

THIRTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 10, 1991

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

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

Adkins	Day	Johnston	Metzen	Reichgott
Beckman	DeCramer	Kelly	Moe, R. D.	Renneke
Belanger	Dicklich	Kroening	Mondale	Riveness
Benson, D.D.	Finn	Laidig	Neuville	Sams
Benson, J.E.	Flynn	Langseth	Novak	Samuelson
Berg	Frank	Larson	Olson	Solon
Berglin	Frederickson, D.J.	Lessard	Pappas	Spear
Bernhagen	Gustafson	Luther	Pariseau	Storm
Bertram	Hottinger	Marty	Piper	Stumpf
Brataas	Hughes	McGowan	Pogemiller	Traub
Chmielewski	Johnson, D.J.	Mehrkens	Price	Vickerman
Cohen	Johnson, J.B.	Merriam	Ranum	Waldorf

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Davis, Halberg and Morse were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 8, 1991

The Honorable Jerome M. Hughes
President of the Senate

Dear Senator Hughes:

It is my honor to inform you that I have received, approved, signed and

deposited in the Office of the Secretary of State, S.F. Nos. 75 and 468.

Warmest regards,
Arne H. Carlson, Governor

April 8, 1991

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 1991 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 1991	Date Filed 1991
	243	16	12:02 p.m. April 4	April 4
443		17	12:01 p.m. April 4	April 4
	13	18	12:00 p.m. April 4	April 4

Sincerely,
Joan Anderson Growe
Secretary of State

April 8, 1991

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

The Honorable Jerome M. Hughes
President of the Senate

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S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1991	Date Filed 1991
	82	19	11:11 a.m. April 8	April 8
	373	20	11:14 a.m. April 8	April 8
75		21	11:14 a.m. April 8	April 8
468		22	11:16 a.m. April 8	April 8

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 5, 154, 611, 148, 162 and 567.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1991

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. 583: A bill for an act relating to health; clarifying requirements for vaccination of children for certain illnesses; amending Minnesota Statutes 1990, sections 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, and by adding a subdivision; and 151.37, by adding a subdivision.

Senate File No. 583 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1991

CONCURRENCE AND REPASSAGE

Ms. Flynn moved that the Senate concur in the amendments by the House to S.F. No. 583 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 583 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Beckman	Dicklich	Kelly	Moe, R.D.	Renneke
Belanger	Finn	Kroening	Mondale	Riveness
Benson, D.D.	Flynn	Laidig	Neuville	Sams
Benson, J.E.	Frank	Langseth	Novak	Samuelson
Berg	Frederickson, D.J.	Larson	Olson	Solon
Berglin	Frederickson, D.R.	Lessard	Pappas	Spear
Bernhagen	Gustafson	Luther	Pariseau	Storm
Bertram	Hottinger	Marty	Piper	Stumpf
Brataas	Hughes	McGowan	Pogemiller	Traub
Chmielewski	Johnson, D.J.	Mehrkens	Price	Vickerman
Day	Johnson, J.B.	Merriam	Ranum	
DeCramer	Johnston	Metzen	Reichgott	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H.F. Nos. 41, 71, 137, 106, 230, 381, 466, 415, 424, 606, 910, 614, 924, 957 and 1042.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 8, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 41: A bill for an act relating to retirement; providing certain widow benefits for the Virginia firefighters relief association; providing for disposition of assets of the Virginia firefighters relief association under certain conditions; amending Laws 1974, chapter 183, section 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 72, now on General Orders.

H.F. No. 71: A bill for an act relating to marriage dissolution; requiring information; providing for the content and uses of a certificate of dissolution; amending Minnesota Statutes 1990, sections 259.10; and 518.10; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

H.F. No. 137: A bill for an act relating to elections; authorizing a party state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for counting write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivision 3; 204B.12; 204B.13; 204B.41; and 204C.22, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 4, now on General Orders.

H.F. No. 106: A bill for an act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

Referred to the Committee on Transportation.

H.F. No. 230: A bill for an act relating to education; permitting a referendum on combining certain school districts before formal cooperation begins.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 152.

H.F. No. 381: A bill for an act relating to education; authorizing construction at Dakota County Technical College.

Referred to the Committee on Finance.

H.F. No. 466: A bill for an act relating to traffic regulations; defining "wrecker" to include new variations of tower vehicles; requiring the use

of amber lights on wreckers after January 1, 1992; allowing use of red lights on vehicles of certain emergency response personnel; exempting wreckers from weight requirements under certain circumstances; amending Minnesota Statutes 1990, sections 169.01, subdivision 52; 169.58, subdivision 2; 169.64, subdivision 5; and 169.825, by adding a subdivision.

Referred to the Committee on Transportation.

H.F. No. 415: A bill for an act relating to commerce; regulating farm equipment dealerships; amending Minnesota Statutes 1990, sections 325E.061, subdivisions 2, 4, and 5; 325E.063; 325E.064; 325E.068, subdivisions 2, 4, and 5; 325E.0682; and 325E.0683.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 484, now on General Orders.

H.F. No. 424: A bill for an act relating to interscholastic athletics; providing that persons who assault a sports official may be excluded from certain events; proposing coding for new law in Minnesota Statutes, chapter 128C.

Referred to the Committee on Education.

H.F. No. 606: A bill for an act relating to transportation; authorizing state departments to cancel uncollectible debts up to \$200 in certain cases; allowing department of transportation to employ debt collection services; allowing department of transportation to make direct expenditures from state aid funds for administrative expenses; providing penalty for failure to pay fee for sign permit more than 30 days after fee is due; providing when estimates of certain construction projects are nonpublic data; directing the commissioner of transportation to adopt rules governing the location and breakaway standards for mailbox installations; allowing white strobe lamps to be used on highway maintenance vehicles; authorizing exchange of lands with Grand Portage Band of Chippewa Indians; abolishing conflicting requirements related to market artery highways; adding a route and changing the description of a route in the state highway system; providing a penalty; amending Minnesota Statutes 1990, sections 10.12; 13.72, subdivision 1; 161.20, subdivision 4; 162.06, subdivision 2; 162.12, subdivision 2; 169.64, by adding a subdivision; and 173.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, section 169.833.

Referred to the Committee on Judiciary.

H.F. No. 910: A bill for an act relating to energy; requiring low-income housing to be built according to energy efficiency standards; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

Referred to the Committee on Energy and Public Utilities.

H.F. No. 614: A bill for an act relating to state finance; permitting investments in all federally insured savings accounts; amending Minnesota Statutes 1990, section 11A.24, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 548, now on General Orders.

H.F. No. 924: A bill for an act relating to utilities; authorizing the public utilities commission to allow recovery of expenses associated with economic and community development; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

Referred to the Committee on Energy and Public Utilities.

H.F. No. 957: A bill for an act relating to state government; permitting the commissioner of administration to make certain leases; amending Minnesota Statutes 1990, section 16B.24, subdivision 6.

Referred to the Committee on Governmental Operations.

H.F. No. 1042: A bill for an act relating to economic development; changing the organization of the department of trade and economic development; amending Minnesota Statutes 1990, section 116J.01, subdivision 3.

Referred to the Committee on Economic Development and Housing.

REPORTS OF COMMITTEES

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

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

S.F. No. 118: A bill for an act relating to animals; tightening laws prohibiting cruel treatment of certain animals; increasing certain penalties; amending Minnesota Statutes 1990, sections 343.21, subdivisions 9 and 10; and 346.44; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Page 2, line 16, after "*subsequent*" insert "*misdemeanor*"

Page 2, after line 27, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1991, and apply to crimes committed on or after that date, but previous convictions occurring before that date may serve as the basis for enhancing penalties under sections 1 to 4."

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

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

S.F. No. 310: A bill for an act relating to health; establishing a traumatic brain injury and spinal cord injury registry; requiring reporting of injuries; providing for use of information; amending Minnesota Statutes 1990, sections 171.29, subdivision 2; and 268A.03; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 2, line 36, before the period, insert "*, provided that the person or facility is acting in good faith*"

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

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

S.F. No. 379: A bill for an act relating to marriage; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1990, section 517.04.

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

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

S.F. No. 1019: A bill for an act relating to children; modifying child protection system data practices study requirements; amending Laws 1990, chapter 542, section 36.

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

Page 1, line 9, strike "and the department of human services."

Page 1, strike line 10

Page 1, line 11, strike the old language and delete the new language

Page 1, line 12, delete "administration" and strike the comma

Page 1, line 16, after "enforcement" insert "personnel"

Page 2, line 7, strike "and the department of human services"

Page 2, line 9, after the period, insert "*The attorney general shall consult with the multidisciplinary task force established under section 39 and with the commissioner of administration and the commissioner of human services in preparing the report.*"

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

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

S.F. No. 593: A bill for an act relating to railroads; allowing access over railroad right-of-way to landlocked adjoining properties; amending Minnesota Statutes 1990, section 219.35.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 219.35, is amended to read:
219.35 [CROSSINGS AND DRAINS.]

Persons owning lands abutting upon a railroad may construct, at their own expense, crossings under, over, or across the railroad and drains under and across the railroad at places and in ways that do not obstruct or impair the use of the railroad. ~~These crossings and drains must be maintained and kept in repair by the railroad company.~~ Before constructing them, the owner of the land shall serve on the nearest station agent of the company a notice, stating in detail the work which the landowner desires to perform, and the company may construct that work; but the crossings and drains may not be opened for the use of the landowner until the landowner pays the reasonable

cost of construction. *These crossings and drains must be maintained and kept in repair by the railroad company; however, the railroad may require reimbursement from the abutting landowners of its reasonable and accountable maintenance and repair costs when maintenance and repair are initiated by the landowner and agreed to in advance by the railroad company. The railroad company shall ensure, allow, and not prohibit reasonable egress and ingress under, over, and across a crossing except as may be required for maintenance of the crossing or for normal operation of the railroad.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "allowing" and insert "authorizing reimbursement by landowners for certain costs; requiring"

Page 1, line 3, delete "landlocked"

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

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

S.F. No. 765: A bill for an act relating to transportation; clarifying parking provisions for physically disabled persons; authorizing special license plates for motorcycles; amending Minnesota Statutes 1990, sections 168.021, subdivision 1; 169.345, subdivision 1; and 169.346, subdivision 2.

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

Page 3, delete line 4 and insert "*of this subdivision, parking spaces clearly identified as reserved for physically disabled persons by permanently posted signs that do not*"

Page 3, after line 17, insert:

"Sec. 4. Minnesota Statutes 1990, section 169.71, subdivision 4, is amended to read:

Subd. 4. No person shall drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions:

(a) when the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield;

(b) when any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance;

(c) when any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or

(d) when any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which

indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle.

This subdivision does not apply to glazing materials which:

(a) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205;

(b) are required to satisfy prescription or medical needs of the driver of the vehicle or a passenger if the driver or passenger is in possession of the prescription or a physician's statement of medical need; or

(c) are applied to:

(1) the rear windows of a pickup truck as defined in section 168.011, subdivision 29;

(2) the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.011, subdivision 28;

(3) the side and rear windows of a vehicle used to transport human remains by a funeral establishment holding a permit under section 149.08; or

(4) the side and rear windows of a limousine as defined in section 168.011, subdivision 35."

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing tinted windshields for medical reasons;"

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert "and 169.71, subdivision 4"

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

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

S.F. No. 100: A bill for an act relating to transportation; authorizing department of transportation to assist towns in financing engineering and approach work for bridge projects under certain conditions; amending Minnesota Statutes 1990, section 161.39, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to 25 percent of the county turnback account must be expended, within counties having two or more towns, on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present

bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account. *The commissioner shall provide financial assistance or forego collection of all or part of the costs incurred for engineering and bridge-approach work provided for towns in the process of conducting substantial and extensive bridge replacement, reconstruction, or repair work, when the town is financially unable to afford those costs due to low valuation of town property for taxing purposes or due to other hardship, as determined by the commissioner.*

An amount equal to 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing the commissioner of transportation to assist towns in financing engineering and approach work for bridge projects under certain conditions; amending Minnesota Statutes 1990, section 161.082, subdivision 2a."

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

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

S.F. No. 331: A bill for an act relating to aeronautics; requiring that local governments report airport development; proposing coding for new law in Minnesota Statutes, chapter 360.

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

Page 1, line 11, delete "*construction begins*" and insert "*granting approval or permission*"

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

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

S.F. No. 607: A bill for an act relating to highways; permitting the inclusion of certain cities in the municipal state-aid street system; amending Minnesota Statutes 1990, section 162.02, subdivision 12.

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

Amend the title as follows:

Page 1, line 3, delete "cities" and insert "city streets" and delete "municipal" and insert "county"

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

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

S.F. No. 404: A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 626.84, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

(a) “Board” means the board of peace officer standards and training.

(b) “Director” means the executive director of the board.

(c) “Peace officer” means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of gambling enforcement, and state conservation officers.

(d) “Constable” has the meaning assigned to it in section 367.40.

(e) “Deputy constable” has the meaning assigned to it in section 367.40.

(f) “Part-time peace officer” means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer’s intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) “Reserve officer” means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer’s duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) “Law enforcement agency” means a unit of state or local government

that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

Sec. 2. [626.8521] [PEACE OFFICER EDUCATION; ASSOCIATE DEGREE.]

Subdivision 1. [COMMUNITY COLLEGES.] For students who enroll after September 1, 1992, the professional peace officer education program for associate degrees in community colleges shall include sufficient general education to allow the transfer of all earned credits for a bachelor's degree at a state university.

Subd. 2. [TECHNICAL COLLEGES.] By September 1, 1994, the state board of technical colleges shall review and increase the amount of the general education component in the professional peace officer education program to allow for maximum credit transfer for associate degree students in technical colleges toward a bachelor's degree.

Subd. 3. [INFORMATION TO BE GIVEN.] Upon enrolling in the professional peace officer education program, each student must receive information concerning transferability of credits and the peace officer licensing process and the student must sign a form jointly developed by the state university system, community college system, technical college system, and the board that acknowledges receipt of the information.

Sec. 3. Minnesota Statutes 1990, section 626.861, subdivision 1, is amended to read:

Subdivision 1. [LEVY OF ASSESSMENT.] There is levied a penalty assessment of ~~ten~~ 12 percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Sec. 4. [PROFESSIONAL PEACE OFFICER EDUCATION.]

Subdivision 1. [HIGHER EDUCATION SYSTEMS OFFERING PROFESSIONAL PEACE OFFICER EDUCATION.] (a) By January 1, 1992, the

community college system, technical college system, state university system, and private colleges that offer professional peace officer education shall jointly develop and implement a plan to:

(1) recruit and retain women and minorities in professional peace officer education programs;

(2) integrate all components of professional peace officer education into a program for students who are pursuing a degree;

(3) appoint an advisory committee of no more than 12 members consisting of law enforcement faculty and administrators, peace officers, police chiefs, sheriffs, and citizens to meet at least once each year and to advise the systems regarding professional peace officer education; and

(4) develop validated academic performance standards and examinations for admittance into the professional peace officer education program.

The systems shall include women and members of minority groups in making appointments to the advisory committee required by this subdivision.

Nothing in this section precludes the systems described in this subdivision from developing consortium programs.

(b) The executive director of the peace officer standards and training board shall convene a meeting of the systems described in this subdivision to begin development of the required plan.

Subd. 2. [SCHOOL OF LAW ENFORCEMENT.] By January 1, 1993, the state university system shall develop a school of law enforcement in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, whose mission is to advance the profession of law enforcement. The system shall make reasonable efforts to obtain start-up funding for the school from sources other than the state. The school may offer professional peace officer education, graduate degree programs, and peace officer continuing education programs, and may conduct applied research.

Sec. 5. [APPROPRIATION.]

§ is appropriated to the state university system for the creation and operation of a metropolitan school of law enforcement."

Delete the title and insert:

"A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to create and implement a joint plan to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, sections 626.84, subdivision 1; and 626.861, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626."

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1068: A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and

support the Baltic Republics for their self-determination.

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 532: A bill for an act relating to towns; providing for the appointment of town officers under certain circumstances; amending Minnesota Statutes 1990, section 367.03, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 192.263, is amended to read:

192.263 [VACANCIES TO BE FILLED TEMPORARILY.]

In any case where a public officer or employee is absent with leave under the provisions of sections 192.26 to 192.264 and where it is necessary in the public interest to provide for the performance of the duties of the position during ~~such~~ the absence, the authority having power to fill a vacancy in the position may appoint a substitute, to be known as acting incumbent, who shall qualify as required for the regular incumbent, shall receive the same compensation as fixed by law, ~~otherwise such compensation~~ or as may be fixed by proper authority, and shall have all the powers and perform all the duties of the position until the return of the regular incumbent; ~~provided, that this shall or, if the position is for a fixed term, the period of the unexpired term, whichever occurs earlier. This section does not preclude the making of any other provision for the discharge of the duties of the position which may be otherwise authorized by law."~~

Delete the title and insert:

"A bill for an act relating to public officers or employees; clarifying the filling of temporary vacancies in public offices due to military service; amending Minnesota Statutes 1990, section 192.263."

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred

S.F. No. 887: A bill for an act relating to economic development; creating a commission on economic development policy; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [COMMISSION ON ECONOMIC DEVELOPMENT POLICY.]

Subdivision 1. [MEMBERSHIP.] The advisory commission on economic development policy consists of 20 members selected as follows:

(1) two members of the senate appointed by the subcommittee on committees of the committee on rules and administration and one member of the senate appointed by the minority leader of the senate;

(2) two members of the house of representatives appointed by the speaker and one member of the house of representatives appointed by the minority leader of the house of representatives;

(3) four representatives of state executive branch agencies appointed by the governor including the commissioners of trade and economic development and revenue and the executive director of the higher education coordinating board;

(4) one member from a state public corporation appointed by the governor;

(5) one member appointed by the president of the University of Minnesota representing the Minnesota extension service;

(6) one member appointed by the league of Minnesota cities;

(7) one member appointed by the association of Minnesota counties;

(8) one member appointed by the Minnesota school boards association;

(9) one member appointed by the Minnesota association of regional commissions;

(10) two members appointed by the league of Minnesota cities from economic development offices in statutory or home rule charter cities within the seven-county metropolitan area including a representative of a city of the first class; and

(11) two members appointed by the league of Minnesota cities from economic development offices in statutory or home rule charter cities outside the seven-county metropolitan area, including a representative of a city with a population of 30,000 or more.

Subd. 2. [COMPENSATION.] Members serve at the pleasure of their appointing authority. Legislative members are compensated in the same manner as for other legislative meetings. Other members are compensated as provided in Minnesota Statutes, section 15.059, subdivision 3.

Subd. 3. [DUTIES.] The commission shall:

(1) review the responsibilities and the relationships of the various state and local agencies involved in the delivery of services that promote economic development and redevelopment. The commission shall consider ways and means to better coordinate the delivery of economic development services;

(2) identify the ways in which the state provides support to economic development, including financing programs, technical assistance programs, promotion, training and education, and infrastructure development and maintenance;

(3) quantify the amount and types of expenditures on economic development;

(4) identify measures to evaluate the effectiveness of investments in economic development;

(5) consider recent changes in state tax law that effect economic development and redevelopment and evaluate the impact of these changes on local development;

(6) review and comment on proposals submitted to it by the governor and the legislature;

(7) review and comment on research reports, studies, and papers on the public sector role in economic development; and

(8) hold hearings and conduct informal surveys to solicit the positions of business, industry, labor, and service providers.

Subd. 4. [ADMINISTRATION AND FINANCE.] The commissioner of the state planning agency shall provide staff support and administrative services to the commission. Other state agencies shall supply information upon request of the commission and shall in all ways cooperate with the commission in carrying out its duties.

Subd. 5. [REPORT.] The commission shall submit a report on its findings and recommendations to the legislature by January 15, 1992, so that the legislature may consider these recommendations in setting policy. The report must include recommendations on:

(1) the current structure of economic development and redevelopment assistance at the state, local, and regional levels;

(2) the existing, necessary, and desirable role of the public sector in economic development and redevelopment;

(3) the existing, necessary, and desirable economic development and redevelopment tools for the public sector; and

(4) the existing, necessary, and desirable allocation of state and local resources for economic development and redevelopment.

Sec. 2. [APPROPRIATIONS.]

\$ is appropriated from the general fund to the commissioner of state planning to administer section 1.

Sec. 3. [REPEALER.]

Section 1 is repealed July 1, 1992.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1991."

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred

S.F. No. 982: A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; 116O.04, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a.

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

Delete everything after the enacting clause and insert:

“Section 1. [NAME CHANGE.]

The Greater Minnesota Corporation is renamed Minnesota Technology, Inc.

Sec. 2. Minnesota Statutes 1990, section 116O.03, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS.] The corporation is governed by a board of ~~11~~ 14 directors. ~~The term of a director is six years. Vacancies on the board are filled by appointment of the board, subject to the advice and consent of the senate. Board members may receive reasonable compensation and be reimbursed for reasonable expenses, which must be reviewed each year by the commissioner of finance. The membership terms, compensation, removal, and filling of vacancies of public members of the board are as provided in section 15.0575. Membership of the board consists of the following:~~

(1) *a person from the private sector who shall act as chair appointed by the governor and who shall serve as chief science advisor to the governor and the legislature;*

(2) *the dean of the graduate school of the University of Minnesota;*

(3) *the dean of the institute of technology of the University of Minnesota;*

(4) *the commissioner of the department of trade and economic development;*

(5) *six members appointed by the governor; and*

(6) *one member who is not a member of the legislature appointed by each of the following: the speaker of the house of representatives, the house of representatives minority leader, the senate majority leader, and the senate minority leader.*

Fifty percent of the members described in clauses (5) and (6) must live outside the metropolitan area as defined in section 473.121, subdivision 2, and must have experience in manufacturing, the technology industry, or research and development.

Sec. 3. Minnesota Statutes 1990, section 116O.04, subdivision 2, is amended to read:

Subd. 2. [STATUS OF EMPLOYEES.] Employees, officers, and directors of the corporation *and programs governed by this chapter* are not state employees, but are covered by section 3.736 and, at the option of the board, may participate in the state retirement plan and the state deferred compensation plan for employees in the unclassified service and an insurance plan administered by the commissioner of employee relations.

Sec. 4. Minnesota Statutes 1990, section 116O.05, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) *The primary duties of the corporation shall include:*

(1) *applied research; and*

(2) *technology transfer and early stage funding to small manufacturers.*

(b) *The corporation shall also:*

(1) *establish programs, activities, and policies that provide technology*

transfer and applied research and development assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations in the state that are primarily new and existing small and medium-sized businesses in greater Minnesota;

(2) provide or provide for technology-related assistance to individuals, sole proprietorships, partnerships, corporations, other business entities, and nonprofit organizations;

(3) provide financial assistance under section 116O.06 to assist the development of new products, services, or production processes or to assist in bringing new products or services to the marketplace;

(4) provide or provide for research services including on-site research and testing of production techniques and product quality;

(5) establish and operate regional research institutes as provided for in section 116O.08;

(6) make matching research grants for applied research and development to public and private post-secondary education institutes as provided for in section 116O.11;

(7) enter into contracts for establishing formal relationships with public or private research institutes or facilities;

(8) establish the agricultural utilization research institute under section 116O.09; and

(9) not duplicate existing services or activities provided by other public and private organizations but shall build on the existing educational, business, and economic development infrastructure.

Sec. 5. [116O.051] [TECHNOLOGY INITIATIVES.]

The corporation shall consult with the commissioner of trade and economic development and recommend coordination and funding for all technology initiatives currently administered by the department of trade and economic development.

Sec. 6. [116O.071] [SCIENCE AND TECHNOLOGY.]

Subdivision 1. [DUTIES.] The corporation shall:

(1) prepare and deliver to the legislature every January 15 a science and technology annual report that shall contain:

(i) a list of the scientifically and technologically related research and development projects and development activities funded by a grant or loan of state money that provides significant promise for the development of job-creating businesses; and

(ii) an analysis of the efficacy and completeness of a decentralized research peer review process, with special emphasis on whether or not scientifically and technologically related research and development projects in Minnesota have resulted or will result in creating scientifically and technologically related jobs;

(2) keep a current roster of technology intensive businesses in the state;

(3) collect and disseminate information on financial, technical, marketing, management, and other services available to technology intensive small and emerging businesses, including potential sources of debt and equity

capital;

(4) review the technological development potential of various regions of the state and cooperate with and make recommendations to the legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of the development potential; and

(5) sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientifically and technologically related research and development and education in the state, and represent the state at appropriate interstate and national conferences.

Subd. 2. [PEER REVIEW PLANS.] A state agency, board, commission, authority, institution, or other entity that allocates state money by a grant, loan, or contract for scientifically and technologically related research shall establish a peer review system to evaluate the research. The corporation shall recommend guidelines for establishing effective peer review. An agency, board, commission, authority, or institution that funds scientifically and technologically related research shall, at least biennially, present to the corporation or to ad hoc committees a review and evaluation of the peer review process used in that organization.

Subd. 3. [AUTHORITY TO PERFORM REQUESTED EVALUATIONS.] The governor, speaker of the house of representatives, house of representatives minority leader, senate majority leader, senate minority leader, chair of the house of representatives appropriations committee, chair of the senate finance committee, director, or a member of the legislature considering the introduction or approval of legislation containing funding for scientifically and technologically related research and development may request the corporation to evaluate a loan or grant made or to be made or the proposed legislation for funding scientifically and technologically related research and development to determine (1) whether it complies with the guidelines required by subdivision 1, clause (1), item (ii); (2) whether it is technically feasible; and (3) for development proposals, whether the proposal appears to have the potential for economic development. Ad hoc committees may be appointed by the corporation.

Sec. 7. Minnesota Statutes 1990, section 116O.09, subdivision 3, is amended to read:

Subd. 3. [STAFF.] The corporation board of directors shall provide hire staff to for the agricultural utilization research institute and assist in carrying out the duties of the agricultural utilization research institute. Persons employed by the agricultural utilization research institute are not state employees and may participate in state retirement, deferred compensation, insurance, or other plans that apply to state employees generally and are subject to regulation by the state ethical practices board.

Sec. 8. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 6. [BYLAWS.] The board of directors shall adopt bylaws necessary for the conduct of the business of the institute consistent with this section. The corporation must publish bylaws and amendments to the bylaws in the State Register.

Sec. 9. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 7. [PLACE OF BUSINESS.] The board of directors shall locate and maintain the institute's place of business within the state.

Sec. 10. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 8. [CHAIR.] The board of directors shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Sec. 11. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 9. [MEETINGS.] The board of directors shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the institute. Board meetings are subject to section 471.705.

Sec. 12. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 10. [CONFLICT OF INTEREST.] A director, employee, or officer of the institute may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest.

Sec. 13. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 11. [NO BENEFIT TO PRIVATE INDIVIDUALS OR CORPORATIONS.] This institute shall not afford pecuniary gain, incidental or otherwise, to any private individual, firm, or corporation, except the payment of reasonable fees for goods and services provided and approved in accordance with the bylaws of the corporation. No part of the net income or net earnings of the institute shall, directly or indirectly, be distributable to or otherwise inure to the benefit of any individual.

Sec. 14. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 12. [FUNDS.] The institute may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Expenditures of more than \$25,000 must be approved by the full board.

Sec. 15. Minnesota Statutes 1990, section 116O.09, is amended by adding a subdivision to read:

Subd. 13. [ACCOUNTS; AUDITS.] The institute may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

For purposes of this section, "institute" means the agricultural utilization

research institute established under section 116O.09 and "board of directors" means the board of directors of the agricultural utilization research institute.

Sec. 16. [116O.16] [ALLOCATION OF LOTTERY PROCEEDS.]

The corporation must allocate a portion of annual lottery proceeds received under section 349A.10, subdivision 5, as follows:

- (1) \$ to the agricultural utilization research institute; and*
- (2) \$ to the natural resource research institute.*

Each institute shall determine how its respective allocation will be spent.

Sec. 17. [FUNDING FOR TECHNOLOGY PROGRAMS.]

The corporation must allocate out of corporation funds up to \$ for the purposes specified in section 6, \$ to the Minnesota Project Innovation Corporation, and \$ to the Minnesota Project Outreach Corporation to be available for the biennium ending June 30, 1993.

Sec. 18. [REPORT TO GOVERNOR AND THE LEGISLATURE.]

Minnesota Technology, Inc., shall report to the governor and the appropriate committees of the legislature its recommendations for a state science and technology policy by January 1, 1992.

Sec. 19. [DISSOLUTION OF GREATER MINNESOTA CORPORATION BOARD OF DIRECTORS; REAPPOINTMENT OF DIRECTORS.]

The board of directors of the Greater Minnesota Corporation is dissolved. It is succeeded by the board of directors established in section 2. The successor board must have at least four members who currently serve as directors of the Greater Minnesota Corporation.

Sec. 20. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall change the words "Greater Minnesota Corporation" or similar words to "Minnesota Technology, Inc." or similar words.

Sec. 21. [REPEALER.]

Minnesota Statutes 1990, sections 116J.970, 116J.971, and 116O.03, subdivision 2a, are repealed."

Delete the title and insert:

"A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; 116O.04, subdivision 2; 116O.05, subdivision 2; and 116O.09, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a."

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred

S.F. No. 1087: A bill for an act relating to the Minnesota public facilities authority; fixing the maximum bonded debt of the authority; amending Minnesota Statutes 1990, section 446A.12, subdivision 1.

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 976: A bill for an act relating to wild animals; altering the classification of certain ferrets; amending Minnesota Statutes 1990, section 346.41, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. [346.415] [DOMESTIC EUROPEAN FERRETS.]

Subdivision 1. [CLASSIFICATION AS DOMESTIC ANIMAL.] The domestic European ferret (mustela putorius furo) is classified as a domestic and companion animal.

Subd. 2. [FOOD.] Domestic European ferrets must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight.

Subd. 3. [WATER.] Domestic European ferrets must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice.

Subd. 4. [TRANSPORTATION AND SHIPMENT.] When domestic European ferrets are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Water must be provided at least once every eight hours. Food must be provided at least once every 24 hours or more often, if necessary, to maintain the health and condition of the animals.

Subd. 5. [VACCINATIONS.] All domestic European ferrets must be vaccinated against rabies and distemper.

Subd. 6. [FEMALES TO BE SPAYED.] All female European domestic ferrets must be spayed, except for animals used for breeding purposes.

Subd. 7. [INFORMATION FOR BUYERS.] A person selling or offering to sell domestic European ferrets must provide buyers with written factual information concerning the care of these animals, including a warning that a domestic European ferret may cause injury to young children.”

Delete the title and insert:

“A bill for an act relating to animals; classifying domestic European ferrets as domestic animals; providing for their health and welfare; proposing coding for new law in Minnesota Statutes, chapter 346.”

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1126: A bill for an act relating to local government; providing procedures for storm sewer improvements; amending Minnesota Statutes 1990, section 444.18, by adding a subdivision; repealing Minnesota Statutes 1990, section 444.18, subdivision 2.

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

Mrs. Adkins from the Committee on Local Government, to which was re-referred

S.F. No. 460: A bill for an act relating to veterans; changing certain requirements for appointment of county veterans service officers; amending Minnesota Statutes 1990, section 197.60, subdivision 2, and by adding a subdivision.

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1213: A bill for an act relating to Dakota county; permitting the combination of the offices of treasurer and auditor; permitting appointment of the county recorder; authorizing the reorganization of county offices; proposing coding for new law in Minnesota Statutes, chapter 383D.

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

Page 2, line 28, delete "*ten*" and insert "*15*"

Page 2, line 29, delete "*registered*" and after the first "*county*" insert "*voting in the last general election*"

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 599: A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecommunications organizations; amending Minnesota Statutes 1990, section 237.19.

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

Page 1, line 13, strike ", and"

Page 1, lines 13 to 15, delete the new language

Page 1, line 16, delete "*service area*"

Page 2, line 2, after the period, insert "*A municipality that owns and*

operates a telephone exchange may enter into a joint venture as a partner or shareholder with a telecommunications organization to provide telecommunications services within its service area."

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

Mrs. Adkins from the Committee on Local Government, to which was referred

S.F. No. 1129: A bill for an act relating to water and wastewater treatment; expanding the authority of municipalities to contract for private design and construction of water and wastewater treatment facilities; amending Minnesota Statutes 1990, section 471.371, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6.

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

Page 1, line 22, after "detail" insert "*, including hydraulic flow and organic loading calculations, design capacity, effluent limits, design life, and the treatment alternatives for the wastewater treatment facility.*"

Page 1, lines 23 to 25, delete the new language

Page 3, line 12, reinstate the stricken "and"

Page 3, line 14, before the period, insert "*“facility” or “facilities” shall, in addition to the treatment facility, include collection and distribution systems”*"

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

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

S.F. No. 226: A bill for an act relating to counties; providing fiscal limitations on social service mandates; proposing coding for new law in Minnesota Statutes, chapter 256E.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 245.465, is amended to read:

245.465 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and community social ~~service~~ *services* act funds allocated by the commissioner according to ~~a the biennial local mental health service proposal component of the county's community social services plan~~ as approved by the commissioner. The county board must:

(1) develop and coordinate a system of affordable and locally available adult mental health services in accordance with sections 245.461 to 245.486;

(2) *with the involvement of the local adult mental health advisory council or the adult mental health subcommittee of an existing advisory council,*

develop a biennial adult mental health component of the community social services plan required in section 256E.09 which considers the assessment of unmet needs in the county as reported by the local adult mental health advisory council under section 245.466, subdivision 5, clause (3). The county shall provide, upon request of the local adult mental health advisory council, readily available data to assist in the determination of unmet needs;

(3) provide for case management services to adults with serious and persistent mental illness in accordance with sections 245.462, subdivisions 3 and 4; 245.4711; and 245.486;

~~(3)~~ (4) provide for screening of adults specified in section 245.476 upon admission to a residential treatment facility or acute care hospital inpatient, or informal admission to a regional treatment center;

~~(4)~~ (5) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.461 to 245.486; and

~~(5)~~ (6) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract with the county to provide mental health services have experience and training in working with adults with mental illness.

Sec. 2. Minnesota Statutes 1990, section 245.466, subdivision 5, is amended to read:

Subd. 5. [LOCAL ADVISORY COUNCIL.] The county board, individually or in conjunction with other county boards, shall establish a local adult mental health advisory council or mental health subcommittee of an existing advisory council. The council's members must reflect a broad range of community interests. They must include at least one consumer, one family member of an adult with mental illness, one mental health professional, and one community support services program representative. The local adult mental health advisory council or mental health subcommittee of an existing advisory council shall meet at least quarterly to review, evaluate, and make recommendations regarding the local mental health system. Annually, the local adult mental health advisory council or mental health subcommittee of an existing advisory council shall:

(1) arrange for input from the regional treatment center's mental illness program unit regarding coordination of care between the regional treatment center and community-based services;

(2) identify for the county board the individuals, providers, agencies, and associations as specified in section 245.462, subdivision 10; and

(3) provide to the county board a report of unmet mental health needs of adults residing in the county to be included in the county's biennial mental health component of the community social services plan required in section 256E.09, and participate in developing the mental health component of the plan; and

(4) coordinate its review, evaluation, and recommendations regarding the local mental health system with the state advisory council on mental health.

The county board shall consider the advice of its local mental health advisory council or mental health subcommittee of an existing advisory council in carrying out its authorities and responsibilities.

Sec. 3. Minnesota Statutes 1990, section 245.478, subdivision 1, is

amended to read:

Subdivision 1. ~~[TIME PERIOD SUBMITTAL OF ADULT MENTAL HEALTH COMPONENT.]~~ The first local mental health proposal period is from July 1, 1988, to December 31, 1989. The county board shall submit its first proposal to the commissioner by January 1, 1988. Subsequent proposals must be on the same two-year cycle as community social service plans. If a proposal complies with sections 245.461 to 245.486, it satisfies the requirement of the community social service plan for the mental illness target population as required by section 256E.09. The proposal must be made available upon request to all residents of the county at the same time it is submitted to the commissioner. *Beginning in 1993, and every two years thereafter, the county board shall submit to the commissioner the adult mental health component of the community social services plan required under section 256E.09.*

Sec. 4. Minnesota Statutes 1990, section 245.478, subdivision 2, is amended to read:

Subd. 2. ~~[PROPOSAL CONTENT OF ADULT MENTAL HEALTH COMPONENT.]~~ *Content of the local adult mental health proposal must include: component of the community social services plan is governed by section 256E.09.*

(1) the local adult mental health advisory council's or adult mental health subcommittee of an existing advisory council's report on unmet needs of adults and any other needs assessment used by the county board in preparing the local adult mental health proposal;

(2) a description of the local adult mental health advisory council's or the adult mental health subcommittee of an existing advisory council's involvement in preparing the local adult mental health proposal and methods used by the county board to ensure adequate and timely participation of citizens, mental health professionals, and providers in development of the local mental health proposal;

(3) information for the preceding year, including the actual number of clients who received each of the mental health services listed in sections 245.468 to 245.476, and actual expenditures for each mental health service and service waiting lists; and

(4) the following information describing how the county board intends to meet the requirements of sections 245.461 to 245.486 during the proposal period:

(i) specific objectives and outcome goals for each adult mental health service listed in sections 245.461 to 245.486;

(ii) a description of each service provider, including county agencies, contractors, and subcontractors, that is expected to either be the sole provider of one of the adult mental health services described in sections 245.461 to 245.486 or to provide over \$10,000 of adult mental health services per year, including a listing of the professional qualifications of the staff involved in service delivery for the county;

(iii) a description of how the adult mental health services in the county will be unified and coordinated;

(iv) the estimated number of clients who will receive each adult mental health service; and

(v) ~~estimated expenditures for each adult mental health service and revenues for the entire proposal.~~

Sec. 5. Minnesota Statutes 1990, section 245.478, subdivision 6, is amended to read:

Subd. 6. [~~PROPOSAL ADULT MENTAL HEALTH COMPONENT OF THE COMMUNITY SOCIAL SERVICES PLAN; APPROVAL.~~] The commissioner shall review each ~~local county's adult mental health proposal component of the community social services plan~~ within 90 60 days and work with the county board to make any necessary modifications to comply with sections 245.461 to 245.486. After the commissioner has approved the ~~proposal adult mental health component of the community social services plan~~, the county board is eligible to receive an allocation of mental health and community social ~~service services~~ act funds.

Sec. 6. Minnesota Statutes 1990, section 245.4874, is amended to read:
245.4874 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and community social ~~service services~~ act funds allocated by the commissioner according to a biennial ~~local children's mental health service proposal component of the community social services plan~~ required under section 245.4887, and approved by the commissioner. The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4887;

(2) *establish a mechanism providing for interagency coordination as specified in section 245.4875, subdivision 6;*

(3) *develop a biennial children's mental health component of the community social services plan required under section 256E.09 which considers the assessment of unmet needs in the county as reported by the local children's mental health advisory council under section 245.4875, subdivision 5, paragraph (b), clause (3). The county shall provide, upon request of the local children's mental health advisory council, readily available data to assist in the determination of unmet needs;*

(4) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4887;

~~(5)~~ (5) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost effectiveness of their delivery;

~~(4)~~ (6) assure that mental health services delivered according to sections 245.487 to 245.4887 are delivered expeditiously and are appropriate to the child's diagnostic assessment and individual treatment plan;

~~(5)~~ (7) provide the community with information about predictors and symptoms of emotional disturbances and how to access children's mental health services according to sections 245.4877 and 245.4878;

~~(6)~~ (8) provide for case management services to each child with severe emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

~~(7)~~ (9) provide for screening of each child under section 245.4885 upon

admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

(8) (10) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4887;

(9) (11) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871; and

(10) (12) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age.

Sec. 7. Minnesota Statutes 1990, section 245.4875, subdivision 5, is amended to read:

Subd. 5. [LOCAL CHILDREN'S ADVISORY COUNCIL.] (a) By October 1, 1989, the county board, individually or in conjunction with other county boards, shall establish a local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council or shall include persons on its existing mental health advisory council who are representatives of children's mental health interests. The following individuals must serve on the local children's mental health advisory council, the children's mental health subcommittee of an existing local mental health advisory council, or be included on an existing mental health advisory council: (1) at least one person who was in a mental health program as a child or adolescent; (2) at least one parent of a child or adolescent with severe emotional disturbance; (3) one children's mental health professional; (4) representatives of minority populations of significant size residing in the county; (5) a representative of the children's mental health local coordinating council; and (6) one family community support services program representative.

(b) The local children's mental health advisory council or children's mental health subcommittee of an existing advisory council shall seek input from parents, former consumers, providers, and others about the needs of children with emotional disturbance in the local area and services needed by families of these children, and shall meet monthly, unless otherwise determined by the council or subcommittee, but not less than quarterly, to review, evaluate, and make recommendations regarding the local children's mental health system. Annually, the local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council shall:

(1) arrange for input from the local system of care providers regarding coordination of care between the services; ~~and~~

(2) identify for the county board the individuals, providers, agencies, and associations as specified in section 245.4877, clause (2); ~~and~~

(3) *provide to the county board a report of unmet mental health needs of children residing in the county to be included in the county's biennial children's mental health component of the community social services plan required under section 256E.09, and participate in developing the mental health component of the plan.*

(c) The county board shall consider the advice of its local children's

mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council in carrying out its authorities and responsibilities.

Sec. 8. Minnesota Statutes 1990, section 245.4887, subdivision 1, is amended to read:

Subdivision 1. ~~[TIME PERIOD SUBMITTAL OF CHILDREN'S MENTAL HEALTH COMPONENT.]~~ The county board shall submit its first complete children's section of its local mental health proposal to the commissioner by November 15, 1989. Subsequent proposals must be on the same two-year cycle as community social service plans. If a proposal complies with sections 245.487 to 245.4887, it satisfies the requirement of the community social service plan for the emotionally disturbed target population as required by section 256E.09. The proposal must be made available upon request to all residents of the county at the same time it is submitted to the commissioner. Beginning in 1993, and every two years thereafter, the county board shall submit to the commissioner a children's mental health component of the community social services plan required under section 256E.09.

Sec. 9. Minnesota Statutes 1990, section 245.4887, subdivision 2, is amended to read:

Subd. 2. ~~[PROPOSAL CONTENT OF CHILDREN'S MENTAL HEALTH COMPONENT.]~~ Content of the children's section of the local mental health proposal must include: component of the community social services plan is governed by section 256E.09.

(1) a report of the local children's mental health advisory council or children's mental health subcommittee of the existing local mental health advisory council on unmet needs of children and any other needs assessment used by the county board in preparing the local mental health proposal, including the report of the local coordinating council or local interagency task force specified in section 245.4875, subdivision 6;

(2) a description of the involvement of the local children's mental health advisory council or the children's mental health subcommittee of the existing local mental health advisory council in preparing the local mental health proposal and methods used by the county board to ensure adequate and timely participation of citizens, mental health professionals, and providers in development of the local mental health proposal;

(3) information for the preceding year, including the actual number of children who received each of the mental health services listed in sections 245.487 to 245.4887, and actual expenditures for each mental health service and service waiting lists; and

(4) the following information describing how the county board intends to meet the requirements of sections 245.487 to 245.4887 during the proposal period:

(i) specific objectives and outcome goals for each mental health service listed in sections 245.487 to 245.4887;

(ii) a description of each service provider, including county agencies, contractors, and subcontractors, that is expected to either be the sole provider of one of the mental health services described in sections 245.487 to 245.4887 or to provide over \$10,000 of mental health services per year, including a listing of the professional qualifications of the staff involved in service delivery for the county;

(iii) a description of how the mental health services in the county will be unified and coordinated, including the mechanism established by the county board providing for interagency coordination as specified in section 245.4875, subdivision 6;

(iv) the estimated number of children who will receive each mental health service; and

(v) estimated expenditures for each mental health service and revenues for the entire proposal.

Sec. 10. Minnesota Statutes 1990, section 245.4887, subdivision 6, is amended to read:

Subd. 6. ~~[PROPOSAL CHILDREN'S MENTAL HEALTH COMPONENT OF THE COMMUNITY SOCIAL SERVICES PLAN; APPROVAL.]~~ The commissioner shall review each county's children's ~~section of the local mental health proposal component of the community social services plan~~ within 90 60 days and work with the county board to make any necessary modifications to comply with sections 245.487 to 245.4887. After the commissioner has approved the ~~proposal children's mental health component of the community social services plan~~, the county board is eligible to receive an allocation of mental health and community social ~~service services~~ act funds.

Sec. 11. Minnesota Statutes 1990, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] Any person applying for, receiving or having received public assistance or a program of social services granted by the state agency or a county agency under sections 252.32, 256.031 to 256.036, and 256.72 to 256.879, chapters 256B, 256D, 256E, 261, or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, or a party aggrieved by a ruling of a prepaid health plan, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

Except for a prepaid health plan, a vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services under section 256E.08, subdivision 4, is not a party and may not request a hearing under this section.

An applicant or recipient is not entitled to receive social services beyond the services included in the amended community social services plan developed under section 256E.081, subdivision 3, if the county agency has met the requirements in section 256E.081.

Sec. 12. Minnesota Statutes 1990, section 256E.04, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:

(a) A statement of methods used to ensure intergovernmental coordination

of state and local planning and delivery of community social services;

(b) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment; ~~and~~

(c) A summary and analysis of all county biennial community social services plans;

(d) Identification of social services program requirements which counties have identified as unnecessarily administratively burdensome;

(e) Identification of social services program requirements for which inadequate state and local funding is available; and

(f) Identification of unmet needs reported by the county agencies.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Sec. 13. Minnesota Statutes 1990, section 256E.05, is amended by adding a subdivision to read:

Subd. 1a. [REVIEW OF ADMINISTRATIVE REQUIREMENTS.] The commissioner may review social services administrative rule requirements and adopt amendments under chapter 14 to reduce administrative costs and complexity by eliminating unnecessary or excessive paperwork, simplifying or consolidating program requirements, or emphasizing outcomes rather than procedures. In determining the reasonableness of the requirements, the commissioner shall consider the needs the service was developed to address and the adequacy of the state and local funding available to provide the service.

Sec. 14. Minnesota Statutes 1990, section 256E.05, subdivision 2, is amended to read:

Subd. 2. [PLAN APPROVAL.] Within 45 60 days after submission of the community social services plan by the counties pursuant to section 256E.09, subdivision 4 1, the commissioner shall certify whether the plan fulfills the purposes and requirements of section 256E.09, state and federal law and the rules of the state agency. On certifying that the plan does not do so, the commissioner shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of the intention to reduce the next quarterly payment by an amount equal to one-third of one percent of the county's annual entitlement for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 256E.06, subdivision 10.

Sec. 15. Minnesota Statutes 1990, section 256E.05, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan

format and information;

(b) To the extent possible, coordinate other categorical social ~~service~~ *services* grant applications and plans required of counties so that the applications and plans are included in and are consistent with the timetable and other requirements for the community social services plan in subdivision 2 and section 256E.09;

(c) Provide to the chair of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training, technical assistance, and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) Design and implement a method of monitoring and evaluating social services, including site visits that utilize quality control audits to assure county compliance with applicable standards, guidelines, and the county and state social services plans;

(f) Design and implement a system that uses corrective action procedures as established in subdivision 5 and a schedule of fines to ensure county compliance with statutes, rules, federal laws, and federal regulations governing community social services. In determining the amount of the fine, the commissioner may consider the number of community social services clients or applicants affected by the county's failure to comply with the law or rule, the severity of the noncompliance, ~~and the duration of the non-compliance as determined by the commissioner,~~ *the resources allocated for the provision of the service in the community social services plan approved under section 256E.09, and the amount the county is levying for social services and income maintenance programs under section 275.50, subdivision 5.* Fines levied against a county under this subdivision must not exceed ten percent of the county's community social services allocation for the year in which the fines are levied;

(g) Design and implement an incentive program for the benefit of counties that perform at a level that consistently meets or exceeds the minimum standards in law and rule. Fines collected under paragraph (e) may be placed in an incentive fund and used for the benefit of counties that meet and exceed the minimum standards;

(h) Specify requirements for reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17), to account for aids distributed under section 256E.06, funds from Title XX of the Social Security Act distributed under Minnesota Statutes, section 256E.07, claims under Title IV-E of the Social Security Act, mental health funding, and other social ~~service~~ *services* expenditures and activities; and

(i) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 16. Minnesota Statutes 1990, section 256E.05, is amended by adding a subdivision to read:

Subd. 3a. [DEMONSTRATION PROJECT.] (a) The commissioner may establish demonstration projects to test alternatives to existing state requirements.

(b) *At least one demonstration project may be developed to demonstrate alternative methods of social services planning. For the purposes of this demonstration project, the commissioner:*

(1) shall allow participating counties to combine all social services plans into one comprehensive plan unless a separate plan is necessary to comply with federal regulations or maintain federal financial participation;

(2) may waive social service program maintenance of effort requirements not required to comply with federal regulations or maintain federal financial participation, at the request of a county or counties participating in the planning process;

(3) may exempt counties participating in the planning demonstration from fiscal sanctions for noncompliance with social services requirements in state statute, provided the county proposal includes a schedule of fines for non-compliance approved by the commissioner;

(4) may establish a county match requirement for social services. If the county has spent or obligated all of its state and federal social services funds and the required matching funds, the county must be considered to be making reasonable efforts to comply with all state social services requirements as required in section 256E.081, subdivision 2, and is not required to provide social services beyond the services included in the county's amended community social services plan; and

(5) shall require participating counties to describe the system to be used to evaluate performance under the combined county plan.

(c) At least one demonstration project may be developed to test alternative methods of delivering services to persons with developmental disabilities or persons with mental illness.

(d) Up to six demonstration projects may be established to test alternatives to existing requirements that maintain or enhance services but reduce administrative burdens, eliminate unnecessary or excessive paperwork, simplify or consolidate requirements, or otherwise reduce administrative costs and complexity of social services programs.

(e) The commissioner shall consult with county staff, service providers, and service recipients or their advocates in the selection of the proposals for the demonstration projects.

(f) In selecting the demonstration projects, the commissioner may give preference to proposals submitted by two or more counties.

(g) During the duration of the demonstration projects, the commissioner may waive administrative rule requirements in the demonstration counties if the proposal demonstrates that the needs the requirements were developed to address can be met using an alternative approach. The commissioner shall not waive rule requirements which affect an individual's eligibility for services or right to due process.

(h) If the county fails to meet the conditions in the demonstration project proposal as approved by the commissioner, the commissioner may rescind the waiver of the rule requirements.

(i) The demonstration projects must be completed by July 1, 1995.

(j) The legislative auditor shall evaluate the results of the demonstration projects.

(k) If the results of the demonstration projects indicate that the needs the administrative rule requirements were developed to address can be met by means that are less costly and less prescriptive, and that give counties greater flexibility when providing social services, the commissioner may amend or repeal the appropriate social services rule requirement under chapter 14. If the requirement is specified in statute, the commissioner shall recommend legislative changes in the biennial state plan under section 256E.04, subdivision 1.

Sec. 17. Minnesota Statutes 1990, section 256E.05, subdivision 5, is amended to read:

Subd. 5. [CORRECTIVE ACTION PROCEDURE.] The commissioner must comply with the following procedures when imposing fines under subdivision 3, paragraph (e), or reducing county funds under subdivision 4.

(a) The commissioner shall notify the county, by certified mail, of the statute, rule, federal law, or federal regulation with which the county has not complied.

(b) The commissioner shall give the county 30 days to demonstrate to the commissioner that the county is in compliance with the statute, rule, federal law, or federal regulation cited in the notice or to develop a corrective action plan to address the problem. Upon request from the county, the commissioner shall provide technical assistance to the county in developing a corrective action plan. The county shall have 30 days from the date the technical assistance is provided to develop the corrective action plan.

(c) The commissioner shall take no further action if the county demonstrates compliance.

(d) The commissioner shall review and approve or disapprove the corrective action plan within 30 days after the commissioner receives the corrective action plan.

(e) If the commissioner approves the corrective action plan submitted by the county, the county has 90 days after the date of approval to implement the corrective action plan.

(f) If the county fails to demonstrate compliance or fails to implement the corrective action plan approved by the commissioner, the commissioner may fine the county according to subdivision 3, paragraph (e), or may reduce the county's share of state or federal funds according to subdivision 4.

(g) The commissioner may not impose a fine or reduce funds under this subdivision if the county demonstrates that:

(1) the county is unable to comply with a social services administrative rule due to fiscal limitations and the county has met the requirements in section 256E.081; or

(2) the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements.

(h) The county may appeal the fine or the reduction in funds under section 256E.06, subdivision 10.

Sec. 18. Minnesota Statutes 1990, section 256E.08, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing:

(1) information about the symptoms and characteristics of specific problems of the identified groups to increase understanding and acceptance by the general public, to help alleviate fears of seeking help, and to enable access to appropriate assistance;

(2) an assessment of the needs of each person applying for assistance which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs. These diagnostic and evaluation activities shall evaluate the functioning of each person with regard to an illness or disability, screen for placement, and determine the need for services;

(3) protection aimed at alleviating urgent needs of each person by determining urgent need, shielding persons in hazardous conditions when they are unable to care for themselves, and providing urgently needed assistance;

(4) supportive and rehabilitative activities that assist each person to function at the highest level of independence possible for the person, preferably without removing the person from home. These activities include *coordinating with local public rehabilitation agencies, local education agencies, and other agencies*, both ~~increasing~~ *to increase* the client's level of functioning and ~~maintaining~~ *to maintain* current levels of functioning;

(5) a means of facilitating access of physically handicapped or impaired persons to activities appropriate to their needs; and

(6) administrative activities to coordinate and facilitate the effective use of formal and informal helping systems to best address client needs and goals. This includes assisting the client in making informed decisions about opportunities and services, assuring timely access to needed assistance, providing opportunities and encouragement for self-help activities, and coordinating all services to meet the client's needs and goals. County case management shall be responsible for determining appropriate care and activities.

A county board may delegate to a county welfare board established under chapter 393 authority to provide or approve contracts for the purchase of the kinds of community social services that were provided or contracted for by the county welfare boards before the enactment of Laws 1979, chapter 324. The county board must determine how citizens will participate in the planning process, give final approval to the community social services plan, and distribute community social services money.

Sec. 19. [256E.081] [FISCAL LIMITATIONS.]

Subdivision 1. [SERVICE LIMITATION.] If the county has met the requirements in subdivisions 2, 3, and 4, the county shall not be required

to provide social services beyond the services required in federal law or state statute or included in the county's amended community social services plan.

Subd. 2. [DEMONSTRATION OF REASONABLE EFFORT.] The county shall make reasonable efforts to comply with all state social services requirements. For the purposes of this section, a county is making reasonable efforts if the county meets the following requirements:

(1) the total amount of money budgeted by the county for social services is equal to or greater than the total amount spent by the county for social services in the prior year, adjusted by any change in state or federal funding used by the county to fund social services in the prior year. When calculating the adjustment for changes in state or federal funding, the amount of the change in any funding source which can be used by the county for purposes other than social services shall be limited to an amount which has been adjusted by a formula based upon the proportionate share which social services is of the total county budget before the application of any aids;

(2) the county has spent, obligated, or projects expenditures in excess of the amount budgeted by the county for at least one social service program or service;

(3) the total social services expenditures for the county are projected to meet or exceed the total amount of money available for social services from all sources of social services funding; and

(4) the county has made efforts to comply with social services requirements within the limits of available funding, including efforts to identify and apply for commonly available state and federal funding for social services programs or services.

Subd. 3. [IDENTIFICATION OF SERVICES TO BE PROVIDED.] If a county has made reasonable efforts, as defined in subdivision 2, to comply with all social services administrative rule requirements and is unable to meet all requirements, the county must provide services according to an amended community social services plan developed by the county and approved by the commissioner under section 256E.09, subdivision 6. The plan must identify for the remainder of the calendar year the social services administrative rule requirements the county shall comply with within its fiscal limitations and identify the social services administrative rule requirements the county will not comply with due to fiscal limitations. The plan must specify how the county intends to provide services required by federal law or state statute, including but not limited to:

(1) providing services needed to protect children and vulnerable adults from maltreatment, abuse, and neglect;

(2) providing emergency and crisis services needed to protect clients from physical, emotional, or psychological harm;

(3) assessing and documenting the needs of persons applying for services;

(4) providing case management services to developmentally disabled clients, adults with serious and persistent mental illness, and children with severe emotional disturbances;

(5) providing day training and habilitation services for persons with developmental disabilities and family community support services for children with severe emotional disturbances;

- (6) *providing subacute detoxification services;*
- (7) *providing public guardianship services; and*
- (8) *fulfilling licensing responsibilities delegated to the county by the commissioner under section 245A.16.*

Subd. 4. [DENIAL, REDUCTION, OR TERMINATION OF SERVICES.]

(a) Before a county denies, reduces, or terminates services to an individual due to fiscal limitations, the county must meet the requirements in subdivisions 2 and 3, and document in the person's individual service plan:

- (1) the person's service needs;*
- (2) the alternatives considered for meeting the person's service needs; and*
- (3) the actions that will be taken to prevent abuse or neglect as defined in sections 626.556, subdivision 2, paragraphs (a), (c), (d), and (k); and 626.557, subdivision 2, paragraphs (d) and (e).*

(b) The county must notify the individual and the individual's guardian in writing of the reason for the denial, reduction, or termination of services and of the individual's right to an appeal under section 256.045;

(c) the county must inform the individual and the individual's guardian in writing that the county will, upon request, meet to discuss alternatives and amend the individual service plan before services are terminated or reduced.

Sec. 20. Minnesota Statutes 1990, section 256E.09, subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] Beginning in 1989, and every two years after that, the county board shall *submit to the commissioner a proposed community social services plan for the next two calendar years. The county board shall publish and make available upon request to all county residents a the proposed biennial community social services plan for the next two calendar years.*

Sec. 21. Minnesota Statutes 1990, section 256E.09, subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan ~~published by the county~~ shall include:

~~(a) A statement of the goals of community social service programs in the county;~~

~~(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;~~

~~(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;~~

~~(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1, to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide~~

the service;

(e) A statement describing how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services for children; day training and habilitation services for adults; extended employment program services for persons with disabilities; supported employment services as defined in section 252.41, subdivision 8; community-based employment programs as defined in section 268A.01, subdivision 11; subacute detoxification services; and residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

(f) A statement specifying how the county will collaboratively plan the development of supported employment services and community-based employment services with local representatives of public rehabilitation agencies and local education agencies; including, if necessary, how existing day or employment services could be modified to provide supported employment services and community-based employment services;

(g) A statement describing how the county is fulfilling its responsibility to establish a comprehensive and coordinated system of early intervention services as required under section 120.17, subdivisions 11a, 12, and 14;

(h) The amount of money proposed to be allocated to each service;

(i) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

(j) Evidence that serious consideration was given to the purchase of services from private and public agencies; and

(k) Methods whereby community social service programs will be monitored and evaluated by the county.

(1) a description of the planning process, including methods used to assess needs and obtain citizen input;

(2) county outcome goals and specific objectives for each program area;

(3) a description of resources allocated within the county to support each program and service;

(4) a description of the services to be provided;

(5) an analysis of the adequacy of resources available to support the community social services plan including estimates of unmet needs;

(6) a description of how the service system will be coordinated within each program area; and

(7) a statement signed by the county board or its designee that the county is in compliance with specified Minnesota Statutes.

Sec. 22. Minnesota Statutes 1990, section 256E.09, subdivision 6, is amended to read:

Subd. 6. [PLAN AMENDMENT.] After providing opportunity for public comment, the county may amend its plan. After approval of the amendment by the county board, the county shall submit to the commissioner its amendment to the commissioner and a statement signed by the county board or its designee that the county is in compliance with specified Minnesota Statutes. When certifying the amendment according to section 256E.05, subdivision 2, the commissioner shall certify whether the amendment fulfills

~~the purpose and requirements of law and the rules of the state agency consider:~~
~~(1) the effect of the proposed amendment on efforts to prevent inappropriate~~
~~or facilitate appropriate residential placements; and~~

~~(2) the resources allocated for the provision of services in the community~~
~~social services plan approved under section 256E.09, and the amount the~~
~~county is levying for social services and income maintenance programs~~
~~under section 275.50, subdivision 5.~~

Sec. 23. Minnesota Statutes 1990, section 256E.12, is amended by adding a subdivision to read:

Subd. 4. For calendar year 1992 and all subsequent years, the commissioner shall allocate the money appropriated under this section on a calendar year basis. The commissioner may continue to allocate part of the money on a state fiscal year basis for special projects.

Sec. 24. [INSTRUCTION TO REVISOR.]

In the 1991 supplement to Minnesota Statutes, the revisor of statutes shall substitute references to "local mental health service proposals," "local adult mental health proposal," or "local children's mental health proposal," or similar terms or phrases which appear in Minnesota Statutes, chapter 245, with "adult mental health component of the community social services plan" or "children's mental health component of the community social services plan," or similar terms, as appropriate. The revisor shall consult with staff from the department of human services in determining the appropriate substitutions.

Sec. 25. [REPEALER.]

Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5, are repealed.

Sec. 26. [EFFECTIVE DATE.]

Sections 4, 9, and 21 are effective January 1, 1993."

Delete the title and insert:

"A bill for an act relating to human services; consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; and 256E.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5."

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred

S.F. No. 402: A bill for an act relating to international trade; establishing regional international trade service centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. [44A.12] [REGIONAL INTERNATIONAL TRADE SERVICE CENTERS.]

Subdivision 1. [ESTABLISHMENT.] A regional international trade service center is established in each of the six regions designated under section 116N.08, subdivision 2, to provide assistance in the area of international trade to area businesses and businesses within the metropolitan area, as defined in section 473.121, subdivision 2. Overall administration of the centers shall be provided by the Minnesota World Trade Center Corporation.

Subd. 2. [DUTIES.] The regional international trade service centers shall have at least the following duties:

(1) to provide timely personalized assistance to businesses exporting or planning to export goods and services, and to concentrate on providing direct assistance at the place of business;

(2) to establish and maintain access to a current library and resource center containing material relating to international trade and trade lead information;

(3) to establish contractual relationships with the Greater Minnesota Corporation; small business development centers; and public higher education institutions, their foreign-based campuses, and affiliates, for referrals between these entities and the regional center for technical assistance;

(4) to enter into a formal agreement with the National Association of Small Business International Trade Educators as a state chapter, thus accessing a national pool of small business international trade expertise;

(5) to provide a calendar of regularly scheduled trade workshops and seminars for regional businesses, and establish and act as regional recruiters for a privately funded international education academy, in cooperation with the United States Department of Commerce, small business development centers, the Small Business Administration, and public higher education institutions;

(6) to conduct annual regional surveys of the international trade service requirements of all existing exporters in the region, to perform a needs assessment of new-to-export companies that are beginning to export or participate in an international trade program, to research regional product and service firms that have export potential and to contact and contract with them for service programs, and to contract with each of the entities in this clause for an annual program;

(7) to design with available local, state, and federal service providers a computer-based service menu and annual service program for each client;

(8) to organize and conduct six regional trade workshops each year to provide international trade and export education, and participate in other

trade workshops;

(9) to recruit businesses and economic development professionals in the region for the full schedule of United States Department of Commerce foreign trade missions, catalog shows, and foreign international trade fairs;

(10) to establish direct FAX communication links for business communication with United States Department of Commerce overseas posts in 154 countries;

(11) to act as the "hot line" regional export information center for regional businesses, higher educational institutions, and economic development offices, small business development commissions, and chambers of commerce;

(12) to create partnerships with regional higher education institutions to expand international business, trade, and world cultural curriculum; and

(13) to follow up on an individual basis on trade leads.

Subd. 3. [STAFF] Each center shall have a professional staff that is experienced in providing expert international trade assistance to small businesses, with prior experience in the private sector in exporting goods and services.

Subd. 4. [MATCHING FUNDS.] Each center must seek matching money from federal, state, and local public and private sources.

Sec. 2. [APPROPRIATION.]

\$ is appropriated from the general fund for the biennium ending June 30, 1993, to the Minnesota World Trade Center Corporation for the purposes of section 1."

Amend the title as follows:

Page 1, line 5, delete "116J" and insert "44A"

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

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

S.F. No. 1032: A bill for an act relating to crimes; increasing the penalty for assaulting a correctional officer; amending Minnesota Statutes 1990, section 609.2231, subdivision 3.

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

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

S.F. No. 1235: A bill for an act relating to crimes; missing children; repealing restrictions on felony prosecutions for taking, detaining, or failing to return a child; repealing Minnesota Statutes 1990, section 609.26, subdivision 5.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 609.26, subdivision 5, is

amended to read:

Subd. 5. [DISMISSAL OF CHARGE.] A felony charge brought under this section shall be dismissed if:

(a) the person voluntarily returns the child within ~~14 days~~ 48 hours after taking, detaining, or failing to return the child in violation of this section; or

(b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of ~~14 seven~~ days after taking the action, (i) a motion or proceeding under chapter 518, 518A, 518B, or 518C is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapter 518, 518A, 518B, or 518C.

Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities.

This subdivision does not prohibit the filing of felony charges or an offense report before the expiration of the ~~14 days~~ 48 hours."

Amend the title as follows:

Page 1, lines 2 and 4, delete "repealing" and insert "amending"

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

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

S.F. No. 979: A bill for an act relating to crimes; providing that it is a misdemeanor to sell butane to a minor; amending Minnesota Statutes 1990, sections 145.38; 145.385; and 145.39.

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

Delete everything after the enacting clause and insert:

"Section 1. [609.684] [SALE OF TOXIC SUBSTANCES TO CHILDREN; ABUSE OF TOXIC SUBSTANCES.]

Subdivision 1. [TOXIC SUBSTANCES.] For purposes of this section, "toxic substance" means:

(1) glue, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item;

(2) any compound containing butane; or

(3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health under chapter 14.

Subd. 2. [SALE TO MINORS.] (a) A person is guilty of a misdemeanor who sells a toxic substance to a person under the age of 18.

(b) It is an affirmative defense to a charge under this subdivision if the

defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

Subd. 3. [USE FOR INTOXICATION PROHIBITED.] A person is guilty of a misdemeanor who uses or possesses any toxic substance with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. A person is guilty of a misdemeanor who intentionally aids another in violation of this subdivision.

Subd. 4. [NOTICE REQUIRED.] A business establishment that offers for sale at retail any toxic substance must display a conspicuous sign that contains the following, or substantially similar, language:

"NOTICE

It is unlawful for a person to sell glue, cement, or aerosol paint containing intoxicating substances, or butane, to a person under 18 years of age, except as provided by law. This offense is a misdemeanor. It is also a misdemeanor for a person to use or possess glue, cement, aerosol paint, or butane with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system. This use can be harmful or fatal."

Sec. 2. [REPEALER.]

Minnesota Statutes 1990, sections 145.38, 145.385, and 145.39, are repealed.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1991, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; providing that it is a misdemeanor to sell a toxic substance containing butane to a minor; moving certain misdemeanor provisions to the criminal code; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1990, sections 145.38; 145.385; and 145.39."

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

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

S.F. No. 156: A bill for an act relating to judicial procedures; changing provisions relating to public defense; amending Minnesota Statutes 1990, sections 383B.32, subdivision 2; 383B.63, subdivision 6; 611.215; 611.23; 611.24; 611.26; 611.263; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.261; and Laws 1989, chapter 335, article 3, section 38.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 611.215, subdivision 1, is amended to read:

Subdivision 1. [STRUCTURE; MEMBERSHIP] (a) The state board of public defense is a part of, but is not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members including:

- (1) ~~a district court judge appointed by the supreme court;~~
- (2) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not employed as prosecutors, appointed by the supreme court; and
- (3) ~~two~~ (2) three public members appointed by the governor.

After the expiration of the terms of persons appointed to the board before March 1, 1991, the appointing authorities may not appoint a person who is a judge to be a member of the state board of public defense, other than as a member of the ad hoc board of public defense.

(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. *Appointments to the board shall include qualified women and members of minority groups. At least three members of the board shall be from judicial districts other than the first, second, fourth, and tenth judicial districts.* The terms, compensation, and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.

(c) In addition, the state board of public defense shall consist of ~~an 11-member~~ *a nine-member* ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of *chief* district public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

Sec. 2. Minnesota Statutes 1990, section 611.215, subdivision 1a, is amended to read:

Subd. 1a. [CHIEF ADMINISTRATOR.] ~~The chair of the state board of public defense may, subject to the approval of the board,~~ *state public defender shall* appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the ~~board~~ *state public defender*. The chief administrator need not be licensed to practice law. The *chief* administrator shall attend all meetings of the board, but may not vote, and shall:

- (1) enforce all resolutions, rules, regulations, or orders of the board;
- (2) ~~appoint and remove all subordinate officers and regular employees of the board upon the basis of merit and fitness, subject to the provisions of a personnel code adopted by the board;~~
- (3) present to the board *and the state public defender* plans, studies, and reports prepared for ~~board~~ *the board's and the state public defender's* purposes and recommend to the board *and the state public defender* for adoption measures necessary to enforce or carry out the powers and duties of the board *and the state public defender*, or to efficiently administer the affairs of the board *and the state public defender*;
- (4) (3) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;

(5) (4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and

(6) (5) perform other duties prescribed by the board *and the state public defender*.

Sec. 3. Minnesota Statutes 1990, section 611.215, subdivision 2, is amended to read:

Subd. 2. [DUTIES AND RESPONSIBILITIES.] (a) ~~The state board of public defense shall appoint the state public defender, who serves full time for a term of four years. The board shall prepare an annual report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The board shall approve and recommend to the legislature a budget for the board, the office of state public defender, the judicial district public defenders, and the public defense corporations.~~

(b) The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders, ~~including Hennepin and Ramsey county public defenders,~~ and to the public defense corporations.

(b) (c) The board shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:

(1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;

(2) standards for public defender caseloads;

(3) standards and procedures for the eligibility for appointment, assessment, and collection of the costs for legal representation provided by public defenders or appointed counsel;

(4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons;

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the ~~economical~~ *independent, competent, and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts representation of clients whose cases present conflicts of interest, in both the trial and appellate courts.*

(d) The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems.

~~The state board of public defense shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded in section 611.26.~~

Sec. 4. Minnesota Statutes 1990, section 611.23, is amended to read:

611.23 [OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.]

The ~~office of state public defender is under the supervision of~~ *responsible* to the state board of public defense. The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the state board of public defense but must not exceed the salary of the chief deputy attorney general. Terms of the state public defender shall commence on ~~January~~ July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

Sec. 5. Minnesota Statutes 1990, section 611.24, is amended to read:

611.24 [ORGANIZATION OF OFFICE; ASSISTANTS.]

The state public defender shall supervise the operation, activities, policies and procedures of the state public defender system. The state public defender, subject to the limitations imposed by, and the supervision of, the state board of public defense, may shall employ or retain assistant state public defenders, a chief administrator, a deputy state public defender in charge of appellate services, and other personnel as may be necessary to discharge the function functions of the office. An assistant state public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Sec. 6. Minnesota Statutes 1990, section 611.25, is amended by adding a subdivision to read:

Subd. 3. [DUTIES.] The state public defender shall prepare an annual report to the board and a report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The state public defender may require the reporting of statistical data, budget information, and other cost factors by the chief district public defenders and appointed counsel systems. The state public defender shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded under section 611.26. The state public defender shall establish policies and procedures to administer the state public defender system, consistent with standards adopted by the state board of public defense.

Sec. 7. Minnesota Statutes 1990, section 611.26, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT; TERMS.] The state board of public defense shall appoint a chief district public defender for each judicial district. When appointing a chief district public defender, the state board of public defense membership shall be increased to include two judges residents of the district and two county commissioners of the counties within appointed by the chief judge of the district to reflect the characteristics of the population served

by the public defender in that district. The additional members shall serve only in the capacity of selecting the district public defender. ~~The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district.~~ The ad hoc state board of public defense shall appoint a *chief* district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each *chief* district public defender shall be a qualified attorney, licensed to practice law in this state. The *chief* district public defender shall be appointed for a term of four years, beginning ~~November~~ July 1, pursuant to the following staggered term schedule: (1) ~~in 1987, the third and eighth districts;~~ (2) ~~in 1988, the first and tenth districts;~~ (3) ~~in 1989, the fifth and ninth districts;~~ (4) ~~in 1990, the sixth and seventh districts;~~ (5) ~~in 1991, the second, third, fourth, sixth, and eighth districts;~~ and (6) (2) ~~in 1992 1993, the first, third fifth, seventh, ninth, and tenth districts.~~ The *chief* district public defenders shall serve for ~~staggered~~ four-year terms and may be removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 8. Minnesota Statutes 1990, section 611.26, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] (a) The compensation of the *chief* district public defender shall be set by the board of public defense. The compensation of each assistant district public defender shall be set by the *chief* district public defender with the approval of the board of public defense. The compensation for *chief* district public defenders may not exceed the prevailing compensation for county attorneys within the district, and the compensation for assistant district public defenders may not exceed the prevailing compensation for assistant county attorneys within the district. To assist the board of public defense in determining prevailing compensation under this subdivision, counties shall provide to the board information on the compensation of county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent budget data. For purposes of this subdivision, compensation means salaries, cash payments, and employee benefits including paid time off and group insurance benefits, and other direct and indirect items of compensation including the value of office space provided by the employer.

(b) *This subdivision does not limit the rights of public defenders to collectively bargain with their employers.*

Sec. 9. Minnesota Statutes 1990, section 611.26, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT PUBLIC DEFENDERS.] A *chief* district public defender shall appoint assistants who are qualified attorneys licensed to practice law in this state and other staff as the *chief* district public defender finds prudent and necessary subject to the standards adopted by the state ~~board of public defense~~ *defender*. Assistant district public defenders must be appointed to ensure broad geographic representation and caseload distribution within the district. Each assistant district public defender serves at the pleasure of the *chief* district public defender.

Sec. 10. Minnesota Statutes 1990, section 611.26, subdivision 7, is amended to read:

Subd. 7. [OTHER EMPLOYMENT.] *Chief district public defenders and assistant district public defenders may engage in the general practice of law where not employed on a full time basis.*

Sec. 11. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 9. [SERVICES.] *The chief district public defender is responsible for the administration of public defender services in the district, consistent with standards adopted by the state board of public defense and the policies and procedures adopted by the state public defender.*

Sec. 12. [TRANSFER OF POSITIONS TO OFFICE OF THE STATE PUBLIC DEFENDER.]

The employees of the state board of public defense are transferred to the office of the state public defender.

Sec. 13. [REPEALER.]

Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.26, subdivision 1; 611.261; and Laws 1989, chapter 335, article 3, section 38, are repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to the public defender; providing for appointment of a chief administrator by the state public defender; changing the composition of the ad hoc board of the state board of public defense that appoints chief district public defenders; requiring affirmative action in appointing members of the state board of public defense and chief district public defenders; limiting the number of members of the state board of public defense from certain judicial districts; providing for supervision of the state public defender system by the state public defender; describing the duties of the state board of public defense, the state public defender, and chief district public defenders; transferring positions from the state board of public defense to the office of the state public defender; amending Minnesota Statutes 1990, sections 611.215, subdivisions 1, 1a, and 2; 611.23; 611.24; 611.25, by adding a subdivision; 611.26, subdivisions 2, 3, 4, 7, and by adding a subdivision; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.26, subdivision 1; 611.261; and Laws 1989, chapter 335, article 3, section 38."

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 882 and 1232 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 882 to the Committee on Taxes and Tax Laws.

S.F. No. 1232 to the Committee on Environment and Natural Resources.

Report adopted.

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

S.F. No. 640: A bill for an act relating to veterans; authorizing the veterans homes board to rent certain facilities; authorizing expenditures of money; amending Minnesota Statutes 1990, section 198.003.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for March 18, 1991, be amended to read:

"the bill do pass and be re-referred to the Committee on Governmental Operations". Report adopted.

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

S.F. No. 196: A bill for an act relating to economic development; specifying that money transferred or appropriated to the capital access program account is appropriated to the commissioner of trade and economic development; amending Minnesota Statutes 1990, section 116J.8765, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Housing, shown in the Journal for March 18, 1991, be amended to read:

"the bill do pass and be re-referred to the Committee on Finance". Report adopted.

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

House Concurrent Resolution No. 5: A House concurrent resolution adopting Permanent Joint Rules of the House of Representatives and Senate.

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

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

H.F. No. 304: A bill for an act relating to labor; providing that certain hiring practices by an employer during a strike or lockout are unfair labor practices; amending Minnesota Statutes 1990, sections 179.12; and 179A.13.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 27, 1991, be amended to read:

"the bill do pass and be re-referred to the Committee on Governmental Operations". Report adopted.

Mrs. Adkins from the Committee on Local Government, to which was referred

H.F. No. 623: A bill for an act relating to Martin county; permitting the consolidation of the offices of auditor and treasurer.

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

Page 2, line 3, delete "*ten*" and insert "*15*"

Page 2, line 4, delete "*registered*" and after the first "*county*" insert "*voting in the last general election*"

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

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

H.F. No. 795 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		795		779	

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 809 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
809		717			

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 809 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 809 and insert the language after the enacting clause of S.F. No. 717, the first engrossment; further, delete the title of H.F. No. 809 and insert the title of S.F. No. 717, the first engrossment.

And when so amended H.F. No. 809 will be identical to S.F. No. 717, and further recommends that H.F. No. 809 be given its second reading and substituted for S.F. No. 717, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 179 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
179	1083				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 179 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 179 and insert the language after the enacting clause of S.F. No. 1083, the first engrossment; further, delete the title of H.F. No. 179 and insert the title of S.F. No. 1083, the first engrossment.

And when so amended H.F. No. 179 will be identical to S.F. No. 1083, and further recommends that H.F. No. 179 be given its second reading and substituted for S.F. No. 1083, and that the Senate File be indefinitely postponed.

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred the following appointment as reported in the Journal for February 28, 1991:

IRON RANGE RESOURCES AND REHABILITATION COMMISSIONER

Wayne L. Dalke

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

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

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

S.F. No. 837: A bill for an act relating to natural resources; amending certain provisions concerning mineral exploration, exploratory boring, and data acquired in connection therewith; authorizing the adoption of rules establishing minimum standards for wells to explore for or produce oil, gas, and related hydrocarbons; amending Minnesota Statutes 1990, sections 13.793, subdivision 2; 103L.601, subdivision 4; and 103L.605, subdivision 4.

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

as follows:

Page 1, line 13, before "Data" insert "(a)"

Page 1, line 16, after the period, insert "*Except as provided in paragraph (b),*"

Page 1, line 18, delete "*However,*" and insert:

"(b)"

Page 1, line 25, after "*submitted*" insert "*and annually thereafter*"

Page 1, line 27, after "*If*" insert "*, in a given year,*"

Page 2, lines 1 and 2, delete "*annually thereafter,*" and insert "*to the commissioner*"

Page 2, line 12, delete "*No*" and after "*may*" insert "*not*"

Page 2, line 13, delete "*from the*" and insert "*after*"

Page 2, line 17, strike "*six months*" and insert "*180 days*"

Page 2, line 24, delete "*required by*" and insert "*that will become public under*"

Page 2, line 25, delete "*, at any time*" and insert "*of natural resources,*"

Page 2, line 26, delete "*the time required by paragraph (a)*" and insert "*the termination of the lease*"

Page 2, line 28, delete "*six months*" and insert "*180 days*"

Page 2, line 30, delete "*The*" and insert "*An*"

Page 2, line 32, after "*commissioner*" insert "*of natural resources*" and after "*submitted*" insert "*and every 180 days thereafter*"

Page 2, line 33, after "*commissioner*" insert "*of natural resources*"

Page 2, line 36, delete "*every*" and insert "*to the commissioner of natural resources for a given 180-day period by the required date,*"

Page 3, delete line 1

Page 3, line 2, delete everything before the fourth "*the*"

Page 3, line 10, after "*commissioner*" insert "*of natural resources*"

Amend the title as follows:

Page 1, delete lines 5 and 6

Page 1, line 7, delete everything before "*amending*"

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

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

S.F. No. 86: A bill for an act relating to education; providing for the arbitration of disputes concerning the proposed termination, discharge, or demotion of teachers following the probationary period; amending Minnesota Statutes 1990, sections 125.12, by adding a subdivision; 125.17, by adding a subdivision; and 179A.20, subdivision 4.

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

as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 125.12, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed a probationary period in any school district, and who has not been discharged or advised of a refusal to renew the teacher's contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April 1 upon one of the grounds specified in subdivision 6 or prior to June 1 upon one of the grounds specified in subdivision 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179A.20, subdivision 5. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. *If the grounds are those specified in subdivision 6 or 8, the notice must also state a teacher may request arbitration under section 2.* Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board or an arbitrator and it shall be granted upon reasonable notice to the teacher of the date set for hearing, before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

Sec. 2. Minnesota Statutes 1990, section 125.12, is amended by adding a subdivision to read:

Subd. 9a. [HEARING AND DETERMINATION BY ARBITRATOR.] *A teacher whose termination is proposed under subdivision 4 on grounds specified in subdivision 6, or whose discharge is proposed under subdivision 8, may elect a hearing before an arbitrator instead of the school board. The hearing is governed by this subdivision.*

(a) The teacher must make a written request for a hearing before an arbitrator within 14 days after receiving notification of proposed termination on grounds specified in subdivision 6 or within ten days of receiving notification of proposed discharge under subdivision 8. If a request for a hearing does not specify that the hearing be before an arbitrator, it shall be considered to be a request for a hearing before the school board.

(b) If the teacher and the school board are unable to mutually agree on an arbitrator, the school board shall request from the bureau of mediation services a list of five persons to serve as an arbitrator. If the matter to be heard is a proposed termination on grounds specified in subdivision 6, arbitrators on the list must be available to hear the matter and make a decision within a time frame that will allow the school board to comply with all statutory timelines relating to termination. If the teacher and the school board are unable to mutually agree on an arbitrator from the list provided, the parties shall alternately strike names from the list until the name of one arbitrator remains. The person remaining after the striking procedure shall be the arbitrator. If the parties are unable to agree on who shall strike the first name, the question must be decided by a flip of a coin. The teacher and the school board shall share equally the costs and fees of the arbitrator.

(c) The arbitrator shall determine, by a preponderance of the evidence, whether the grounds for termination or discharge specified in subdivision 6 or 8 exist to support the proposed termination or discharge. A lesser penalty than termination or discharge may be imposed by the arbitrator only to the extent that either party proposes such lesser penalty in the proceeding. In making the determination, the arbitration proceeding is governed by sections 572.11 to 572.17 and by the collective bargaining agreement applicable to the teacher.

(d) An arbitration hearing conducted under this subdivision is a meeting for preliminary consideration of allegations or charges within the meaning of section 471.705, subdivision 1d, clause (c), and shall be closed, unless the teacher requests it to be open.

(e) The arbitrator's award is final and binding on the parties, subject to sections 572.18 to 572.26.

Sec. 3. Minnesota Statutes 1990, section 125.17, subdivision 5, is amended to read:

Subd. 5. [HEARING OF CHARGES AGAINST TEACHER.] The charges against a teacher shall be in writing and signed by the person making the same and then filed with the secretary or clerk of the school board having charge of the school in which the teacher is employed. Such school board before discharging or demoting a teacher shall then accord the teacher against whom such charges have been filed a full hearing and give to the teacher at least ten days' notice in writing of the time and place of such hearing; such notice may be served personally or sent by certified mail addressed to such teacher at the teacher's last known post office address; provided, that if the charge be made by any person not in connection with the school system the charge may be disregarded by such school board. *If the grounds are those specified in subdivision 4, clause (1), (2), (3), or (4), the notice must also state a teacher may request arbitration under section 4.* Upon such hearing being held such school board or an arbitrator shall hear all evidence that may be adduced in support of the charges and for the teacher's defense thereto. Either party shall have the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed shall be examined under oath. Any member of the school board conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Sec. 4. Minnesota Statutes 1990, section 125.17, is amended by adding a subdivision to read:

Subd. 10a. [HEARING AND DETERMINATION BY ARBITRATOR.] A teacher against whom charges have been filed alleging any cause for discharge or demotion specified in subdivision 4, clause (1), (2), (3), or (4), may elect a hearing before an arbitrator instead of the school board. The hearing is governed by this subdivision.

(a) The teacher must make a written request for a hearing before an arbitrator within ten days after receiving a written notice of the filing of charges required by subdivision 5. Failure to request a hearing before an arbitrator during this period is considered acquiescence to a hearing before the board.

(b) If the teacher and the school board are unable to mutually agree on an arbitrator, the school board shall request from the bureau of mediation services a list of five persons to serve as an arbitrator. If the teacher and the school board are unable to mutually agree on an arbitrator from the list provided, the parties shall alternately strike names from the list until the name of one arbitrator remains. The person remaining after the striking procedure shall be the arbitrator. If the parties are unable to agree on who shall strike the first name, the question must be decided by a flip of a coin. The teacher and the school board shall share equally the costs and fees of the arbitrator.

(c) The arbitrator shall determine, by a preponderance of the evidence, whether the causes specified in subdivision 4, clause (1), (2), (3), or (4), exist to support the proposed discharge or demotion. A lesser penalty than discharge or demotion may be imposed by the arbitrator only to the extent that either party proposes such lesser penalty in the proceeding. In making the determination, the arbitration proceeding is governed by sections 572.11 to 572.17 and by the collective bargaining agreement applicable to the teacher.

(d) An arbitration hearing conducted under this subdivision is a meeting for preliminary consideration of allegations or charges within the meaning of section 471.705, subdivision 1d, clause (c), and shall be closed, unless the teacher requests it to be open.

(e) The arbitrator's decision is final and binding on the parties, subject to sections 572.18 to 572.26.

Sec. 5. Minnesota Statutes 1990, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges; ~~and~~

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner; *and*

(m) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall meet at least one of the following requirements:

(1) be a former or retired judge;

(2) be a qualified arbitrator on the list maintained by either the bureau of mediation services or the public employment relations board according to section 179A.05, subdivision 6; or

(3) be a present, former, or retired administrative law judge.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

Sec. 6. Minnesota Statutes 1990, section 179A.20, subdivision 4, is amended to read:

Subd. 4. [GRIEVANCE PROCEDURE.] (a) All contracts must include a grievance procedure providing for compulsory binding arbitration of grievances including all written disciplinary actions. If the parties cannot agree on the grievance procedure, they are subject to the grievance procedure promulgated by the commissioner under section 179A.04, subdivision 3, clause (h).

(b) Notwithstanding any home rule charter to the contrary, after the probationary period of employment, any disciplinary action, ~~other than the termination of a teacher contract or the discharge of a teacher under section 125.12 or 125.17,~~ is subject to the grievance procedure and compulsory

binding arbitration.

(c) Employees covered by civil service systems created under chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423, may pursue a grievance through the procedure established under this section. When the grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423, the employee may proceed through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with the employee's consent the employee may not proceed in the alternative manner.

(d) *A teacher who elects a hearing before an arbitrator under section 2 or 4 or who elects or acquiesces to a hearing before the school board may not later proceed in the alternative manner.*

(e) This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment.

Sec. 7. [APPLICABILITY AND TIMING.]

Sections 2, 4, and 6 are applicable to any teacher who has received notice of:

(1) proposed termination under Minnesota Statutes, section 125.12, subdivision 6, within 14 days before the effective date of sections 2, 4, and 6;

(2) proposed discharge under Minnesota Statutes, section 125.12, subdivision 8, within ten days before the effective date of sections 2, 4, and 6; or

(3) charges under section 125.17, subdivision 4, clause (1), (2), (3), or (4), within ten days before the effective date of sections 2, 4, and 6.

Notwithstanding sections 2, paragraph (a), and 4, paragraph (a), a teacher described in this section may make a written request for a hearing before an arbitrator within five days after the effective date of sections 2, 4, and 6, regardless of whether the teacher previously requested a hearing before the school board."

Delete the title and insert:

"A bill for an act relating to education; providing for the arbitration of disputes concerning the proposed termination, discharge, or demotion of teachers following the probationary period; amending Minnesota Statutes 1990, sections 125.12, subdivision 4, and by adding a subdivision; 125.17, subdivision 5, and by adding a subdivision; 179A.04, subdivision 3; and 179A.20, subdivision 4."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 118, 379, 1019, 593, 765, 331, 1068, 532, 976, 1126, 460, 1213, 599, 1129, 226, 1032, 1235, 979 and 156 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 623, 795, 809 and 179 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Hottinger moved that the name of Ms. Pappas be added as a co-author to S.F. No. 198. The motion prevailed.

Mr. Luther moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Cohen be added as chief author to S.F. No. 755. The motion prevailed.

Ms. Berglin moved that the name of Mr. Storm be added as a co-author to S.F. No. 774. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Storm and Knaak be added as co-authors to S.F. No. 917. The motion prevailed.

Mr. Lessard moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 1129. The motion prevailed.

Mr. Sams moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 1231. The motion prevailed.

Ms. Flynn moved that the name of Mr. Marty be added as a co-author to S.F. No. 1235. The motion prevailed.

Mr. Solon moved that the name of Mr. Finn be added as a co-author to S.F. No. 1310. The motion prevailed.

Mr. Cohen moved that the name of Mr. Finn be added as a co-author to S.F. No. 1321. The motion prevailed.

Ms. Johnston introduced—

Senate Resolution No. 55: A Senate resolution commending the Prior Lake Players on their service to the community of Prior Lake.

Referred to the Committee on Rules and Administration.

Ms. Johnston introduced—

Senate Resolution No. 56: A Senate resolution congratulating the City of Prior Lake on its centennial.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 5 be laid on the table and printed in the Journal. The motion prevailed.

House Concurrent Resolution No. 5: A House concurrent resolution adopting Permanent Joint Rules of the House of Representatives and Senate.

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring:

The Permanent Joint Rules of the House of Representatives and Senate for the 77th Legislature shall read as follows:

**JOINT RULES OF THE
HOUSE OF REPRESENTATIVES AND SENATE**

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ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms

of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes, section”

Bills shall refer to the session laws as follows:

“Laws, chapter, section”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting

errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least ~~twenty~~ *eighteen* calendar days prior to the last day the Legislature can meet in regular session [Thursday, May 2, 1991], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, ~~five~~ separate appropriation bills *for the two succeeding fiscal years* as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government ~~for the succeeding two fiscal years~~, including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational ~~for the two succeeding fiscal years~~;

(c) A bill appropriating money for the support and maintenance of all State educational institutions ~~for the two succeeding fiscal years~~;

(d) *A bill appropriating money for aid to school districts;*

(e) *A bill appropriating money for the protection and improvement of the State's environment and natural resources;*

(f) *A bill appropriating money for the department of transportation and other agencies;*

(g) A bill covering all appropriations providing for the payment of claims

against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

~~(e) A bill covering all appropriations made for agriculture, transportation, and semi-state activities.~~

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after ~~April 14, 1989~~ *April 12, 1991*, and committee reports on bills originating in the other house favorably acted upon by a committee after ~~April 26, 1989~~ *April 24, 1991*, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [*May 16, 1991*]. ~~After the last Friday on which the Legislature can meet in regular session [May 17, 1991], neither house shall act on bills other than those contained in:~~

~~(1) Reports of Conference Committees;~~

~~(2) Messages from the other house;~~

~~(3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or~~

~~(4) Messages from the Governor.~~

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public.

As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 16, 1991], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it

to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

ARTICLE IV: ELECTION OF REGENTS

JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, *or at a date agreed to by concurrent resolution* a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education and the members

of the education division of the senate committee on finance and the education division of the house committee on appropriations. A majority of the members from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat.

The roll shall be called *viva voce* on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended.

JOINT CONVENTION

Rule 4.02. At the Joint Convention of the senate and house of representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats.

The roll shall be called *viva voce* on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Solon introduced—

S.F. No. 1334: A bill for an act relating to retirement; local police or paid firefighters relief associations consolidating with the public employees police and fire fund; expanding benefit election options and opportunities; amending Minnesota Statutes 1990, section 353A.08, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Hottinger and Mondale introduced—

S.F. No. 1335: A bill for an act relating to education; revising the student's role in the educational process; broadening the student's advisory role; specifying conditions; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1990, section 136A.02, subdivision 7.

Referred to the Committee on Education.

Mr. Solon introduced—

S.F. No. 1336: A bill for an act relating to sexual assault victims; authorizing the commissioner of corrections to adopt rules and administer and award grants to sexual assault programs; authorizing the commissioner of corrections to appoint an advisory council on sexual assault; prescribing duties for the advisory council; requiring the commissioner to consider advisory council recommendations; providing for appointment of a sexual assault program director; amending Minnesota Statutes 1990, sections 611A.22; 611A.221; and 611A.23; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.21.

Referred to the Committee on Health and Human Services.

Mses. Johnson, J.B.; Piper and Mr. Marty introduced—

S.F. No. 1337: A bill for an act relating to energy; removing requirement for foundation insulation; providing for energy audits of rental property; providing less favorable tax treatment of rental property that is in substantial noncompliance with energy code standards; providing a credit for energy conservation expenditures on rental property; requiring landlords to disclose certain energy information to prospective tenants; amending Minnesota Statutes 1990, sections 216C.27, subdivision 3; 216C.31; 273.1316, subdivisions 2, 5, and 8; 290.06, by adding a subdivision; and 504.22, by adding a subdivision.

Referred to the Committee on Energy and Public Utilities.

Mses. Johnson, J.B. and Piper introduced—

S.F. No. 1338: A bill for an act relating to energy; allowing loans to be made to churches and community-based nonprofit organizations for energy conservation improvements; amending Minnesota Statutes 1990, sections 216B.241, subdivision 1; and 216C.37, subdivision 4.

Referred to the Committee on Energy and Public Utilities.

Mr. Bertram, Mrs. Adkins and Mr. Sams introduced—

S.F. No. 1339: A bill for an act relating to taxation; changing the special levy for the cost of certain regional library services; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Waldorf introduced—

S.F. No. 1340: A bill for an act relating to retirement; judges retirement fund; modifying the procedures for the payment of social security and retirement fund contributions; appropriating money to the supreme court for the payment of social security and retirement fund employer contributions; amending Minnesota Statutes 1990, sections 355.392, subdivisions 2 and 3; and 490.123, subdivision 1.

Referred to the Committee on Governmental Operations.

Ms. Olson, Messrs. Bernhagen, Waldorf, Novak and Mrs. Pariseau introduced—

S.F. No. 1341: A bill for an act relating to the environment; clarifying and distinguishing organizational duties of the board of the pollution control agency; amending Minnesota Statutes 1990, sections 116.02, subdivisions 1, 2, 3, 4, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Ms. Johnston, Messrs. Bertram and Renneke introduced—

S.F. No. 1342: A bill for an act relating to motor vehicles; authorizing special license plates for Persian Gulf war veterans; amending Minnesota Statutes 1990, section 168.123, subdivision 2.

Referred to the Committee on Transportation.

Mr. Bertram introduced—

S.F. No. 1343: A bill for an act relating to local government; increasing the maximum dollar amount of certain contracts permitted between officers of local government units and the local units; amending Minnesota Statutes 1990, section 471.88, subdivisions 5 and 8.

Referred to the Committee on Local Government.

Mr. Price introduced—

S.F. No. 1344: A bill for an act relating to occupations; providing for municipal regulation of refrigeration workers; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local Government.

Mr. Bertram introduced—

S.F. No. 1345: A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.09, subdivisions 1, 2, 3, and 5; 116.46, subdivision 7; 116.491, subdivision 1; and 116.50; proposing coding for new law in Minnesota Statutes, chapter 115C.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Mr. Riveness, Ms. Olson and Johnston introduced—

S.F. No. 1346: A bill for an act relating to metropolitan government; requiring metropolitan council to conduct feasibility study on expanding present major metropolitan airport before designating final search area for a new major airport; amending Minnesota Statutes 1990, sections 473.155, subdivision 3; and 473.1551, subdivisions 1 and 2.

Referred to the Committee on Metropolitan Affairs.

Messrs. DeCramer and Frederickson, D.J. introduced—

S.F. No. 1347: A bill for an act relating to education; authorizing certain school districts to levy for interactive television projects, subject to a reverse referendum.

Referred to the Committee on Education.

Mr. Frederickson, D.J. introduced—

S.F. No. 1348: A bill for an act relating to education; authorizing districts with interdistrict cooperation agreements to hold school board meetings in any district that is a party to the agreement; amending Minnesota Statutes 1990, section 122.541, subdivision 7.

Referred to the Committee on Education.

Ms. Pappas introduced—

S.F. No. 1349: A bill for an act relating to appropriations; providing a refund of a bond allocation deposit; appropriating money.

Referred to the Committee on Economic Development and Housing.

Ms. Pappas, Messrs. Waldorf, Marty, Kelly and Cohen introduced—

S.F. No. 1350: A bill for an act relating to education; authorizing the issuance of bonds by independent school district No. 625, St. Paul; requiring notice and a public meeting before issuance; requiring tax levies.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 1351: A bill for an act relating to occupational safety and health; modifying the duty of employers to provide workplace safety programs; amending Minnesota Statutes 1990, section 182.653, subdivisions 8 and 9.

Referred to the Committee on Employment.

Messrs. Chmielewski and Larson introduced—

S.F. No. 1352: A bill for an act relating to taxation; property; changing the commercial use requirements of certain seasonal recreational property; amending Minnesota Statutes 1990, section 273.13, subdivisions 22 and 25.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 1353: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Aitkin county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Renneke and Lessard introduced—

S.F. No. 1354: A bill for an act relating to state government; authorizing the state treasurer to participate in a financial institution credit card program; requiring the state's fee to be deposited in the RIM fund; proposing coding for new law in Minnesota Statutes, chapter 7.

Referred to the Committee on Governmental Operations.

Ms. Johnston and Mr. Benson, D.D. introduced—

S.F. No. 1355: A bill for an act relating to the legislature; fixing its size in 1992 and thereafter; amending Minnesota Statutes 1990, section 2.021.

Referred to the Committee on Redistricting.

Mrs. Brataas and Mr. Storm introduced—

S.F. No. 1356: A bill for an act relating to human services licensing; requiring the commissioner to consolidate the rules governing adult and child foster care; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health and Human Services.

Mr. Bernhagen introduced—

S.F. No. 1357: A bill for an act relating to hunting; amending Minnesota Statutes 1990, section 97B.106; repealing Minnesota Statutes 1990, section 97B.035, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Johnson, D.E. and Bernhagen introduced—

S.F. No. 1358: A bill for an act relating to taxation; allowing notice of truth in taxation hearings to be posted in cities with a population of 1,000 or less; amending Minnesota Statutes 1990, section 275.065, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 1359: A bill for an act relating to crimes; requiring county attorneys to prosecute traffic violations in towns and cities with populations of 500 people or less; amending Minnesota Statutes 1990, section 487.25, subdivision 10.

Referred to the Committee on Judiciary.

Messrs. DeCramer, Langseth, Mrs. Benson, J.E. and Mr. Vickerman introduced—

S.F. No. 1360: A bill for an act relating to railroads; allowing commissioner of transportation additional powers to acquire and maintain rail lines that are abandoned or have been identified for abandonment; repealing requirement that commissioner first offer adjacent property owners of state rail bank property the opportunity to buy adjoining property; amending Minnesota Statutes 1990, sections 222.50, subdivision 7; and 222.63, subdivisions 2, 2a, 2c, and 4; repealing Minnesota Statutes 1990, section 222.63, subdivision 5.

Referred to the Committee on Transportation.

Ms. Johnson, J.B. and Mr. Marty introduced—

S.F. No. 1361: A bill for an act relating to energy; requiring adoption of certain energy efficiency standards; requiring certain studies; proposing

coding for new law in Minnesota Statutes, chapter 216C.

Referred to the Committee on Energy and Public Utilities.

Ms. Johnson, J.B. introduced—

S.F. No. 1362: A bill for an act relating to energy; requiring low-income housing to be built according to energy efficiency standards; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

Referred to the Committee on Energy and Public Utilities.

Mr. Novak introduced—

S.F. No. 1363: A bill for an act relating to taxation; exempting the city of Circle Pines from certain tax increment financing provisions.

Referred to the Committee on Economic Development and Housing.

Mr. Pogemiller and Ms. Flynn introduced—

S.F. No. 1364: A bill for an act relating to retirement; authorizing special school district No. 1, Minneapolis, to pay health insurance costs for certain retired teachers; amending Minnesota Statutes 1990, section 275.125, subdivision 6h.

Referred to the Committee on Governmental Operations.

Mr. Stumpf introduced—

S.F. No. 1365: A bill for an act relating to education; establishing telecommunications grants for school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

Referred to the Committee on Education.

Mr. Price introduced—

S.F. No. 1366: A bill for an act relating to education; clarifying post-secondary systems' mission statements; requiring joint administrative appointments for certain technical and community colleges; establishing a post-secondary funding task force; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Mr. Belanger introduced—

S.F. No. 1367: A bill for an act relating to motor vehicles; defining motor vehicle to include manufactured home for purposes of the motor vehicle retail installment act; amending Minnesota Statutes 1990, section 168.66, subdivision 5.

Referred to the Committee on Transportation.

Mrs. Pariseau introduced—

S.F. No. 1368: A bill for an act relating to environment; motor vehicles; requiring additional vehicles to be tested under the motor vehicle emissions testing program; providing for fees; requiring pollution control agency to

negotiate with the federal government regarding nonattainment matters; amending Minnesota Statutes 1990, sections 116.60, subdivision 7; 116.61, subdivision 2; 116.62, subdivisions 5 and 7; 116.64; and 116.65, subdivision 2, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Ms. Olson, Mrs. Pariseau, Messrs. Dahl, Lessard and Frank introduced—

S.F. No. 1369: A bill for an act relating to environment; providing for printouts of vehicle emissions tests; allowing qualified service stations and garages to inspect motor vehicles for emissions violations and specifying a maximum labor charge for the inspection; amending Minnesota Statutes 1990, section 116.62, subdivisions 2 and 3.

Referred to the Committee on Environment and Natural Resources.

Mr. Mondale, Ms. Traub, Messrs. Moe, R.D.; Spear and Cohen introduced—

S.F. No. 1370: A bill for an act relating to economic development; establishing an international partnership program in the Minnesota trade office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Messrs. Morse; Moe, R.D. and Bernhagen introduced—

S.F. No. 1371: A bill for an act relating to the governor; creating a division of science and technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

Referred to the Committee on Economic Development and Housing.

Mr. Mondale introduced—

S.F. No. 1372: A bill for an act relating to retirement; directing the award of additional service credit to a certain police officer by the public employees retirement association.

Referred to the Committee on Governmental Operations.

Messrs. Mondale, Solon and Mrs. Adkins introduced—

S.F. No. 1373: A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1990, sections 182.651, by adding subdivisions; and 182.653, by adding subdivisions.

Referred to the Committee on Employment.

Mr. Mondale and Ms. Traub introduced—

S.F. No. 1374: A bill for an act relating to education; calculating limited English proficiency program aid; allowing districts to levy for books and supplies for LEP programs; amending Minnesota Statutes 1990, section 124.273, subdivision 1b, and by adding a subdivision.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 1375: A bill for an act relating to human services; requiring a grant program for congregate housing; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 1376: A bill for an act relating to the city of Hibbing; providing for the size of the public utilities commission; providing for its compensation; amending Laws 1949, chapter 422, section 2, as amended.

Referred to the Committee on Local Government.

Mrs. Adkins introduced—

S.F. No. 1377: A bill for an act relating to taxation; property; extending the special levy for abatements to counties; amending Minnesota Statutes 1990, section 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Day introduced—

S.F. No. 1378: A bill for an act relating to education; transferring the Waseca campus from the University of Minnesota to the community college system; establishing a planning committee; requiring a report; appropriating money; amending Minnesota Statutes 1990, section 136.60.

Referred to the Committee on Education.

Mses. Flynn, Pappas, Messrs. Renneke and Frank introduced—

S.F. No. 1379: A bill for an act relating to taxation; revising qualifications for the metropolitan agricultural preserves program; reducing the tax on certain lands and buildings in agricultural preserves; amending Minnesota Statutes 1990, sections 473H.03, subdivision 4; and 473H.10, subdivision 3; repealing Minnesota Statutes 1990, section 473H.03, subdivision 3.

Referred to the Committee on Metropolitan Affairs.

Messrs. Finn, Novak, Johnson, D.J. and Solon introduced—

S.F. No. 1380: A bill for an act relating to utilities; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; amending Minnesota Statutes 1990, section 216B.62, subdivision 5.

Referred to the Committee on Energy and Public Utilities.

Messrs. Solon, Metzen, Kroening, Finn and Dicklich introduced—

S.F. No. 1381: A bill for an act relating to human services; establishing a prescription drug discount program for eligible senior citizens; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Solon, Gustafson, Waldorf and Ms. Flynn introduced—

S.F. No. 1382: A bill for an act relating to housing; providing for a neighborhood rehabilitation program for the cities of Saint Paul and Duluth; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Referred to the Committee on Economic Development and Housing.

Mses. Traub, Flynn, Mr. Hottinger, Ms. Berglin and Mr. Vickerman introduced—

S.F. No. 1383: A bill for an act relating to vocational rehabilitation; establishing grant programs for special employability and supported education services for persons with serious and persistent mental illness; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268A.

Referred to the Committee on Health and Human Services.

Mr. Finn introduced—

S.F. No. 1384: A bill for an act relating to economic development; establishing the Minnesota marketplace program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Messrs. Chmielewski and Lessard introduced—

S.F. No. 1385: A bill for an act relating to local government; amending various laws relating to contracts and conflicts of interest; amending Minnesota Statutes 1990, sections 412.311; 412.691; and 471.345, subdivisions 3 and 4; repealing Minnesota Statutes 1990, section 471.88, subdivision 8.

Referred to the Committee on Local Government.

Mr. Sams, Ms. Berglin, Messrs. Storm, Vickerman and Hughes introduced—

S.F. No. 1386: A bill for an act relating to occupations and professions; establishing a system of licensure for acupuncture practitioners; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Human Services.

Mr. Vickerman introduced—

S.F. No. 1387: A bill for an act relating to taxation; mortgage registry tax; providing for mortgage registration tax on reverse mortgages; amending Minnesota Statutes 1990, sections 47.58, subdivision 6; and 287.05.

Referred to the Committee on Economic Development and Housing.

Mr. Vickerman introduced—

S.F. No. 1388: A bill for an act relating to commerce; requiring an insurer to notify a secured party if the debtor chooses not to repair an automobile with insurance proceeds; prohibiting secured parties from preventing the repair of automobiles with insurance proceeds; amending Minnesota Statutes 1990, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

Mr. Vickerman introduced—

S.F. No. 1389: A bill for an act relating to recreational vehicles; establishing titling system for snowmobiles; providing for perfection of security interests in snowmobiles; amending Minnesota Statutes 1990, sections 84.82, subdivision 1a; and 336.9-302; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced—

S.F. No. 1390: A bill for an act relating to state government; administrative procedures; requiring agencies to notify members of the legislature of rule-making proceedings; specifying the contents of the notice; amending Minnesota Statutes 1990, sections 14.14, subdivision 1a; 14.16, subdivision 1; 14.22; 14.26; 14.30; 14.32, subdivision 1; and 14.365; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

Messrs. Gustafson and Johnson, D.J. introduced—

S.F. No. 1391: A bill for an act relating to highways; designating county state-aid highway 61 from Duluth to Two Harbors as the North Shore Scenic Drive; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Kroening introduced—

S.F. No. 1392: A resolution memorializing the Secretary of Housing and Urban Development to suspend further use or consideration of the master agreement and new lease agreement for HUD acquired single-family properties for use by the homeless and to develop a lease that assists homeless persons to become homeowners through rental agreements.

Referred to the Committee on Economic Development and Housing.

Messrs. Morse; Frederickson, D.J. and Pogemiller introduced—

S.F. No. 1393: A bill for an act relating to the city of Winona; permitting the city to impose a lodging tax.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Morse and Frederickson, D.J. introduced—

S.F. No. 1394: A bill for an act relating to drug enforcement; authorizing an additional levy by the city of Winona for drug abuse resistance education.

Referred to the Committee on Taxes and Tax Laws.

Mr. Luther introduced—

S.F. No. 1395: A bill for an act relating to the state treasurer; appropriating money for a new information system.

Referred to the Committee on Governmental Operations.

Mr. Luther introduced—

S.F. No. 1396: A bill for an act relating to the state treasurer; providing for the direct payment of bank service charges; appropriating money; amending Minnesota Statutes 1990, section 16A.27, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 7.

Referred to the Committee on Governmental Operations.

Mr. Dicklich introduced—

S.F. No. 1397: A bill for an act relating to education; establishing catastrophic aid for districts providing high cost services to students with disabilities; amending Minnesota Statutes 1990, section 124.32, by adding a subdivision.

Referred to the Committee on Education.

Ms. Piper introduced—

S.F. No. 1398: A bill for an act relating to public safety; providing for statewide minimum skills and training standards for 911 emergency dispatchers; creating the 911 dispatching skills advisory council in the department of public safety; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Veterans and General Legislation.

Mrs. Benson, J.E.; Messrs. Storm, Marty, Ms. Piper and Mr. Gustafson introduced—

S.F. No. 1399: A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, subdivision 2.

Referred to the Committee on Energy and Public Utilities.

Mrs. Benson, J.E.; Messrs. Storm and Renneke introduced—

S.F. No. 1400: A bill for an act relating to natural resources; authorizing the commissioner to promulgate rules relating to oil, gas, and other hydrocarbon wells and their spacing, pooling, and unitization; providing enforcement authority; proposing coding for new law in Minnesota Statutes, chapter 93.

Referred to the Committee on Environment and Natural Resources.

Mrs. Benson, J.E.; Messrs. Storm and Gustafson introduced—

S.F. No. 1401: A bill for an act repealing certain pipeline approval authority of the commissioner of natural resources; repealing Minnesota Statutes 1990, section 117.49.

Referred to the Committee on Environment and Natural Resources.

Messrs. Hottinger; Day; Moe, R.D.; Beckman and Benson, D.D. introduced—

S.F. No. 1402: A bill for an act relating to higher education; authorizing a study of alternative uses for the Waseca campus of the University of Minnesota; authorizing alternative governance for the Waseca campus; authorizing transfer of certain Waseca campus property; appropriating money.

Referred to the Committee on Education.

Mr. Mehrkens introduced—

S.F. No. 1403: A bill for an act relating to taxation; providing that a penalty not be imposed on Goodhue County for an excess levy.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Neuville, Renneke, Larson and Mehrkens introduced—

S.F. No. 1404: A bill for an act relating to salary of legislators; freezing legislators' salaries; limiting the appropriation for the House of Representatives; restricting the carryover of legislative funds; providing the manner of determination of unexpended funds.

Referred to the Committee on Governmental Operations.

Ms. Johnston, Mrs. Benson, J.E.; Mr. Day and Mrs. Pariseau introduced—

S.F. No. 1405: A bill for an act relating to taxation; income; granting extensions to file income tax returns; allowing a subtraction for military pay; amending Minnesota Statutes 1990, sections 289A.39, subdivision 1; and 290.01, subdivision 19b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Neuville, Day, Renneke and Frederickson, D.R. introduced—

S.F. No. 1406: A bill for an act relating to agriculture; changing limits on certain agricultural development grants; amending Minnesota Statutes 1990, section 17.101, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Neuville, Renneke and Mrs. Benson, J.E. introduced—

S.F. No. 1407: A bill for an act relating to motor vehicles; prohibiting registration of vehicle for which salvage certificate of title is issued; amending Minnesota Statutes 1990, section 168A.152, subdivision 1.

Referred to the Committee on Transportation.

Mrs. Pariseau, Messrs. Merriam and Bernhagen introduced—

S.F. No. 1408: A bill for an act relating to the city of Rosemount; authorizing the establishment of a special environmental treatment area, the establishment of tax increment financing districts, and the exercise of certain development and contaminant remediation powers.

Referred to the Committee on Environment and Natural Resources.

Mrs. Benson, J.E. and Ms. Johnston introduced—

S.F. No. 1409: A bill for an act relating to state government; reducing salaries of legislators and constitutional officers.

Referred to the Committee on Governmental Operations.

Mrs. Benson, J.E. and Ms. Johnston introduced—

S.F. No. 1410: A bill for an act relating to retirement; amending provisions governing receipt of combined service annuities; amending Minnesota Statutes 1990, section 356.30, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Sams, Beckman, Ms. Johnson, J.B.; Messrs. Metzen and Storm introduced—

S.F. No. 1411: A bill for an act relating to housing; requiring counseling for reverse mortgage loans; providing penalties; amending Minnesota Statutes 1990, section 47.58, by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Mrs. Benson, J.E. introduced—

S.F. No. 1412: A bill for an act relating to retirement; amending provisions governing receipt of combined service annuities; amending Minnesota Statutes 1990, section 356.30, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Sams, Vickerman, Davis, Ms. Johnson, J.B. and Mr. Morse introduced—

S.F. No. 1413: A bill for an act relating to agriculture; providing compensation for damage to farm crops or livestock by protected wild animals; appropriating money; amending Minnesota Statutes 1990, section 3.736, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams, Davis, Ms. Johnson, J.B.; Messrs. Vickerman and Bertram introduced—

S.F. No. 1414: A resolution memorializing the President and Congress of the United States to ensure that the federal milk marketing order is modified.

Referred to the Committee on Agriculture and Rural Development.

Mrs. Benson, J.E.; Mses. Ranum and Johnston introduced—

S.F. No. 1415: A bill for an act relating to education; clarifying and reducing certain mandates for school districts; amending Minnesota Statutes 1990, sections 121.882, by adding a subdivision; 122.94, subdivision 6; 123.706, subdivision 6; 126.666, by adding a subdivision; 203B.085; 275.065, subdivisions 3, 5a, and 6.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 1416: A bill for an act relating to natural resources; requiring a study of issues associated with the consolidated conservation lands.

Referred to the Committee on Environment and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 1417: A bill for an act relating to natural resources; providing for a study of the consolidated conservation areas; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Ms. Berglin introduced—

S.F. No. 1418: A bill for an act relating to health; establishing health and safety standards for residential care home; requiring licenses; imposing penalties; amending Minnesota Statutes 1990, sections 144A.51, subdivision 5; 144A.53, subdivision 1; and 157.031, subdivisions 2, 3, 4, and 9; proposing coding for new law as Minnesota Statutes, chapter 144B; repealing Minnesota Statutes 1990, section 157.031, subdivision 5.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 1419: A bill for an act relating to health; requiring home care providers to advise persons receiving home care services of certain rights; amending Minnesota Statutes 1990, section 144A.44, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 1420: A bill for an act relating to economic development; creating a small business incubator program; appropriating money for a pilot project; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Ms. Johnston, Mr. Neuville, Mrs. Benson, J.E. and Ms. Olson introduced—

S.F. No. 1421: A bill for an act relating to metropolitan government; fixing a maximum number for metropolitan council employees; amending Minnesota Statutes 1990, section 473.129, subdivision 2.

Referred to the Committee on Metropolitan Affairs.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, April 11, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate