECTIVE DATE.] This section is effective the day following final enactment for transactions occurring on or after December 31, 1989.*

Sec. 12. 1990 H.F. No. 2419, article 1, section 57, if enacted, is amended to read:

Sec. 57. Minnesota Statutes 1988, section 116P.11, is amended to read:  
116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the commission consists of the interest earnings generated from the trust fund.

(b) For funding projects through fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year ~~1994~~ 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year ~~1992~~ 1993; and

(3) for the 1995-1997 biennium, up to ten percent of the revenue deposited in the fund in fiscal year ~~1993~~ 1994 and up to five percent of the revenue deposited in the fund in fiscal year ~~1994~~ 1995.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the

trust fund.

Sec. 13. *Subdivision 1.* [AUTHORIZATION.] Minnesota Statutes 1989 Supplement, section 410.32, is amended to read:

410.32 [CITIES AUTHORIZED TO ISSUE CAPITAL NOTES FOR CERTAIN EQUIPMENT ACQUISITIONS.]

Notwithstanding any contrary provision of other law or charter, a home rule charter city may, by resolution and without public referendum, issue capital notes subject to the city debt limit to purchase public safety equipment, ambulance and other medical equipment, road construction and maintenance equipment, and other capital equipment having an expected useful life at least as long as the term of the notes. The notes shall be payable in not more than five years and be issued on terms and in the manner the city determines. The total principal amount of the capital notes issued in a fiscal year shall not exceed 0.03 percent of the market value of taxable property in the city for that year. A tax levy shall be made for the payment of the principal and interest on the notes, in accordance with section 475.61, as in the case of bonds. Notes issued under this section shall require an affirmative vote of two-thirds of the governing body of the city. ~~Unless prohibited by its charter~~ *Notwithstanding a contrary provision of other law or charter*, a home rule charter city may also issue capital notes subject to its debt limit in the manner and subject to the limitations applicable to statutory cities pursuant to section 412.301.

*Subd. 2.* [EFFECTIVE DATE.] *Subdivision 1 is effective the day following final enactment.*

Sec. 14. *Subdivision 1.* [MANUFACTURED HOME PARKS.] 1990 H.F. No. 2478, article 3, section 46, subdivision 1, if enacted, is amended to read:

~~Subdivision 1. [LIMITED VALUATION INCREASE.] (a) Notwithstanding Minnesota Statutes, section 273.11, or any other law to the contrary, the estimated market value of a manufactured home park, as defined in section 327.14, subdivision 3, and assessed under section 273.13, subdivision 25, for taxes levied in 1990, may not exceed 133-1/3 percent of its estimated market value for taxes levied in 1989 as limited by Laws 1989, First Special Session chapter 1, article 3, section 32, subdivision 1. The excess market value must be entered equally in the next two succeeding assessment years. The increase in the estimated market value of a manufactured home park, as defined in section 327.14, subdivision 3, and assessed under section 273.13, subdivision 25, for taxes levied in 1990, 1991, and 1992 shall be computed as follows: one-third of the difference between its market value for taxes levied in 1989 as limited by Laws 1989, 1st Special Session chapter 1, article 3, section 32, subdivision 1, and its unlimited market value for taxes levied in 1990 shall be added to its limited market value for the prior year in each of the three years. In addition, for any increase in market value subsequent to taxes levied in 1990, all of that increase shall be added to the prior year's limited market value after the adjustment in the prior sentence.~~

(b) This subdivision does not apply to increases in value attributable to improvements made to the real estate since the January 2, 1989, assessment. It does not apply to property becoming subject to taxation since the January 2, 1989, assessment. The limitation in this subdivision applies to any increase in valuation imposed by the local boards of review under section

274.01, the county boards of equalization under section 274.13, and the state board of equalization and the commissioner of revenue under sections 270.11, 270.12, and 270.16.

*Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective at the same time 1990 H.F. No. 2478, article 3, section 46, is effective.*

**Sec. 15. [REGULATED LOANS; NONADJUSTMENT OF DOLLAR AMOUNTS.]**

*Notwithstanding Minnesota Statutes, section 56.131, subdivision 4, or other law to the contrary, the dollar amounts specified in section 56.131, subdivision 1, paragraph (a), clause (1), shall not be adjusted on July 1, 1990.*

**Sec. 16. Subdivision 1. [CORRECTION.]** 1990 S.F. No. 2621, article 6, section 1, subdivision 1, if enacted, is amended to read:

**Subdivision 1. [DETERMINATION AND COLLECTION OF SPECIAL ASSESSMENT.]** (a) In addition to all other contributions, assessments and payment obligations under chapter 268, each employer, *except an employer making payments in lieu of contributions under section 268.06, subdivision 25, 26, 27, or 28*, is liable for a special assessment levied at the rate of one-tenth of one percent per year on all wages for purposes of the contribution payable under section 268.06, subdivision 2, as defined in section 268.04, subdivision 25. Such assessment shall become due and be paid by each employer to the department of jobs and training on the same schedule and in the same manner as other contributions required by section 268.06.

(b) The special assessment levied under this section shall not affect the computation of any other contributions, assessments, or payment obligations due under this chapter.

*Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective at the same time 1990 S.F. No. 2621, article 6, section 1, is effective.*

**Sec. 17. [INCORRECT REFERENCE.]**

*The appropriation in 1990 H.F. No. 2651, article 1, section 20, subdivision 3, to the commissioner of natural resources must be spent for the reinvest in Minnesota resources program under Minnesota Statutes, section 84.95, subdivision 2, for fish and wildlife land acquisition and development, not under Minnesota Statutes, sections 40.40 to 40.45.*

**Sec. 18. [INCORRECT REFERENCE.]**

*The appropriation in 1990 H.F. No. 2651, article 1, section 24, item (c), is for payment by the commissioner of trade and economic development, not the commissioner of energy and economic development."*

Renumber the sections in sequence

Amend the title accordingly

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 1, lines 29 to 45

Pages 2 to 9

Second portion:

Page 1, lines 3 to 28

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

Mr. Spear moved that the second portion of the amendment be laid on the table. The motion prevailed.

Mr. Spear then moved to amend S.F. No. 2629 as follows:

Page 9, after line 34, insert:

“Sec. 8. [INCORRECT EFFECTIVE DATE.]

*The increases in district court and conciliation court filing fees in 1990 H.F. No. 2419, article 1, sections 72 and 73, and the repeal of Minnesota Statutes, section 480.241, in section 81, are effective July 1, 1990, not the day after final enactment.”*

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 2629 as follows:

Page 9, after line 34, insert:

“Sec. 8. Minnesota Statutes 1988, section 290.01, subdivision 6, is amended to read:

Subd. 6. [TAXPAYER.] The term “taxpayer” means any person or corporation subject to a tax imposed by this chapter. *For purposes of 1990 H.F. No. 2666, article 3, section 28, if enacted, the term “taxpayer” means an individual eligible to vote in Minnesota under section 201.014.”*

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved that S.F. No. 2629 be laid on the table. The motion prevailed.

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

## 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 Senate File No. 1777, and repassed said bill in accordance with the report of the Committee, so adopted.

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

Senate File No. 1777 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1990

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. 2651, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2651 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1990

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2651

A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature, with certain conditions; authorizing issuance of state bonds; authorizing the commissioner of finance to make certain covenants to the purchasers of certain bonds or certificates of indebtedness; requiring identification of certain accounts; providing for the reduction and cancellation of certain bond sale authorizations; approving capital loans to certain school districts; not approving capital loans to certain school districts; authorizing certain lease-purchase, lease with option to buy, and rental arrangements by the commissioner of administration; appropriating money; amending Minnesota Statutes 1988, sections 16A.641, subdivision 6; 16A.672, by adding a subdivision; 16B.24, subdivisions 5 and 6; 116.18, subdivision 3d; 136.62, by adding a subdivision; 136A.28, subdivisions 3 and 7; 136C.04, subdivision 4; Minnesota Statutes 1989 Supplement, sections 16A.631; 16A.641, subdivision 7; 16A.69, subdivision 1; 16B.335, subdivision 2; Laws 1979, chapter 280, section 2, as amended; Laws 1989, chapter 329, article 5, section 21, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 124; repealing Minnesota Statutes 1988, section 16A.651.

April 25, 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. 2651, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2651 be further amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

Section 1. [CAPITAL IMPROVEMENTS APPROPRIATIONS.]

The sums in the column marked "APPROPRIATIONS" are appropriated



from the bond proceeds fund, or another named fund, to the state agencies indicated, to be spent to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act.

## SUMMARY

TECHNICAL COLLEGES	\$ 25,362,000
COMMUNITY COLLEGES	50,500,000
STATE UNIVERSITIES	44,408,000
UNIVERSITY OF MINNESOTA	71,480,000
EDUCATION	27,793,000
JOBS AND TRAINING	750,000
VETERANS HOMES BOARD	1,750,000
HEALTH	1,376,000
CORRECTIONS	13,121,000
HUMAN SERVICES	22,675,000
TRANSPORTATION	21,734,000
PUBLIC SAFETY	545,000
BOARD OF WATER AND SOIL RESOURCES	2,395,000
MINNESOTA HISTORICAL SOCIETY	3,475,000
INDIAN AFFAIRS COUNCIL	50,000
ADMINISTRATION	16,750,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	300,000
NATURAL RESOURCES	17,950,000
PUBLIC FACILITIES AUTHORITY	30,954,000
POLLUTION CONTROL AGENCY	27,225,000
WASTE MANAGEMENT	7,000,000
TRADE AND ECONOMIC DEVELOPMENT	7,500,000
AMATEUR SPORTS COMMISSION	5,000,000
HOUSING FINANCE AGENCY	1,500,000
MILITARY AFFAIRS	200,000
BOND SALE EXPENSES	386,000
TOTAL	\$402,179,000
Bond Proceeds Fund	109,521,000
Infrastructure Development Fund	243,661,000
Maximum Effort School Loan Fund	23,000,000
Transportation Fund	11,200,000
Trunk Highway Fund	10,484,000
Airport Fund	50,000

General Fund

4,263,000  
APPROPRIATIONS

## Sec. 2. TECHNICAL COLLEGES

Subdivision 1. To the state board of vocational technical education for the purposes specified in this section

\$ 25,362,000

The appropriations in this section are from the infrastructure development fund.

Notwithstanding Minnesota Statutes, section 475.61, subdivision 4, the state board of vocational technical education may approve a request by a local school board to use any unobligated balance in the technical college debt redemption fund to pay the district's share of construction projects authorized in this section.

The state board shall report to the house appropriations and senate finance committees by January 15 of each year on the status of the capital improvement projects in this section.

## Subd. 2. Statewide

During the biennium, as part of the planning process for a new or remodeled building, consideration must be given to the child care needs of a campus and the feasibility of locating child care facilities in the building. The board shall report on its consideration process and its decision for each project proposed in future bonding requests.

Notwithstanding Minnesota Statutes, section 136C.44, during the biennium the state board of vocational technical education must not make grants to school districts but shall directly supervise and control the preparation of plans and specifications to construct, alter, or enlarge the technical college buildings, structures, and improvements provided for in this section. The state board of vocational technical education may provide grants to school districts for land purchases authorized in this act. The school district must still finance 15 percent of the cost of each project, other than in a joint vocational technical district as defined in Minnesota Statutes, section 136C.60.

During the biennium, the state board of vocational technical education shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans

and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

During the biennium, the state board may delegate the authority provided in this section to the campus director for repair and replacement projects with a total cost of less than \$50,000, if the state board determines that the projects can be efficiently managed at the campus level.

Plans must be paid for out of this appropriation. The remainder of the appropriation must not be spent until the board has secured suitable plans and specifications, prepared by a competent architect or engineer. The plans and specifications must be accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided in this act.

The state board of vocational technical education may delegate responsibilities to technical college staff.

Subd. 3. Capital improvements

3,300,000

This appropriation is for capital improvement grants to school districts for roofs, parking lots, hazardous material abatement, fuel tank removal, electrical, mechanical, and other physical plant repairs and betterments at technical college campuses.

Subd. 4. Alexandria Technical College

870,000

This appropriation is for a truck mechanics instruction building. The total cost of the project must not exceed \$1,024,000, whether paid from state, local, or federal money.

Subd. 5. Anoka Technical College

3,500,000

This appropriation is to remodel and construct space for classrooms, parking, and other related purposes, and to acquire land. The total cost of the project must not exceed \$4,118,000, whether paid from state, local, or federal money.

Subd. 6. Dakota County Technical College

939,000

This appropriation is for a decision driving course and truck driving areas on land leased

from the University of Minnesota, or currently owned land. No exchange of ownership of the property may occur. Any unspent balance remaining after completion of this project may be spent for classrooms. The total cost of the project must not exceed \$1,200,000, whether paid from state, local, or federal money.

Subd. 7. Detroit Lakes  
Technical College

4,429,000

This appropriation is to remodel and construct space for classrooms, a telecommunications center, child care, laboratories, staff work areas, and parking/site improvements. The total cost of this project must not exceed \$5,211,000 whether paid from state, local, or federal money.

Subd. 8. Duluth  
Technical College

520,000

This appropriation is for exterior wall stabilization and repair. The total cost of this project must not exceed \$612,000 whether paid from state, local, or federal money.

Subd. 9. East Grand Forks  
Technical College

2,000,000

This appropriation is to remodel and construct space for classrooms, laboratories, offices, telecommunications, truck driving courses, parking, and other related purposes. The total cost of the project must not exceed \$2,353,000, whether paid from state, local, or federal money.

Subd. 10. Hennepin Technical  
College

Intermediate District 287, Hennepin Technical College, is authorized to construct classrooms, labs, staff areas, parking/site work, and make energy modifications. The total cost of the project must not be more than \$1,409,000, to be paid from the proceeds of the sale of land and from local money.

In funding this project, the district is required to use the post-secondary share of the proceeds from the sale of the west campus land. The post-secondary share of the sale is the percent of the net sales proceeds that equals the state's percentage of the original investment.

To determine the amount of local funds available for this project, the state director, district superintendent, and commissioner of finance, or their designees, shall determine the post-secondary share of all district funds according

to Minnesota Statutes, section 136C.05, subdivision 6.

If the project is not authorized by the board of District No. 287 by December 1, 1990, the state board shall recover the state's share of the post-secondary portion of the proceeds of the sale of the west campus land. The recovery may be a direct payment from Intermediate District No. 287 to the state board, or the state board may reduce the allotment for the operations budget.

**Subd. 11. Hibbing Technical  
College**

500,000

This appropriation is to prepare a site and a plan for a new campus. Before any land is purchased, the terms of the purchase and the site selected must be submitted to the chairs of the senate finance and house appropriations committees for their review. The total cost of the project must not exceed \$588,300, whether paid from state, local, or federal money.

**Subd. 12. Southwestern Technical  
College**

1,200,000

**(a) Canby Campus**

This appropriation is for connecting links to the main classroom building and the student services area.

**(b) Granite Falls Campus**

This appropriation is for construction of a library and resource study area, special needs, and student services area.

**(c) Jackson Campus**

This appropriation is for construction of an auto body and auto mechanic laboratory and remodeling for a library.

**(d) Pipestone Campus**

This appropriation is for remodeling for a library and resource study area, and student services space.

**Subd. 13. Thief River Falls  
Technical College**

2,338,000

This appropriation is to remodel and construct space for an airplane hangar, classrooms, staff work areas, storage, parking, and site work at the airport site. The total cost of the project must not exceed \$2,751,000, whether paid from state, local, or federal money.

Subd. 14. Willmar Technical College 700,000

This appropriation is to construct and remodel space for the auto body training program. The total cost of the project must not exceed \$824,000, whether paid from state, local, or federal money.

Subd. 15. Winona Technical College 4,666,000

This appropriation is to remodel and construct space for an aviation center, classrooms, laboratories, staff work areas, hangar space, storage and parking/site improvement. The total cost of this project must not exceed \$5,489,000 whether paid from state, local, or federal money.

Subd. 16. Land Acquisition 400,000

This appropriation is for the State Board of Vocational Technical Education to acquire land for a joint campus for Brainerd Technical College and Brainerd Community College.

The state board of vocational technical education, the state board for community colleges, Brainerd technical college, and Brainerd community college shall cooperatively undertake a plan for a joint campus for Brainerd technical college and Brainerd community college.

### Sec. 3. COMMUNITY COLLEGES

Subdivision 1. To the commissioner of administration for the purposes specified in the following subdivisions 50,500,000

The appropriations in this section are from the infrastructure development fund.

Notwithstanding Minnesota Statutes, section 16B.24, subdivision 2, the state board for community colleges shall supervise and control the making of necessary repairs to all state community college buildings and structures during the biennium.

The state board shall report to the house appropriations and senate finance committees by January 15 of each year on the status of the capital improvement projects in this section.

During the biennium, as part of the planning process for a new or remodeled building, consideration must be given to the child care needs of a campus and the feasibility of locating child care facilities in the building. The board shall

report on its consideration process and its decision for each project proposed in future bonding requests.

Subd. 2. Austin Community College 440,000

This appropriation is to prepare working drawings to renovate and construct space for laboratories, a library, nursing, occupational therapy center, receiving and maintenance, dining, continuing education, theatre, campus center, offices, classrooms, bookstore, developmental learning, journalism, and other related purposes.

Subd. 3. Brainerd Community College 5,148,000

This appropriation is to renovate and construct space for drama, physical education, laboratories, a library, classrooms, a campus center, an art studio, offices, parking, storage areas, and other related purposes.

Subd. 4. Cambridge Center 400,000

This appropriation is to prepare working drawings for classrooms, laboratories, offices, and other necessary purposes. This appropriation is available only after receipt of a gift of land, including provision for sewer and water services, upon which the structures will be located. The site shall be submitted to the chairs of the senate finance and house appropriations committees for their review, before final acceptance.

Subd. 5. Fergus Falls Community College 3,429,000

This appropriation is to construct and remodel space for a campus center, laboratories, offices, administration and counseling, classrooms, continuing education, physical education, parking, and storage.

Subd. 6. Fond du Lac Center 6,990,000

This appropriation is to construct space for classrooms, laboratories, offices, and other necessary purposes. This appropriation is available only after receipt of a gift of land, including provision for sewer and water services, upon which the structures will be located.

Subd. 7. Hibbing Community College 500,000

This appropriation is the state's share for construction of athletic facilities to be used jointly with the Hibbing school district. The facilities must be maintained by the school district.

Subd. 8. Lakewood Community  
College 3,500,000

This appropriation is to renovate and construct space for classrooms, parking, student services, administration, laboratories, campus center, faculty office areas, and other related purposes.

Subd. 9. Rainy River Community  
College 1,400,000

This appropriation is to renovate and construct space for classrooms, laboratories, student services areas, faculty offices, a bookstore, maintenance facilities, library, administration areas, and other related purposes.

Subd. 10. Vermilion Community  
College 1,050,000

This appropriation is to renovate and construct space for shops, classrooms, music, information processing, developmental learning, and other related purposes, and conceptual planning for space for administration, student services, offices, classrooms, laboratories, and connecting links. This project may not proceed beyond plans until the plans have been reviewed by the chairs of the senate finance and house appropriations committees and the chairs have made their recommendations on the plans.

Subd. 11. Willmar Community  
College 3,393,000

This appropriation is to renovate and construct space for laboratories, a library, offices, parking, heating, ventilating, and air conditioning systems, fine arts, classroom areas, and other related purposes.

Subd. 12. Worthington Community  
College 1,500,000

This appropriation is to renovate and construct space for laboratories, classrooms, administration, student services, offices, a television studio, and other related purposes.

Subd. 13. University Center at  
Rochester 17,000,000

This appropriation is to construct and renovate space for the center. For purposes of allocating responsibility for debt service for this project, the commissioner of finance, after consulting with the University of Minnesota, state universities, and community college systems, shall develop an equitable amount for each system



to pay for its debt service share. The total amount from the three systems must equal the amount necessary to pay the systems' share of the debt service transfer.

Subd. 14. Systemwide capital improvements

5,000,000

This appropriation is for capital improvements at community colleges statewide, including roofs, hazardous material abatement, repair or construction of parking lots, electrical, mechanical, and other physical plant repairs and betterments.

Subd. 15. Land Acquisition

750,000

This appropriation is to the state board for community colleges to acquire land for Lake-wood and North Hennepin community colleges.

Sec. 4. STATE UNIVERSITIES

Subdivision 1. To the state university board for the purposes specified in the following subdivisions

44,408,000

The appropriations in this section are from the infrastructure development fund.

Notwithstanding Minnesota Statutes, sections 16B.30 and 16B.31, during the biennium, the state university board shall supervise and control the preparation of plans and specifications for the construction, alteration, or enlargement of the state university buildings, structures, and improvements provided for in this section. During the biennium, the board shall advertise for bids and award contracts in connection with the improvements, supervise and inspect the work, approve necessary changes in the plans and specifications, approve estimates for payment, and accept the improvements when completed according to the plans and specifications.

Plans must be paid for out of this appropriation. The remainder of the appropriation must not be spent until the board has secured suitable plans and specifications, prepared by a competent architect or engineer. The plans and specifications must be accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided in this act.

The board shall report to the house appropriations and senate finance committees by January 15 of each year on the status of the capital improvement projects in this section.

Notwithstanding Minnesota Statutes, section 16B.24, subdivision 2, the state university board shall supervise and control the making of necessary repairs to all state university buildings and structures during the biennium.

Notwithstanding other law, during the biennium, the state university board may purchase property adjacent to or in the vicinity of the campuses as necessary for the development of the universities. Before taking action, the board shall consult with the chairs of the senate finance committee and the house appropriations committee about the proposed action. The board shall explain the need to acquire property, specify the property to be acquired, and indicate the source and amount of money needed for the acquisition.

During the biennium, the state university board may pay relocation costs, at its discretion, when acquiring property.

During the biennium, as part of the planning process for a new or remodeled building, consideration must be given to the child care needs of a campus and the feasibility of locating child care facilities in the building. The board shall report on its consideration process and its decision for each project proposed in future bonding requests.

Subd. 2. Bemidji Campus

- (a) Heating plant rehabilitation 3,990,000
- (b) Emergency generator 870,000

Subd. 3. Mankato Campus

- (a) Heating plant rehabilitation 3,720,000
- (b) Construct Phase I addition to Trafton Hall 7,000,000

Subd. 4. Metropolitan Campus

13,000,000

This appropriation is to construct a consolidated administrative and student center, convert the power plant to low pressure steam, and correct code deficiencies in existing structures.

Subd. 5. Moorhead Campus

- (a) Construct a classroom building 3,600,000

**(b) Moorhead parking deck**

\$2,560,000 appropriated by Laws 1987, chapter 400, section 19, subdivision 4, item (c), to plan and construct a vehicle parking deck at Moorhead State University, may be used to acquire land adjacent to or in the vicinity of the Moorhead campus as necessary to develop Moorhead State University, and may be used to construct parking spaces on university land. The state university board may pay relocation costs, at its discretion, when acquiring this property.

**Subd. 6. Southwest Campus**

Recreational sports building 6,300,000

Notwithstanding Laws 1989, chapter 300, article 1, section 4, subdivision 7, the appropriation in Laws 1987, chapter 400, section 19, subdivision 6, item (e), no more than \$50,000 may be used for the purpose stated in the 1989 law. The balance of the appropriation shall be added to the appropriation for the recreational sports building in this subdivision.

**Subd. 7. Systemwide Capital Improvements 2,515,000**

This appropriation is for capital improvements on state university campuses statewide.

(a) Abate hazardous materials 1,300,000

(b) Roof replacements on the Bemidji, Moorhead, St. Cloud, Southwest, and Winona campuses 1,215,000

**Subd. 8. Land Acquisition 1,750,000**

This appropriation is to acquire land adjacent to or in the vicinity of the St. Cloud campus.

**Subd. 9. Systemwide Library Planning 200,000**

This appropriation is to develop schematic plans for a college campus library and its needs 15 years into the future. The plan must be suitable for construction of a library on any or all state university system campuses. The plans must account for anticipated changes in electronic and communications technology affecting publishing, storage, access, reference, administration, staffing, and related capabilities appropriate to a comprehensive library and efficient use of its resources, including cooperative collection building and storage with other state university campuses. The planning must be conducted with the full involvement and participation of St. Cloud, Bemidji, and

Winona state universities and must be incorporated into plans for library improvements on those campuses. The board shall report to the chairs of the senate finance committee and the house of representatives appropriations committee by May 1, 1991, describing the model and its application to the needs of the libraries at the St. Cloud, Bemidji, and Winona campuses.

Subd. 10. Settlement of wood-fired boiler litigation

1,463,000

This appropriation is from the general fund.

Notwithstanding Laws 1987, chapter 401, section 5, subdivision 3, paragraphs 2 and 3; Laws 1989, chapter 300, article 1, section 4, subdivision 10; and Laws 1989, chapter 293, section 5, subdivision 4, this appropriation is for the full and final payment of a settlement agreed to by the parties to the litigation among First Trust Company, Inc., M.E.S. Corporation, and the state of Minnesota to resolve disputes over energy services systems for the state universities at St. Cloud and Bemidji. This appropriation is not an admission of liability by the state but represents only the sum of a binding court judgment and post-judgment interest for payments due prior to the 1987 and 1989 legislative nonappropriations enumerated above; a payment for past use by the state of certain equipment; a payment for purchase by the state of certain equipment; and a payment in lieu of all other outstanding claims against the state. Laws 1987, chapter 401, section 5, subdivision 3, paragraphs 2 and 3; Laws 1989, chapter 300, article 1, section 4, subdivision 10; and Laws 1989, chapter 293, section 5, subdivision 4, remain permanently in effect except as specifically provided in this section.

Sec. 5. UNIVERSITY OF MINNESOTA

Subdivision 1. To the regents of the University of Minnesota for the purposes specified in the following subdivisions

71,480,000

The appropriations in this section are from the infrastructure development fund.

The regents shall report to the house appropriations and senate finance committees by January 15 of each year on the status of the capital improvement projects in this section.

During the biennium as part of the planning process for a new or remodeled building, consideration must be given to the child care needs

of a campus and the feasibility of locating child care facilities in the building. The board shall report on its consideration process and its decision for each project proposed in future bonding requests.

Subd. 2. Morris Campus  
Remodel and construct addition to student center 4,000,000

Subd. 3. Twin Cities Campus

(a) Construct biological sciences addition 16,500,000

(b) Remodel Wilson Library 2,080,000

(c) Construct addition to and renovate veterinary diagnostic lab 7,900,000

(d) Construct music performance hall addition to Ferguson Hall 6,700,000

This amount must be matched by a minimum of \$2,000,000 from nonstate sources. The amount of money provided to match the state appropriation pursuant to Laws 1984, chapter 597, section 16, subdivision 2, clause (j), may be included in calculating the match amount required in this paragraph.

(e) Construct an Integrated Waste Management Facility 7,500,000

(f) Recreational sports and physical education building 6,000,000

This appropriation is to complete the university recreation center, the space under the bleachers in the aquatics center, repair the second and third floors of Cooke Hall, and may include moving gymnastics to Peik gym and relocating the Human Performance Laboratory. If all of the preceding items are completed, the handball and racquetball courts in St. Paul may also be constructed.

(g) The appropriations in Laws 1978, chapter 792, section 11, subdivision 2, item (e); and in Laws 1984, chapter 597, section 16, subdivision 2, item (f), to remodel Folwell Hall on the Twin Cities campus of the University of Minnesota may be added to the appropriation in Laws 1987, chapter 400, section 20, subdivision 7, item (l), to remodel Folwell Hall, phase II.

Subd. 4. Crookston Campus

(a) Construct agricultural operations management center 4,410,000

(b) Plan Agricultural Utilization Research

Institute offices and labs and remodel current space 590,000

Subd. 5. Duluth Campus

(a) Expand and renovate Natural Resources Research Institute 2,500,000

(b) Construct college campus center 10,000,000

Subd. 6. North Central Experiment Station

The appropriation in Laws 1989, chapter 335, article 1, section 21, subdivision 4, for hybrid aspen and hybrid larch research and development at the North Central Experiment Station at Grand Rapids may also be spent to construct a greenhouse.

Subd. 7. Systemwide Health and safety

1,500,000

This appropriation is to continue the program for upgrading university facilities to eliminate fire and life safety deficiencies and to continue the ongoing university-wide program of rendering facilities accessible to the physically disabled.

Subd. 8. Minnesota Agricultural Experiment Stations

1,800,000

This appropriation is for capital improvements at the Horticulture Research Center; the North Central Experiment Station; the Southwest Experiment Station; the West Central Experiment Station; the Northwest Experiment Station; and the Cloquet Forestry Center. Any funds remaining after completion of the first five projects may be used to fund other experiment station projects in accordance with the priorities established by the board of regents.

The board of regents may execute a contract for deed for purchase of unique farm land at Lambertton.

Sec. 6. HIGHER EDUCATION SYSTEMS

Subdivision 1. Debt Service Plans

Each public higher education system is requested to include in the 1991 biennial budget document a plan for incorporating debt service retirement into its operating budget. The plan should include, but not be limited to, the amount of debt service, the types of projects, a ten-year plan for anticipated projects, and the method for financing the plan.

Subd. 2. Parking Fees

Each public higher education system shall develop a parking plan. The plan shall include consideration of establishing parking fees for each campus at a level that will provide adequate revenue to construct, repair, and maintain the parking lots. The plan must be submitted to the legislature in the 1991 biennial budget document.

### Sec. 7. EDUCATION

Subdivision 1. To the commissioner of administration, except as otherwise specified, for the purposes specified in this section

27,793,000

Subd. 2. Minnesota State Academy for the Blind and Deaf - Faribault

343,000

(a) Upgrade mechanical systems and make health and life safety improvements in Activities Building

128,000

(b) Retrofit science classrooms to meet safety standards

50,000

(c) Replace windows

165,000

Subd. 3. Minnesota Center for Arts Education

Purchase and rehabilitate Golden Valley site

4,250,000

Notwithstanding any other law to the contrary, the commissioner of administration may purchase the Golden Valley site for a sum not more than \$4,250,000.

Subd. 4. Minnesota Center for Science, Mathematics, and International Studies  
Purchase facilities at Winona

200,000

This appropriation is to purchase facilities on the campus of the former College of Saint Teresa in Winona, to be used to establish a state center for science, mathematics, and international studies. This appropriation may be spent only if the Hiawatha Foundation exercises its option to buy the buildings. The Foundation must maintain the facilities through June 30, 1991.

Subd. 5. Maximum Effort School Loans

23,000,000

This appropriation is from the maximum effort school loan fund and must be spent under the direction of the commissioner of education to make debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47.

This appropriation is to the commissioner of

education, who shall rank capital loan applications that were recommended by the state board of education and approved by voters of the school district before April 15, 1990. Ranking shall be based on the criteria in Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1, paragraph (b), clauses (2)(A) to (D), and the amount of the appropriation in this subdivision.

The commissioner shall review the proposed plan and budgets of a project to be funded and may reduce the amount of the loan to ensure that the project will be economical. The commissioner may recover the cost incurred by the commissioner for any professional services associated with the final review by reducing the proceeds of the loan paid to the district.

The commissioner shall allot the amount available for capital loans to the top-ranked districts in rank order. The commissioner shall not prorate a capital loan. If the available money will not fully fund a project, the commissioner shall allot the money to the next lower project that can be fully funded. Capital loans are approved for the districts funded by the commissioner. The amount, terms, and forgiveness of a capital loan are governed by this subdivision and 1990 H.F. No. 2200, article 11.

Except for emergency requests, these school district applications shall be the top priority for funding capital loans until July 1, 1995, if:

- (1) the districts continue to meet the criteria in Minnesota Statutes 1989 Supplement, section 124.43, subdivision 1, paragraph (b), clauses (2)(A) to (D);
- (2) the amount of the loan is within the limit established by 1990 H.F. No. 2200, article 11, section 5, subdivision 8, as modified by 1990 H.F. No. 2200, article 11, section 10; and
- (3) the districts levy according to 1990 H.F. No. 2200, article 11, section 2, and section 5, subdivision 11.

A district application may change priority or rank order when the conditions under which the state board of education approved the loan application or the voters approved borrowing the money change sufficiently to disqualify it for a capital loan, raise or lower its rank, or eliminate its status as top priority, according to 1990 H.F. No. 2200, article 11.



### Sec. 8. JOBS AND TRAINING

To the commissioner of administration  
for the purposes specified in this section 750,000

This appropriation is to construct and renovate a regional job service office in south Minneapolis. The office must be located at the southwest corner of the intersection of Chicago and Lake streets.

### Sec. 9. VETERANS HOMES BOARD

Subdivision 1. To the commissioner  
of administration for the purposes specified  
in this section 1,750,000

The appropriations in this section represent 35 percent of the estimated cost of each project.

The Minnesota Veterans Homes Board must apply for the federal money needed to complete these projects. The commissioner of administration shall receive the federal money and make the money available to the Veterans Homes Board to spend for completion of the projects. Any part of the total appropriation in this section may be spent for any of the projects in this section before the federal money for that project is received, provided that the project must not be started until enough federal or other money has been committed to complete it.

Subd. 2. Minnesota Veterans Home -  
Minneapolis

(a) Expand feeding and lounge areas in  
building 17 187,000

(b) Restore bridge and utilities 367,000

(c) Demolish building 12B and remove  
boiler from building 14A 34,000

Subd. 3. Minnesota Veterans Home -  
Hastings

(a) Upgrade heating and air conditioning system 56,000

(b) Replace windows 26,000

(c) Repair roofs 28,000

(d) Reconfigure domiciliary rooms to  
comply with standards 1,052,000

### Sec. 10. HEALTH

To the commissioner of administration  
to renovate laboratories at the present  
health building and remodel the heating,  
ventilating, and air conditioning systems 1,376,000

## Sec. 11. CORRECTIONS

Subdivision 1. To the commissioner of administration for the purposes specified in this section 13,121,000

### Subd. 2. Minnesota Correctional Facility - Faribault

(a) Complete phase II conversion to medium security and electrical upgrade of facility 2,706,000

(b) Reconfigure roads, walks, and lots in coordination with the department of human services 537,000

### Subd. 3. Minnesota Correctional Facility - Lino Lakes

(a) Expand "Q" Building 500,000

(b) Construct two new medium security cottages 6,000,000

(c) Connect to city water and sewer system 955,000

(d) Replace the emergency power generator 318,000

### Subd. 4. Minnesota Correctional Facility - Stillwater

Replace locks in cell hall B 594,000

### Subd. 5. Minnesota Correctional Facility - Willow River/Moose Lake

Expand and improve the wastewater treatment system 85,000

### Subd. 6. Minnesota Correctional Facility - Shakopee

Plan and design for expansion 300,000

### Subd. 7. Minnesota Correctional Facility - St. Cloud

Complete the replacement of steam/condensate lines 224,000

### Subd. 8. Minnesota Correctional Facility - Red Wing

Replace hot water lines from the industrial building throughout the tunnel system of the facility and remove asbestos 402,000

### Subd. 9. Systemwide

Repair roofs, structures, and utilities at various state correctional facilities 500,000

## Sec. 12. HUMAN SERVICES

Subdivision 1. To the commissioner of administration for the purposes specified in this section 22,675,000

### Subd. 2. Systemwide

(a) Upgrade heating and air conditioning system in residential and program buildings	500,000
(b) Remodel resident living and program areas to meet licensure and accreditation requirements	450,000
(c) Repair roofs, structures, and utilities	426,000

Subd. 3. Construct ten additional state-operated community services facilities for people with developmental disabilities

2,590,000

Subd. 4. State-operated community-based residences

1,000,000

This appropriation is to plan, design, renovate or construct two state-operated community-based residences for people with mental illness. Each facility must be located in conformance with deconcentration requirements. One facility must be located in the Twin Cities metropolitan area, must have no more than 16 beds, and must serve adults. One facility must be located outside the Twin Cities metropolitan area, must have 10 beds, and must serve adolescents. Before beginning construction, the commissioner shall consult with the chairs of the Health and Human Services Division of the House Appropriations Committee and the Health and Human Services Division of the Senate Finance Committee.

Subd. 5. Construct water line to Cambridge Regional Treatment Center

400,000

This appropriation is to repair or replace water and sewer mains at the Cambridge regional human services center in cooperation with the city of Cambridge. Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of administration may transfer to the city of Cambridge any property at the Cambridge regional human services center that relates to the provision of water or sewer services or other utilities. The department and the city may attach to the transfer the conditions that they agree are appropriate, including conditions that relate to water and sewer service at the center and in the city. If the transfer requires the conveyance of any interest in real estate, the attorney general shall prepare appropriate instruments of conveyance. The deed to convey the property must contain a clause that the property will revert to the state if the property ceases to be used for a public purpose. This appropriation expires upon the

accomplishment or abandonment of its purpose.

Subd. 6. Remodel, upgrade, and re-equip dietary and kitchen facilities at Ah-Gwah-Ching, Brainerd Human Services Center, and St. Peter Regional Treatment Center	774,000
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Subd. 7. Regional Treatment Centers	7,235,000
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This appropriation is to prepare working drawings to remodel or reconstruct the Anoka, Moose Lake, and Fergus Falls mental health units. Plans must be ready for construction bid by June 1, 1991, with a total construction cost not to exceed \$97,000,000. Construction funds must be available after review of the plans by the 1991 legislature. Schematics shall be submitted to the chair of the health and human services division of the senate finance committee and the chair of the health and human services division of the house appropriations committee for their review.

Of this appropriation, \$2,800,000 is for Anoka Metro Regional Treatment Center to complete schematics and working drawings for construction of a 300-bed facility for treatment of individuals with mental illness. The new facility must include space for ancillary and support functions for all disability groups to be served by the regional center.

Of this appropriation, \$1,435,000 is for Fergus Falls Regional Treatment Center to develop schematics and working drawings for a new 100-bed freestanding facility for persons with mental illness. The new facility must include space for ancillary and support functions for all disability groups to be served by the regional center. The plan and working drawings must be drafted in a manner that will allow for all construction to be completed in totality or in phases. The first phase must provide for completion of all ancillary and support functions. Upon completion of construction, custodial control of the existing Kirkbride Complex shall be transferred to the commissioner of administration after a public meeting in Fergus Falls to receive recommendations for its disposition.

Of this appropriation, \$1,500,000 is for Moose Lake Regional Treatment Center to develop schematics and working drawings for construction of a new 150-bed freestanding facility for the treatment of individuals with mental illness. The new facility must include space

for ancillary and support functions for all disability groups to be served by the regional center. The site for the new facility shall be located, if feasible, on property presently under the custodial control of the Moose Lake Regional Treatment Center. If a building site on regional center property is not feasible, the commissioners of human services and natural resources shall cooperatively explore the feasibility of an alternative site location on state land adjacent to the regional center which at the present time is under the custodial control of the department of natural resources. The commissioner of human services may also accept a gift of real property as an alternative site for the new regional facility. Upon completion of construction, custodial control of the existing regional center complex shall be transferred to the commissioner of corrections for the purpose of establishing a correctional facility.

Of this appropriation, \$1,500,000 is for remodeling the Brainerd Regional Treatment Center for 35 mental health security beds.

The department of administration, in cooperation with the department of human services, shall coordinate the planning for the reconstruction of the regional treatment centers. The proposals for schematics and working drawings for the psychiatric facilities at Anoka, Fergus Falls, and Moose Lake must be let in a single bid. The department of finance may reduce the authorization if the department estimates the amount needed is less than the authorized amount.

Subd. 8. Remodel residential buildings at regional treatment centers to meet standards for skilled nursing facilities	9,300,000
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This appropriation is to complete remodeling of buildings for 105 beds at Brainerd, 70 beds at Cambridge, and 85 beds at Fergus Falls.

### Sec. 13. TRANSPORTATION

Subdivision 1. To the commissioner of transportation for the purposes specified in this section	21,734,000
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#### Subd. 2. Buildings

The appropriations in this subdivision are from the trunk highway fund.

(a) Bemidji rest area	250,000
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The commissioner of transportation may not

spend more than \$400,000 from an appropriation for trunk highway development to develop the site and design a facility for a trunk highway rest area and tourist information center at Bemidji. State money may not be spent to operate the facility.

(b) Brainerd District Headquarters 6,525,000

This appropriation is to construct a new headquarters on a site already owned by the department of transportation.

(c) Detroit Lakes Laboratory addition 344,000

(d) Marshall Area Maintenance Building 600,000

This appropriation is added to the appropriation in Laws 1989, chapter 269, section 2, subdivision 11, item (e).

(e) Mahnomens Truck Station 420,000

This appropriation is to construct a new truck station.

(f) St. James Truck Station 420,000

(g) Statewide

(1) Asbestos removal and reinsulation in Minnesota department of transportation facilities statewide 250,000

(2) Underground storage tank replacement at Minnesota department of transportation facilities statewide 750,000

(3) Construct or repair chemical storage sheds at department facilities 405,000

(4) Acquire land 145,000

This appropriation is to acquire land for truck station sites at Roseau, Pine City, Northfield, and Pipestone.

(5) Construct pole-type storage sheds at Minnesota department of transportation facilities statewide 375,000

Subd. 3. Planning for airport hangar at St. Paul downtown airport 50,000

This appropriation is from the state airports fund.

Subd. 4. Federal Aid Demonstration Program 5,600,000

This appropriation is from the state transportation fund.

Subd. 5. Local Bridge Replacement and Rehabilitation 5,600,000

This appropriation is from the state transportation fund.

(a) This appropriation shall be distributed by the commissioner of transportation as grants to political subdivisions for the construction and reconstruction of key bridges on highways and streets under their jurisdiction. The grants shall not exceed the following aggregate amounts:

- |   |             |
|---|-------------|
| (1) To counties                               | \$3,304,000 |
| (2) To home rule charter and statutory cities | \$ 784,000  |
| (3) To towns                                  | \$1,512,000 |

(b) The grants may be used by a political subdivision to:

- (1) Construct and reconstruct key bridges under their jurisdiction;
- (2) Match federal-aid grants for construction and reconstruction of the bridges;
- (3) Pay the costs of preliminary engineering and environmental studies for the bridges;
- (4) Pay the costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement is made; and
- (5) Pay the cost of constructing a road or street that would facilitate the abandonment of an existing deficient bridge. The construction of the road or street must be judged by the commissioner to be more cost-efficient than the reconstruction or replacement of the existing bridge.

#### Sec. 14. PUBLIC SAFETY

Remodel Bureau of Criminal Apprehension Building to comply with building code	545,000
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#### Sec. 15. BOARD OF WATER AND SOIL RESOURCES

To the board of water and soil resources for the Reinvest in Minnesota resources program	2,395,000
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This appropriation is from the infrastructure development fund.

This appropriation is to acquire conservation easements under Minnesota Statutes, section 40.43, subdivision 3. The board shall give priority to acquiring easements on cropland in sensitive groundwater areas.

Administrative costs for one position of the board are to be paid from this appropriation.

\$1,645,000 of this appropriation is to construct the Wellner-Hageman dam.

Sec. 16. MINNESOTA HISTORICAL SOCIETY

Subdivision 1. To the Minnesota historical society for the purposes specified in this section 3,475,000

Subd. 2. Specific Projects

(a) Complete State History Center 2,300,000

This appropriation is added to the appropriation in Laws 1987, chapter 400, section 15, subdivision 2.

\$100,000 of this appropriation is to construct exhibits at the State History Center.

(b) Restore and repair deterioration of Split Rock Lighthouse 125,000

(c) Restore and reconstruct Meighen store complex 100,000

(d) Red Lake Tribal Information Center 300,000

This appropriation is for the Minnesota historical society to make a grant to independent school district No. 38, Red Lake, to finalize construction documents and operating agreements before project bidding.

Subd. 3. For heritage zone grant-in-aid 100,000

This appropriation is for grant-in-aid purposes of the St. Anthony Falls Heritage Preservation Zone. Grants may be made for public improvements of a capital nature according to the St. Anthony Falls interpretive plan for preservation of interpretive components. The matching requirements for the grants may be established by the St. Anthony Falls Heritage Board.

Subd. 4. For the labor history center 550,000

This appropriation is to plan and design the Labor History Center. The society shall develop a facility program document that defines the space and programming needs of the center including operating expenses. The society shall determine, through a site location assessment study, the location of the center on a site adjacent to the history center and prepare working drawings for the project. Cost estimates for all elements necessary to complete the project must be submitted to the chairs of the agriculture,



transportation, and semi-states divisions of the senate finance and house appropriations committees for their recommendations. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The total cost of the project must not exceed \$12,500,000. The project cost may include exhibits and audio-visual devices and systems.

**Subd. 5. For site improvements**

Notwithstanding any other law to the contrary, unencumbered balances from appropriations in Laws 1981, chapter 4, section 11, are reappropriated to the Minnesota Historical Society for site contamination clean-up and access requirements. The Minnesota Historical Society shall report to the chair of the senate committee on finance and the chair of the house of representatives committee on appropriations on expenditures made under this subdivision. The purpose of the reappropriation is to pay for existing projects and not to pay for new projects.

**Sec. 17. INDIAN AFFAIRS COUNCIL**

**Battle Point Historic Site**

50,000

This appropriation is to prepare preliminary plans for an interpretive center at the Battle Point historic site in Cass county on the Leech Lake Indian Reservation. The plans must provide for the center to be constructed on land leased to the Indian affairs council by the Leech Lake Band of Chippewa Indians under a ground lease having an initial term of at least 20 years and a total term of at least 40 years, including renewal options. During the term of the ground lease the facilities constructed on the land will be owned by the council, but when the ground lease expires the facilities constructed on the land will belong to the Leech Lake Band. The plans must provide for the council to contract with the Leech Lake Band to operate the center on behalf of the council. Through the center, the council shall carry out a program of public education on the history of the Battle Point site, with primary emphasis on the historical role of the Leech Lake Band. The center and all classes and programs run by or through the center must be open to the public.

**Sec. 18. ADMINISTRATION**

To the commissioner of administration for the purposes specified in this section

16,750,000

(a) Capital asset preservation and replacement account 2,500,000

This appropriation is from the capital asset preservation and replacement account created in new Minnesota Statutes, section 16A.632.

Unencumbered balances from appropriations in Laws 1985, First Special Session chapter 15, section 3, subdivision 2, item (a), and Laws 1987, chapter 400, section 3, item (a), may be used by the commissioner of administration to remove or encapsulate asbestos-containing materials when identified by a survey conducted by a recognized and licensed asbestos testing consultant as being the most hazardous to building occupants.

(b) Centennial Building 8,000,000

This appropriation is to complete renovation of the interior of the building.

(c) To repair the ventilation system in the Ford building 150,000

(d) For the Itasca Center Project 100,000

This appropriation is for a grant to Itasca county to plan for construction of the Itasca Center.

(e) Judicial Center 2,900,000

This appropriation is to complete phase I of the center and phase II planning.

(f) Plan to remodel State Capitol 300,000

(g) Agency Relocation 2,800,000

This appropriation is to the commissioner of administration from the general fund and is to provide for moving costs and estimated increased rental costs associated with agency relocations and shall not be used for the purchase of furniture related to agency relocations.

Notwithstanding any other law to the contrary, during the biennium in selecting sites for relocations, the commissioner shall place a priority on housing agencies in state-owned buildings whenever possible.

(h) Agriculture Department Building

The unobligated balance of the appropriation in Laws 1989, chapter 300, article 1, section 14, item (h), to select a site and plan for a new department of agriculture building, is canceled to the state bond fund.

(i) Public School Building Survey

The commissioner of administration, in cooperation with the commissioner of education, may conduct a survey of all public school buildings built after 1945 and before 1980 to determine the degree of physical accessibility for people with disabilities; may train school maintenance personnel to conduct on-site surveys to identify accessibility deficiencies in school buildings; and may prepare a report and workplan including schedules and cost estimates concerning necessary accessibility improvements. In preparing the report and workplan, the commissioner shall consult with and receive recommendations and priorities from the council on disability.

These activities shall be conducted in conjunction with the access survey being conducted for state-owned buildings, and the appropriation in Laws 1989, chapter 300, article 1, section 14, item (a), may be used for this purpose.

**Sec. 19. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD**

Roy Wilkins Memorial 300,000

The capitol area architectural and planning board shall establish a Roy Wilkins memorial in the capitol area. The board shall select an appropriate site for the memorial, establish design requirements, choose the design, and oversee construction of the memorial. In establishing the memorial, the board may accept money from nonstate sources and contract with other private or public agencies.

**Sec. 20. NATURAL RESOURCES**

Subdivision 1. To the commissioner of natural resources, except as otherwise specified, for the purposes specified in this section 17,950,000

**Subd. 2. State Forests, Parks, and Trails**

(a) To acquire state forest lands in the Richard J. Dorer Memorial Hardwood Forest 500,000

(b) For betterment of state parks according to the management plans required in Minnesota Statutes, chapter 86A 3,000,000

This appropriation is from the infrastructure development fund.

(c) To acquire and to better state trails 3,500,000

This appropriation is from the infrastructure development fund.

This appropriation is to acquire and to develop the Barnum to Carlton segment of the Willard Munger Trail, the Soo Line Trail, and the Paul Bunyan Trail.

Subd. 3. For the reinvest in Minnesota program under Minnesota Statutes, sections 40.40 to 40.45 3,000,000

This appropriation is from the infrastructure development fund.

Of this appropriation, \$600,000 is for acquisition of scientific and natural areas.

Of this appropriation, \$500,000 is for transfer to the critical habitat private sector matching account under Minnesota Statutes, section 84.943.

Subd. 4. To acquire and to better public water access sites under Minnesota Statutes, section 97A.141 700,000

Subd. 5. For flood plain management for grants under Minnesota Statutes, section 104.11 3,200,000

The commissioner of natural resources must give priority to projects with federal matching money and to projects currently under construction. Where practical, the commissioner shall encourage phased construction to maximize the number of projects started.

In the case of a grant for the Good Lake project in the Red Lake watershed district, the impoundment structure must be constructed on land leased to the Red Lake watershed district by the Red Lake Band of Chippewa Indians under a ground lease having an initial term of at least 20 years and a total term of at least 40 years, including renewal options. During the term of the ground lease the facilities constructed on the land will be owned by the watershed district.

Subd. 6. For the waterbank program under Minnesota Statutes, section 105.392 1,200,000

Subd. 7. Environmental Learning Centers

The commissioner in cooperation with other affected agencies and residential and nonresidential learning center directors shall develop a long-range plan for the development and program coordination of environmental learning

centers statewide. The plan must focus on identifying programming needs, geographic areas to locate facilities, capital cost estimates for development and creation of a phased-in implementation strategy. The plan must be completed for presentation to the legislature by January 1, 1992.

Subd. 8. Repair Lake  
Bronson dam 300,000

Subd. 9. Buildings

The appropriations in this subdivision are to the commissioner of administration.

(a) Consolidate and renovate field  
offices statewide 1,000,000

(b) Replace underground storage tanks 250,000

(c) For phase I construction of  
the International Wolf Center 1,200,000

This appropriation is to the commissioner of administration to construct phase I of the International Wolf Center. The state board for community colleges and Vermilion community college shall assist in planning and constructing the facility. Vermilion community college shall serve as the administrative and fiscal agent for the International Wolf Center. Except for money specifically appropriated to the state board for community colleges for instructional programs affiliated with the International Wolf Center, operating or administrative costs for the International Wolf Center may not be provided from money appropriated to the state board for community colleges.

(d) Lac Qui Parle Visitor's Center 100,000

This appropriation is for planning and working drawings and archaeological excavation for a visitor center at Lac Qui Parle Wildlife Management Area.

The commissioner, in cooperation with the Minnesota Historical Society and the Chipewewa Area Soil and Water Conservation District, shall develop a plan for a visitor center at Lac Qui Parle Wildlife Management Area to be located at the historic mission site, more specifically described as a parcel of land lying northeast of County Road 32 in the northeast quarter of the southwest quarter of Section 13, township 118 north, range 42 west. This center must include sufficient facilities to accommodate the needs of the Minnesota Historical Society to provide displays and interpretive

facilities for the Native American culture and history of the area. The plan must allow for the development of the site in accordance with Minnesota Statutes, chapter 138 and be completed for presentation to the legislature by January 1, 1991.

**Sec. 21. PUBLIC FACILITIES AUTHORITY**

To the public facilities authority for the purposes specified in this section 30,954,000

(a) State Independent Grants Program under Minnesota Statutes, section 116.18, subdivision 3a 15,354,000

This appropriation is from the infrastructure development fund

\$8,854,000 is for grants for reimbursement projects authorized prior to January 1, 1989, under Minnesota Statutes, section 116.18, subdivision 3a, paragraph (c), for fiscal year 1991 to be distributed pro rata among the communities in amounts not to exceed their eligible grants. This appropriation is not available to communities that are eligible for federal grants.

\$5,500,000 is for continuation grants under Minnesota Statutes, section 116.18, subdivision 3a, paragraphs (a) and (b), for fiscal year 1991.

The legislative water commission shall study the financing of wastewater treatment projects. The study must include a review of the state independent grant program and recommendations on how the grant program should be modified to better complement the state revolving loan program. The department of trade and economic development and the pollution control agency shall cooperate in the study. The legislative water commission shall report its findings to the house and senate environment and natural resources committees, house appropriations committee, and the senate finance committee by January 1, 1991.

(b) State match to the federal grants to capitalize the state water pollution control revolving fund under Minnesota Statutes, section 446A.07 15,600,000

\$8,900,000 is for fiscal year 1991

\$6,700,000 is for fiscal year 1992

This appropriation is from the infrastructure development fund.

Any money in excess of the amount needed for the 20 percent state match to the federal grant may be used for grants under Minnesota Statutes, section 116.18, subdivisions 2a and 3a. Any money in excess of the amount needed to fund projects under paragraph (a), may be used for grants under Minnesota Statutes, section 116.18, subdivision 2a.

#### Sec. 22. POLLUTION CONTROL AGENCY

To the commissioner of the pollution control agency for the purposes specified in this section

27,225,000

(a) Combined sewer overflow grants under Minnesota Statutes, section 116.162

23,700,000

This appropriation is for the state's share of the cost of combined sewer overflow projects begun during fiscal years 1991 and 1992. The allocation to a city for projects begun in fiscal year 1991 or 1992 may be used, by choice of the city, to cover the shortfall in federal funding of projects begun by the city during fiscal year 1990, but the legislature does not intend to appropriate any more money for projects begun in fiscal year 1991 or 1992 because a city has chosen to use part of this appropriation for projects begun in fiscal year 1990.

Notwithstanding any law to the contrary, the city of St. Paul shall use all revenues derived from its clawback funding of sewer financing only for sewer separation projects that directly result in the elimination of combined sewer overflow.

(b) Litigation Settlements

250,000

This appropriation is from the infrastructure development fund.

This appropriation is for payment to municipalities to assist in settling claims made against the municipalities in litigation to which the state and the municipality are parties involving the construction of municipal wastewater treatment facilities funded partly by state matching wastewater treatment grant funds. No payment may be made to settle litigation with a municipality eligible for funding under the corrective action grant program, Minnesota Statutes, section 116.181. No funds shall be used to pay litigation costs. Payment shall be subject to an agreement to which the state and the municipality are parties. Any funds not obligated by December 31, 1990, may be used

for grants under Minnesota Statutes, section 116.18, subdivision 2a, or transferred to the public facilities authority for grants under Minnesota Statutes, section 116.18, subdivision 3a.

(c) Administrative costs under the wastewater construction grants program, Minnesota Statutes, section 116.18, subdivisions 2a and 3a

925,000

This appropriation is from the infrastructure development fund.

Effective July 1, 1991, bond proceeds may not be used to pay the salaries and other administrative expenses of state employees in the pollution control agency. The governor's budget request to the 1991 legislature should include a request for the amounts necessary to pay these expenses from the general fund or other funds that do not consist of bond proceeds.

(d) For supplemental grant adjustments to those municipalities identified in Minnesota Statutes, section 116.18, subdivision 3d

2,350,000

This appropriation is from the infrastructure development fund.

A supplemental grant must not exceed 2.5 percent of the total eligible construction costs.

#### Sec. 23. WASTE MANAGEMENT

To the director of the office of waste management for capital assistance program grants under Minnesota Statutes, section 115A.54

7,000,000

#### Sec. 24. TRADE AND ECONOMIC DEVELOPMENT

To the commissioner of trade and economic development for the purposes specified in this section

7,500,000

(a) Convention Center Facilities

500,000

This appropriation is for a grant to the city of Minneapolis to construct a convention center parking facility. The city of Minneapolis shall transfer to the Greater Minneapolis Convention and Visitors Association an annual amount equal to the projected debt service as a supplement to the association's budget.

(b) Local Recreation Grants

2,000,000

This appropriation is from the infrastructure development fund.



This appropriation is to acquire and to better recreation open space projects upon application by local units of government and Indian tribes and bands recognized by the federal government. Projects that receive federal grants must be given priority. A grant under this paragraph is not contingent upon the receipt of federal grants. A project may receive grant assistance of up to 50 percent of the total capital cost of the project or, if federal money is used, 50 percent of the local share. A project must not receive grant assistance of more than \$400,000. A local unit of government must not receive more than one grant during each fiscal biennium.

\$625,000 is granted for projects outside the metropolitan area that is defined in Minnesota Statutes, section 473.121, subdivision 2.

Up to ten percent of the appropriation for local recreation grants may be used for acquisition of park land that is currently used as a park and is being leased by a local unit of government. This portion of the appropriation is not subject to the 50 percent local match. A local unit of government receiving a grant under this provision must agree to operate and maintain the park.

(c) Metropolitan Open Space

5,000,000

This appropriation is from the infrastructure development fund.

This appropriation is for payment by the commissioner of energy and economic development to the metropolitan council established under Minnesota Statutes, section 473.123. The commissioner shall transfer the amount to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation must be used to pay the cost of acquisition and betterment by the metropolitan council and local government units of regional recreational open space lands in accordance with the council's policy plan as provided in Minnesota Statutes, sections 473.315 and 473.341, including relocation costs and tax equivalents required to be paid by Minnesota Statutes, sections 473.315 and 473.341.

Using the authority granted in Minnesota Statutes, section 473.325, the metropolitan council may authorize the issuance of general obligation bonds of the council for the acquisition and betterment of regional recreational

open space. The bonds must be issued as provided in and subject to the dollar limitation of Minnesota Statutes, section 473.325.

None of the proceeds from the sale of bonds authorized by this appropriation or by the sale of metropolitan council bonds may be used to reimburse a development agency of a city of the first class for land acquisition or development costs incurred prior to 1988.

**(d) Duluth Zoo**

The amount appropriated for a grant to the Duluth zoo in Laws 1989, chapter 335, article 1, section 25, subdivision 6, may be granted in more than one disbursement. Each disbursement is available after the commissioner of finance has determined that the portion of the grant to be disbursed has been matched by an equal amount from nonstate sources.

The appropriation in Laws 1989, chapter 335, article 1, section 25, subdivision 6, of \$500,000 in the first year for the Duluth Zoo does not cancel at the end of the first year and is available for the second year of the biennium.

**Sec. 25. MINNESOTA AMATEUR SPORTS COMMISSION**

To the Minnesota amateur sports commission for the purposes specified in this section

5,000,000

**(a) Construct Holmenkollen ski jump in Bloomington**

2,500,000

This appropriation is for a grant to the city of Bloomington and is available only after the commissioner of finance has determined that the city of Bloomington has committed \$2,500,000 and private contributors have committed \$2,500,000 to complete the project.

**(b) Construct indoor national shooting sports center at Giant's Ridge in Biwabik**

2,500,000

This appropriation is for a grant to the iron range resources and rehabilitation board to construct a national shooting sports center for the Olympic sports of shooting and archery.

**(c) Expand seating capacity of National Sports Center in Blaine**

\$8,500,000 is appropriated from the proceeds of sports facility revenue bonds.

This appropriation is not available until the

commission has executed a contract with the United States Soccer Federation naming the National Sports Center in Blaine a site for the 1994 World Cup of Soccer and the commissioner of finance has determined that the sports commission has secured revenue from local and private sources that will be sufficient to retire the bonds sold to finance this appropriation. The bonds sold for this appropriation shall be revenue bonds. The legislature intends not to appropriate money from the general fund to pay for these bonds.

**Sec. 26. HOUSING FINANCE AGENCY**

**Transitional Housing**

1,500,000

This appropriation is for transfer to the local government unit housing account created by new Minnesota Statutes, section 462A.202, in the housing development fund.

**Sec. 27. MILITARY AFFAIRS**

To the adjutant general to prepare plans for an education center at Camp Ripley

200,000

The adjutant general shall use the unencumbered balance from the appropriation in Laws 1984, chapter 597, section 9, paragraph (d), for the planning of a new armory and military affairs building. The department of military affairs shall continue to occupy the veterans service building until the department has secured the federal funds and the legislature has acted on a governor's recommendation for funding of a new armory/military affairs building.

**Sec. 28. BOND SALE EXPENSES**

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8

386,000

**Sec. 29. DEBT SERVICE**

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 1991, no more than \$369,000,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds, other than general obligation special tax bonds or infrastructure development bonds. Before each sale of state general obligation bonds, the commissioner of

finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 30. [BOND SALE.]

*Subdivision 1. [BOND PROCEEDS FUND.] To provide the money appropriated in this act from the state bond proceeds fund the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$109,525,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.*

*Subd. 2. [INFRASTRUCTURE DEVELOPMENT FUND.] To provide the money appropriated in this act from the infrastructure development fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$243,665,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.*

*Subd. 3. [TRANSPORTATION FUND.] To provide the money appropriated in this act from the state transportation fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$11,200,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.*

Sec. 31. [PLANNING.]

*During the biennium, in its planning for new program offerings at a particular institution, each public post-secondary education governing board shall consider the availability of physical space and the adequacy of facilities at that institution. If the board determines that new space or facilities are required, it shall examine the feasibility of developing the program at a different institution within its system or in cooperation with other systems.*

Sec. 32. [BOND SALE REDUCTION.]

*The bond sale authorization in Laws 1979, chapter 300, section 4, subdivision 3 for construction of local dams is reduced by \$129,000.*

Sec. 33. Minnesota Statutes 1989 Supplement, section 16A.631, is amended to read:

16A.631 [BOND PROCEEDS FUND.]

The bond proceeds fund is established to receive ~~state bond~~ the proceeds

appropriated to agencies to acquire and to better public land and buildings and other public improvements of a capital nature; as authorized by of state bonds issued under the constitution, article XI, section 5, clause (a). The commissioner shall establish in the fund accounts having titles that reflect the state purpose or program for which the bond proceeds are appropriated and authorized to be expended.

Sec. 34. [16A.632] [CAPITAL ASSET PRESERVATION AND REPLACEMENT ACCOUNT.]

*Subdivision 1. [ESTABLISHMENT.] A capital asset preservation and replacement account is established in the state bond proceeds fund established by section 16A.631, separate from any other accounts maintained in that fund, to receive state bond proceeds appropriated to the commissioner of administration to be expended for the purpose and in accordance with the standards and criteria set forth in this section.*

*Subd. 2. [STANDARDS.] Article XI, section 5, clause (a), of the constitution states general obligation bonds may be issued to finance only the acquisition or betterment of state land, buildings, and improvements of a capital nature. In interpreting this and applying it to the purposes of the program contemplated in this section, the following standards are adopted for the disbursement of money from the capital asset preservation and replacement account:*

*(a) No new land, buildings, or major new improvements will be acquired. These projects, including all capital expenditures required to permit their effective use for the intended purpose on completion, will be estimated and provided for individually through a direct appropriation for each project.*

*(b) An expenditure will be made from the account only when it is a capital expenditure on a capital asset previously owned by the state, within the meaning of accepted accounting principles as applied to public expenditures. The commissioner of administration will consult with the commissioner of finance to the extent necessary to ensure this and will furnish the commissioner of finance a list of projects to be financed from the account in order of their priority. The commissioner shall also furnish each revision of the list. The legislature assumes that many provisions for preservation and replacement of portions of existing capital assets will constitute betterments and capital improvements within the meaning of the constitution and capital expenditures under correct accounting principles, and will be financed more efficiently and economically under the program than by direct appropriations for specific projects. However, the purpose of the program is to accumulate data showing how additional costs may be saved by appropriating money from the general fund for preservation measures, the necessity of which is predictable over short periods.*

*(c) The commissioner of administration will furnish instructions to agencies to apply for funding of capital expenditures for preservation and replacement from the account, will review applications, will make initial allocations among types of eligible projects enumerated below, will determine priorities, and will allocate money in priority order until the available appropriation has been committed. Under section 14.02, subdivision 4, these instructions and allocations do not constitute rules and the other provisions of chapter 14 do not apply to them.*

*(d) Categories of projects considered likely to be most needed and appropriate for financing are the following:*

(1) *unanticipated emergencies of all kinds, for which a relatively small amount should be initially reserved, replaced from money allocated to low-priority projects, if possible, as emergencies occur, and used for stabilization rather than replacement if the cost would exhaust the account and should be specially appropriated;*

(2) *projects to remove life safety hazards, like replacement of mechanical systems, building code violations, or structural defects, at costs not large enough to require major capital requests to the legislature;*

(3) *elimination or containment of hazardous substances like asbestos or PCBs; and*

(4) *moderate cost replacement and repair of roofs, windows, tuckpointing, and structural members necessary to preserve the exterior and interior of existing buildings.*

*Subd. 3. [CRITERIA FOR PRIORITY.] Criteria can be stated only in general terms, as it is the purpose of the program to improve the allocation of limited amounts of borrowed money by enlisting the engineering expertise of the department of administration and the closer knowledge and experience of this and all other agencies in determining relative needs as they develop. The following criteria must be considered:*

*(a) Urgency in ensuring the safety of use of existing buildings is the first criterion to be applied. It will require judgments, for example, about the useful life of electric and mechanical systems and roofs, in relation to the remaining useful life of each building, and about the presence of hazardous substances and structural defects in the light of present building regulations.*

*(b) Economy is also to be determined and may even reinforce a decision based on the first criterion, if the project would forestall a larger future capital expenditure or would reduce operating expense.*

*(c) Absolute cost must also be considered. It may be too high to warrant funding except by an additional appropriation, or so high as to warrant a recommendation to abandon or to replace the building. It may be so low as to permit payment out of an agency's operating budget.*

Sec. 35. Minnesota Statutes 1988, section 16A.641, subdivision 6, is amended to read:

**Subd. 6. [TAXABILITY; CERTIFICATION.] The commissioner shall ascertain from state records and certify to the holders of each series of state bonds, subject to the approval of the attorney general, that all conditions exist and all actions have been taken that are needed to make the bonds valid and binding general obligations of the state in accordance with their terms. The commissioner shall also certify for the state the facts, estimates, and circumstances on the date of issue that lead the commissioner reasonably to expect that the proceeds will not be used in a way that would make the bonds arbitrage bonds under section 103(e) of the Internal Revenue Code and related federal regulations.**

*The bonds may be issued with or without regard to whether the interest to be paid on them is includable in gross income for federal tax purposes. If it is intended that the interest on the bonds be exempt from federal income taxes, the commissioner shall certify for the state on the date of issue the facts, estimates, and circumstances that lead the commissioner reasonably to expect that the proceeds of the bonds and the projects financed by them*

*will not be used in a way that would cause the interest on the bonds to be subject to federal income taxes. The commissioner may covenant with the holders of the bonds that the state will comply with the provisions of the United States Internal Revenue Code then or later enacted that apply or may apply to the bonds and that establish conditions under which the interest to be paid on the bonds will not be subject to federal income taxes. The commissioner and all other state officers shall act or refrain from acting as necessary to comply with the covenants. A sum sufficient to meet the cost of compliance is annually appropriated to the commissioner from the general fund.*

Sec. 36. Minnesota Statutes 1989 Supplement, section 16A.641, subdivision 7, is amended to read:

Subd. 7. [CREDIT OF PROCEEDS.] (a) Proceeds of bonds issued under each law must be credited by the commissioner to a special fund, as provided in this subdivision.

(b) Accrued interest and any premium received on sale of the bonds must be credited to the state bond fund created by the constitution, article XI, section 7.

(c) *Except as otherwise provided by law, proceeds of state building bonds issued under the constitution, article XI, section 5, clause (a), must be credited to the bond proceeds fund under established by section 16A.631.*

(d) Proceeds of state highway bonds must be credited to the trunk highway fund under the constitution, article XIV, section 6.

(e) Proceeds of bonds issued for programs of grants or loans to political subdivisions must be credited to special accounts in the bond proceeds fund or to special funds established by laws stating the purposes of the grants or loans, and the standards and criteria under which an executive agency is authorized to make them.

(f) Proceeds of refunding bonds must be credited to the state bond fund as provided in section 16A.66, subdivision 1.

(g) *Proceeds of other bonds must be credited as provided in the law authorizing their issuance.*

Sec. 37. [16A.662] [INFRASTRUCTURE DEVELOPMENT BONDS.]

*Subdivision 1. [INFRASTRUCTURE DEVELOPMENT FUND.] The infrastructure development fund is created as an account in the state treasury. The commissioner of finance shall credit to the fund income from the sources provided by law. The commissioner of finance shall from time to time certify to the state board of investment the assets of the fund not currently needed. The amount certified must be invested by the state board of investment subject to section 11A.24. Investment income and investment losses attributable to investment of fund assets must be credited to or borne by the fund.*

Subd. 2. [BONDS AUTHORIZED.] *When authorized by law enacted in accordance with the constitution, article XI, sections 5 and 7, the commissioner may by order sell and issue infrastructure development bonds of the state evidencing public debt incurred for any purpose stated in the law. The bonds are general obligations of the state, and the full faith and credit of the state are pledged for their payment.*

Subd. 3. [MANNER OF ISSUANCE; MATURITIES.] *The bonds must*

*be issued and sold in accordance with section 16A.641. Sections 16A.672 and 16A.675 apply to the bonds.*

*Subd. 4. [ESTABLISHMENT OF DEBT SERVICE ACCOUNT; APPROPRIATION OF DEBT SERVICE ACCOUNT MONEY.] There is established within the state bond fund a separate and special account designated as the infrastructure development bond debt service account. There must be transferred to this debt service account in each fiscal year from money in the infrastructure development fund, other than bond proceeds and interest earned on bond proceeds, an amount sufficient to increase the balance on hand in the debt service account on each December 1 to an amount equal to the full amount of principal and interest to come due on all outstanding infrastructure development bonds to and including the second following July 1. The amount necessary to make the transfer is appropriated from the infrastructure development fund. The money on hand in the debt service account must be used solely for the payment of the principal of, and interest on, the bonds, and is appropriated for this purpose. This appropriation does not cancel as long as any of the bonds remain outstanding.*

*Subd. 5. [ASSESSMENT TO HIGHER EDUCATION SYSTEMS.] (a) In order to reduce the amount otherwise required to be transferred under subdivision 4, the commissioner of finance shall assess each higher education system for one-third the amount that would otherwise need to be transferred with respect to infrastructure development bonds sold to finance capital improvement projects at institutions under the control of the system; provided that, to the extent that the amount to be transferred is for payment of principal and interest on bonds sold to finance life safety improvements, the commissioner must not assess the higher education systems for the transfer.*

*(b) After each sale of infrastructure development bonds, the commissioner of finance shall notify the state board for vocational technical education, the state board for community colleges, the state university board, and the regents of the University of Minnesota of the amounts for which each system is responsible for each year for the life of the bonds. The amounts payable each year are reduced by one-third of the net income from investment of infrastructure development bond proceeds that must be allocated among the systems in proportion to the amount of principal and interest otherwise required to be paid by each. Each higher education system shall pay its annual share of debt service payments to the commissioner of finance by December 1 each year. If a higher education system fails to make a payment when due, the commissioner of finance shall reduce allotments for appropriations from the general fund otherwise payable to the system to cover the amount of the missed debt service payment. The commissioner of finance shall credit the payments received from the higher education systems to the infrastructure development bond debt service account in the state bond fund each December 1 before the transfer is made under subdivision 4.*

*Subd. 6. [APPROPRIATION FROM GENERAL FUND.] There is annually appropriated from the general fund for transfer to the infrastructure development bond debt service account the amount that, added to the amount in the infrastructure development bond debt service account on December 1 each year, after giving effect to subdivisions 4 and 5, is equal to the full amount of principal and interest to come due on all bonds to and including July 1 in the second ensuing year.*



*Subd. 7. [CONSTITUTIONAL TAX LEVY.] Under the constitution, article XI, section 7, the state auditor must levy each year on all taxable property within the state a tax sufficient, with the amount then on hand in the infrastructure development bond debt service account, to pay all principal and interest on the bonds due and to become due to and including July 1 in the second ensuing year. The tax is not subject to limit as to rate or amount. However, the amount of money appropriated from other sources as provided in subdivisions 4, 5, and 6, and actually received and on hand before the levy in any year, reduces the amount of the tax otherwise required to be levied. The proceeds of the tax must be credited to the infrastructure development bond debt service account.*

*Subd. 8. [APPLICATION AND APPROPRIATION OF PROCEEDS.] The proceeds of the bonds must be deposited and spent as provided in this subdivision and are appropriated for those purposes. Any accrued interest and any premium received on the sale of the bonds must be credited to the infrastructure development bond debt service account. Except as otherwise required by law, the balance of the bond proceeds shall be credited to the infrastructure development fund and spent for the purposes specified in the law authorizing the issuance of the bonds. So much of the proceeds as is necessary must be used to pay costs incurred in issuing and selling the bonds.*

**Sec. 38. [TUITION NOT INCREASED.]**

*Tuition must not be increased to meet each higher education system's annual share of debt service payments. Existing internal resources must be used to meet each system's share as follows: (i) existing instructional funds must be used for capital improvement projects for instructional purposes, and (ii) existing noninstructional funds must be used for capital improvement projects for noninstructional purposes. This section is repealed July 1, 1991.*

**Sec. 39.** Minnesota Statutes 1988, section 16A.672, is amended by adding a subdivision to read:

*Subd. 9a. [TAXABILITY; CERTIFICATION.] Certificates may be issued with or without regard to whether the interest to be paid on them is includable in gross income for federal tax purposes. If it is intended that the interest on the certificates be exempt from federal income taxes, the commissioner shall certify for the state on the date of issue the facts, estimates, and circumstances that lead the commissioner reasonably to expect that the proceeds of the certificates will not be used in a way that would cause the interest on the certificates to be subject to federal income taxes. The commissioner may covenant with the holders of the certificates that the state will comply with the provisions of the United States Internal Revenue Code then or later enacted that apply or may apply to the certificates and that establish conditions under which the interest to be paid on the certificates will not be subject to federal income taxes. The commissioner and all other state officers shall act or refrain from acting as necessary to comply with the covenants. A sum sufficient to meet the cost of compliance is annually appropriated to the commissioner from the general fund.*

**Sec. 40.** Minnesota Statutes 1989 Supplement, section 16A.69, subdivision 1, is amended to read:

**Subdivision 1. [APPROPRIATIONS INTO SINGLE PROJECT ACCOUNT.]** The commissioner shall place the money from two or more

appropriations for the same or related projects in one account if all the appropriations do not lapse until their purposes are accomplished or abandoned. The ~~commissioner of administration~~ agency to whom the appropriation was made shall first certify which accounts are involved to the commissioner.

Sec. 41. Minnesota Statutes 1988, section 16B.31, is amended by adding a subdivision to read:

*Subd. 6. [STATE BUILDINGS.] (a) The commissioner of administration, in cooperation with the commissioner of finance shall:*

*(1) establish a state building classification system for state-owned buildings, with each class representing a different quality of building construction, to be incorporated into the capital budget format and instructions; and*

*(2) create and maintain an inventory of all major state buildings and office space owned or leased by the state, including a classification system on the condition and suitability of each major building.*

*(b) The commissioner of administration shall present to the legislature a supportable cost analysis whenever the commissioner proposes, for the purpose of providing state agency office space, to:*

*(1) enter into a lease for more than 50,000 square feet or for more than five years;*

*(2) enter into a lease-purchase agreement or an agreement to lease with option to buy property;*

*(3) purchase an existing building; or*

*(4) construct a new building.*

Sec. 42. Minnesota Statutes 1989 Supplement, section 16B.335, subdivision 2, is amended to read:

*Subd. 2. [OTHER PROJECTS.] All other capital projects except for those contained in agency operations budgets, including building improvements, small structures at experiment stations, asbestos removal, life safety, PCB removal, tuckpointing, roof repair, code compliance, landscaping, drainage, electrical and mechanical systems work, paving of streets, parking lots, and the like must not proceed until the agency undertaking the project has notified the chair of the senate finance committee and the chair of the house appropriations committee that the work is ready to begin.*

Sec. 43. Minnesota Statutes 1988, section 116O.12, is amended to read:

116O.12 [GREATER MINNESOTA ACCOUNT.]

*(a) The Greater Minnesota account is in the special revenue fund. Money in the account not needed for the immediate purposes of the corporation may be invested by the state board of investment in any way authorized by section 11A.24. Money in the account is appropriated to the corporation to be used as provided in this chapter.*

*(b) The account consists of:*

*(1) money appropriated and transferred from other state funds;*

*(2) fees and charges collected by the corporation;*

*(3) income from investments and purchases;*

(4) revenue from loans, rentals, royalties, dividends, and other proceeds collected in connection with lawful corporate purposes;

(5) gifts, donations, and bequests made to the corporation; and

(6) ~~through the first five full fiscal years, during which proceeds from the lottery are received, one-half of the net proceeds of the state-operated lottery must be credited to the Greater Minnesota Corporation account. Thereafter, up to one-half, as determined by law each biennium, of the net proceeds from the state-operated lottery must be credited to the Greater Minnesota Corporation account~~ *other income credited to the account by law.*

Sec. 44. Minnesota Statutes 1988, section 116P04, subdivision 3, is amended to read:

Subd. 3. [REVENUE.] ~~Revenue collected in accordance with subdivision 2 must be deposited monthly in the trust fund account.~~ Nothing in sections 116P01 to 116P12 limits the source of contributions to the trust fund.

Sec. 45. [BOND ISSUE; MAXIMUM EFFORT LOANS; 1990.]

*To provide money to be loaned to school districts as agencies and political subdivisions of the state to acquire and to better public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the commissioner of finance shall issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$23,000,000, in addition to the bonds already authorized for this purpose. The bonds must be issued and sold and provision for their payment must be made according to section 124.46. Expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for those purposes, must be paid from the maximum effort school loan fund, and the money necessary for the expenses is appropriated from that fund.*

Sec. 46. Minnesota Statutes 1988, section 136.62, is amended by adding a subdivision to read:

Subd. 8. [AUTHORIZATION TO SEEK FINANCING.] *A community college must not seek financing for child care facilities through the higher education facilities authority, as provided in section 47, without the explicit authorization of the state board.*

Sec. 47. Minnesota Statutes 1988, section 136A.28, subdivision 3, is amended to read:

Subd. 3. "Project" means a structure or structures available for use as a dormitory or other student housing facility, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, *child care facility*, and maintenance, storage, or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution of higher education, whether proposed, under construction, or completed, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include

such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

Sec. 48. Minnesota Statutes 1988, section 136A.28, subdivision 7, is amended to read:

Subd. 7. "Participating institution of higher education" means an institution of higher education ~~which, pursuant to that, under~~ the provisions of sections 136A.25 to 136A.42, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in sections 136A.25 to 136A.42. *Community colleges and technical colleges may be considered participating institutions of higher education for the purpose of financing and constructing child care facilities.*

Sec. 49. Minnesota Statutes 1988, section 136C.04, subdivision 4, is amended to read:

Subd. 4. [BUDGET REQUESTS.] The state board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary vocational education operations and facilities submitted by the state director. The state board shall submit the approved biennial budget requests to the governor. *A technical college must not seek financing for child care facilities through the higher education facilities authority, as provided in section 47, without the explicit authorization of the state board.*

Sec. 50. Minnesota Statutes 1989 Supplement, section 136C.05, subdivision 5, is amended to read:

Subd. 5. [USE OF PROPERTY.] (a) A school board must not sell, lease, or assign technical institute property for purposes other than technical institute activities without the approval of the state director. A school board need not obtain approval for uses that are incidental.

*(b) Notwithstanding section 123.36, subdivision 13, proceeds from the sale, exchange, lease, or assignment of technical college land or buildings shall be used to repay any remaining debt service on the land or buildings. Subject to the approval of the state director, any remaining proceeds shall be placed in the post-secondary capital expenditure, repair and replacement, or construction fund.*

*(c) The proceeds of any arbitration or litigation resulting from claims involving technical college property shall be placed in the technical college repair and replacement fund.*

Sec. 51. Minnesota Statutes 1988, section 136C.07, subdivision 5, is amended to read:

Subd. 5. No district shall expend funds from any source for the acquisition or betterment of lands or buildings or, for capital improvements, or for plans or specifications for betterment of lands or buildings needed for a technical institute without the approval of the state board and authorization by specific legislative act if that acquisition, betterment or capital improvement requires the expenditure of \$250,000 or more, or adds more than 1,000 gross square feet to a post-secondary vocational facility, or requires the issuance of school district bonds. No acquisition or betterment of lands

or buildings or capital improvement which requires the expenditure of \$50,000 or more but less than \$250,000 or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of less than \$50,000, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the state director of vocational technical education. As used in this subdivision, the terms "acquisition" and "betterment," as applied to lands and buildings, and "capital improvement" shall have the meanings ascribed to them in chapter 475, but shall not include the acquisition or betterment of machinery or equipment.

Sec. 5. Minnesota Statutes 1989 Supplement, section 349A.10, subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF NET PROCEEDS.] Within 30 days after the end of each month, the director shall ~~pay to the state treasurer~~ *deposit in the state treasury the net proceeds of the lottery, which is the balance in the lottery fund after transfers to the lottery prize fund and credits to the lottery operations account. Of the net proceeds, 40 percent must be credited to the Minnesota environment and natural resources trust fund, 28.3 percent must be credited to the infrastructure development fund for capital improvement projects at state institutions of higher education, 6.7 percent must be credited to the infrastructure development fund for capital improvement projects to develop or protect the state's environment and natural resources, and, through the first ten full fiscal years during which proceeds from the lottery are received, 25 percent must be credited to the Greater Minnesota account in the special revenue fund.*

Sec. 53. [462A.202] [LOCAL GOVERNMENT UNIT HOUSING ACCOUNT.]

*Subdivision 1. [ACCOUNT.] The local government unit housing account is established as a separate account in the housing development fund. Money in the account is appropriated to the agency for the purposes specified in this section.*

*Subd. 2. [TRANSITIONAL HOUSING.] The agency may make loans or grants to local government units to finance the acquisition, improvement, and rehabilitation of existing housing properties for the purposes of providing transitional housing, upon terms and conditions the agency determines. Preference must be given to local government units that propose to acquire properties being sold by the resolution trust corporation or the department of housing and urban development. The local government unit may contract with a nonprofit or for-profit organization to manage the property and to operate a transitional housing program on the property on behalf of the local government unit, on terms and conditions approved by the agency. The local government unit shall retain ownership of the property for at least 20 years. After 20 years, the sale of a property before the expiration of its useful life must be at its fair market value, and the net proceeds of sale must be used for the same purpose or repaid to the agency for deposit in the local government unit housing account.*

*Subd. 3. [PUBLICLY OWNED HOUSING REHABILITATION AND MODERNIZATION.] The agency may make loans or grants to local government units to finance the rehabilitation and modernization of publicly owned housing units. The local government unit shall retain ownership of*

*the property for at least 20 years. The sale of property prior to the expiration of its useful life shall be at its fair market value, and the net proceeds of sale shall be used for the same purpose or repaid to the agency for deposit in the account established in subdivision 1.*

*Subd. 4. [SUBSIDIZED RENTAL HOUSING PRESERVATION.] The agency may make loans or grants to local government units to finance the acquisition and rehabilitation of federally subsidized multifamily rental housing for the purpose of preserving the housing for the use of low- and moderate-income persons, upon the terms and conditions as the agency may determine. The local government unit may contract with a nonprofit or for-profit organization to manage the property, on terms and conditions approved by the agency. The local government unit shall retain ownership of the property for at least 20 years. The sale of a property prior to the expiration of its useful life shall be at its fair market value, and the net proceeds of sale shall be used for the same purpose or repaid to the agency for deposit in the account established in subdivision 1.*

*Subd. 5. [SPECIFIC APPROPRIATION NECESSARY.] The agency may only make grants or loans to local governments under subdivisions 3 and 4 from funds specifically appropriated by the legislature for that purpose.*

**Sec. 54. [CONSTITUTIONAL AMENDMENT.]**

*The following amendment to the Minnesota Constitution, article XI, section 14, is proposed to the people. If the amendment is adopted, the section will read as follows:*

*Sec. 14. A permanent Minnesota environment and natural resources trust fund is established in the state treasury. The principal of the environment and natural resources trust fund must be perpetual and inviolate forever, except appropriations may be made from up to 25 percent of the annual revenues deposited in the fund until fiscal year 1997 and loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. This restriction does not prevent the sale of investments at less than the cost to the fund, however, all losses not offset by gains shall be repaid to the fund from the earnings of the fund. The net earnings from the fund shall be appropriated in a manner prescribed by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2001.*

**Sec. 55. [SUBMISSION TO VOTERS.]**

*The proposed amendment shall be submitted to the people at the 1990 general election. The question submitted shall be:*

*"Shall the Minnesota Constitution be amended to dedicate not less than 40 percent of the net proceeds from the state lottery to the Minnesota environment and natural resources trust fund for environment, natural resources, and wildlife purposes until the year 2001?"*

*Yes . . . . .*  
*No . . . . . "*

**Sec. 56.** Laws 1979, chapter 280, section 2, as amended by Laws 1982, chapter 617, section 25, Laws 1985, chapter 299, section 39, Laws 1985, First Special Session, chapter 16, article 2, section 16, and Laws 1989, chapter 300, article 1, section 34, is amended to read:

Sec. 2. [APPROPRIATION.] Subdivision 1. \$60,000,000, or so much thereof as is determined to be needed, is appropriated from the Minnesota state transportation fund to the department of transportation to be expended for disbursement in the form of grants by the commissioner of transportation for construction and reconstruction of key bridges on the state transportation system and shall be allocated pursuant to subdivisions 2 and 3. The appropriation shall not lapse, but shall remain available until expended.

Subd. 2. ~~\$58,500,000~~ (a) \$59,309,000 or so much thereof as is needed, is available for expenditure for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. The grants shall not exceed the following aggregate amounts:

(1) To counties . . . . . ~~\$16,220,000~~ \$16,720,000

(2) To home rule charter and statutory cities . . . . . ~~\$2,620,000~~  
\$2,729,000

(3) To towns . . . . . ~~\$23,160,000~~ \$23,360,000

(b) Grants under clauses (1) to (3) may be used by political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdictions. Additional grants may be made in an aggregate amount not to exceed \$16,500,000 to the political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdiction. Appropriations made in subdivisions 1, 2, ~~or~~ and 3 may also be used for the following purposes:

(1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.

(2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge.

Subd. 3. An additional amount not to exceed ~~\$1,500,000~~ \$691,000 is available for grants for preliminary engineering and environmental studies pursuant to ~~section 3~~ *Minnesota Statutes, section 174.50, subdivision 6a.*

Sec. 57. Laws 1989, chapter 329, article 5, section 21, subdivision 8, is amended to read:

Subd. 8. [MAXIMUM EFFORT SCHOOL LOAN FUND.] For the maximum effort school loan fund:

\$855,500 . . . . . 1990

~~\$2,100,000~~ \$3,082,000 . . . . . 1991

These appropriations shall be placed in the loan repayment account of the maximum effort school loan fund for the payment of the principal and interest on school loan bonds, as provided in Minnesota Statutes, section 124.46, to the extent that money in the fund is not sufficient to pay when due the full amount of principal and interest due on school loan bonds. The purpose of these appropriations is to ensure that sufficient money is available in the fund to prevent a statewide property tax levy as would otherwise be required pursuant to Minnesota Statutes, section 124.46, subdivision 3. Notwithstanding the provisions of Minnesota Statutes, section 124.39, subdivision 5, any amount of the appropriation made in this section which is not needed to pay when due the principal and interest due on school loan bonds shall not be

transferred to the debt service loan account of the maximum effort school loan fund but instead shall cancel and revert to the general fund.

The 1990 appropriation does not cancel and is available until July 1, 1991.

Sec. 58. [JOINT LEGISLATIVE STUDY.]

*Subdivision 1. [MEMBERSHIP] A joint legislative study on capital needs shall be conducted. The study shall be overseen by a panel composed of the following:*

*(1) four members of the senate, two of whom must be members of the majority caucus and two of whom must be members of the minority caucus, appointed by the subcommittee on committees of the committee on rules and administration;*

*(2) four members of the house of representatives, two of whom must be members of the majority caucus and two of whom must be members of the minority caucus, appointed by the speaker;*

*(3) the commissioner of finance or the commissioner's designee; and*

*(4) the commissioner of administration or the commissioner's designee.*

*Subd. 2. [DUTIES.] The study shall consider ways to improve the process for planning and funding state capital projects. The study shall consider:*

*(1) current and future needs for new state buildings;*

*(2) repair and maintenance needs of existing buildings;*

*(3) existing and future use of leased office space or buildings;*

*(4) all matters concerning the maintenance, remodeling, and furnishing of the governor's residence;*

*(5) other public capital improvements;*

*(6) methods of improving the capital budget process;*

*(7) including operating costs for all recommended building or remodeling projects in capital budget requests;*

*(8) establishing and continually maintaining a long-term plan for state building needs and capital improvements;*

*(9) examining alternative methods of planning state capital improvements;*

*(10) examining alternative methods of financing state capital improvements;*

*(11) determining the kinds and scope of projects that should be funded with bond proceeds; and*

*(12) whether a building commission should be established.*

*Subd. 3. [REPORT.] The findings and recommendations of the study shall be reported to the house appropriations and senate finance committees by February 1, 1991.*

Sec. 59. [REPEALER.]

*Minnesota Statutes 1988, sections 16A.651; 16A.661, subdivision 6; and 116P.04, subdivision 2, are repealed.*

Sec. 60. [EFFECTIVE DATE.]



*This article is effective the day after its final enactment. Section 51 applies to plans and specifications prepared after that date.*

## ARTICLE 2

Section 1. Minnesota Statutes 1988, section 16B.16, is amended by adding a subdivision to read:

*Subd. 3. [LEGISLATIVE INTENT.] The purpose of the energy efficiency installment purchase contracts authorized by this section is to save money on energy costs. The entire cost of the contract must be a percentage of the resultant savings in energy costs. Neither the state nor any state agency is liable to make payments on the contract except to the extent that there are savings in energy costs that must be shared with other parties to the contract. The legislature intends not to appropriate any more money to pay for energy costs as a result of these contracts than would be payable without them.*

Sec. 2. Minnesota Statutes 1988, section 41A.03, subdivision 5, is amended to read:

*Subd. 5. [LIMITATION ON LIABILITY.] The liability of the state for loan guaranties or bonds authorized under this chapter is limited to the amount of funds appropriated to the guaranty fund pursuant to section 41A.06. The legislature intends not to appropriate money from the general fund to the guaranty fund, other than the sales and use taxes from a project as provided for in section 41A.06, subdivision 4. The loan guaranties or bonds are not a general obligation or debt of the state.*

Sec. 3. Minnesota Statutes 1988, section 136.31, subdivision 1, is amended to read:

Subdivision 1. All references in sections 136.31 to 136.38 to the state university board shall be deemed and construed to include any successor thereof created or established by law. The state university board is hereby authorized to do the following:

(a) acquire by purchase or otherwise, construct, complete, remodel, equip, operate, control, and manage residence halls, dormitories, dining halls, student union buildings and any other similar revenue-producing buildings of such type and character as said board shall from time to time find necessary for the good and benefit of any of the state universities under the jurisdiction of said board, and for that purpose may acquire property of any and every kind and description, whether real, personal or mixed, by gift, purchase or otherwise; provided that no contract for the construction of any building shall be entered into until financing therefor has been approved by the legislature;

(b) maintain and operate any such buildings or structures and charge for the use thereof, and carry on such activities, as are commonly conducted in connection with any such buildings or structures;

(c) enter into contracts touching in any manner or any matter within the objects and purposes of sections 136.31 to 136.38;

(d) acquire building sites and buildings or structures by gift, purchase or otherwise and pledge the revenues thereof for the payment of any bonds issued for such purpose as provided in sections 136.31 to 136.38;

(e) borrow money and issue and sell bonds in such amount or amounts as the legislature shall authorize for the purpose of acquiring, constructing,

completing, remodeling, or equipping any such buildings or structures, and acquiring sites therefor, and refund and refinance the same from time to time by the issuance and sale of refunding bonds as often as it shall in the board's judgment be advantageous to the public interest so to do. All such bonds shall be sold and issued by said board in the manner and upon the terms and conditions provided by chapter 475, except as otherwise provided in this section. Such bonds shall be payable solely from and secured by an irrevocable pledge of the revenues to be derived from the operation of any such buildings or structures acquired, constructed, completed, remodeled, or equipped in whole or in part with the proceeds of such bonds and in addition thereto from such other income and revenues described in section 136.33, clause (a) as said board by resolution shall specify, and notwithstanding this limitation all bonds issued hereunder shall have the qualities of negotiable instruments under the laws of this state. *The legislature intends not to appropriate money from the general fund to pay for these bonds.*

Sec. 4. Minnesota Statutes 1989 Supplement, section 136A.176, is amended to read:

136A.176 [BONDS NOT STATE OBLIGATIONS.]

Bonds issued under authority of sections 136A.15 to 136A.179 do not, and shall state that they do not, represent or constitute a debt or pledge of the faith and credit of the state, grant to the owners or holders thereof any right to have the state levy any taxes or appropriate any funds for the payment of the principal thereof or interest thereon. Such bonds are payable and shall state that they are payable solely from the rentals, revenues, and other income, charges, and moneys as are pledged for their payment in accordance with the bond proceedings. *The legislature intends not to appropriate money from the general fund to pay for these bonds.*

Sec. 5. Minnesota Statutes 1988, section 136A.35, is amended to read:

136A.35 [BONDS ARE NOT STATE OBLIGATION.]

Bonds issued under authority of sections 136A.25 to 136A.42 do not, and shall state that they do not, represent or constitute a debt or pledge of the faith and credit of the state, grant to the owners or holders thereof any right to have the state levy any taxes or appropriate any funds for the payment of the principal thereof or interest thereon. Such bonds are payable and shall state that they are payable solely from the rentals, revenues, and other income, charges, and moneys as are pledged for their payment in accordance with the bond proceedings. *The legislature intends not to appropriate money from the general fund to pay for these bonds.*

Sec. 6. Minnesota Statutes 1989 Supplement, section 298.2211, subdivision 4, is amended to read:

Subd. 4. [OBLIGATIONS NOT STATE DEBT.] Bonds and other obligations issued by the commissioner pursuant to this section, along with all related documents, are not general obligations of the state of Minnesota and are not subject to section 16B.06. The full faith and credit and taxing powers of the state are not and may not be pledged for the payment of these bonds or other obligations, and no person has the right to compel the levy of any state tax for their payment or to compel the appropriation of any moneys of the state for their payment except as specifically provided herein. These bonds and obligations shall be payable solely from the property and moneys derived by the commissioner pursuant to the authority granted in this section that the commissioner pledges to their payment. *The legislature*

*intends not to appropriate money from the general fund to pay for these bonds or other obligations. All these bonds or other obligations must contain the provisions of this subdivision or words to the same effect on their face.*

Sec. 7. [EFFECTIVE DATE.]

*This article is effective July 1, 1990."*

Delete the title and insert:

"A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; proposing an amendment to the Minnesota Constitution, article XI, section 14; clarifying legislative intent on certain matters; creating new funds and accounts; requiring a legislative study of capital needs; appropriating money; amending Minnesota Statutes 1988, sections 16A.641, subdivision 6; 16A.672, by adding a subdivision; 16B.16, by adding a subdivision; 16B.31, by adding a subdivision; 41A.03, subdivision 5; 116O.12; 116P04, subdivision 3; 136.31, subdivision 1; 136.62, by adding a subdivision; 136A.28, subdivisions 3 and 7; 136A.35; 136C.04, subdivision 4; 136C.07, subdivision 5; Minnesota Statutes 1989 Supplement, sections 16A.631; 16A.641, subdivision 7; 16A.69, subdivision 1; 16B.335, subdivision 2; 136A.176; 136C.05, subdivision 5; 298.2211, subdivision 4; 349A.10, subdivision 5; Laws 1979, chapter 280, section 2, as amended; Laws 1989, chapter 329, article 5, section 21, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 16A; and 462A; repealing Minnesota Statutes 1988, sections 16A.651; 16A.661, subdivision 6; and 116P04, subdivision 2."

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

House Conferees: (Signed) Glen H. Anderson, Lyndon R. Carlson, David Battaglia, James I. Rice, Bob Anderson

Senate Conferees: (Signed) Michael O. Freeman, Gene Merriam, Gene Waldorf, Duane D. Benson, Roger D. Moe

Mr. Freeman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2651 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. 2651 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 55 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Davis	McQuaid	Olson	Ramstad	Storm
Knutson				

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 the passage by the House of the following House File, herewith transmitted: H.F. No. 2817.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1990

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2817: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1988, section 343.21, subdivision 10, as amended.

### 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. 2817 and that the rules of the Senate be so far suspended as to give H.F. No. 2817 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2817 was read the second time.

Mr. Spear moved to amend H.F. No. 2817 as follows:

Page 9, after line 34, insert:

“Sec. 8. [INCORRECT EFFECTIVE DATE.]

*The increases in district court and conciliation court filing fees in 1990 H.F. No. 2419, article 1, sections 72 and 73, and the repeal of Minnesota Statutes, section 480.241, in section 81, are effective July 1, 1990, not the day after final enactment.”*

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Spear moved that the vote whereby the Spear amendment to H.F. No. 2817 was adopted on April 25, 1990, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Spear withdrew his amendment.

Mr. Spear then moved to amend H.F. No. 2817 as follows:

Page 2, after line 10, insert:

“Sec. 2. [INCORRECT EFFECTIVE DATE.]

*The increases in district court and conciliation court filing fees in 1990 H.F. No. 2419, article 1, sections 72 and 73, and the repeal of Minnesota Statutes, section 480.241, in section 81, are effective July 1, 1990, not the day after final enactment.*

Sec. 3. [INCORRECT REFERENCE.]

*The appropriation in 1990 H.F. No. 2651, article 1, section 20, subdivision 3, to the commissioner of natural resources must be spent for the reinvest in Minnesota resources program under Minnesota Statutes, section 84.95, subdivision 2, for fish and wildlife land acquisition and development, not under Minnesota Statutes, sections 40.40 to 40.45.*

Sec. 4. [INCORRECT REFERENCE.]

*The appropriation in 1990 H.F. No. 2651, article 1, section 24, item (c), is for payment by the commissioner of trade and economic development, not the commissioner of energy and economic development.”*

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. 2817 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 45 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Decker	Johnson, D.E.	McQuaid	Piper
Anderson	DeCramer	Johnson, D.J.	Merriam	Purfeerst
Beckman	Dicklich	Knutson	Metzen	Reichgott
Belanger	Flynn	Kroening	Moe, D.M.	Samuelson
Berglin	Frank	Laidig	Moe, R.D.	Solon
Bernhagen	Frederickson, D.J.	Langseth	Morse	Spear
Brandl	Frederickson, D.R.	Lantry	Novak	Storm
Cohen	Freeman	Lessard	Pehler	Stumpf
Davis	Hughes	Marty	Peterson, R.W.	Waldorf

Those who voted in the negative were:

Benson	Brataas	Knaak	Olson	Ramstad
Berg	Frederick	Larson	Pariseau	Renneke
Bertram	Gustafson	McGowan	Piepho	Vickerman

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

### **MEMBERS EXCUSED**

Messrs. Diessner, Mehrkens and Pogemiller were excused from the Session of today. Mr. Dahl was excused from the Session of today at 6:45 p.m. Mr. Waldorf was excused from the Session of today from 5:45 to 6:45 p.m.

### **ADJOURNMENT**

Mr. Knutson moved that the Senate do now adjourn sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate