

THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 15, 1991

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Robert Rolfes.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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. Chmielewski, Gustafson, Knaak and Solon were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 12, 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
	325	Res. No. 3	4:32 p.m. April 11	April 12
	646	23	4:30 p.m. April 11	April 12

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 House Files, herewith transmitted: H.F. Nos. 354, 578, 609, 934, 620, 722, 843, 1006, 1020 and 1182.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 354: A bill for an act relating to natural resources; providing a deadline for the legislative task force on minerals to submit its report; extending the availability of its appropriation.

Referred to the Committee on Finance.

H.F. No. 578: A bill for an act relating to Dakota county; permitting cities and towns to transfer assessment review duties to the county; proposing coding for new law in Minnesota Statutes, chapter 383D.

Referred to the Committee on Local Government.

H.F. No. 609: 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.

Referred to the Committee on Governmental Operations.

H.F. No. 934: 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.

H.F. No. 620: A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 489.

H.F. No. 722: A bill for an act relating to the military; clarifying language about certain money appropriated for land acquisition; amending Minnesota Statutes 1990, section 190.25, subdivision 3.

Referred to the Committee on Finance.

H.F. No. 843: A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 796, now on General Orders.

H.F. No. 1006: A bill for an act relating to state lands; transferring state land to the city of Moose Lake.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 754, now on General Orders.

H.F. No. 1020: A bill for an act relating to state parks; authorizing handicapped permits for display on handicapped vehicle identifying certificates; amending Minnesota Statutes 1990, section 85.053, subdivisions 2 and 7.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1182: A bill for an act relating to waters; acceptance of funds or property and acquisition of real property by the state board of water and soil resources; amending Minnesota Statutes 1990, section 103C.401, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 972 and 1232. The motion prevailed.

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

S.F. No. 844: A bill for an act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir.

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

Page 1, line 7, delete the second comma and insert "*and*"

Page 1, line 8, delete "*and other law to the contrary,*"

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

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

S.F. No. 505: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Washington county.

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

Page 1, line 7, delete "section 92.45, the"

Page 1, line 8, delete everything before "chapter"

Page 1, lines 9 and 11, delete "shall" and insert "may"

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. 376: A bill for an act relating to human services; extending the exemption from the Minnesota supplemental aid rate cap to allow payments at the case mix rate for certain medical assistance certified boarding care facilities and nursing homes declared institutions for mental disease; amending Minnesota Statutes 1990, section 256I.05, subdivision 2.

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

Page 2, line 20, strike "The"

Page 2, strike line 21

Page 2, line 22, strike "clause" and delete the new language

Page 2, delete line 23

Page 2, line 24, delete the new language and strike the period

Page 3, after line 3, insert:

"(d) The commissioner of human services shall take the following action in relation to certified boarding care facilities and nursing homes that have been declared institutions for mental diseases:

(1) All mental health and placement screenings and diagnostic assessments required under the federal Omnibus Budget Reconciliation Act (OBRA) must be completed by July 1, 1991, for all residents in institutions for mental diseases admitted prior to June 1, 1991. Residents determined to need relocation under the preadmission screening and annual resident review must be relocated to a more appropriate placement in accordance with the timelines established in the state's alternative disposition plan.

(2) By October 1, 1991, all institutions for mental diseases must be reviewed again by the commissioner to determine if they are still institutions for mental diseases, and the commissioner shall immediately revoke a declaration that a facility is an institution for mental diseases if the commissioner determines that the facility is not an institution for mental diseases.

(3) The commissioner shall provide to institutions for mental diseases training in the criteria used in assessing residents for determination of institutions for mental diseases status and the numbers of residents in each

category.

(4) For facilities whose status as an institution for mental diseases is not revoked by the commissioner by October 1, 1991, a facility-specific plan must be developed by the commissioner and the facility, in consultation with the appropriate consumer groups, to offer alternative services to enough residents by July 1, 1992, to allow the commissioner to revoke the facility's status as an institution for mental diseases."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "establishing requirements relating to"

Page 1, delete line 3

Page 1, line 4, delete everything before "medical"

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

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

S.F. No. 1241: A bill for an act relating to human services; developmental disabilities; designating the use of funds; clarifying the definition of related conditions; clarifying requirements for case management; establishing requirements for services and programs; requiring admission review teams for admissions to intermediate care facilities for persons with mental retardation or related conditions; amending Minnesota Statutes 1990, sections 246.18, subdivision 4, and by adding a subdivision; 252.27, subdivision 1a; 252.275; 252.28, subdivisions 1, 3, and by adding a subdivision; 252.32; and 256B.092; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1990, section 252.275, subdivision 2.

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

Page 2, lines 25 to 27, reinstate the stricken language and delete the new language

Page 3, line 11, strike everything after "program"

Page 3, strike lines 12 and 13

Page 3, line 14, strike everything before "for" and insert "to provide support"

Page 3, line 15, before the period, insert "*to live as independently as possible in the community. An objective of the program is to reduce unnecessary use of intermediate care facilities for persons with mental retardation or related conditions and home and community-based services*"

Page 3, line 19, after "one-time" insert "living"

Page 3, line 20, delete "to" and insert "a home for"

Page 3, line 21, delete "the person's own home"

Page 9, line 27, delete "a" and after the comma, insert "nurturing,"

Page 9, line 28, delete "relationship with nurturing parents" and insert "relationships"

Page 10, line 3, delete everything after the period

Page 10, delete lines 4 to 6

Page 10, line 20, after "grants" insert "*except in cases where extreme hardship is demonstrated*"

Page 10, line 21, delete "trend in" and insert "*projected change in the average value in the United States Department of Labor Bureau of Labor Statistics consumer price index (all urban) for that year*"

Page 10, line 22, delete "family income"

Page 10, line 30, delete "recommended" and after "grant" insert "*requested by the family*"

Page 10, line 31, delete the new language and strike "will be used" and insert "*family intends to use the support grant and recommendations of the county*"

Page 11, line 34, after the period, insert "*During fiscal years 1992 and 1993, the maximum monthly grant awarded to families who are eligible for medical assistance shall be \$200 except in cases where extreme hardship is demonstrated.*"

Page 13, after line 18, insert:

"Sec. 9. Minnesota Statutes 1990, section 252.41, subdivision 9, is amended to read:

Subd. 9. [VENDOR.] "Vendor" means a ~~nonprofit legal entity~~ *an individual, corporation, partnership, voluntary association, or other organization* that:

(1) is licensed under sections 245A.01 to 245A.16 and 252.28, subdivision 2, to provide day training and habilitation services to adults with mental retardation and related conditions; and

(2) does not have a financial interest in the legal entity that provides residential services to the same person or persons to whom it provides day training and habilitation services. This clause does not apply to regional treatment centers, state-operated, community-based programs operating according to section 252.50 until July 1, 2000, or vendors licensed prior to April 15, 1983."

Page 16, line 34, after "commissioner" insert "*, including forms developed for interagency planning such as transition and individual family support plans*"

Page 19, line 16, after the semicolon, insert "and"

Page 19, delete lines 17 to 19

Page 19, line 20, delete "(3)" and insert "(2)"

Page 20, lines 5 and 6, strike "state hospital" and insert "*regional treatment center*"

Page 20, line 12, strike "nor"

Page 35, line 6, delete "provider" and insert "providers"

Page 35, after line 8, insert:

"Sec. 12. Minnesota Statutes 1990, section 256I.05, is amended by

adding a subdivision to read:

Subd. 10. [FOSTER CARE.] Beginning July 1, 1992, the negotiated rate of a residence licensed as a foster home is limited to the rate set for room and board costs provided:

(1) the foster home is not the license holder's primary residence, or the license holder is not the primary caregiver to persons receiving services in the negotiated rate residence; and

(2) federal funding is available to pay for the cost of other necessary services.

For the purpose of this section, room and board costs mean costs of providing food and shelter for eligible persons, and includes the directly identifiable costs of:

(1) normal and special diet, food preparation, and food services;

(2) providing linen, bedding, laundering, and laundry supplies;

(3) housekeeping, including cleaning and lavatory supplies;

(4) maintenance and operation of the residence and grounds, including fuel, utilities, supplies, and equipment;

(5) the allocation of salaries related to these areas; and

(6) the lease or mortgage payment, property tax and insurance, furnishings, and appliances.

Sec. 13. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall delete references to "individual habilitation plan" which appear in Minnesota Statutes, sections 120.17 and 256.045; and chapters 252 and 252A."

Page 35, line 13, delete "10" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "authorizing for-profit organizations to provide day training and habilitation services;"

Page 1, line 13, delete "and" and insert "252.41, subdivision 9;" and before "proposing" insert "and 2561.05, by adding a subdivision;"

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

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

S.F. No. 1312: A bill for an act relating to general assistance; authorizing recipients who reside in negotiated rate facilities to save earnings in escrow; amending Minnesota Statutes 1990, section 256D.06, subdivision 1b.

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

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

S.F. No. 1254: A bill for an act relating to human services; providing for allocation of detoxification transportation funds; amending Minnesota Statutes 1990, section 254A.17, subdivision 3.

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

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

S.F. No. 1047: A bill for an act relating to human services; appropriating money for the New Chance demonstration project.

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 985: A bill for an act relating to workers' compensation; regulating supplementary benefits; amending Minnesota Statutes 1990, section 176.132, subdivisions 1, 2, and 3.

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1214: A bill for an act relating to workers' compensation; regulating coverage for family farm employees; amending Minnesota Statutes 1990, section 176.011, subdivision 11a.

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

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

S.F. No. 651: A bill for an act relating to insurance; requiring the registration of utilization review organizations; defining terms; requiring certificate to be issued by commissioner of commerce; establishing criteria for issuance of certificate; describing application process and fees; stating grounds for expiration, denial, and revocation of certificate; providing for waiver for some contracts with federal government; establishing reporting requirements; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 72A.

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

Page 1, line 29, delete "*health maintenance organization*,"

Page 3, line 2, delete everything after the period

Page 3, delete lines 3 to 6

Page 3, line 7, before "*This*" insert "*Except as otherwise provided in section 11,*"

Pages 3 and 4, delete section 3 and insert:

“Sec. 3. [72A.57] [CERTIFICATE.]

Subdivision 1. [ISSUANCE.] A private review agent may not conduct utilization review for health care provided in this state unless the commissioner has issued a certificate to the private review agent. The commissioner shall issue a certificate to an applicant that has met all the requirements of this section. A certificate issued under this section is not transferable.

Subd. 2. [REQUIREMENTS.] The commissioner shall issue a certificate to a private review agent only if the agent complies with the following requirements and documents to the satisfaction of the commissioner that the agent's utilization review includes the following criteria:

(1) the requirement that the private review agent provide patients and providers with its utilization review plan, including the specific review standards, procedures, and methods to be used in evaluating proposed or delivered health care including the patient's right to appeal the utilization review decision;

(2) the provisions by which patients and health care providers on behalf of patients may seek prompt reconsideration or appeal of adverse decisions by the private review agent;

(3) the type, qualifications, and number of personnel required to perform utilization review, including a requirement that only a licensed medical practitioner trained or comparably trained in the relevant specialty or subspecialty be permitted to make a final determination that care provided or to be provided is not medically necessary;

(4) the requirement that no determination that care provided or to be provided is not medically necessary shall be made until an appropriately qualified reviewing medical practitioner has spoken to the patient's attending physician concerning this medical care or documented a good faith effort to contact the patient's attending physician;

(5) the requirement that a determination that care provided or to be provided is not medically necessary must include the written evaluation and findings of the reviewing medical practitioner;

(6) the requirement that a representative of the private review agent is reasonably accessible to patients, patient's family, and providers at least five days a week during normal business hours, by telephone or in person, and that payment must not be denied for treatment provided during a period when the review agent is not accessible;

(7) policies and procedures to ensure that all applicable state and federal laws to protect the confidentiality of individual medical records are followed;

(8) the requirement that no private review agent is permitted to enter a hospital to interview a patient unless approved in advance by the patient's attending physician and that the attending physician or a designee is entitled to attend the interview; and

(9) the requirement that a private review agent disclose an incentive payment provision contained in its contract with a business entity or third party payor based on reduction of services, reduction of length of stay, or treatment setting selected.”

Page 5, lines 2 and 7, delete “shall” and insert “must”

Page 5, lines 3 and 9, delete "any"

Page 5, line 33, after the semicolon, insert "and"

Page 6, line 1, delete "; and" and insert a period

Page 6, delete lines 2 to 4 and insert:

"The information required under this section is public information and shall not be given trade secret protection."

Page 6, line 12, delete "otherwise" and after "is" insert "otherwise"

Page 6, line 20, delete "any" and insert "the"

Page 6, line 26, delete "any" and insert "an"

Page 6, delete lines 33 and 34 and insert "*comply with or violates sections 1 to 10.*"

Page 6, lines 35 and 36, delete "*under this section*"

Page 7, line 9, delete "13" and insert "14"

Page 7, line 10, after "*patient*" insert ", *or representative of the patient,*"

Page 7, line 12, delete everything after "with" and insert "*sections 1 to 10*"

Page 7, line 13, delete everything before "and"

Page 7, line 15, delete "*this section or rules*" and insert "*sections 1 to 10*"

Page 7, line 20, delete "*shall have the right to*" and insert "may"

Page 7, line 22, after the first "agent" insert "and"

Page 7, line 23, delete "*the section*" and insert "*sections 1 to 10*"

Page 7, lines 24 and 25, delete "*be deemed to*"

Page 7, line 29, delete "12" and insert "10"

Page 7, line 32, after the second comma, insert "or"

Page 8, delete section 11 and insert:

"Sec. 11. [72A.65] [EXEMPTION.]

Sections 1 to 10 do not apply to private review agents and organizations that perform utilization review for health maintenance organizations regulated under chapter 62D."

Page 8, line 15, delete everything after "violates" and insert "*sections 1 to 10*"

Page 8, line 16, delete everything before "or" and delete "any"

Page 8, line 17, delete "*by this section*" and insert "*under section 4 or 6*"

Page 8, line 23, delete "12" and insert "10"

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

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

S.F. No. 327: A bill for an act relating to elections; authorizing certain school district elections to be held in odd-numbered years; amending Minnesota Statutes 1990, section 205A.04.

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

Page 2, line 1, delete "*change*" and insert "*shorten*"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1153: A bill for an act relating to the legislature; leave of absences for service; making it clear that leaves of absence must be granted whenever attending to public business; amending Minnesota Statutes 1990, section 3.088, subdivision 1.

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. 1040: A bill for an act relating to local government; allowing Pine county to transfer money from the county welfare fund to the general fund to support a hospital.

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. 1318: A bill for an act relating to real property; authorizing the recording of monuments on plats before actual placement; amending Minnesota Statutes 1990, sections 465.79, subdivisions 2 and 4; 505.02, subdivision 1; and 505.03, subdivision 1.

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

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

S.F. No. 1059: A bill for an act relating to drivers' licenses; changing application procedures relating to making anatomical gifts; establishing an anatomical gift education program; appropriating money; amending Minnesota Statutes 1990, sections 171.06, subdivision 3; and 171.07, subdivision 5, and by adding a subdivision.

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

Page 2, line 3, after "*gift*" insert "*, or not to make an anatomical gift,*"

Page 3, line 16, delete the new language

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

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

S.F. No. 1195: A bill for an act relating to Ramsey county; removing the levy limit on library levies.

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

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

S.F. No. 1122: A bill for an act relating to local government; permitting public officers to rent space in public facilities; amending Minnesota Statutes 1990, section 471.88, by adding a subdivision.

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

Page 1, line 11, delete everything after "*public*" and insert a period

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

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

S.F. No. 1216: A bill for an act relating to state lands; transferring state land by private sale to the town board of the town of Lake in Roseau county.

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 92.03, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL LANDS.] The price of school lands must be at least \$5 an acre, including the value of timber reproduction. Sales of school lands must be *held* within the county containing the lands *or an adjacent county*. No more than 100,000 acres of school lands may be sold in one year. If a patent has been issued by the federal government to school land before 1864 and the taxes on it have been paid for at least 35 years, the commissioner of finance may reduce the minimum price of \$5 an acre by the taxes paid to make the land salable.

Sec. 2. Minnesota Statutes 1990, section 92.12, subdivision 4, is amended to read:

Subd. 4. [SALES.] The commissioner shall hold frequent sales of school and other state lands. The time and place of the sales must be publicly posted ~~on the front door of~~ *in* the courthouse in the county where the *lands are located and in the courthouse in the county where the sale is to take place* at least 30 days in advance, in addition to the regular notice of sale

provided by law. At this sale the commissioner shall sell lands the commissioner considers best for the public interest.

Sec. 3. Minnesota Statutes 1990, section 92.13, is amended to read:

92.13 [STATE LANDS, DATE OF SALE.]

The commissioner shall hold public sales of school and other state lands ~~in counties containing them~~ when it is advantageous to the state and to intending buyers and settlers.

Sec. 4. Minnesota Statutes 1990, section 92.14, is amended to read:

92.14 [SALE, NOTICE.]

Subdivision 1. [TIME.] ~~Before any sale is made,~~ The commissioner shall give four weeks' published notice of the ~~time and place of sale at St. Paul and, in each county containing land to be sold, and in the county where the sale will be held. The notice must describe each parcel of land to be sold.~~ If there is no newspaper published in the county, four weeks' posted notice in the county courthouse must be given. On or before the day of sale, the commissioner may withdraw any lands.

Subd. 2. [CONTENTS.] ~~The commissioner shall give public notice of each sale referred to in section 92.13 by four publications in a weekly newspaper printed and published at the county seat of the county containing the lands, and by four weekly publications in a daily newspaper published and printed in St. Paul.~~ The notice must contain the following information:

- (1) the time and place for the holding of the sales;
- (2) the limitations and requirements provided by law for purchasers of the lands;
- (3) the terms and conditions of payments required by law; and
- (4) the place where lists of lands to be offered for sale may be obtained.

Subd. 3. [ADDITIONAL ADVERTISING OF LAND SALES.] In addition to ~~posted~~ notice of land sales required by ~~subdivisions~~ *subdivision 1 and 2*, the commissioner shall publicize land sales in Minnesota and elsewhere to the greatest extent possible, consistent with appropriations available for that purpose.

Sec. 5. Minnesota Statutes 1990, section 92.67, subdivision 1, is amended to read:

Subdivision 1. [SALE REQUIREMENT.] Notwithstanding section 92.45 or any other law, at the request of a lessee or as otherwise provided in this section, the commissioner of natural resources shall sell state property bordering public waters that is leased for the purpose of a private cabin under section 92.46. *The commissioner may also sell other state property that is not necessary for public access to water and that has been included in plats of state property authorized for sale under this section.* Requests for sale must be made prior to December 31, 1992, and the commissioner shall complete all requested sales and sales arising from those requests by December 31, 1993, subject to subdivision 3, clause (d). The sale shall be made in accordance with laws providing for the sale of trust fund land except as modified by the provisions of this section. In 1990 and 1991 a request for sale may be withdrawn by a lessee at any time more than ten days before the day set for a sale. Property withdrawn from sale by its lessee is not subject to sale under this section until the lessee makes another

request. Property withdrawn from sale shall continue to be governed by other law.

Sec. 6. Laws 1986, chapter 449, section 6, is amended to read:

Sec. 6. [REPEALER.]

Minnesota Statutes 1990, sections 2 92.67 and 3 of this act 92.68, are repealed on July 1, 1992 January 1, 1994.

Sec. 7. [STATE LAND CONVEYANCE; LAKE.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources, on behalf of the state, shall convey the land described in paragraph (c) to the town board of the town of Lake in Roseau county for no consideration.

(b) The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if the land is not used for the purposes described in paragraph (d).

(c) The land to be conveyed is located in Roseau county, contains 32.33 acres, more or less, and is described as Lot 2 in Section 27, Township 163 North, Range 37 West.

(d) The described property is located adjacent to the town hall property. The town desires to expand its town hall and to manage and use the remaining property in its natural state or as a park.

Sec. 8. [EFFECTIVE DATE.]

Section 7 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing sales of certain state lands to be held in counties adjacent to the county where the land is located; allowing the commissioner of natural resources to sell certain state lands bordering public waters;"

Page 1, line 4, before the period, insert "amending Minnesota Statutes 1990, sections 92.03, subdivision 1; 92.12, subdivision 4; 92.13; 92.14; 92.67, subdivision 1; and Laws 1986, chapter 449, section 6"

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

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

S.F. No. 1110: A bill for an act relating to agriculture; abolishing refund of checkoff fee paid by paddy wild rice producers; amending Minnesota Statutes 1990, section 17.63.

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

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

S.F. No. 1174: A bill for an act relating to water; setting a minimum water use processing fee for water use permits issued for irrigation; amending Minnesota Statutes 1990, section 103G.271, subdivision 6.

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

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

S.F. No. 355: A bill for an act relating to animals; providing for disposition of certain animals taken into custody by public authorities; requiring bond or other security for expenses of care in certain cases; amending Minnesota Statutes 1990, sections 343.22, subdivisions 1 and 3; and 343.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 496: A bill for an act relating to horse racing; providing for licensing of teleracing facilities; allowing for pari-mutuel wagering at teleracing facilities; amending Minnesota Statutes 1990, sections 240.01, subdivisions 1, 10, and by adding subdivisions; 240.03; 240.05, subdivision 1; 240.06, subdivision 1; 240.10; 240.11; 240.13, subdivisions 1, 2, 3, 4, 5, 6, and 8; 240.15, subdivision 6; 240.16, subdivision 1a; 240.19; 240.23; 240.25, subdivision 2; 240.27; 240.28, subdivision 1; and 240.29; proposing coding for new law in Minnesota Statutes, chapter 240; repealing Minnesota Statutes 1990, sections 240.01, subdivision 13; 240.13, subdivision 6a; and 240.14, subdivision 1a.

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

Page 2, line 4, delete "*operated*" and insert "*at which telerace simulcasting is conducted*"

Page 2, line 36, delete "*act*" and insert "*chapter*"

Page 3, line 1, delete "*more*" and insert "*less*"

Page 3, line 6, after "*are*" insert a colon

Page 3, line 7, delete the comma and insert a semicolon

Page 4, line 9, after "*for*" insert "*the*"

Page 5, line 30, delete "[240.091]" and insert "[240.091]"

Page 5, line 33, after the period, insert "*The commission may issue a total of not more than six class E licenses, of which not more than two may be issued before January 1, 1992.*"

Page 6, after line 16, insert:

"(5) an irrevocable consent statement, to be signed by the applicant, that states that the applicant agrees to be bound by and subject to the authority of the commission, the rules adopted by the commission, and the laws of this state relating to the activity to be conducted; and"

Page 6, line 17, delete "(5)" and insert "(6)"

Page 6, line 28, delete "; and" and insert a period

Page 6, delete lines 29 to 33

Page 7, line 1, delete "will" and insert "*is proposed to*" and delete "also"

Page 7, line 2, after "from" insert ":(1)"

Page 7, line 3, delete "will" and insert "*is proposed to*"

Page 7, line 4, delete "or from" and insert "(2)" and delete "it is" and insert "*the facility is proposed*"

Page 7, line 5, delete "or town" and insert a comma and delete "from" and insert "(3)"

Page 7, line 6, after "commission" insert "*if one exists for the area*" and after "or" insert "*, if the facility is proposed to be located within the metropolitan area as defined in section 473.121, subdivision 2,*" and delete "*, as the case may be*"

Page 7, line 10, delete the comma and insert ". The" and delete "which shall" and insert "*the investigations must*"

Page 7, line 15, before "If" insert "(a)"

Page 7, line 18, delete the comma and insert "and"

Page 7, line 19, delete the third comma and insert a semicolon

Page 7, line 21, after "interest" insert a semicolon

Page 7, after line 25, insert:

"(b) As a condition of a class E license, the commission shall require that a person employed in the erection, construction, remodeling, or repairing of a telercing facility may not be paid a lesser rate of wages than the prevailing wage rate, as defined in section 177.42, subdivision 6, in the same or most similar trade or occupation in the area."

Page 8, line 1, after "shares" insert a comma

Page 8, lines 6 and 7, delete "Suspension and revocation of"

Page 8, line 7, delete "is" and insert "*may be suspended or revoked*"

Page 8, line 12, delete "must" and insert "*shall*"

Page 9, lines 24 and 26, delete "the" and insert "a"

Page 9, line 27, delete "its" and insert "the" and after "for" insert "*comparable pools on*"

Page 9, line 32, before "A" insert "*The commission may not authorize*" and delete "*shall not be authorized*"

Page 9, line 35, delete "its" and insert "the"

Page 10, line 3, after "racing" insert "*the breed racing the majority of races*"

Page 10, line 5, delete "shall" and insert "must"

Page 10, line 23, delete "or at the" and insert "and"

Page 10, line 26, delete "the"

Page 10, line 27, delete "shall be" and insert "are"

Page 11, line 33, delete "the" and insert "a"

Page 11, line 35, delete "*take*" and insert "*takes*"

Page 11, line 36, delete "*these*" and insert "*the*"

Page 12, line 4, delete "*including*"

Page 12, line 16, delete "*shall increase*" and insert "*is increased*"

Page 12, line 23, delete "*shall be*" and insert "*is*"

Page 12, line 27, delete "*shall*" and insert "*must*" and after "*except*" insert "*that*"

Page 12, line 30, delete "*shall*" and insert "*must*"

Page 12, line 32, delete "*of the breed involved in the telecast*"

Page 12, line 33, after the first "*racing*" insert "*the breed racing the majority of races*"

Page 13, line 1, delete the first "*for*"

Page 13, line 2, delete "*pursuant to*" and insert "*under*"

Page 13, lines 6, 30, and 36, delete "*Minnesota*" and insert "*this state*"

Page 13, lines 26 and 32, delete "*shall*" and insert "*must*"

Page 14, lines 2, 19, and 24, delete "*shall*" and insert "*must*"

Page 14, line 4, delete "*provided, however,*" and insert "*except*"

Page 14, line 7, delete "*Minnesota*" and insert "*this state*" and delete "*shall*" and insert "*must*"

Page 14, line 20, delete "*which*" and insert "*that*" and delete "*; provided,*"

Page 14, line 21, delete "*however*" and after the comma, insert "*except*"

Page 15, line 30, delete "*its*" and insert "*the licensee's*"

Page 15, line 34, delete "*comprised of*" and insert "*featuring*"

Page 16, line 3, after "*racing*" insert "*the breed racing the majority of races*"

Page 16, line 5, delete "*shall*" and insert "*may*"

Page 16, line 6, delete "*nor shall any*" and insert "*and a*"

Page 16, line 7, after "*licensee*" insert "*may not*"

Page 16, line 15, delete "*any*" and insert "*a*"

Page 16, line 16, after "*race*" insert a comma

Page 16, line 17, delete "*shall*" and insert "*must*"

Page 16, line 26, after "*commission*" insert a comma

Page 17, line 3, after "*racetrack*" insert "*for these pools*"

Page 17, line 12, delete "*shall serve*" and insert "*serves*" and delete "*if it*"

Page 17, line 13, delete "*were*"

Page 17, line 20, delete "*shall*" in both places and insert "*must*"

Page 17, line 24, after "*that*" insert "*a*"

Page 17, line 25, after "*simulcast*" insert a comma

Page 17, line 31, delete "*the licensee's*" and insert "*a*"

Page 17, line 32, delete "*shall be*" and insert "*are*"

Page 18, line 10, delete "*provided, however,*" and insert "*except*"

Page 18, line 12, delete "*Minnesota, shall*" and insert "*this state, must*"

Page 18, line 13, delete "*under*" and insert "*in*"

Page 18, line 31, delete "*shall have*" and insert "*has*" and delete "*as*"

Page 19, line 35, after "(i)" insert "*the operation of teleracing facilities; and*
(j)"

Page 20, lines 1 and 2, delete the new language

Page 22, line 19, reinstate the stricken comma

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

Mr. Novak from the Committee on Energy and Public Utilities, to which was referred

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.

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. 1116: A bill for an act relating to counties; permitting counties to spend money for broadcast facilities; amending Minnesota Statutes 1990, section 375.164.

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

Page 1, line 8, reinstate the stricken "TELEVISION TRANSLATOR" and before the reinstated "TELEVISION" insert "*NONCOMMERCIAL AND*"

Page 1, line 13, reinstate the stricken language and after the reinstated "station" insert "*or a noncommercial television*" and delete "*or*"

Page 1, line 14, delete "*outside of*" and delete "*or*"

Page 1, line 15, delete "*radio*"

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

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

S.F. No. 1160: A bill for an act relating to local government; providing for the organization, administration, and operation of a hospital district in the county of Swift and the city of Benson.

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

Page 1, delete lines 24 and 25

Page 2, delete line 1

Page 2, line 14, before the period, insert "*but shall not have taxing authority*"

Renumber the subdivisions in sequence

Page 5, line 25, delete the second "*district*" and insert "*city of Benson and the county of Swift*"

Page 5, line 27, delete "*or on behalf of*" and before the period, insert "*or by the city of Benson or the county of Swift on behalf of the preexisting hospital*"

Page 6, line 28, delete the second ", or"

Page 6, delete line 29

Page 6, line 30, delete everything before the semicolon

Page 11, line 12, delete "*and tax levy*"

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

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

S.F. No. 219: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

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

Page 1, line 7, after "282.018," insert "*subdivision 1,*"

Page 1, line 16, delete "{10}" and insert "(9)"

Page 2, delete lines 6 to 19

Page 2, delete lines 27 to 36

Page 3, delete lines 1 to 5

Page 3, delete lines 13 to 25

Page 3, delete lines 29 to 36

Page 4, delete lines 1 to 7

Page 4, delete lines 19 to 31

Page 4, delete lines 35 and 36

Page 5, delete lines 1 to 36

Page 6, delete lines 1 and 2

Page 6, line 3, delete "{8}" and insert "{7}"

Page 6, line 11, delete "{9}" and insert "{8}"

Page 6, line 16, delete "{10}" and insert "{9}"

Page 6, after line 21, insert:

"Sec. 2. [SALE OF TAX-FORFEITED LAND; ANOKA COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 282.018, subdivision 1, Anoka county may sell the tax-forfeited land bordering public water or natural wetlands that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in this section may be sold to the state for natural resource purposes or to the public. The commissioner of natural resources may exercise the option to purchase the land for the state until one year after the effective date of this section. Thereafter, the land may be offered for public sale under Minnesota Statutes, chapter 282. The conveyance must be in a form approved by the attorney general.

(c) The land that may be sold is described as:

Government Lot 1, Section 30, Township 34, Range 23 West, Anoka County, Minnesota.

(d) The county has determined that the county's land management interests would best be served if the land were sold as provided under this section."

Page 6, line 23, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

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

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

S.F. No. 489: A bill for an act relating to state lands; authorizing the sale of certain land in Cook county.

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

Delete everything after the enacting clause and insert:

"Section 1. [COOK COUNTY; LAND SALE.]

(a) Notwithstanding Minnesota Statutes, section 282.018, Cook county may sell the lands bordering public waters described in paragraph (c) in accordance with the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The lands that may be sold are located in Cook county and are described as:

(1) Government Lot 1, Section 20, Township 61 North, Range 2 West;

and

(2) Government Lot 5 north of the Gunflint Trail, Section 33, Township 65 North, Range 3 West.

(d) The county has determined that the county's land management interests would best be served if the lands were privately owned.

Sec. 2. [ST. LOUIS COUNTY; PRIVATE SALE.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may offer for sale and sell, in the manner provided for the sale of other trust fund lands, the land described in paragraph (c), except that the value of the improvements on the land shall be appraised separately. The conveyance must be in a form approved by the attorney general.

(b) If at the sale of the land Duane D. Cihlar is the purchaser, he is not required to pay for the improvements upon furnishing an affidavit showing that the improvements were owned by him.

If a person other than Duane D. Cihlar purchases the land, the purchaser shall pay in cash to the state at the time of sale, in addition to all other required payments, the full amount for which the improvements are appraised. The amount received by the state for the improvements must be paid by the state treasurer, with the approval of the commissioner of finance, to Duane D. Cihlar or his successor in interest as compensation for the improvements. The money required for the payment is appropriated for this purpose.

(c) The commissioner may offer for sale and sell the land described as:

That part of the North 110 feet of the Southwest Quarter of the Northeast Quarter of Section 4, Township 61 North, Range 12 West, St. Louis county, Minnesota, lying westerly of the un-named creek, containing 2.6 acres, more or less.

(d) This land sale will resolve an inadvertent trespass revealed by a recent survey. The public interest will be best served when this trespass is resolved.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; authorizing the sale of certain land in Cook county; authorizing the private sale of certain state lands in St. Louis county."

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

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

S.F. No. 83: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in the city of Hitterdal in Clay county.

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

Page 1, after line 23, insert:

"Sec. 2. [SALE OF TAX-FORFEITED LAND; COTTONWOOD COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 282.018, subdivision 1, Cottonwood county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in the city of Windom in Cottonwood county and is described as:

(1) Perkins Bluff Subdivision

City of Windom

Lot 11, Block 1

(2) Vold Addition

City of Windom

Lots 1, 2 and 3 Block 4

(d) The lots that border these lots either have residential homes built on them or are part of a residential property. It would be in the best interests of the taxpayers of the city and county to have these lots sold for private residential purposes. These lots have little or no potential for use as conservation land. The city has expressed concern that the lots be kept mowed and the weeds controlled."

Page 1, line 25, delete "Section 1" and insert "This act"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "land that borders" and insert "lands bordering" and delete "the"

Page 1, delete line 4 and insert "Clay and Cottonwood counties."

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

Mr. Novak from the Committee on Energy and Public Utilities, to which was referred

S.F. No. 406: A bill for an act relating to energy; generation of electrical energy; prohibiting the issuance of certificates of need for new nuclear generating plants until the public utilities commission is satisfied that a safe method is available for the permanent disposal of nuclear waste; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 1, line 16, delete "the commission"

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. 1020: A bill for an act relating to the city of Saint Paul; exempting certain port authority activities from competitive bidding; amending Minnesota Statutes 1990, section 469.084, by adding a subdivision.

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

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

S.F. No. 1021: A bill for an act relating to port authorities; providing for extraterritorial exercise of port authority powers to assist economic development projects; authorizing affected governmental units to contribute funds in support of port authority financing; amending Minnesota Statutes 1990, section 469.062, by adding a subdivision.

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

Mr. Moe, R.D. from the Committee on Redistricting, to which was referred

House Concurrent Resolution No. 2: A House concurrent resolution relating to legislative redistricting; establishing standards for redistricting plans.

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

Page 1, line 17, delete "compact,"

Page 2, line 10, delete "compact,"

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

Mr. Moe, R.D. from the Committee on Redistricting, to which was referred

House Concurrent Resolution No. 1: A House concurrent resolution relating to congressional redistricting; establishing standards for redistricting plans.

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

Page 1, line 13, delete "compact,"

Page 2, line 1, delete "should" and insert "must"

Page 2, line 3, delete "compact,"

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

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

S.F. No. 1164: A bill for an act relating to local government; permitting the city of Biwabik and the town of White to establish a joint east range

economic development authority.

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

Page 2, line 16, delete "four" and insert "three"

Page 2, line 17, after the period, insert "*The seventh commissioner shall be appointed by joint agreement of a majority of the White town board and a majority of the Biwabik city council; the jointly appointed commissioner shall serve an initial term of six years.*"

Page 2, line 18, after "three," insert "and" and delete ", and six"

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

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

S.F. No. 668: A bill for an act relating to economic development; establishing a small business development center program; appropriating money.

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

Page 1, after line 11, insert:

"Sec. 2. [PLAN TO ENCOURAGE PRIVATE CONTRIBUTIONS.]

The commissioner of trade and economic development shall develop a plan to encourage private contributions of funds to the small business development center program, targeting previous recipients of assistance under the program. The commissioner shall report on the plan to the chairs of the senate committee on economic development and housing and the house of representatives committee on economic development by January 15, 1992."

Page 1, line 13, delete "\$1,000,000" and insert "\$"

Renumber the sections in sequence

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

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

H.F. No. 479 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.
479	532				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 479 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 479 and insert the language after the enacting clause of S.F. No. 532, the first engrossment; further, delete the title of H.F. No. 479 and insert the title of S.F. No. 532, the first engrossment.

And when so amended H.F. No. 479 will be identical to S.F. No. 532, and further recommends that H.F. No. 479 be given its second reading and substituted for S.F. No. 532, 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. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 972: A bill for an act relating to agriculture; protecting aquaculture waters from irreversible degradation; requiring certain aquatic farms to have aquaculture use permits; regulating aquatic farm operations; requiring financial assurance to restore aquaculture waters; providing a procedure to prevent and minimize impacts from aquatic farms; prescribing best management practices and, if ineffective, permit modifications; defining aquaculture therapeutics as pesticides; defining aquaculture feed as commercial feed; amending Minnesota Statutes 1990, sections 18B.01, subdivision 18; and 25.33, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Page 5, line 15, delete everything after "(d)" and insert "*A person operating aquatic farms under state permits on May 1, 1991, must be issued a permit, subject to other provisions of sections 1 to 7, for the aquaculture waters being used as part of the operation. The person must submit an application for a new permit by*"

Page 5, delete lines 16 to 18

Page 6, line 8, delete "20" and insert "five"

Page 8, line 31, delete "extend" and insert "extent"

Page 10, line 5, delete "7" and insert "8"

Page 10, line 24, after "shall" insert "annually"

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

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

S.F. No. 240: A bill for an act relating to counties; providing for the contents and public availability of the county financial statement; amending Minnesota Statutes 1990, section 375.17.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 279.09, is amended to read:
279.09 [PUBLICATION OF NOTICE AND LIST.]

The county auditor shall cause the notice and list of delinquent real property to be published ~~once in each of two consecutive weeks~~ *twice* in the newspaper designated~~7~~. The first publication of ~~which~~ shall be made on or before March 20 immediately following the filing of such list with the court administrator of the district court. *The second publication shall occur during the fourth week following the first publication.* The auditor shall deliver such list to the publisher of the newspaper designated, at least 20 days before the date upon which the list shall be published for the first time.

Sec. 2. Minnesota Statutes 1990, section 281.13, is amended to read:

281.13 [NOTICE OF EXPIRATION OF REDEMPTION.]

Every person holding a tax certificate after expiration of three years after the date of the tax sale under which the same was issued, may present such certificate to the county auditor; and thereupon the auditor shall prepare, under the auditor's hand and official seal, a notice, directed to the person or persons in whose name such lands are assessed, specifying the description thereof, the amount for which the same was sold, the amount required to redeem the same, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire. If, at the time when any tax certificate is so presented, such lands are assessed in the name of the holder of the certificate, such notice shall be directed also to the person or persons in whose name title in fee of such land appears of record in the office of the county recorder. The auditor shall deliver such notice to the party applying therefor, who shall deliver it to the sheriff of the proper county for service. Within 20 days after receiving it, the sheriff shall serve such notice upon the persons to whom it is directed, if to be found in the sheriff's county, in the manner prescribed for serving a summons in a civil action; if not so found, then upon the person in possession of the land, and make return thereof to the auditor. In the case of land held in joint tenancy the notice shall be served upon each joint tenant. If one or more of the persons to whom the notice is directed cannot be found in the county, and there is no one in possession of the land, of each of which facts the return of the sheriff so specifying shall be prima facie evidence, service shall be made upon those persons that can be found and service shall also be made by ~~three~~ *two* weeks' published notice, proof of which publication shall be filed with the auditor.

When the records in the office of the county recorder show that any lot or tract of land is encumbered by an unsatisfied mortgage or other lien, and show the post office address of the mortgagee or lienee, or if the same has been assigned, the post office address of the assignee, the person holding such tax certificate shall serve a copy of such notice upon such mortgagee, lienee, or assignee by certified mail addressed to such mortgagee, lienee, or assignee at the post office address of the mortgagee, lienee, or assignee as disclosed by the records in the office of the county recorder, at least 60 days prior to the time when the redemption period will expire.

The notice herein provided for shall be sufficient if substantially in the following form:

"NOTICE OF EXPIRATION OF REDEMPTION

Office of the County Auditor

County of, State of Minnesota.

To

You are hereby notified that the following described piece or parcel of land, situated in the county of, and State of Minnesota, and known and described as follows:, is now assessed in your name; that on the day of May,, at the sale of land pursuant to the real estate tax judgment, duly given and made in and by the district court in and for said county of, on the day of March,, in proceedings to enforce the payment of taxes delinquent upon real estate for the year for said county of, the above described piece or parcel of land was sold for the sum of \$, and the amount required to redeem such piece or parcel of land from such sale, exclusive of the cost to accrue upon this notice, is the sum of \$, and interest at the rate of percent per annum from said day of, to the day such redemption is made, and that the tax certificate has been presented to me by the holder thereof, and the time for redemption of such piece or parcel of land from such sale will expire 60 days after the service of this notice and proof thereof has been filed in my office.

Witness my hand and official seal this day of

(OFFICIAL SEAL)

County Auditor of

. County, Minnesota."

Sec. 3. Minnesota Statutes 1990, section 375.17, is amended to read:
375.17 [PUBLICATION OF FINANCIAL STATEMENTS.]

Annually, not later than the first Tuesday after the first Monday in March, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account, under the form and style prescribed by and on file with the state auditor. The prescribed form and any changes or modifications of it shall so far as practical be uniform for all counties and be approved by the attorney general and the state printer. Before June 1 the board shall publish the statement, *or a summary of the statement in a form as prescribed by the state auditor*, for one issue in a duly qualified legal newspaper in the county. ~~The board may refrain from publishing an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain the information, if all disbursements aggregating \$5,000 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom and for what purpose and are made a part of, and published with, the financial statement. The county board may refrain from publishing the names and amounts of salaries and expenses paid to employees but shall publish the totals of disbursements for salaries and expenses. The county board may refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of the disbursements for those purposes must be published.~~ In addition to the publication in the newspaper designated by the board as the official newspaper for publication of the financial statement, the statement *or summary* shall be published in one other

newspaper, if one of general circulation is located in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. *If the county board elects to publish the full statement, the county board may:*

(1) refrain from publishing an itemized account of amounts paid out, to whom, and for what purpose, to the extent that the published proceedings of the county board contain the information, if all disbursements aggregating \$100 or more to any person are set forth in a schedule of major disbursements showing amounts paid out, to whom, and for what purpose, and are made part of and published with the financial statement;

(2) refrain from publishing the names and amounts of salaries and expenses paid to employees but shall publish the totals of disbursements for salaries and expenses; and

(3) refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of disbursements for those purposes must be published. The financial statement must be filed with the county auditor's office for public inspection. If a provision of this section is inconsistent with section 393.07, the provisions of that section shall prevail. The financial statement must be filed with the county auditor for public inspection."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "clarifying certain publication and notice requirements;"

Page 1, line 4, delete "section" and insert "sections 279.09; 281.13; and"

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. 1295: A bill for an act relating to Ramsey county; creating a Ramsey county consolidation study commission; setting its duties; appropriating money.

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

Page 1, line 6, delete "CONSOLIDATION" and insert "LOCAL SERVICES"

Page 1, line 7, delete "consolidation" and insert "local services"

Page 1, line 8, delete "consolidation" and insert "the service delivery"

Page 1, line 11, delete "a" and insert "improving cost effectiveness of local government services including the possible"

Page 1, line 12, delete everything after "study"

Page 1, line 13, delete "government" and delete "its" and insert "the"

Page 2, line 5, after the period, insert "No measure shall be adopted without a 60 percent affirmative vote of the commission."

Page 2, line 6, after "of" insert "or whose principal place of business is located in"

Page 2, line 26, delete "*employers*" and insert "*employees*"

Page 2, line 31, after "*chair*" insert "*who is not an elected official or public employee and who is not one of the above members of the commission*"

Page 2, line 34, after "*agency*" insert "*or another appropriate state or metropolitan agency*"

Page 3, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "*consolidation*" and insert "*local services*" and delete the second semicolon and insert a period

Page 1, delete line 4

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. 953: A bill for an act relating to courts; providing for fees for law libraries; amending Minnesota Statutes 1990, section 134A.09, by adding a subdivision.

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

Page 1, line 9, after "*county*" insert "*and Ramsey county*"

Page 1, line 11, delete "*Hennepin county*"

Page 1, delete lines 18 to 20

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. 1238: A bill for an act relating to the city of Richfield; authorizing the city to advance money to the commissioner of transportation to expedite construction of a frontage road within the city; authorizing an agreement between the commissioner and the city; authorizing the city to issue bonds and requiring the commissioner to pay interest on the bonds up to a certain amount.

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

Page 1, line 20, after the period, insert "*Before entering into the contract, the project must be scheduled in the commissioner's work program and must meet state environmental requirements.*"

Page 2, line 2, delete "*the commissioner*" and insert "*if it is demonstrated that the construction cost of a remote frontage road is less than the construction cost of a frontage road immediately adjacent to highway I-494, the commissioner may authorize payment in addition to the principal amount but not to exceed 100 percent of the project cost including interest.*"

Page 2, delete lines 3 to 5

Page 2, line 6, delete "highway 1-494."

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. 1175: A bill for an act relating to motor carriers; adopting federal out-of-service criteria for motor carriers; amending Minnesota Statutes 1990, sections 221.031, by adding a subdivision; and 221.605, by adding a subdivision.

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

Page 1, after line 20, insert:

"Sec. 3. [COMMON CARRIER SERVICE; ENFORCEMENT MORATORIUM.]

Subdivision 1. [MORATORIUM.] Until June 1, 1992, the commissioner of transportation shall not bring an enforcement action, and the transportation regulation board shall not issue a cease and desist order under Minnesota Statutes, section 221.293, against a holder of an irregular route common carrier permit on the grounds that the carrier is providing service as a regular route common carrier, as defined in Minnesota Statutes, section 221.011, subdivision 9, if the service is:

(1) transportation of commodities described in the carrier's irregular route common carrier permit order over a route or in a territory authorized in the order; and

(2) a continuation of service provided by the carrier to customers served at any time during the 12 months preceding the effective date of this act.

Subd. 2. [EXPANSION OF OPERATIONS PROHIBITED.] Nothing in this section shall be construed to prohibit the commissioner of transportation or the transportation regulation board from enforcing the provisions of Minnesota Statutes or rules governing service provided by the holder of an irregular route common carrier permit that does not conform to the requirements of subdivision 1, clause (1) or (2).

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "imposing an enforcement moratorium in certain irregular route permit situations;"

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. 1080: A bill for an act relating to economic development; creating Advantage Minnesota, Inc.; requiring a study; appropriating money for matching funds; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 2, line 2, after the period, insert "*At least three of the members appointed by the governor must reside outside the metropolitan area defined in section 473.121, subdivision 2.*"

Page 2, line 6, after the period, insert "*The executive committee is subject to section 471.705 except when security, trade secret, potential client lists, pending proposals, negotiations, employee matters, or labor relations information are discussed.*"

Page 3, after line 21, insert:

"*Subd. 8. [AUDITS BY LEGISLATIVE AUDITOR.] The legislative auditor shall conduct annual financial audits as provided in sections 3.971 to 3.978, and program audits at the request of the legislative audit commission, of Advantage Minnesota, Inc. The corporation shall provide its accounts and records at the request of the legislative auditor for purposes of conducting the audits.*"

Page 3, line 23, delete "\$250,000" and insert "\$"

Page 3, line 24, delete "\$500,000" and insert "\$"

Page 3, line 27, after "basis" insert "by cash contributions"

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

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

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.

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

Page 1, line 8, delete "*The commissioner of*"

Page 1, delete line 9

Page 1, line 10, delete "*by contracting with*" and delete "*to meet*" and insert "*may assist Minnesota businesses with meeting*"

Page 1, line 12, delete "*to*"

Page 4, line 5, delete "\$1,470,530" and insert "\$"

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

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

S.F. No. 1332: A resolution memorializing Congress to carefully consider the proposed free trade agreement with Mexico.

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

Page 1, line 21, after "should" insert "examine the need to"

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 1149: A bill for an act relating to the building code; clarifying the basis of building code review fees; amending Minnesota Statutes 1990, section 16B.61, subdivision 1a.

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

Page 1, line 11, reinstate the stricken language

Page 1, line 12, delete the new language

Page 2, line 7, delete "EFFECTIVE DATE" and insert "RULEMAKING"

Page 2, delete lines 8 and 9 and insert:

"The commissioner shall adopt"

Page 2, line 11, delete "1320.0600" and insert "1302.0600"

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 821: A bill for an act relating to state government; authorizing a study to develop models for STARS regions; appropriating money.

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

Page 1, lines 9, 19, and 24, delete "shall" and insert "must"

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 988: A bill for an act relating to public employees; excluding the salaries of doctors of osteopathy from certain limitations; amending Minnesota Statutes 1990, section 43A.17, subdivision 9.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was re-referred

S.F. No. 919: A bill for an act relating to government operations; amending provisions to adopt emergency game and fish rules; providing alternative methods of publishing game and fish rules; deleting obsolete references to publication under the game and fish laws; authorizing the commissioner to protect wild animals by emergency rule; authorizing the commissioner to set seasons and limits for migratory birds and waterfowl; authorizing the

commissioner to allow or prohibit hunting and fishing on certain state lands; amending Minnesota Statutes 1990, sections 3.846, subdivisions 1 and 4; 14.03, subdivision 3; 14.29, subdivision 2, and by adding a subdivision; 14.38, subdivision 6; 84.944, subdivision 1; 84A.02; 86A.06; 86B.211; 97A.045, subdivision 2; 97A.051, subdivisions 1, 2, and 4; 97A.081; 97A.141, by adding a subdivision; 97B.731, subdivision 1; and 97C.805, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A and 97B.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 768: A bill for an act relating to state government; providing for gender balance in multimember agencies; amending Minnesota Statutes 1990, section 15.0597, by adding a subdivision.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1071: A bill for an act relating to higher education; creating the higher education board; merging the state university, community college, and technical college systems; appropriating money; amending Minnesota Statutes 1990, section 179A.10, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 136E.

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

Page 1, delete lines 18 to 26

Page 2, line 4, delete "initial"

Page 2, delete line 5

Page 2, line 6, delete everything before "term"

ReNUMBER the subdivisions in sequence

Page 2, line 13, delete "ESTABLISHMENT" and insert "PURPOSE"

Page 2, line 14, delete "is established to" and insert "shall"

Page 2, delete lines 31 and 32

Page 3, line 32, delete the comma and insert "and"

Page 4, line 3, delete everything after "179A" and insert a period

Page 4, delete lines 4 to 6

Page 4, after line 9, insert:

"Subd. 4. [OCCUPATIONAL AND VOCATIONAL PROGRAM INFORMATION.] In its biennial budget request, the board shall provide to the governor and legislature information on its occupational and vocational programs specifying revenues, expenditures, trends for expenditures, expenditures for instructional equipment, and other relevant information related

to those programs. The board shall provide the governor and legislature in its biennial budget request information on the accountability measures it uses to determine the efficiency and effectiveness of the occupational and vocational programs."

Renumber the subdivisions in sequence

Page 5, line 29, after the period, insert *"Notwithstanding section 1, the initial higher education board consists of three members each from the state board of technical colleges, state board for community colleges, and the state university board, appointed by their respective boards and three members appointed by the governor. The members appointed by boards must have served for at least one year on the board from which they were appointed. The governor shall appoint the student member July 1, 1993. To the extent possible, the initial board must have the geographic balance required by section 1."*

Page 5, line 36, delete everything after the period

Page 6, line 1, delete *"personnel services of"* and delete *"to"*

Page 6, line 2, delete *"hire"* and insert *"shall cooperate with the chancellor to expedite hiring"*

Page 6, line 14, delete *", giving"* and insert *". The board shall give"*

Page 6, line 16, delete *"within the same region"* and after the period, insert *"The board, in cooperation with the department of employee relations and the department of administration, shall give special attention to the need to integrate administrative functions of the educational institutions it governs, including: (1) personnel, labor, and compensation policies; (2) purchases of supplies; and (3) management of property, and construction and repair of facilities."*

Page 6, line 17, after *"shall"* insert *", in cooperation with the commissioner of employee relations,"*

Page 6, delete lines 21 to 28

Page 6, line 29, delete *"8"* and insert *"7"*

Page 6, delete lines 32 to 36

Page 7, delete line 1

Page 7, line 2, delete *"10"* and insert *"8"*

Page 7, line 8, delete *"11"* and insert *"9"*

Page 7, after line 15, insert:

"Subd. 10. [INITIAL ADVISORY COUNCIL APPOINTMENTS.] Notwithstanding section 2, the initial members of the higher education board candidate advisory council must be appointed so that an equal number will have terms expiring in two, four, and six years."

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

Mr. Moe, R.D. from the Committee on Redistricting, to which was referred

S.F. No. 1330: A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

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

Page 2, line 6, delete "*A population quota*" and insert "*The ideal population*"

Page 2, lines 9 and 10, delete "*population quota*" and insert "*ideal population*"

Page 2, line 11, before "*contiguous*" insert "*a convenient*" and delete "*compact*"

Page 2, after line 21, insert:

"(4) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected.

(5) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards."

Page 2, line 22, delete "(4)" and insert "(6)"

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

Mr. Moe, R.D. from the Committee on Redistricting, to which was referred

S.F. No. 1169: A bill for an act relating to elections; establishing additional standards for county and city redistricting plans regarding population equality, protection of minority populations, and preservation of communities of interest; amending Minnesota Statutes 1990, sections 205.84, subdivision 1; and 375.025, subdivision 1.

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

Page 1, line 11, before "In" insert "*Notwithstanding any home rule charter or ordinance to the contrary, every home rule charter or statutory city of the first or second class must be divided into wards. Each ward is entitled to elect a single member of the city council.*"

Page 1, line 13, strike the first "as" and insert "*substantially*" and strike "*as practicable*"

Page 1, line 14, strike "*compact,*" and insert "*convenient*"

Page 1, line 14, delete from "*No*" through page 1, line 17, to "*split.*" and insert "*The population of a ward must not deviate from the ideal by more than five percent, plus or minus.*"

Page 1, line 24, after "member" insert "*in a statutory city*"

Page 1, line 25, strike from the comma through page 1, line 26, to "term"

Page 1, after line 26, insert:

"Sec. 2. Minnesota Statutes 1990, section 205A.12, subdivision 2, is amended to read:

Subd. 2. [ELECTION.] ~~Except in a school district located wholly or partly within a city of the first class, Every school district whose population is 20,000 or more must be divided into as many separate election districts as there are members of the board. Each district is entitled to elect a single member. In school districts whose population is less than 20,000, upon resolution of the board, made on its own motion or on presentation of a petition substantially in the form required in section 205A.13, signed by at least 50 electors of the district or ten percent of the number of votes cast in the most recent regular school board election, whichever is larger, the board shall adopt a proposal to divide the district into as many separate election districts as there are members of the board, which proposal must be submitted to an election under this chapter. If the election is initiated by petition, the resolution calling the election must be adopted within six months after the date of receipt of the petition. Only one election within any two-year period may be held under this section.~~

Sec. 3. Minnesota Statutes 1990, section 205A.12, subdivision 4, is amended to read:

Subd. 4. [ELECTION DISTRICT BOUNDARIES.] Each ~~proposed~~ election district must be ~~as~~ substantially equal in population ~~as practicable~~ and must be composed of ~~compact, convenient~~ contiguous territory. *The population of a district must not deviate from the ideal by more than five percent, plus or minus, unless the result would force a voting precinct to be split. The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority population makes it possible, the districts must increase the probability that members of the minority will be elected. The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.* The district may utilize the most recent federal decennial census figures available or may conduct a special census for this purpose. The board shall designate each election district by number."

Page 2, line 9, after "of" insert "convenient"

Page 2, line 9, strike from "as" through page 2, line 11, to "involved"

Page 2, line 11, strike "as nearly" and insert "substantially" and strike "as possible"

Page 2, line 12, strike "No district shall vary in population more than" and delete "five" and strike "percent"

Page 2, line 13, strike everything before the comma and insert "The population of a district must not deviate from the ideal by more than five percent, plus or minus"

Page 2, after line 33, insert:

"Sec. 5. [EFFECTIVE DATE.]

This act is effective for the state primary election in 1992 and thereafter, except for the provisions requiring home rule charter and statutory cities to be divided into wards, and school districts to be divided into separate

election districts, which are effective for the 1994 primary election and thereafter."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring certain cities and school districts to use single-member districts for elections;"

Page 1, line 3, after "for" insert "school district,"

Page 1, line 7, after the semicolon, insert "205A.12, subdivisions 2 and 4;"

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

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

S.F. No. 414: A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031, subdivision 1; 145.924; 254A.16, by adding subdivisions; 254A.17, subdivision 1, and by adding a subdivision; and 260.015, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 144 and 245.

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

Pages 8 to 10, delete sections 1 to 5

Page 11, line 3, delete "*and support services*"

Page 11, delete section 7

Renumber the sections of article 3 in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "17;"

Page 1, line 9, delete everything after "sections"

Page 1, delete line 10

Page 1, line 12, after "subdivisions;" insert "and"

Page 1, line 13, delete "and 260.015, subdivision 19;"

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

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

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.

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

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

S.F. No. 824: A bill for an act relating to education; clarifying the status of foreign exchange students who have graduated from high school; limiting foreign exchange student participation in the post-secondary enrollment options program; amending Minnesota Statutes 1990, sections 123.35, by adding a subdivision; and 123.3514, subdivision 4.

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

Page 1, delete section 1

Page 1, line 22, delete "*student*" and insert "*pupil*"

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes 1990, section 124.17, is amended by adding a subdivision to read:

Subd. 1c. [FOREIGN EXCHANGE PUPILS.] Notwithstanding section 123.35, subdivision 8c, or any other law to the contrary, a foreign exchange pupil enrolled in a district under a cultural exchange program may be counted as a resident pupil for the purposes of chapters 124 and 124A and section 275.125 even if the pupil has graduated from high school or the equivalent."

Page 2, line 8, delete "*the day following final*" and insert "*retroactively to July 1, 1990.*"

Page 2, delete line 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything before "123.3514,"

Page 1, line 8, before the period, insert "; and 124.17, by adding a subdivision"

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

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

S.F. No. 563: A bill for an act relating to nursing; creating a midlevel practitioner education account; establishing grant programs for nurse education; requiring feasibility studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Page 1, line 25, after the second "*practitioner*" insert ", *nurse anesthetist, advanced clinical nurse specialist,*"

Page 2, line 1, delete "'Nurse-midwife'" and insert "'Nurse-midwife," "nurse practitioner," "nurse anesthetist," or "advanced clinical nurse

specialist’ ”

Page 2, line 3, after “nurse-midwives” insert “, nurse practitioners, nurse anesthetists, or advanced clinical nurse specialists, respectively”

Page 2, delete lines 4 to 6

Page 3, after line 8, insert:

“Sec. 2. [136A.1357] [RURAL PHYSICIAN ASSISTANT EDUCATION ACCOUNT.]

Subdivision 1. [CREATION OF ACCOUNT.] A rural physician assistant education account is established. The higher education coordinating board shall use money from the account to establish a loan forgiveness program for rural physician assistants agreeing to practice in designated rural areas, as defined in section 136A.1351.

Subd. 2. [ELIGIBILITY.] To be eligible to participate in the program, a prospective physician assistant must submit a letter of interest to the higher education coordinating board prior to or while attending a program of study designed to prepare for practice as a physician assistant. Before completing the first year of this program, a prospective physician assistant must sign a contract to agree to serve at least two years following graduation from the program in a designated rural area for each year of study.

Subd. 3. [LOAN FORGIVENESS.] The higher education coordinating board may accept up to eight applicants per year for participation in the loan forgiveness program. Applicants are responsible for securing their own loans. Applicants chosen to participate in the loan forgiveness program may designate for each year of study, up to a maximum of two years, an agreed amount, not to exceed \$7,000, as a qualified loan. For each two years that a participant serves as a physician assistant registered with the state board of medical examiners in a designated rural area, up to a maximum of four years, the higher education coordinating board shall pay an amount equal to one year of qualified loans and the interest accrued on these loans. Participants who move their practice from one designated rural area to another remain eligible for loan repayment.

Subd. 4. [PENALTY FOR NONFULFILLMENT.] If a participant does not fulfill the required minimum commitment of service in a designated rural area, the higher education coordinating board shall collect from the participant the amount paid by the board under the loan forgiveness program. The higher education coordinating board shall deposit the money collected in the physician assistant education account. The board shall allow waivers of all or part of the money owed the board if emergency circumstances prevented fulfillment of the service commitment.”

Page 4, line 5, delete “4” and insert “5”

Page 4, after line 5, insert:

“\$25,000 is appropriated from the general fund to the higher education coordinating board to make a grant to an eligible institution, as defined in Minnesota Statutes, section 136A.101, subdivision 4, to establish and administer a program to train physician assistants.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “nursing” and insert “health care”

Page 1, line 3, before the semicolon, insert "and a physician assistant education account"

Page 1, line 4, before the first semicolon, insert "and physician assistant training"

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

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

S.F. No. 573: A bill for an act relating to local government; permitting the creation of library tax districts; proposing coding for new law in Minnesota Statutes, chapter 471.

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 134.001, is amended by adding a subdivision to read:

Subd. 8. [REGIONAL PUBLIC LIBRARY DISTRICT.] "Regional public library district" means a governmental unit formed according to this chapter to operate multicounty public library services.

Sec. 2. [134.201] [REGIONAL LIBRARY DISTRICT.]

Subdivision 1. [ESTABLISHMENT.] A regional public library district may be established according to this section. The geographic boundaries shall be those established by the state board of education according to section 134.34, subdivision 3.

Subd. 2. [FORMATION.] A regional public library district may be formed:

(1) by approval of a majority of the city councils and boards of county commissioners of the cities and counties that finance regional public library system services and represent a majority of the population to be served; or

(2) by a majority of those voting on the issue in the entire area to be served by the district in a referendum called after petitions for the referendum have been filed in each of the units. Petitions must be signed by eligible voters in a number not less than five percent of the number of persons who voted in the last general election in each city and county that is a party to the system contract or agreement.

A city that is not participating in a regional public library system may join the district by majority vote of the city council or by referendum according to clause (2).

Subd. 3. [TERMINATION.] A regional public library system may be terminated at any time after the district has been in operation for three years. The system may be terminated according to subdivision 2, clause (1) or (2).

Subd. 4. [BOARD.] The board of the regional public library district shall be composed of one member from each county in the district's service area and one member from each county for each ten percent or a major fraction thereof of the district's population. The board of county commissioners of each county in the district shall appoint one member who may be a county

commissioner or other elected official. Additional board members shall be elected at large from a county at a regular election. The term of a member shall be four years, with the terms of an initial board to expire in two years for one-half of the members. The board shall organize itself according to section 134.11, subdivision 1. The board has the powers and duties set forth in section 134.11, subdivision 2.

Subd. 5. [GENERAL LEVY AUTHORITY.] The board may levy for public library service in addition to all other levies authorized for cities or counties. The amount levied shall be spread on all taxable property in the district at a uniform tax rate. However, for the first three years after the district is established, the board may, at its discretion, establish levies that are not uniform in order to make adjustments more gradually while attaining uniformity.

Subd. 6. [LIBRARY BUILDINGS.] In addition to the levy authorized in subdivision 5 and all other levies authorized for cities and counties, a city or county served by a library district may levy for the construction, acquisition, maintenance, and operation of library buildings. A district that meets federal and state requirements for a regional library basic system support grant is eligible to receive a grant. The board of a district may issue bonds, without an election, according to chapter 475, or levy according to this section a special capital levy for capital improvements for a library building. A district may purchase or lease a building to be used for library purposes from a city or a county.

Subd. 7. [BORROW MONEY.] The board of a district may borrow money and issue tax anticipation certificates as needed to provide library services or for library buildings.

Subd. 8. [TRANSITION PROVISIONS.] If a regional public library system is reorganized into a regional public library district, a transition period shall exist. The transition period shall begin at the time the regional public library system board adopts a resolution that recommends formation of a district to its participants and that sets an effective date for the district. During the transition period, approval of the boards of county commissioners or a referendum according to subdivision 2 may occur, the district board shall be appointed, and planning for administrative changes may occur. The regional public library system board shall continue until the district board members assume their duties. The initial district board members appointed by the board of county commissioners shall be from among the members of the regional public library system board.

Subd. 9. [ASSUMPTION OF ASSETS, LIABILITIES, AND CONTRACTS.] Upon assumption of responsibilities by the regional public library district board, the regional public library system assets, liabilities, and existing contracts, including contracts negotiated under chapter 179A, shall become the assets, liabilities, and contracts of the regional public library district board.

Sec. 3. Minnesota Statutes 1990, section 134.351, subdivision 4, is amended to read:

Subd. 4. [GOVERNANCE.] In any area where the boundaries of a proposed multicounty, multitype library system coincide with the boundaries of the regional library system, the regional library system board shall be designated as the governing board for the multicounty, multitype library system. In any area where a proposed multicounty, multitype library system

encompasses more than one regional library system, the governing board of the multicounty, multitype library system shall consist of nine members appointed by the cooperating regional library system boards from their own membership in proportion to the population served by each cooperating regional library system. *The board members of a regional public library district may serve on the board of a multicounty, multitype library system when a regional public library system is replaced by a regional public library district.* In each multicounty, multitype library system there shall be established an advisory committee consisting of two representatives of public libraries, two representatives of school media services, one representative of special libraries, one representative of public supported academic libraries, and one representative of private academic libraries. The advisory committee shall recommend needed policy to the system governing board."

Amend the title as follows:

Page 1, line 3, delete "library tax" and insert "regional public library"

Page 1, line 3, before "proposing" insert "amending Minnesota Statutes 1990, sections 134.001, by adding a subdivision; and 134.351, subdivision 4;"

Page 1, line 4, delete "471" and insert "134"

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

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

S.F. No. 417: A bill for an act relating to education; making technical corrections to certain statutes and laws; amending Minnesota Statutes 1990, sections 120.06, subdivision 1; 120.062, subdivision 8a, and by adding a subdivision; 120.0752, subdivision 2; 120.101, subdivision 4; 120.17, subdivision 3b; 121.612, subdivisions 2 and 5; 123.3514, subdivisions 6 and 6b; 123.932, subdivisions 3 and 4; 124.14, subdivision 1; 124.195, subdivisions 10 and 11; 124.214, subdivisions 2 and 3; 124.225; 124.244, subdivision 3; 124.83, subdivisions 1 and 5; 124A.036, subdivision 5; 124A.24; 124B.03, subdivision 2; 125.60, subdivision 3; 127.27, subdivisions 2, 4, 5, and 10; 127.29; 127.30, subdivisions 1 and 3; 127.31, subdivision 2; 275.065, subdivision 6; 275.125, subdivisions 5b, 5c, 18, and 20; and 275.16; proposing coding for new law in Minnesota Statutes, chapter 121; repealing Minnesota Statutes 1990, section 124.225, subdivisions 3, 4b, 7c, 8b, 8i, and 8j.

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 120.062, subdivision 8a, is amended to read:

Subd. 8a. ~~[WAIVER OF EXCEPTIONS TO DEADLINES.]~~ (a) Notwithstanding subdivision 4, upon agreement of the resident and nonresident school districts, a pupil may submit an application to a nonresident district after January 15 for enrollment beginning the following school year. The pupil, the pupil's parent or guardian, the district of residence, and the district of attendance must observe, in a prompt and efficient manner, the application

and notice procedures in subdivisions 4 and 6, except that the application and notice deadlines do not apply.

(b) Notwithstanding subdivision 4, if, as a result of *entering into, modifying, or terminating* an agreement under section 122.541 or 122.535 ~~entered into after January 1~~, a pupil is assigned *after December 1* to a different school, the pupil, *the pupil's siblings, or any other pupil residing in the pupil's residence* may submit an application to a nonresident district ~~after January 1 but at any time before June 1~~ *July 1* for enrollment beginning the following school year. The ~~pupil applicant, the pupil's applicant's parent or guardian, the district of residence, and the district of attendance~~ must observe, in a prompt and efficient manner, the application and notice procedures in subdivisions 4 and 6, except that the application and notice deadlines do not apply.

(c) *Notwithstanding subdivision 4, a pupil who becomes a resident of a school district after December 1 may submit an application to a nonresident district not later than 30 days after receiving notice from the resident district of the pupil's enrollment options under this section. The notice from the resident district shall be in writing and provided to the pupil's parent or guardian or, if the pupil does not reside with a parent or guardian, to the pupil.*

Sec. 2. Minnesota Statutes 1990, section 120.0752, subdivision 2, is amended to read:

Subd. 2. The pupil's parent or guardian must receive the approval of the school board of the nonresident district and the school board of the resident district. ~~The approval shall be on a form provided by the department of education. The superintendent of the nonresident district shall forward a copy of this form to the department of education within ten days of its approval. If the student withdraws from the nonresident district the superintendent of that district shall report the fact to the department of education. The nonresident school board shall notify the resident school board of the approval.~~

Sec. 3. Minnesota Statutes 1990, section 121.612, subdivision 2, is amended to read:

Subd. 2. [CREATION OF FOUNDATION.] There is created the Minnesota academic excellence foundation. The purpose of the foundation shall be to promote academic excellence in Minnesota public *and nonpublic* schools through public-private partnerships. The foundation shall be a non-profit organization. The board of directors of the foundation and foundation activities are under the direction of the state board of education.

Sec. 4. Minnesota Statutes 1990, section 121.612, subdivision 5, is amended to read:

Subd. 5. [POWERS AND DUTIES.] The foundation may:

- (1) establish and collect membership fees;
- (2) publish brochures or booklets relating to the purposes of the foundation and collect reasonable fees for the publications;
- (3) receive money, grants, and in-kind goods or services from nonstate sources for the purposes of the foundation, *without complying with section 7.09, subdivision 1*;
- (4) contract with consultants; ~~and~~

(5) expend money for awards and other forms of recognition and appreciation; and

(6) determine procedures and expenditures for awards and recognitions to teachers, students, donors, and other people who are not employees of the executive branch.

Sec. 5. Minnesota Statutes 1990, section 123.932, subdivision 3, is amended to read:

Subd. 3. [NONPUBLIC SCHOOL DEFINED.] "Nonpublic school" means any school ~~within the state other than a public school, church or religious organization, or home school~~ wherein a resident of Minnesota may legally fulfill the compulsory ~~school attendance~~ instruction requirements of section 120.101, ~~which is located within the state,~~ and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law Number 88-352). *It does not mean a public school.*

Sec. 6. Minnesota Statutes 1990, section 124.14, subdivision 1, is amended to read:

Subdivision 1. The state board shall supervise distribution of school aids and grants in accordance with law. It may make rules consistent with law for the distribution to enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for the reports and accounts to it as will assure accurate and lawful apportionment of aids. State and federal aids and discretionary or entitlement grants distributed by the state board shall not be subject to the contract approval procedures of the commissioner of administration or to chapter ~~46~~ 16A or 16B. The commissioner of education shall adopt internal procedures for administration and monitoring of aids and grants.

Sec. 7. Minnesota Statutes 1990, section 124.195, subdivision 3a, is amended to read:

Subd. 3a. [APPEAL.] The commissioner may revise the payment dates and percentages in subdivision 3 ~~and Laws 1986, First Special Session chapter 4, article 5, section 9~~ for a district if it is determined that there is an emergency or there are serious cash flow problems in the district that cannot be resolved by issuing warrants or other forms of indebtedness. The commissioner shall establish a process and criteria for school districts to appeal the payment dates and percentages established in subdivision 3 ~~and Laws 1986, First Special Session chapter 4 article 5, section 9.~~

Sec. 8. Minnesota Statutes 1990, section 124.195, subdivision 10, is amended to read:

Subd. 10. [AID PAYMENT PERCENTAGE.] Except as provided in subdivisions 8 ~~and~~ 9, ~~and 11~~, each fiscal year, all education aids and credits in this chapter and chapters 121, 123, 124A, 124B, 125, 126, 134, and section 273.1392, ~~except post-secondary vocational~~ shall be paid at 85 percent of the estimated entitlement during the fiscal year of the entitlement, unless a higher rate has been established according to section 121.904, subdivision 4d. The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement shall be paid as the final adjustment payment according to subdivision 6.

Sec. 9. Minnesota Statutes 1990, section 124.195, subdivision 11, is amended to read:

Subd. 11. [NONPUBLIC AIDS.] The state shall pay aid according to sections 123.931 to 123.947 for pupils attending nonpublic schools by ~~October 31 of each fiscal year, as follows:~~

(1) *an advance payment by November 30 equal to 85 percent of the estimated entitlement for the current fiscal year; and*

(2) *a final payment by October 31 of the following fiscal year, adjusted for actual data.*

If a payment advance to meet cash flow needs is requested by a district and approved by the commissioner, the state shall pay basic transportation aid according to section 124.225, ~~subdivision 8b~~ attributable to pupils attending nonpublic schools by October 31. ~~This subdivision applies to both the final adjustment payment for the prior fiscal year and the payment for the current fiscal year, as established in subdivision 10.~~

Sec. 10. Minnesota Statutes 1990, section 124.2139, is amended to read:

124.2139 [REDUCTION OF PAYMENTS TO SCHOOL DISTRICTS.]

The commissioner of revenue shall reduce ~~the homestead credit payments under section 273.13 for fiscal year 1990, and~~ the sum of the additional homestead and agricultural credit guarantee, homestead and agricultural credit aid, and disparity reduction aid payments under section 273.1398 ~~for fiscal years 1991 and thereafter~~ made to school districts by the product of:

(1) the district's fiscal year 1984 payroll for coordinated plan members of the public employees retirement association, times

(2) the difference between the employer contribution rate in effect prior to July 1, 1984, and the total employer contribution rate in effect after June 30, 1984.

Sec. 11. Minnesota Statutes 1990, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the net tax capacity of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the local tax rate as determined by the county auditor based upon the original net tax capacity is applied upon the changed net tax capacities, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. Each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received. The amount of the abatement adjustment shall be the product of:

(1) the net revenue loss as certified by the county auditor, times

(2) the ratio of:

(a) the sum of the amounts of the district's certified levy in the preceding ~~October year~~ according to the following:

(i) section 124A.23 if the district receives general education aid according to that section, *or section 124B.20, if the education district of which the*

district is a member receives general education aid according to that section;

(ii) section 275.125, subdivisions 5 and 5c, if the district receives transportation aid according to section 124.225;

(iii) section 124.243, if the district receives capital expenditure facilities aid according to that section;

(iv) section 124.244, if the district receives capital expenditure equipment aid according to that section;

(v) section 124.83, if the district receives health and safety aid according to that section;

~~(vi) section 275.125, subdivision 8, clauses (a) and (b) sections 124.2713, 124.2714, and 124.2715, if the district receives community education aid for community education programs according to section 124.271 any of those sections; and~~

(vii) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711; ~~and~~

~~(viii) section 275.125, subdivision 6f, if the district receives exceptional need aid according to section 124.217;~~

(b) to the total amount of the district's certified levy in the preceding October, plus or minus auditor's adjustments.

Sec. 12. Minnesota Statutes 1990, section 124.214, subdivision 3, is amended to read:

Subd. 3. [EXCESS TAX INCREMENT.] If a return of excess tax increment is made to a school district pursuant to section 469.176, subdivision 2, or upon decertification of a tax increment district, the school district's aid and levy limitations must be adjusted for the fiscal year in which the excess tax increment is paid under the provisions of this subdivision.

(a) An amount must be subtracted from the school district's aid for the current fiscal year equal to the product of:

(1) the amount of the payment of excess tax increment to the school district, times

(2) the ratio of:

(A) the sum of the amounts of the school district's certified levy for the fiscal year in which the excess tax increment is paid according to the following:

(i) section 124A.23, if the district receives general education aid according to that section, *or section 124B.20, if the education district of which the district is a member receives general education aid according to that section;*

(ii) section 275.125, subdivisions 5 and 5c, if the school district receives transportation aid according to section 124.225;

(iii) section 124.243, if the district receives capital expenditure facilities aid according to that section;

(iv) section 124.244, if the district receives capital expenditure equipment aid according to that section;

(v) section 124.83, if the district receives health and safety aid according

to that section;

(vi) ~~section 275.125, subdivision 8, clauses (a) and (b) sections 124.2713, 124.2714, and 124.2715, if the district receives community education aid for community education programs according to section 124.271 any of those sections; and~~

(vii) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711; ~~and~~

(viii) ~~section 275.125, subdivision 6f, if the district receives exceptional need aid according to section 124.217;~~

(B) to the total amount of the school district's certified levy for the fiscal year, plus or minus auditor's adjustments.

(b) An amount must be subtracted from the school district's levy limitation for the next levy certified equal to the difference between:

(1) the amount of the distribution of excess increment, and

(2) the amount subtracted from aid pursuant to clause (a).

If the aid and levy reductions required by this subdivision cannot be made to the aid for the fiscal year specified or to the levy specified, the reductions must be made from aid for subsequent fiscal years, and from subsequent levies. The school district shall use the payment of excess tax increment to replace the aid and levy revenue reduced under this subdivision.

This subdivision applies only to the total amount of excess increments received by a school district for a calendar year that exceeds \$25,000.

Sec. 13. Minnesota Statutes 1990, section 124.244, subdivision 3, is amended to read:

Subd. 3. [CAPITAL EXPENDITURE EQUIPMENT AID.] A district's capital expenditure equipment aid is the difference between the capital expenditure equipment revenue and the capital expenditure equipment levy. If a district does not levy the entire amount permitted, capital expenditure equipment aid must be reduced in proportion to the actual amount levied. Capital expenditure equipment aid must not be reduced as a result of a reduction of its capital expenditure equipment levy under section 121.912 or 124.2445.

Sec. 14. Minnesota Statutes 1990, section 124.2725, subdivision 8, is amended to read:

Subd. 8. [PERMANENT REVENUE.] (a) *For the fourth year of combination and thereafter, for a district that combines after one year of cooperation, or for the third year of combination and thereafter, for a district that combines after two years of cooperation, a combined district that is not a member of an education district that receives revenue under section 124.2721 may levy the lesser of*

(i) \$50 times the actual pupil units in the combined district; or

(ii) \$50,000.

(b) A combined district that is a member of an education district receiving revenue under section 124.2721 ~~must~~ may not receive revenue under this subdivision.

Sec. 15. Minnesota Statutes 1990, section 124.83, subdivision 1, is

amended to read:

Subdivision 1. [HEALTH AND SAFETY PROGRAM.] To receive health and safety revenue *for any fiscal year* a district, including an intermediate district, must submit to the commissioner of education an application for aid and levy by ~~June 1 in the previous school year~~ *the date determined by the commissioner*. The application may be for hazardous substance removal, fire code compliance, or life safety repairs. The application must include a health and safety program adopted by the school district board. The program must include the estimated cost of the program by fiscal year.

Sec. 16. Minnesota Statutes 1990, section 124.83, subdivision 5, is amended to read:

Subd. 5. [HEALTH AND SAFETY AID.] A district's health and safety aid is the difference between its health and safety revenue and its health and safety levy. If a district does not levy the entire amount permitted, health and safety aid must be reduced in proportion to the actual amount levied. *Health and safety aid may not be reduced as a result of reducing a district's health and safety levy according to section 121.912.*

Sec. 17. Minnesota Statutes 1990, section 124A.036, subdivision 5, is amended to read:

Subd. 5. [ALTERNATIVE ATTENDANCE PROGRAMS.] The general education aid for districts must be adjusted for each pupil, excluding a handicapped pupil as defined in section 120.03 or a nonhandicapped pupil as defined by section 120.181, attending a nonresident district under sections 120.062, 120.075, 120.0751, 120.0752, 123.3515, 124C.45 to 124C.48, and 126.22. The adjustments must be made according to this subdivision.

(a) General education aid paid to a resident district must be reduced by an amount equal to the general education revenue exclusive of compensatory revenue attributable to the pupil in the resident district.

(b) General education aid paid to a district serving a pupil in programs listed in this subdivision shall be increased by an amount equal to the general education revenue exclusive of compensatory revenue attributable to the pupil in the nonresident district.

(c) If the amount of the reduction to be made from the general education aid of the resident district is greater than the amount of general education aid otherwise due the district, the excess reduction must be made from other state aids due the district.

(d) The district of residence shall pay tuition to a district *or an area learning center, operated according to paragraph (e)*, providing special instruction and services to a handicapped pupil, as defined in section 120.03, *or a pupil, as defined in section 120.181*, who is enrolled in a program listed in this subdivision. The tuition shall be equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for debt service and for capital expenditure facilities and equipment, and debt service but not including any amount for transportation, minus (2) the amount of special education aid, attributable to that pupil, that is received by the district providing special instruction and services.

(e) An area learning center operated by an educational cooperative service unit, intermediate district, education district, or a joint powers cooperative may elect through the action of the constituent boards to charge tuition for

~~nonhandicapped~~ pupils rather than to calculate general education aid adjustments under paragraph (a), (b), or (c). The tuition must be equal to the *greater of the average general education revenue per pupil unit attributable to the student pupil, or the average per pupil cost of operating the area learning center actual cost of providing the instruction, excluding transportation costs, if the pupil meets the requirements of section 120.03 or 120.181 whichever is less.*

Sec. 18. Minnesota Statutes 1990, section 124A.24, is amended to read:

124A.24 [GENERAL EDUCATION LEVY EQUITY.]

If a district's general education levy is determined according to section 124A.23, subdivision 3, an amount must be deducted from state aid authorized in this chapter and ~~chapter chapters~~ 124 and 124B, receivable for the same school year, and from other state payments receivable for the same school year authorized in chapter 273. The aid in section 124.646 must not be reduced.

The amount of the deduction equals the difference between:

- (1) the general education tax rate, according to section 124A.23, times the district's adjusted net tax capacity used to determine the general education aid for the same school year; and
- (2) the district's general education revenue, excluding supplemental revenue, for the same school year, according to section 124A.22.

However, for fiscal year 1989, the amount of the deduction shall be one-fourth of the difference between clauses (1) and (2); for fiscal year 1990, the amount of the deduction shall be one-third of the difference between clauses (1) and (2); for fiscal year 1991, the amount of the deduction shall be one-half of the difference between clauses (1) and (2); for fiscal year 1992, the amount of the deduction shall be four-sixths of the difference between clauses (1) and (2); and for fiscal year 1993, the amount of the deduction shall be five-sixths of the difference between clauses (1) and (2).

Sec. 19. Minnesota Statutes 1990, section 124B.03, subdivision 2, is amended to read:

Subd. 2. [REFERENDUM LEVY.] (a) The amount of general education revenue certified by an education district board under section 124B.10 may be increased in any amount that is approved by the voters of the education district at a referendum called for the purpose. The referendum may be called by the education district board or must be called by the education district board upon written petition of qualified voters of the education district. The referendum must be held on the first Tuesday after the first Monday in November. The ballot shall state the maximum amount of the increased levy as a percentage of net tax capacity, the amount that will be raised by that local tax rate in the first year it is to be levied, and that the local tax rate must be used to finance school operations. The ballot shall designate a specific number of years for which the referendum authorization applies. The ballot may contain a text with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the levy proposed by (petition to) the board of, Education District No., be approved?"

(b) If approved, the amount provided by the approved local tax rate applied to the net tax capacity for the year before the year the levy is certified is

authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the education district at a later referendum.

(c) The education district board shall prepare and deliver by first class mail at least 15 days but no more than 30 days prior to the day of the election to each taxpayer at the address listed on each member district's current year's assessment roll, a notice of the referendum and the proposed levy increase. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the education district.

(d) The notice must include the following statement: "In 1989, the legislature reduced property taxes for education by increasing the state share of funding for education. However, state aid for cities and townships was reduced by a corresponding amount. As a result, property taxes for cities and townships may increase. Passage of this referendum will result in an increase in your property taxes."

(e) A referendum on the question of revoking or reducing the increased levy amount authorized under paragraph (a) may be called by the education district board and must be called by the education district board upon the written petition of qualified voters of the education district. A levy approved by the voters of the education district under paragraph (a) must be made at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one election may be held to revoke or reduce a levy for any specific year and for later years.

(f) A petition authorized by paragraph (a) or (e) shall be effective if signed by a number of qualified voters in excess of 15 percent of the average number of voters at the two most recent districtwide school elections in all the member school districts. A referendum invoked by petition must be held on the day specified in paragraph (a).

(g) The approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(h) ~~Within 30 days after the referendum, the education district shall hold a referendum according to this subdivision; the education district shall notify submit a copy of the notice required under paragraph (c) to the commissioner of education of. Within 15 days after the results of the referendum have been certified by the education district board, or in the case of a recount, after the certification of the results of the recount by the canvassing board, the education district shall notify the commissioner of education of the results of the referendum.~~

(i) The department shall allocate the amount certified by the education district board under paragraph (a) or subdivision 1 proportionately among the member districts based on net tax capacity. The member districts shall levy the amount allocated.

(j) Each year, a member district shall transfer referendum revenue to the education district board according to this subdivision. By June 20 and November 30 of each year, an amount must be transferred equal to:

(1) 50 percent times

(2) the amount certified in this subdivision minus homestead and agricultural credit aid allocated for that levy according to section 273.1398, subdivision 6.

Sec. 20. Minnesota Statutes 1990, section 124C.03, subdivision 14, is amended to read:

Subd. 14. [GRANT SCHEDULE.] The commissioner of the state planning agency ~~must shall~~ award initial grants by April 1, 1990. ~~Beginning in 1991, grants must be awarded by July September 1~~ of each year. Grants may be awarded for a period not to exceed 24 months.

Sec. 21. Minnesota Statutes 1990, section 124C.49, is amended to read:

124C.49 [DESIGNATION AS CENTER.]

The commissioner of education, in cooperation with the state board of education, shall establish a process for state designation and approval of area learning centers that meet the provisions of sections 124C.45 to 124C.48.

~~The four area learning centers designated in 1988 as exemplary shall be subject to the state approval process beginning July 1, 1990.~~

~~Area learning center designation shall begin July 1, 1988.~~

Sec. 22. Minnesota Statutes 1990, section 125.12, subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;

(d) Notwithstanding clauses (a), (b) and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

(e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

(f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;

(g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

(h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

(i) ~~The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if the teacher fails to file with the board by April 1 of any year a written statement requesting reinstatement;~~

(j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

(k) (j) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 23. Minnesota Statutes 1990, section 125.60, subdivision 3, is amended to read:

Subd. 3. [REINSTATEMENT.] Except as provided in subdivisions 6a and 6b, a teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which the teacher is licensed at the beginning of any school year which immediately follows a year of the

extended leave of absence, unless the teacher fails to give the required notice of intention to return or is discharged or placed on unrequested leave of absence or the contract is terminated pursuant to section 125.12 or 125.17 while the teacher is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section, unless the teacher advises the board of the intention to return before February 1 in the school year preceding the school year in which the teacher wishes to return or by February 1 in the calendar year in which the leave is scheduled to terminate. ~~The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.~~

Sec. 24. Minnesota Statutes 1990, section 126.22, subdivision 4, is amended to read:

Subd. 4. [PUPIL ENROLLMENT.] Any eligible pupil ~~under subdivision 2~~ may apply to enroll in an eligible program ~~under subdivision 3, using the form specified in section 120.0752, subdivision 2. Notwithstanding section 120.0752,~~ Approval of the resident district is not required for an eligible pupil ~~under subdivision 2~~ to enroll in a nonresident district that has an eligible program ~~under subdivision 3~~ or an area learning center established under section 124C.45.

Sec. 25. Minnesota Statutes 1990, section 275.065, subdivision 6, is amended to read:

Subd. 6. [PUBLIC HEARING; ADOPTION OF BUDGET AND LEVY.] Between November 15 and December 20, the governing bodies of the city and county shall each hold a public hearing to adopt its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold a public hearing to adopt its property tax levy for taxes payable in the following year.

At the hearing, the taxing authority, other than a school district, may amend the proposed budget and property tax levy and must adopt a final budget and property tax levy, and the school district may amend the proposed property tax levy and must adopt a final property tax levy.

The property tax levy certified under section 275.07 by a city, county, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 124A.03, subdivision 2, *124B.03, subdivision 2*, or 124.82, subdivision 3, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters under section 275.58 after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds issued or approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a; and

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of revenue or the commissioner of education after the proposed levy was certified.

At the hearing the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions prior to adoption of any measures by the governing body. The governing body, other than the governing body school districts, shall adopt its final property tax levy prior to adopting its final budget.

The hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No hearing may be held on a Sunday. The county auditor shall provide for the coordination of hearing dates for all taxing authorities within the county.

By August 1, the county auditor shall notify the clerk of each school district within the county of the dates that the county board has designated for its hearing and any continuation under subdivision 3. By August 15, each school board shall certify to the county auditors of the counties in which the school district is located the dates on which it elects to hold its hearings and any continuations under subdivision 3. If a school board does not certify the dates by August 15, the auditor will assign the hearing date. The dates elected or assigned must not conflict with the county hearing dates. By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which the county and school districts have elected to hold their hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its hearings and any continuations under subdivision 3. The city must not select dates that conflict with those elected by or assigned to the counties and school districts in which the city is located.

The hearing dates so elected or assigned must be designated on the notices required under subdivision 3.

This subdivision does not apply to towns and special taxing districts.

Sec. 26. Minnesota Statutes 1990, section 275.125, subdivision 4, is amended to read:

Subd. 4. [MISCELLANEOUS LEVY AUTHORIZATIONS.] (a) A school district may levy the amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by Minnesota Statutes 1974, section 275.125, subdivision 3, clause (7)(C); the amounts necessary for repayment of debt service loans and capital loans; the amounts necessary to pay the district's obligations under section 6.62; the amount authorized for liabilities of dissolved districts pursuant to section 122.45; the amounts necessary to pay the district's obligations under section 268.06, subdivision 25; the amounts necessary to pay for job placement services offered to employees who may become eligible for benefits pursuant to section 268.08; the amounts necessary to pay the district's obligations under section 127.05; the amounts authorized by section 122.531; the amounts necessary to pay the district's obligations under section 122.533; and for severance pay required by ~~this section~~ *sections 120.08, subdivision 3, and section 122.535, subdivision 6.*

(b) An education district that negotiates a collective bargaining agreement

for teachers under section 122.937 may certify to the department of education the amount necessary to pay all of the member districts' obligations and the education district's obligations under section 268.06, subdivision 25.

The department of education must allocate the levy amount proportionately among the member districts based on adjusted net tax capacity. The member districts must levy the amount allocated.

(c) Each year, a member district of an education district that levies under this subdivision must transfer the amount of revenue certified under paragraph (b) to the education district board according to this subdivision. By June 20 and November 30 of each year, an amount must be transferred equal to:

(1) 50 percent times

(2) the amount certified in paragraph (b) minus homestead and agricultural credit aid allocated for that levy according to section 273.1398, subdivision 6.

Sec. 27. Minnesota Statutes 1990, section 275.125, subdivision 11d, is amended to read:

Subd. 11d. [EXTRA CAPITAL EXPENDITURE LEVY FOR LEASING BUILDINGS.] When a district finds it economically advantageous to rent or lease a building for any instructional purposes and it determines that the capital expenditure facilities revenues authorized under section 124.243 are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this subdivision must contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this subdivision must include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and rules of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner must not authorize a levy under this subdivision in an amount greater than the cost to the district of renting or leasing a building for approved purposes. The proceeds of this levy must not be used for ~~leasing or renting a facility owned by a district or for custodial or other maintenance services. A district may not levy under this subdivision for the purpose of leasing or renting a district-owned building to itself.~~

Sec. 28. Minnesota Statutes 1990, section 275.125, subdivision 18, is amended to read:

Subd. 18. [LEVY INFORMATION.] By September 15 of each year each district shall notify the commissioner of education of the proposed levies in compliance with the levy limitations of this section and chapters 124, 124A, and 124B, 136C, and 136D. By January 15 of each year each district shall notify the commissioner of education of the final levies certified. The commissioner of education shall prescribe the form of these notifications and may request any additional information necessary to compute certified levy amounts.

Sec. 29. Minnesota Statutes 1990, section 275.125, subdivision 20, is amended to read:

Subd. 20. [ESTIMATES.] The computation of levy limitations pursuant to this section and ~~chapter~~ *chapters 124, 124A, 124B, 136C, and 136D* shall be based on estimates where necessary. If as a result of using estimates for these computations the amount of any levy is different from the amount which could actually have been levied if actual data had been available, levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this subdivision shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.

Sec. 30. Minnesota Statutes 1990, section 275.16, is amended to read:
275.16 [COUNTY AUDITOR TO FIX AMOUNT OF LEVY.]

If any such municipality shall return to the county auditor a levy greater than permitted by *chapters 124, 124A, 124B, 136C, and 136D* and sections 275.124 to 275.16, such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit; provided, if such levy shall include any levy for the payment of bonded indebtedness or judgments, such levies for bonded indebtedness or judgments shall be extended in full, and the remainder of the levies shall be reduced so that the total thereof, including levies for bonds and judgments, shall not exceed such amount as the limitations herein prescribed will permit.

Sec. 31. Minnesota Statutes 1990, section 297A.256, is amended to read:
297A.256 [EXEMPTIONS FOR CERTAIN NONPROFIT GROUPS.]

Notwithstanding the provisions of this chapter, the following sales made by a "nonprofit organization" are exempt from the sales and use tax.

(a)(1) All sales made by an organization for fundraising purposes if that organization exists solely for the purpose of providing educational or social activities for young people primarily age 18 and under. This exemption shall apply only if the gross annual sales receipts of the organization from fundraising do not exceed \$10,000.

(2) A club, association, or other organization of elementary or secondary school students organized for the purpose of carrying on sports, educational, or other extracurricular activities is a separate organization from the school district or school for purposes of applying the \$10,000 limit. This paragraph does not apply if the sales are derived from admission charges or from activities for which the money must be deposited with the school district treasurer under section 123.38, subdivision 2, or be recorded in the same manner as other revenues or expenditures of the school district under section 123.38, subdivision 2b, *except that it does apply to extracurricular activities that are not under the control of the school board.*

(b) All sales made by an organization for fundraising purposes if that organization is a senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and no part of the net earnings inure to the benefit of any private shareholders. This exemption shall apply only if the gross annual sales receipts of the organization from fundraising do not exceed \$10,000.

(c) The gross receipts from the sales of tangible personal property at, admission charges for, and sales of food, meals, or drinks at fundraising events sponsored by a nonprofit organization when the entire proceeds,

except for the necessary expenses therewith, will be used solely and exclusively for charitable, religious, or educational purposes. This exemption does not apply to admission charges for events involving bingo or other gambling activities or to charges for use of amusement devices involving bingo or other gambling activities. For purposes of this clause, a "nonprofit organization" means any unit of government, corporation, society, association, foundation, or institution organized and operated for charitable, religious, educational, civic, fraternal, senior citizens' or veterans' purposes, no part of the net earnings of which enures to the benefit of a private individual.

If the profits are not used solely and exclusively for charitable, religious, or educational purposes, the entire gross receipts are subject to tax.

Each nonprofit organization shall keep a separate accounting record, including receipts and disbursements from each fundraising event. All deductions from gross receipts must be documented with receipts and other records. If records are not maintained as required, the entire gross receipts are subject to tax.

The exemption provided by this section does not apply to any sale made by or in the name of a nonprofit corporation as the active or passive agent of a person that is not a nonprofit corporation.

The exemption for fundraising events under this section is limited to no more than 24 days a year. Fundraising events conducted on premises leased or occupied for more than four days but less than 30 days do not qualify for this exemption.

Sec. 32. Minnesota Statutes 1990, section 354.094, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT CONTRIBUTIONS.] A member granted an extended leave of absence pursuant to section 125.60 or 136.88 may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter, for each year of the leave provided the member and the employing board make the required employer contribution in any proportion they may agree upon, during the period of the leave which shall not exceed five years. ~~The state shall not pay employer contributions into the fund for any year for which a member is on extended leave.~~ The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before the later of June 30 of each fiscal year for which service credit is received or within 30 days after first notification of the amount due, if requested by the member, is given by the association. No payment is permitted after the following September 30. Payments received after June 30 must include six percent interest from June 30 through the end of the month in which payment is received.

Sec. 33. Laws 1991, chapter 2, article 2, section 2, is amended to read:

Sec. 2. APPROPRIATION REDUCTIONS

The general fund appropriations in Laws 1989, chapter 329, as amended by Laws 1990, chapter 562, articles 6, 7, and 9,

are reduced by the listed amounts. All reductions are for fiscal year 1991 only.

(a) Transportation aid for enrollment options	(25,400) (25,300)
(b) Summer special education aid	(759,800) (727,900)
(c) Secondary vocational handicapped aid	(1,500,400) (1,836,400)
(d) Assurance of mastery aid	(849,000) (659,300)
(e) Individualized learning and development aid	(429,000) (350,500)
(f) Adult graduation aid	(426,000) (527,000)
(g) Health and developmental screening aid	(1,360,800) (1,232,900)
(h) Secondary vocational cooperative aid	(5,300) (200)
(i) Cooperation and combination aid	(2,900)
(j) PER process aid	(500)
(k) Tobacco use prevention aid	(2,700) (2,300)
(j) Career teacher aid	(222,600)
(m) (k) Educational cooperative service unit loans	(500,000)
(n) (l) Adult education - basic skills evaluation	(75,000)
(o) (m) Department of education	(136,000)
None of this reduction shall be taken from the appropriations for the Faribault academies.	
(p) (n) Minnesota center for arts education	(200,000)
(q) (o) Task force on mathematics, science, technology, and international education	(33,000)

Sec. 34. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall recodify:

- (1) section 124C.01 as a section in chapter 120;
- (2) sections 124C.22 to 124C.25 as sections in chapter 120, 121, or 126;
- (3) sections 124C.26 to 124C.31 as sections in chapter 120, 121, or 125;

(4) section 124C.61 as a section in chapter 126;

(5) section 275.125, subdivisions 5, 5a, 5b, 5c, 5e, 5f, 5g, and 5h, as section 124.226; and

(6) section 275.125, subdivisions 4, 6a, 6e, 6h, 6i, 8c, 8e, 9, 9a, 9b, 9c, 10, 11d, 11e, 11f, 12a, 14a, 15, 17, 18, 20, and 21, as a section in chapter 124.

The revisor shall change all cross-references to the recodified subdivisions and sections.

Sec. 35. [REPEALER.]

Subdivision 1. [GENERAL PROVISIONS.] Minnesota Statutes 1990, sections 123.932, subdivision 4; 124.473; 124A.02, subdivision 19; 124C.21; 275.125, subdivisions 1, 4a, and 8d; 354.094, subdivisions 1a and 1b, are repealed.

Subd. 2. [MECC REPEAL.] Minnesota Statutes 1990, sections 119.01; 119.02; 119.03; 119.04, subdivisions 1, 2, and 3; 119.05; 119.06; 119.07; 119.08; and 119.09, are repealed.

The repeal of the sections in this subdivision shall not be construed to mean that the commissioner of finance, on behalf of the state of Minnesota, does not have the right to seek any legal remedy to enforce the rights granted in any agreements entered into according to the sections repealed."

Delete the title and insert:

"A bill for an act relating to education; making noncontroversial clarifications and modifications to certain school district and department of education provisions; amending Minnesota Statutes 1990, sections 120.062, subdivision 8a; 120.0752, subdivision 2; 121.612, subdivisions 2 and 5; 123.932, subdivision 3; 124.14, subdivision 1; 124.195, subdivisions 3a, 10, and 11; 124.2139; 124.214, subdivisions 2 and 3; 124.244, subdivision 3; 124.2725, subdivision 8; 124.83, subdivisions 1 and 5; 124A.036, subdivision 5; 124A.24; 124B.03, subdivision 2; 124C.03, subdivision 14; 124C.49; 125.12, subdivision 6b; 125.60, subdivision 3; 126.22, subdivision 4; 275.065, subdivision 6; 275.125, subdivisions 4, 11d, 18, and 20; 275.16; 297A.256; and 354.094, subdivision 1; and Laws 1991, chapter 2, article 2, section 2; repealing Minnesota Statutes 1990, sections 119.01; 119.02; 119.03; 119.04, subdivisions 1, 2, and 3; 119.05; 119.06; 119.07; 119.08; 119.09; 123.932, subdivision 4; 124.473; 124A.02, subdivision 19; 124C.21; 275.125, subdivisions 1, 4a, and 8d; and 354.094, subdivisions 1a and 1b."

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

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

S.F. No. 152: A bill for an act relating to education; permitting a referendum on combining school districts before formal cooperation begins; amending Minnesota Statutes 1990, section 122.243, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [COMBINATION VOTE, ELGIN-MILLVILLE AND PLAINVIEW.]

Notwithstanding Minnesota Statutes, section 122.241, subdivision 1, independent school district No. 806, Elgin-Millville, and independent school district No. 810, Plainview, may combine under Minnesota Statutes, sections 122.241 to 122.248, without first cooperating. These districts may submit the referendum required in Minnesota Statutes, section 122.243, subdivision 2, to the voters no more than 18 months prior to the proposed effective date of the combination. The referendum may include a proposal to issue general obligation bonds for capital expenditures.

The following provisions apply to these districts:

(1) the plan submitted under Minnesota Statutes, section 122.242, subdivision 9, must include the proposed capital expenditures for the construction, remodeling, or improvement of buildings or sites for educational facilities and the methods, including, but not limited to, the issuance of general education bonds by the combined district, to finance those expenditures;

(2) state board approval of the plan specified in Minnesota Statutes, section 122.243, subdivision 1, must be in conjunction with the commissioner's approval of the proposed construction required by Minnesota Statutes, sections 121.148 and 121.15; and

(3) the question on the ballot must be substantially in the following form:

"Should Independent School District No. 806, Elgin-Millville, and Independent School District No. 810, Plainview, be combined into a new independent school district in accordance with a state approved plan for combination, with each district being authorized to issue and sell general obligation bonds in respective amounts not exceeding a combined aggregate amount of \$ to finance the acquisition and betterment of school buildings?"

Sec. 2. [GENERAL OBLIGATION BONDS.]

Notwithstanding the provisions of Minnesota Statutes, section 475.58, if a referendum in section 1, including the proposal to issue general obligation bonds, is approved, the districts are each authorized to issue general obligation bonds in respective amounts not exceeding the aggregate amount approved.

Sec. 3. [REVENUE.]

If independent school district No. 806, Elgin-Millville, and independent school district No. 810, Plainview, combine according to section 1, cooperation and combination revenue is governed by this section.

(a) The cooperation and combination revenue provided in Minnesota Statutes, section 124.2725, must be provided over the first four years of combination. The percentage used to determine the levy in Minnesota Statutes, section 124.2725, subdivision 3, is:

- (1) 100 percent for the first year of combination;*
- (2) 75 percent for the second year of combination;*
- (3) 50 percent for the third year of combination; and*
- (4) 25 percent for the fourth year of combination.*

(b) The additional aid provided in Minnesota Statutes, section 124.2725, subdivision 6, must be provided in the first two years of combination.

(c) The permanent revenue provided in Minnesota Statutes, section 124.2725, subdivision 8, is available after the fourth year of combination.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following the final enactment."

Delete the title and insert:

"A bill for an act relating to education; authorizing the Elgin-Millville and Plainview school districts to combine according to the cooperation and combination program without a time period of cooperation; authorizing the districts to conduct the referendum on the combination and to issue bonds; providing a schedule for cooperation and combination revenue."

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

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

S.F. No. 1417: A bill for an act relating to natural resources; providing for a study of the consolidated conservation areas; appropriating money.

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

Page 2, line 11, after the period, insert "*The natural resources research institute shall establish and consult with an advisory committee made up of residents of counties where conservation lands are located, conservation groups, and the department of natural resources.*"

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

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

S.F. No. 871: A bill for an act relating to the city of New Brighton; permitting the city to acquire granular carbon without a bond.

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

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

S.F. No. 958: A bill for an act relating to state lands; authorizing sale of tax-forfeited lands and an easement in St. Louis county.

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

Page 2, line 24, delete "92.45" and insert "282.018"

Page 2, line 25, delete ", or"

Page 2, line 26, delete everything before the comma

Page 3, line 5, delete "fee" and insert "feet"

Page 4, line 19, delete "92.45" and insert "282.018"

Page 5, line 7, delete "92.45" and insert "282.018"

Page 5, line 8, delete ", or"

Page 5, line 9, delete everything before the comma

Page 7, line 23, delete "Notwithstanding any law to the contrary,"

Page 8, lines 22 and 23, delete "sections 92.45, 103F.535, and" and insert "section"

Page 9, line 3, delete "Government Lot 1; and"

Page 9, after line 16, insert:

"Sec. 12. [PRIVATE SALE OF TAX-FORFEITED LAND; BOIS FORTE TRIBE.]

(a) Notwithstanding Minnesota Statutes, section 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may convey by private sale the tax-forfeited parcel described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (c) may be sold by private sale to the Bois Forte Tribe. The conveyance must be in a form approved by the attorney general.

(c) The parcel that may be conveyed is located in St. Louis county and is described as Government Lot 1 in Section 27, Township 62 North, Range 16 West.

(d) The Bois Forte Tribe has plans to use this parcel for economic development and the county finds this use appropriate."

Page 9, line 19, delete "sections 92.45 and" and insert "section"

Page 10, after line 4, insert:

"Sec. 14. [SUBJECT TO ZONING REGULATIONS.]

Lands that may be conveyed pursuant to sections 1 to 13 must continue to be subject, as a condition of the conveyance, to St. Louis county zoning and land use management ordinances and regulations."

Page 10, line 6, delete "12" and insert "14"

Renumber the sections in sequence

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 1008: A bill for an act relating to state government; requiring certain notice of proposed executive reorganization orders; amending Minnesota Statutes 1990, section 16B.37, subdivision 2.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was re-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:

Page 1, line 19, delete everything after "*governor*" and insert a semicolon

Page 1, delete lines 20 and 21

Page 2, line 18, delete everything after the period

Page 2, delete lines 19 to 21

Page 3, line 10, delete "*commissioner of*"

Page 3, line 11, delete everything before "*shall*" and insert "*legislative coordinating commission*"

Page 3, delete section 2

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, delete the semicolon and insert a period

Page 1, delete line 4

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 449: A bill for an act relating to retirement; Duluth teachers retirement fund association and St. Paul teachers retirement fund association; proposing coding for new law in Minnesota Statutes, chapter 354A; repealing Laws 1985, chapter 259, sections 2 and 3; and Laws 1990, chapter 570, article 7, section 4.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

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.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 679: A bill for an act relating to retirement; public employees retirement association; granting the equivalent of two months maternity leave to a certain St. Louis county employee.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 861: A bill for an act relating to commerce; removing or modifying certain bond requirements; amending Minnesota Statutes 1990, sections 6.26; 10.38; 46.08, subdivision 1; 84.01, subdivision 4; 115A.06, subdivision 12; 116.03, subdivision 4; 233.08; 234.06; 241.08, subdivision 1; 246.15, subdivision 1; 257.05, subdivision 1; 280.27; 281.38; 299C.08; 299D.01, subdivision 4; 299D.03, subdivision 1; 340A.316; 375.03; 386.06; 388.01; 390.05; 398.10; 473.375, subdivision 5; 480.09, subdivision 2; 480.11, subdivision 1; and 488A.20, subdivision 2; repealing Minnesota Statutes 1990, sections 60B.08; 84.081, subdivision 2; 160.24, subdivision 5; 166.04; 196.02, subdivision 2; 234.07; 246.03; 340A.302, subdivision 4; 383A.20, subdivision 8; and 514.52.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was referred

S.F. No. 794: A bill for an act relating to retirement; St. Paul teachers retirement fund association; special postretirement adjustment for certain pre-1978 retirees.

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

Mr. Waldorf from the Committee on Governmental Operations, to which was re-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, 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.

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

Page 7, line 12, delete "or"

Page 7, line 14, before the period, insert "; or

(4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party"

Page 8, line 16, after "manner" insert "nor challenge the termination

or discharge through a grievance procedure required by this subdivision"

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

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

S.F. No. 970: A bill for an act relating to game and fish; extending the date by which fish houses and dark houses must be removed from certain state waters; amending Minnesota Statutes 1990, section 97C.355, subdivision 7.

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

Page 1, line 13, after "(1)" insert "*February 28,*" and delete "*U.S. Route 2, February 28*" and insert "*a line starting at the Minnesota-North Dakota border and formed by rights-of-way of Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border*"

Page 1, line 15, after "(2)" insert "*March 15,*" and delete "*, March 15*"

Page 1, line 18, strike "extend" and insert "*change*"

Page 1, line 20, strike "international boundary" and insert "*state*"

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

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

S.F. No. 1232: A bill for an act relating to taxation; property; exempting certain wetlands; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

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

Page 1, line 10, delete from "*Further,*" through page 1, line 13, to "*wetlands.*"

Page 1, lines 14 and 15, delete "*in the metropolitan area*"

Page 3, lines 24 and 25, delete the new language and insert "*provided it is preserved in its natural condition;*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Mr. Davis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 306: A bill for an act relating to state lands; authorizing exchange of real property.

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

as follows:

Page 1, line 8, delete everything after the comma

Page 1, line 9, delete "*exchange board*,"

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. 76: A bill for an act relating to transportation; designating trunk highway No. 61 and the Lake City rest area as disabled American veterans highway and rest area; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

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

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1990, section 168.12, subdivision 2c, is amended to read:

Subd. 2c. [NATIONAL GUARD; SPECIAL LICENSE PLATE.] The registrar shall issue special license plates to any applicant who is a regularly enlisted ~~or~~, commissioned, *or retired* member of the Minnesota national guard, other than an inactive ~~or retired~~ member *who is not a retired member*, and is an owner or joint owner of a passenger automobile, van, or pickup truck included within the definition of a passenger automobile upon payment of a fee of \$10, payment of the registration tax required by law, and compliance with other laws of this state relating to registration and licensing of motor vehicles and drivers. The adjutant general shall design these special plates subject to the approval of the registrar. No applicant shall be issued more than two sets of plates for vehicles owned or jointly owned by the applicant. The adjutant general shall estimate the number of special plates that will be required and submit the estimate to the registrar.

Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the vehicle is an active *or retired* member of the Minnesota national guard as specified in this subdivision. When the person to whom the special plates were issued is no longer an active *or retired* member of the Minnesota national guard, the special plates must be removed from the vehicle and returned to the registrar. Upon return of the special plates, the owner or purchaser of the vehicle is entitled to receive regular plates for the vehicle without cost for the remainder of the registration period for which the special plates were issued. While the person is an active *or retired* member of the Minnesota national guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned or jointly owned by that person upon payment of a fee of \$5.

For purposes of this subdivision, "retired member" means a person placed on the roll of retired officers or roll of retired enlisted members in the office of the adjutant general under section 192.18 and who is not deceased.

All fees collected under the provisions of this subdivision shall be paid into the state treasury and credited to the highway user tax distribution fund.

The registrar may adopt rules under the administrative procedure act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 3. Minnesota Statutes 1990, section 168.12, is amended by adding a subdivision to read:

Subd. 2d. [READY RESERVE; SPECIAL LICENSE PLATE.] The registrar shall issue special license plates to an applicant who is not eligible for special license plates under subdivision 2c, who is a member of the United States armed forces ready reserve as described in United States Code, title 10, section 268, and is an owner or joint owner of a passenger automobile, van, or pickup truck, on paying a fee of \$10, paying the registration tax required by law, and complying with other laws of this state relating to registration and licensing of motor vehicles and drivers. The commissioner of veterans affairs shall design these special plates subject to the approval of the registrar. No applicant may be issued more than two sets of plates for vehicles owned or jointly owned by the applicant. The commissioner of veterans affairs shall estimate the number of special plates that will be required and submit the estimate to the registrar.

Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the vehicle is a member of the ready reserve. When the person is no longer a member, the special plates must be removed from the vehicle and returned to the registrar. On returning the special plates, the owner or purchaser of the vehicle is entitled to receive regular plates for the vehicle without cost for the rest of the registration period for which the special plates were issued. While the person is a member of the ready reserve, plates issued under this subdivision may be transferred to another motor vehicle owned or jointly owned by that person on paying a fee of \$5.

The fees collected under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

The registrar may adopt rules under the administrative procedure act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 4. Minnesota Statutes 1990, section 168.123, subdivision 2, is amended to read:

Subd. 2. [DESIGN.] The commissioner of veterans affairs shall design the special plates, subject to the approval of the registrar, that satisfy the following requirements:

(a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "VIETNAM VET" and the letters "V" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription "PEARL HARBOR SURVIVOR" and the letters "P" and "H" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(c) For a veteran who served during World War I or World War II, the special plates must bear the inscription "WORLD WAR VET" and:

(1) for a World War I veteran, the characters "W" and "I" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number; or

(2) for a World War II veteran, the characters "W" and "II" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number.

(d) For a veteran who served during the Korean Conflict, the special plates must bear the inscription "KOREAN VET" and the letters "K" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(e) For a combat wounded veteran who is a recipient of the purple heart medal, the special plates must bear the inscription "COMBAT WOUNDED VET" and inscribed with a facsimile of the official purple heart medal and the letters "c" over "w" with the first letter directly over the second letter just preceding the first numeral of the special license plate number.

(f) For a Persian Gulf war veteran, the special plates must bear the inscription "GULF WAR VET" and the letters "G" and "W" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number. For the purposes of this section, "Persian Gulf war veteran" means a person who served on active duty after August 1, 1990, in a branch of the armed forces of the United States or United Nations during Operation Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf area combat zone as designated in United States Presidential Executive Order No. 12744, dated January 21, 1991.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing special license plates for certain military personnel;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, before the period, insert "; 168.12, subdivision 2c, and by adding a subdivision; and 168.123, subdivision 2"

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

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

S.F. No. 968: A bill for an act relating to human services; family preservation; clarifying requirements for grants to counties; authorizing grants for family-based crisis services; amending Minnesota Statutes 1990, sections 256F.01; 256F.02; 256F.03, subdivision 5; 256F.04; 256F.05; 256F.06; 256F.07, subdivisions 1, 2, and 3; and 257.3579.

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

Page 1, line 13, before "state" insert "public policy of this" and delete "of Minnesota affirms" and insert "is to ensure"

Page 1, line 15, strike "are entitled to"

Page 2, line 29, delete the colon

Page 2, line 31, delete the first "to"

Page 2, lines 35 and 36, delete "*focused on teaching*" and insert "*that teach*"

Page 3, line 9, delete the first "or" and insert a comma and after the second "*home*" insert a comma

Page 3, line 11, before "*arranged*" insert "*are*" and after "*or*" insert "*are*"

Page 3, line 12, delete the second "*the*" and insert "*a*"

Page 4, line 29, after "*Minnesota*" insert "*counties and Indian child welfare grants,*"

Page 7, delete lines 17 to 19 and insert "*the minority family heritage act, sections 257.071 and 259.255; the Minnesota minority family preservation act, section 260.181, subdivision 3; the Minnesota Indian family preservation act, sections 257.35 to 257.356; and the Indian Child*"

Page 7, line 33, delete "*shall*" and insert "*must*"

Page 7, delete line 34 and insert "*heritage act, sections 257.071 and 259.255; the Minnesota minority family preservation act, section 260.181,*"

Page 7, line 35, delete "*and*" and insert a comma

Page 7, line 36, after "257.35" insert "*to 257.356*"

Page 8, line 20, delete "*shall*" and insert "*must*"

Pages 8 and 9, delete section 10

Page 9, line 10, delete "*Funds*" and insert "*Money*" and delete "*shall*" and insert "*, including section 256F.08, must*"

Page 9, after line 17, insert:

"Sec. 11. [APPROPRIATIONS.]

\$750,000 for fiscal year 1992 and \$1,250,000 for fiscal year 1993 is appropriated from the general fund to the commissioner of human services for families first grants under section 10."

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

Page 1, line 7, after the first semicolon, insert "and" and delete "; and" and insert a period

Page 1, delete line 8

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

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

S.F. No. 1005: A bill for an act relating to education; establishing a program and financial incentives to provide coordinated services for children whose emotional/behavioral problems interfere with learning; expanding the membership of local coordinating councils responsible for mental health services for children; appropriating money; amending Minnesota Statutes 1990, section 245.4873, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124C.

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

Page 2, line 14, delete "agencies" and insert "county board"

Page 2, delete line 15

Page 2, line 16, delete everything before "in"

Page 2, line 18, delete from "If" through page 2, line 21, to "councils."

Page 3, line 24, delete from "each" through page 3, line 25, to "council" and insert "the district and the county board"

Page 4, line 19, delete from "The" through page 4, line 22, to "agreement."

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

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

S.F. No. 990: A bill for an act relating to human services; requiring training of child care providers to include training in cultural sensitivity; amending Minnesota Statutes 1990, section 245A.14, 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 245A.14, is amended by adding a subdivision to read:

Subd. 7. [CULTURAL DYNAMICS TRAINING FOR CHILD CARE PROVIDERS.] (a) The ongoing training required of licensed group and family child care providers shall include training in the cultural dynamics of childhood development and child care as an option.

(b) The cultural dynamics training must include, but not be limited to, the following: awareness of the value and dignity of different cultures and how different cultures complement each other; awareness of the emotional, physical, and mental needs of children and families of different cultures; knowledge of current and traditional roles of women and men in different cultures, communities, and family environments; and awareness of the diversity of child rearing practices and parenting traditions.

(c) The commissioner shall amend current rules relating to the initial training of the licensed providers included in paragraph (a) to require

cultural dynamics training upon determining that sufficient curriculum is developed statewide.

Sec. 2. [EFFECTIVE DATE.]

Section 1, paragraph (a), is effective August 1, 1992."

Delete the title and insert:

"A bill for an act relating to human services; requiring training of child care providers to include training in cultural sensitivity; amending Minnesota Statutes 1990, section 245A.14, by adding a subdivision."

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. 1242: A bill for an act relating to human services; clarifying division of costs for state and counties for certain benefits and services; providing for a county share in emergency general assistance, emergency assistance, and negotiated rate payments; amending reporting requirements for the federal food stamp program; clarifying requirements for child care services; amending Minnesota Statutes 1990, sections 256.01, subdivision 11, and by adding a subdivision; 256.025, subdivisions 1, 3, and 4; 256.82, subdivision 1; 256.871, subdivision 6; 256.935, subdivision 1; 256D.03, subdivisions 2 and 2a; 256D.05, subdivisions 1, 2, and 6; 256D.051, subdivisions 1, 1a, 3a, 6, and 8; 256D.052, subdivision 3; 256D.07; 256D.10; 256D.101, subdivisions 1 and 3; 256D.36, subdivision 1; 256H.02; 256H.03; 256H.05; 256H.22, subdivision 2, and by adding a subdivision; and 393.07, subdivisions 10 and 10a; proposing coding for new law in Minnesota Statutes, chapters 256 and 256H; repealing Minnesota Statutes 1990, sections 256D.051, subdivisions 1b, 3c, and 16; 256D.052, subdivision 4; 256D.09, subdivision 4; and 256D.101, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 256.01, subdivision 11, is amended to read:

Subd. 11. [CENTRALIZED DISBURSEMENT SYSTEM.] The state agency may establish a system for the centralized disbursement of ~~(1) assistance payments to recipients of aid to families with dependent children, (2) emergency assistance payments to needy families with dependent children as defined in Minnesota Statutes 1976, section 256.12, and (3) the benefit documents for food stamp recipients food coupons, assistance payments, and related documents. The state agency shall adopt rules and set guidelines for the operation of the statewide system. If required by federal law or regulations promulgated thereunder, or by state law, or by rule of the state agency, each county shall pay to the state treasurer that portion of assistance for which the county is responsible. Benefits shall be issued by the state or county and funded under this section according to section 256.025, subdivision 3, and subject to section 256.017.~~

Sec. 2. Minnesota Statutes 1990, section 256.01 is amended by adding a subdivision to read:

Subd. 11a. [CONTRACTING WITH FINANCIAL INSTITUTIONS.] The state agency may contract with banks or other financial institutions to provide services associated with the processing of public assistance checks and may pay a service fee for these services, provided the fee charged does not exceed the fee charged to other customers of the institution for similar services.

Sec. 3. [256.023] [ONE HUNDRED PERCENT COUNTY ASSISTANCE.]

The commissioner of human services may maintain client records and issue public assistance benefits that are over state and federal standards or that are not required by state or federal law, providing the cost of benefits is paid by the counties to the department of human services. Payment methods for this section shall be according to section 256.025, subdivision 3.

Sec. 4. Minnesota Statutes 1990, section 256.025, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Base amount" means the calendar year 1990 county share of county agency expenditures for all of the programs specified in subdivision 2.

(c) "County agency expenditure" means the total expenditure or cost incurred by the county of financial responsibility for the benefits and services for each of the programs specified in subdivision 2. The term includes the federal, state, and county share of costs for programs in which there is federal financial participation. For programs in which there is no federal financial participation, the term includes the state and county share of costs. The term excludes county administrative costs, unless otherwise specified.

(d) "Nonfederal share" means the sum of state and county shares of costs of the programs specified in subdivision 2.

(e) The "county share of county agency expenditures growth amount" is the yearly amount by which the county share of county agency expenditures in ~~calendar~~ years *subsequent to 1991 to 1997, but before 2001*, has increased over the base amount.

Sec. 5. Minnesota Statutes 1990, section 256.025, subdivision 3, is amended to read:

~~Subd. 3. [PAYMENT METHODS.] The state shall pay counties, according to the reporting cycle established by the commissioner, all federal funds available for the services and benefits distributed under subdivision 2 together with an amount of state funds equal to the state share of expenditures, except as provided for in section 256.017. (a) Beginning July 1, 1991, the state will reimburse counties for the county share of county agency expenditures for benefits and services distributed under subdivision 2 and funded by the human services account established under section 273.1392.~~

(b) Payments under subdivision 4 are only for client benefits and services distributed under subdivision 2 and do not include reimbursement for county administrative expenses.

(c) The state and the county agencies shall pay for assistance programs as follows:

(1) Where the state issues payments for the programs, the county shall

monthly advance to the state, as required by the department of human services, the portion of program costs not met by federal and state funds. The advance shall be an estimate that is based on actual expenditures from the prior period and that is sufficient to compensate for the county share of disbursements as well as state and federal shares of recoveries;

(2) Where the county agencies issue payments for the programs, the state shall monthly advance to counties all federal funds available for those programs together with an amount of state funds equal to the state share of expenditures; and

(3) Payments made under this paragraph are subject to section 256.017. Adjustment of any overestimate or underestimate in advances shall be made by the state agency in any succeeding month.

Sec. 6. Minnesota Statutes 1990, section 256.025, subdivision 4, is amended to read:

Subd. 4. [PAYMENT SCHEDULE.] *Except as provided for in subdivision 3, beginning July 1, 1991, the state will reimburse counties, according to the following payment schedule, for the county share of county agency expenditures for the programs specified in subdivision 2.*

(a) Beginning July 1, 1991, the state will reimburse or pay the county share of county agency expenditures according to the reporting cycle as established by the commissioner, for the programs identified in subdivision 2. Payments for the period of January 1 through July 31, for calendar years 1991, 1992, and 1993 shall be made on or before July 10 in each of those years. Payments for the period August through December for calendar years 1991, 1992, and 1993 shall be made on or before the third of each month thereafter through December 31 in each of those years.

(b) Payment for 1/24 of the base amount and the January 1994 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before January 3, 1994. For the period of February 1, 1994, through July 31, 1994, payment of the base amount shall be made on or before July 10, 1994, and payment of the growth amount over the base amount shall be made on or before the third of each month. Payments for the period August 1994 through December 1994 shall be made on or before the third of each month thereafter through December 31, 1994.

(c) Payment for the county share of county agency expenditures during January 1995 shall be made on or before January 3, 1995. Payment for 1/24 of the base amount and the February 1995 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before February 3, 1995. For the period of March 1, 1995, through July 31, 1995, payment of the base amount shall be made on or before July 10, 1995, and payment of the growth amount over the base amount shall be made on or before the third of each month. Payments for the period August 1995 through December 1995 shall be made on or before the third of each month thereafter through December 31, 1995.

(d) Monthly payments for the county share of county agency expenditures from January 1996 through February 1996 shall be made on or before the third of each month through February 1996. Payment for 1/24 of the base amount and the March 1996 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before March 1996. For the period of April 1, 1996, through July

31, 1996, payment of the base amount shall be made on or before July 10, 1996, and payment of the growth amount over the base amount shall be made on or before the third of each month. Payments for the period August 1996 through December 1996 shall be made on or before the third of each month thereafter through December 31, 1996.

(e) Monthly payments for the county share of county agency expenditures from January 1997 through March 1997 shall be made on or before the third of each month through March 1997. Payment for 1/24 of the base amount and the April 1997 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before April 3, 1997. For the period of May 1, 1997, through July 31, 1997, payment of the base amount shall be made on or before July 10, 1997, and payment of the growth amount over the base amount shall be made on or before the third of each month. Payments for the period August 1997 through December 1997 shall be made on or before the third of each month thereafter through December 31, 1997.

(f) Monthly payments for the county share of county agency expenditures from January 1998 through April 1998 shall be made on or before the third of each month through April 1998. Payment for 1/24 of the base amount and the May 1998 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before May 3, 1998. For the period of June 1, 1998, through July 31, 1998, payment of the base amount shall be made on or before July 10, 1998, and payment of the growth amount over the base amount shall be made on or before the third of each month. Payments for the period August 1998 through December 1998 shall be made on or before the third of each month thereafter through December 31, 1998.

(g) Monthly payments for the county share of county agency expenditures from January 1999 through May 1999 shall be made on or before the third of each month through May 1999. Payment for 1/24 of the base amount and the June 1999 county share of county agency expenditures growth amount for the programs identified in subdivision 2 shall be made on or before June 3, 1999. For the period of June 1, 1999, through July 31, 1999, payment shall be made on or before July 10, 1999. Payments for the period August 1999 through December 1999 shall be made on or before the third of each month thereafter through December 31, 1999.

(h) Effective January 1, 2000, monthly payments for the county share of county agency expenditures shall be made subsequent to the first of each month.

Payments under this subdivision are subject to the provisions of section 256.017.

Sec. 7. Minnesota Statutes 1990, section 256.82, subdivision 1, is amended to read:

Subdivision 1. ~~[MONTHLY DIVISION OF COSTS AND PAYMENTS.]~~ Based upon estimates submitted by the county agency to the state agency, which shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency, payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month. The state share of the nonfederal portion of county agency expenditures shall be 85 percent and the county share shall be 15 percent. ~~Payments to counties for costs incurred shall include~~

~~an amount of state funds equal to 85 percent of the difference between the total estimated cost and the federal funds so available for payments made. Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3, subject to provisions of section 256.017.~~ Beginning July 1, 1991, the state will reimburse counties according to the payment schedule in section 256.025 for the county share of county agency expenditures under this subdivision from January 1, 1991, on. Payment to counties under this subdivision is subject to the provisions of section 256.017. Adjustment of any overestimate or underestimate made by any county shall be paid upon the direction of the state agency in any succeeding month.

Sec. 8. Minnesota Statutes 1990, section 256.871, subdivision 6, is amended to read:

Subd. 6. [REPORTS OF ESTIMATED EXPENDITURES; PAYMENTS.] The county agency shall submit to the state agency reports required under section 256.01, subdivision 2, paragraph (17). Fiscal reports shall estimate expenditures for each succeeding month in such form as required by the state agency. ~~Payment shall be made monthly in advance by the state agency to the counties; of federal funds available for that purpose for each succeeding month. The state share of the nonfederal portion of county agency expenditures shall be ten percent and the county share shall be 90 percent. Payments to counties for costs incurred shall include an amount of state funds equal to ten percent of the difference between the total estimated cost and the federal funds available. The state share of the nonfederal portion of eligible expenditures shall be ten percent and the county share shall be 90 percent. Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3, subject to provisions of section 256.017.~~ Beginning July 1, 1991, the state will reimburse counties according to the payment schedule set forth in section 256.025 for the county share of county agency expenditures made under this subdivision from January 1, 1991, on. Payment ~~to counties~~ under this subdivision is subject to the provisions of section 256.017. Adjustment of any overestimate or underestimate made by any county shall be paid upon the direction of the state agency in any succeeding month.

Sec. 9. Minnesota Statutes 1990, section 256.935, subdivision 1, is amended to read:

Subdivision 1. On the death of any person receiving public assistance through aid to dependent children, the county agency shall pay an amount for funeral expenses not exceeding \$370 and actual cemetery charges. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the children, or spouse, who were legally responsible for the support of the deceased while living, are able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which the deceased resided, shall not limit payment by the county agency as herein authorized. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid for funeral expenses shall be a prior claim

against the estate, as provided in section 524.3-805, and any amount recovered shall be reimbursed to the agency which paid the expenses. The commissioner shall specify requirements for reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17). The state share of county agency expenditures shall be 50 percent and the county share shall be 50 percent. ~~The state shall reimburse the county for 50 percent of county agency expenditures made for funeral expenses. Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3, subject to provisions of section 256.017.~~

Beginning July 1, 1991, the state will reimburse counties according to the payment schedule set forth in section 256.025 for the county share of county agency expenditures made under this subdivision from January 1, 1991, on. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Sec. 10. Minnesota Statutes 1990, section 256D.03, subdivision 2, is amended to read:

Subd. 2. After December 31, 1980, state aid shall be paid to county agencies for 75 percent of all general assistance and work readiness grants up to the standards of sections 256D.01, subdivision 1a, and 256D.051, and according to procedures established by the commissioner, except as provided for under section 256.017 and except that, until January 1, 1991, state aid is reduced to 65 percent of all work readiness assistance if the county agency does not make occupational or vocational literacy training available and accessible to recipients who are eligible for assistance under section 256D.051. *Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3.*

Beginning July 1, 1991, the state will reimburse counties according to the payment schedule in section 256.025 for the county share of county agency expenditures made under this subdivision from January 1, 1991, on. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Sec. 11. Minnesota Statutes 1990, section 256D.03, subdivision 2a, is amended to read:

Subd. 2a. [COUNTY AGENCY OPTIONS.] Any county agency may, from its own resources, make payments of general assistance and work readiness assistance: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, or 256D.051 but for whom the aid would further the purposes established in the general assistance or work readiness program in accordance with rules adopted by the commissioner pursuant to the administrative procedure act. *The Minnesota department of human services may maintain client records and issue these payments, providing the cost of benefits is paid by the counties to the department of human services in accordance with sections 256.01 and 256.025, subdivision 3.*

Sec. 12. Minnesota Statutes 1990, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) Each person or family whose income and resources are less than the standard of assistance established by the commissioner and who is a resident of the state shall be eligible for and entitled to general assistance if the person or family is:

(1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the county agency through its director or designated representative;

(4) a person who resides in a shelter facility described in subdivision 3;

(5) a person not described in clause (1) or (3) who is diagnosed by a licensed physician, licensed psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(6) ~~a person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled; provided that within 60 days of the initial denial of the application by the social security administration, the person produces medical evidence in support of the person's application; or a person who has been terminated from either program and has an appeal from that termination pending. A person whose benefits are terminated for failure to produce any medical evidence within 60 days of the denial of the application, is eligible as soon as medical evidence in support of the application for the social security disability program or the program of supplemental security income for the aged, blind, and disabled is produced. Except for a person whose application is based in whole or in part on mental illness or chemical dependency, a person whose application for either program is denied and who does not pursue an appeal is eligible under this paragraph based on a new application only if the new application concerns a different disability or alleges new or aggravated symptoms of the original disability~~ *a person who has an application pending for, or is appealing termination of benefits from, the social security disability program or the program of supplemental security income for the aged, blind, and disabled, provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;*

(7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(8) ~~a person who has been assessed by a qualified professional or a vocational specialist as not being likely to obtain permanent employment. The assessment must consider the recipient's age, physical and mental health, education, trainability, prior work experience, and the local labor market,, following participation in the work readiness program, completion of an individualized employability assessment by the work readiness service provider, and consultation between the county agency and the work readiness~~

service provider, the county agency determines is not employable. For purposes of this item, a person is considered employable if the county agency determines that there exist positions of employment in the local labor market, regardless of the current availability of openings for those positions, that the person is capable of performing. Eligibility under this category must be reassessed at least annually by the county agency and must be based upon the results of a new individualized employability assessment completed by the work readiness service provider. The recipient shall, if otherwise eligible, continue to receive general assistance while the annual individualized employability assessment is completed by the work readiness service provider, rather than receive work readiness payments under section 256D.051. Subsequent eligibility for general assistance is dependent upon the county agency determining, following consultation with the work readiness service provider, that the person is not employable, or the person meeting the requirements of another general assistance category of eligibility;

(9) a person who is determined by the county agency, in accordance with emergency and permanent rules adopted by the commissioner, to be learning disabled, *provided that if a rehabilitation plan for the person is developed or approved by the county agency, the person is following the plan;*

(10) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, but only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the county agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the county agency. *For purposes of this clause, "legally emancipated" means a person under the age of 18 years who: (i) has been married; (ii) is on active duty in the uniformed services of the United States; (iii) has been emancipated by a court of competent jurisdiction; or (iv) is otherwise considered emancipated under Minnesota law, and for whom county social services has not determined that a social services case plan is necessary, for reasons other than that the child has failed or refuses to cooperate with the county agency in developing the plan;*

(11) a woman in the last trimester of pregnancy who does not qualify for aid to families with dependent children. A woman who is in the last trimester of pregnancy who is currently receiving aid to families with dependent children may be granted emergency general assistance to meet emergency needs;

(12) a person ~~whose need for general assistance will not exceed 30 days~~ *who is eligible for displaced homemaker services, programs, or assistance under section 268.96, but only if that person is enrolled as a full-time student;*

(13) a person who lives more than two hours round-trip traveling time from any potential suitable employment; and

(14) a person who is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day; and

(15) a family as defined in section 256D.02, subdivision 5, which is ineligible for the aid to families with dependent children program. If all children in the family are six years of age or older, or if suitable child care

is available for children under age six at no cost to the family, all the adult members of the family must register for and cooperate in the work readiness program under section 256D.051. If one or more of the children is under the age of six and suitable child care is not available without cost to the family, all the adult members except one adult member must register for and cooperate with the work readiness program under section 256D.051. The adult member who must participate in the work readiness program is the one having earned the greater of the incomes, excluding in-kind income, during the 24-month period immediately preceding the month of application for assistance. When there are no earnings or when earnings are identical for each adult, the applicant must designate the adult who must participate in work readiness and that designation must not be transferred or changed after program eligibility is determined as long as program eligibility continues without an interruption of 30 days or more. The adult members required to register for and cooperate with the work readiness program are not eligible for financial assistance under section 256D.051, except as provided in section 256D.051, subdivision 6, and shall be included in the general assistance grant. If an adult member fails to cooperate with requirements of section 256D.051, the local agency shall not take that member's needs into account in making the grant determination as provided by the termination provisions of section 256D.051, subdivision 1a, paragraph (b). The time limits of section 256D.051, subdivision 1, do not apply to persons eligible under this clause.

(b) Persons or families who are not state residents but who are otherwise eligible for general assistance may receive emergency general assistance to meet emergency needs.

(c) As a condition of eligibility under paragraph (a), clauses (1), (3), (5), (8), and (9), the recipient must complete an interim assistance agreement and must apply for other maintenance benefits as specified in section 256D.06, subdivision 5, and must comply with efforts to determine the recipient's eligibility for those other maintenance benefits.

(d) The burden of providing documentation for a county agency to use to verify eligibility for general assistance or work readiness is upon the applicant or recipient. The county agency shall use documents already in its possession to verify eligibility, and shall help the applicant or recipient obtain other existing verification necessary to determine eligibility which the applicant or recipient does not have and is unable to obtain.

Sec. 13. Minnesota Statutes 1990, section 256D.05, subdivision 2, is amended to read:

Subd. 2. [USE OF FEDERAL FUNDS.] Notwithstanding any law to the contrary, if any person otherwise eligible for general assistance would, but for state statutory restriction or limitation, be eligible for a *funded* federally aided assistance program providing benefits equal to or greater than those of general assistance, the person shall be eligible for that federally aided program and ineligible for general assistance; provided, however, that (a) nothing in this section shall be construed to extend eligibility for federally aided programs to persons not otherwise eligible for general assistance; (b) this section shall not be effective to the extent that federal law or regulation require new eligibility for federal programs to persons not otherwise eligible for general assistance; and (c) nothing in this section shall deny general assistance to a person otherwise eligible who is determined ineligible for a substitute federally aided program.

Sec. 14. Minnesota Statutes 1990, section 256D.05, subdivision 6, is amended to read:

Subd. 6. [ASSISTANCE FOR PERSONS WITHOUT A VERIFIED RESIDENCE.] (a) For applicants or recipients of general assistance, emergency general assistance, or work readiness assistance who do not have a verified residence address, the county agency may provide assistance using one or more of the following methods:

(1) the county agency may provide assistance in the form of vouchers or vendor payments and provide separate vouchers or vendor payments for food, shelter, and other needs;

(2) the county agency may divide the monthly assistance standard into weekly payments, whether in cash or by voucher or vendor payment; ~~or, if actual need is greater than the standards of assistance established under section 256D.01, subdivision 1a, issue assistance based on actual need.~~ Nothing in this clause prevents the county agency from issuing voucher or vendor payments for emergency general assistance in an amount less than the standards of assistance; and

(3) the county agency may determine eligibility and provide assistance on a weekly basis. Weekly assistance can be issued in cash or by voucher or vendor payment and can be determined either on the basis of actual need or by prorating the monthly assistance standard.

(b) An individual may verify a residence address by providing a driver's license; a state identification card; a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address; or other written documentation approved by the commissioner.

(c) If the county agency elects to provide assistance on a weekly basis, the agency may not provide assistance for a period during which no need is claimed by the individual. The individual must be notified, each time weekly assistance is provided, that subsequent weekly assistance will not be issued unless the individual claims need. The advance notice required under section 256D.10 does not apply to weekly assistance issued under this paragraph.

(d) The county agency may not issue assistance on a weekly basis to an applicant or recipient who has professionally certified mental illness or mental retardation or a related condition, or to an assistance unit that includes minor children, unless requested by the assistance unit.

Sec. 15. Minnesota Statutes 1990, section 256D.051, subdivision 1, is amended to read:

Subdivision 1. [WORK REGISTRATION.] (a) ~~A person, family, or married couple~~ *Except as provided in this subdivision, persons who are residents of the state and whose income and resources are less than the standard of assistance established by the commissioner, but who are not categorically eligible under section 256D.05, subdivision 1, are eligible for the work readiness program for a maximum period of three consecutive calendar months during any 12 consecutive calendar month period, subject to the provisions of paragraph (d) and subdivision 3. The person's three-month eligibility period begins on the first day of the calendar month following the date of application for assistance or following the date all eligibility factors are met, whichever is later, and ends on the last day of the third consecutive calendar month, whether or not the person has received benefits*

for all three months. The person is not eligible to receive work readiness benefits during the nine calendar months immediately following the three-month eligibility period; however, the person may voluntarily continue to participate in work readiness services for up to three additional consecutive months immediately following the last month of benefits to complete the provisions of the person's employability development plan. Prior to terminating work readiness assistance the county agency must assess the person's eligibility for general assistance under section 256D.05 to the extent possible, using information in the case file, and determine the person's eligibility for general assistance. A determination that the person is not eligible for general assistance must be stated in the notice of termination of work readiness benefits.

(b) Persons, families, and married couples who are not state residents but who are otherwise eligible for work readiness assistance may receive emergency assistance to meet emergency needs.

(c) Except for family members who must participate in work readiness services under the provisions of section 256D.05, subdivision 1, clause (14), any person who would be defined for purposes of the food stamp program as being enrolled at least half-time in an institution of higher education is ineligible for the work readiness program.

(d) The commissioner shall, at the beginning of the third quarter of each fiscal year, review the amount spent for work readiness assistance and increase the period of eligibility specified in paragraph (a) accordingly. If the amount of funding available for the remaining two quarters of the fiscal year is sufficient to provide a maximum of four or more months of assistance to all current recipients and four or more months of assistance to all new recipients projected to need assistance during the final two quarters, the commissioner shall increase the period of eligibility in paragraph (a) for current and new recipients to four or more months so that the maximum possible available funding is expended. The commissioner shall increase the number of months of assistance by whole months only.

(e) Notwithstanding the provisions of sections 256.045 and 256D.10, during the pendency of an appeal, work readiness payments and services shall not continue to a person who appeals the termination of benefits due to exhaustion of the period of eligibility specified in paragraph (a) or (d).

Sec. 16. Minnesota Statutes 1990, section 256D.051, subdivision 1a, is amended to read:

Subd. 1a. [WORK READINESS PAYMENTS.] (a) Except as provided in this subdivision, grants of work readiness shall be determined using the standards of assistance, exclusions, disregards, and procedures which are used in the general assistance program. Work readiness shall be granted in an amount that, when added to the nonexempt income actually available to the assistance unit, the total amount equals the applicable standard of assistance.

(b) Work readiness payments must be provided to persons determined eligible for the work readiness program as provided in this subdivision except when the special payment provisions in subdivision 1b are utilized. The initial payment must be prorated to provide assistance for the period beginning with the date the completed application is received by the county agency or the date the assistance unit meets all work readiness eligibility factors, whichever is later, and ending on the final day of that month. The amount of the first

payment must be determined by dividing the number of days to be covered under the payment by the number of days in the month, to determine the percentage of days in the month that are covered by the payment, and multiplying the monthly payment amount by this percentage. Subsequent payments must be paid monthly on the first day of each month. Except as provided in section 256D.05, subdivision 6, work readiness assistance must be paid on the first day of each month.

At the time the county agency notifies the assistance unit that it is eligible for family general assistance or work readiness assistance and by the first day of each month of services, the county agency must inform all mandatory registrants in the assistance unit that they must attend an orientation within 30 days comply with all work readiness requirements that month, and that work readiness eligibility will end at the end of the month in which the orientation is scheduled unless the registrants attend orientation comply with work readiness requirements specified in the notice. A registrant who fails, without good cause, to comply with requirements during this time period, including attendance at orientation, will lose family general assistance or work readiness eligibility without notice under section 256D.101, subdivision 1, paragraph (b). The registrant shall, however, be sent a notice, on or before the date that no later than five days after eligibility ends, which informs the registrant that family general assistance or work readiness eligibility has ended in accordance with this section for failure to comply with work readiness requirements. The notice shall set forth the factual basis for such determination and advises advise the registrant of the right to reinstate eligibility upon a showing of good cause for the failure to meet the requirements. Subsequent assistance must not be issued unless the person completes an application, is determined eligible, and attends an orientation complies with the work readiness requirements that had not been complied with, or demonstrates that the person had good cause for failing to comply with the requirement. The time during which the person is ineligible under these provisions is counted as part of the person's period of eligibility under subdivision 1.

(c) Notwithstanding the provisions of section 256D.01, subdivision 1a, paragraph (d), when one member of a married couple has exhausted the three months of work readiness eligibility in a 12-month period and the other member has one or more months of eligibility remaining within the same 12-month period, the standard of assistance applicable to the member who remains eligible is the first adult standard in the aid to families with dependent children program.

(d) Notwithstanding sections 256.045 and 256D.10, during the pendency of an appeal, work readiness payments and services shall not continue to a person who appeals the termination of benefits under paragraph (b).

Sec. 17. Minnesota Statutes 1990, section 256D.051, subdivision 2, is amended to read:

Subd. 2. [COUNTY AGENCY DUTIES.] (a) The county agency shall provide to registrants a work readiness program. The work readiness program must include:

(1) orientation to the work readiness program;

(2) an individualized employability assessment and an individualized employability development plan that includes assessment of literacy, ability to communicate in the English language, eligibility for displaced homemaker

~~services under section 268.96;~~ educational *and employment* history, and that estimates the length of time it will take the registrant to obtain employment. The employability assessment and development plan must be completed in consultation with the registrant, must assess the registrant's assets, barriers, and strengths, and must identify steps necessary to overcome barriers to employment. *A copy of the employability development plan must be provided to the registrant;*

(3) referral to available accredited remedial or skills training programs designed to address registrant's barriers to employment;

(4) referral to available programs including the Minnesota employment and economic development program;

(5) a job search program, including job seeking skills training; and

(6) other activities, to the extent of available resources designed by the county agency to prepare the registrant for permanent employment.

The work readiness program may include a public sector or nonprofit work experience component only if the component is established according to section 268.90.

In order to allow time for job search, the county agency may not require an individual to participate in the work readiness program for more than 32 hours a week. The county agency shall require an individual to spend at least eight hours a week in job search or other work readiness program activities.

(b) The county agency shall prepare an annual plan for the operation of its work readiness program. The plan must be submitted to and approved by the commissioner of jobs and training. The plan must include:

(1) a description of the services to be offered by the county agency;

(2) a plan to coordinate the activities of all public entities providing employment-related services in order to avoid duplication of effort and to provide services more efficiently;

(3) a description of the factors that will be taken into account when determining a client's employability development plan; ~~and~~

(4) provisions to assure that applicants and recipients are evaluated for eligibility for general assistance prior to termination from the work readiness program; ~~and~~

(5) provisions to ensure that the county agency's employment and training service provider provides each recipient with an orientation, employability assessment, and employability development plan as specified in paragraph (a), clauses (1) and (2), within 30 days of the recipient's application for assistance.

Sec. 18. Minnesota Statutes 1990, section 256D.051, subdivision 3, is amended to read:

Subd. 3. [REGISTRANT DUTIES.] In order to receive work readiness assistance, a registrant shall: (1) cooperate with the county agency in all aspects of the work readiness program; (2) accept any suitable employment, including employment offered through the job training partnership act, ~~Minnesota employment and economic development act,~~ and other employment and training options; and (3) participate in work readiness activities assigned by the county agency. The county agency may terminate assistance

to a registrant who fails to cooperate in the work readiness program, as provided in subdivision 3e 1a.

Sec. 19. Minnesota Statutes 1990, section 256D.051, subdivision 3a, is amended to read:

Subd. 3a. [PERSONS REQUIRED TO REGISTER FOR AND PARTICIPATE IN THE WORK READINESS PROGRAM.] Each person in a work readiness assistance unit who is 18 years old or older must register for and participate in the work readiness program. A *child person* in the assistance unit who is at least 16 years old but less than 19 years old and who is not a full-time secondary school student is required to register and participate. A student who was enrolled as a full-time student during the last school term must be considered a full-time student during summers and school holidays. If an assistance unit includes children under age six and suitable child care is not available at no cost to the family, one adult member of the assistance unit is exempt from registration for and participation in the work readiness program. The county agency shall designate the adult who must register. The registrant must be the adult who is the principal wage earner, having earned the greater of the incomes, except for income received in-kind, during the 24 months immediately preceding the month of application for assistance. When there are no earnings or when earnings are identical for each parent, the applicant must designate the principal wage earner, and that designation must not be transferred after program eligibility is determined as long as assistance continues without interruption.

Sec. 20. Minnesota Statutes 1990, section 256D.051, subdivision 6, is amended to read:

Subd. 6. [SERVICE COSTS.] The commissioner shall reimburse 92 percent of county agency expenditures for providing work readiness services including direct participation expenses and administrative costs, except as provided in section 256.017; and reimbursement from the state appropriation must not exceed an average of \$260 each year for each registrant who has completed an employment development plan for direct expenses incurred by the registrant for transportation, clothes, and tools necessary for employment. Beginning July 1, 1991, the state will reimburse counties, up to the limit of state appropriations, according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision from January 1, 1991, on. State work readiness funds shall be used only to pay the county agency's and work readiness service provider's actual costs of providing participant support services, direct program services, and program administrative costs for persons who participate in work readiness services. Beginning January 1, 1991, the average reimbursable cost per recipient must not exceed \$283 annually. Beginning July 1, 1991, the annual reimbursable cost for providing work readiness services to a recipient for whom an individualized employability development plan is not completed must not exceed \$60 for the work readiness services, and \$223 for necessary recipient support services such as transportation or child care needed to participate in work readiness services. If an individualized employability development plan has been completed, the annual reimbursable cost for providing work readiness services must not exceed \$283 for all services and costs necessary to implement the plan, including the costs of training, employment search assistance, placement, work experience, on-the-job training, other appropriate activities, the administrative and program costs incurred in providing these services, and necessary recipient support services such as tools, clothing,

and transportation needed to participate in work readiness services. Beginning July 1, 1991, the state will reimburse counties, up to the limit of state appropriations, according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision on or after January 1, 1991. Payment to counties under this subdivision is subject to the provisions of section 256.017. After paying direct expenses as needed by individual registrants, the county agency may use any remaining money to provide additional services as needed by any registrant including employability assessments and employability development plans, education, orientation, employment search assistance, placement, other work experience, on-the-job training, and other appropriate activities and the administrative costs incurred providing these services.

Sec. 21. Minnesota Statutes 1990, section 256D.051, subdivision 8, is amended to read:

Subd. 8. [VOLUNTARY QUIT.] A person who is required to participate in work readiness services is not eligible for general assistance or work readiness payments or services if, without good cause, the person refuses a legitimate offer of, or quits, suitable employment within 60 days before the date of application. A person who is required to participate in work readiness services and, without good cause, voluntarily quits suitable employment or refuses a legitimate offer of suitable employment while receiving general assistance or work readiness payments or services shall be terminated from the general assistance or work readiness program and disqualified for two months according to rules adopted by the commissioner as specified in subdivision 1a.

Sec. 22. Minnesota Statutes 1990, section 256D.052, subdivision 3, is amended to read:

Subd. 3. [SERVICES PROVIDED.] Within the limits of the state appropriation the county agency must provide ~~child care~~ and transportation to enable people to participate in literacy training under this section. The state shall reimburse county agencies for the costs of providing transportation under this section up to the amount of the state appropriation. Counties must make every effort to ensure that child care is available as needed by recipients who are pursuing literacy training.

Sec. 23. Minnesota Statutes 1990, section 256D.052, subdivision 4, is amended to read:

Subd. 4. [PAYMENT OF WORK READINESS.] The county agency must provide assistance under section 256D.051 to persons who:

(1) participate in a literacy program assigned under subdivision 2. To "participate" means to attend regular classes, complete assignments, and make progress toward literacy goals; or

(2) are not assigned to literacy training because there is no program available or accessible to them.

Notwithstanding contrary provisions of section 256D.051, subdivision 1, a person eligible for assistance under this section is not subject to the three-month eligibility limit or any other limited eligibility period established by the commissioner. Work readiness payments may be terminated for persons who fail to attend the orientation and participate in the assessment and development of the employment development plan.

Sec. 24. Minnesota Statutes 1990, section 256D.07, is amended to read:

256D.07 [TIME OF PAYMENT OF ASSISTANCE.]

An applicant for general assistance or general assistance medical care authorized by section 256D.03, subdivision 3, shall be deemed eligible if the application and the verification of the statement on that application demonstrate that the applicant is within the eligibility criteria established by sections 256D.01 to 256D.21 and any applicable rules of the commissioner. Any person requesting general assistance or general assistance medical care shall be permitted by the county agency to make an application for assistance as soon as administratively possible and in no event later than the fourth day following the date on which assistance is first requested, and no county agency shall require that a person requesting assistance appear at the offices of the county agency more than once prior to the date on which the person is permitted to make the application. The application shall be in writing in the manner and upon the form prescribed by the commissioner and attested to by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point." On the date that general assistance is first requested, the county agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, assistance for necessary transportation, or other emergency assistance pursuant to section 256D.06, subdivision 2. A person in need of emergency assistance shall be granted emergency assistance immediately, and necessary emergency assistance shall continue ~~until either the person is determined to be ineligible for general assistance or the first grant of general assistance is paid to the person for up to 30 days following the date of application.~~ A determination of an applicant's eligibility for general assistance shall be made by the county agency as soon as the required verifications are received by the county agency and in no event later than 30 days following the date that the application is made. Any verifications required of the applicant shall be reasonable, and the commissioner shall by rule establish reasonable verifications. General assistance shall be granted to an eligible applicant without the necessity of first securing action by the board of the county agency. The first month's grant must be computed to cover the time period starting with the date a signed application form is received by the county agency or from the date that the applicant meets all eligibility factors, whichever occurs later. ~~The first grant may be reduced by the amount of emergency general assistance provided to the applicant.~~

If upon verification and due investigation it appears that the applicant provided false information and the false information materially affected the applicant's eligibility for general assistance or general assistance medical care provided pursuant to section 256D.03, subdivision 3, or the amount of the applicant's general assistance grant, the county agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.

Sec. 25. Minnesota Statutes 1990, section 256D.10, is amended to read:

256D.10 [HEARINGS PRIOR TO REDUCTION; TERMINATION; SUSPENSION OF GENERAL ASSISTANCE GRANTS.]

No grant of general assistance except one made pursuant to ~~sections~~ section 256D.06, subdivision 2; 256D.051, subdivisions 1, paragraph (e), and 1a,

paragraph (b); or 256D.08, subdivision 2, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the county agency.

Nothing herein shall deprive a recipient of the right to full administrative and judicial review of an order or determination of a county agency as provided for in section 256.045 subsequent to any action taken by a county agency after a prior hearing.

Sec. 26. Minnesota Statutes 1990, section 256D.101, subdivision 1, is amended to read:

Subdivision 1. [NOTICE REQUIREMENTS.] (a) At the time a registrant is registered for the work readiness program, and ~~at least every 30 days on the first day of each month of services~~ after that, the county agency shall provide, in advance, a clear, written description of the specific tasks and assigned duties ~~the registrant which the mandatory registrant~~ must complete to receive ~~general assistance or work readiness~~ pay. The notice must explain that the registrant will be terminated from the work readiness program ~~unless the registrant has completed the specific tasks and assigned duties. The notice must inform the registrant that at the end of the month~~ if the registrant fails without good cause to comply with work readiness requirements ~~more than once every six months; the registrant will be terminated from the work readiness program and disqualified from receiving assistance for one month if it is the registrant's first disqualification within the preceding six months; or for two months if the registrant has been previously disqualified within the preceding six months, and must include the name, location, and telephone number of a person or persons the registrant may contact to discuss the registrant's work readiness compliance obligations.~~

(b) If after the initial certification period the county agency determines that a registrant has failed to comply with work readiness requirements, the county agency shall notify the registrant of the determination. Notice must be hand delivered or mailed to the registrant within three days after the agency makes the determination but no later than the date work readiness pay was scheduled to be paid. For a recipient who has failed to provide the county agency with a mailing address, the recipient must be assigned a schedule by which a recipient is to visit the agency to pick up any notices. For a recipient without a mailing address, notices must be deemed delivered on the date of the registrant's next scheduled visit with the county agency. ~~The notification shall be in writing and shall state the facts that support the county agency's determination. For the first time in a six-month period that the registrant has failed without good cause to comply with program requirements, the notification shall inform the registrant that the registrant may lose eligibility for work readiness pay and must specify the particular actions that must be taken by the registrant to achieve compliance and reinstate work readiness payments. The notice must state that the recipient must take the specified actions by a date certain, which must be at least five working days following the date the notification is mailed or delivered to the registrant; must explain the ramifications of the registrant's failure to take the required actions by the specified date; and must advise the registrant that the registrant may request and have a conference with the county agency to discuss the notification. A registrant who fails without good cause to comply with requirements of the program more than once in a six-month period must be notified of termination.~~

Sec. 27. Minnesota Statutes 1990, section 256D.101, subdivision 3, is amended to read:

Subd. 3. [BENEFITS AFTER NOTIFICATION.] Assistance payments otherwise due to the registrant under section 256D.051 may not be paid after the notification required in subdivision 1 has been provided to the registrant unless, before the date stated in the notification, the registrant takes the specified action necessary to achieve compliance ~~or, within five days after the effective date stated in the notice, files an appeal of the grant reduction, suspension, or termination. If, by the required date, the registrant does take the specified action necessary to achieve compliance, both the notification required by subdivision 1 and the notice required by subdivision 2 shall be canceled and all benefits due to the registrant shall be paid promptly. If, by the required date, the registrant files an appeal of the grant termination, benefits otherwise due to the registrant shall be continued pending the outcome of the appeal. An appeal of a proposed termination shall be brought under section 256.045, except that the timelines specified in this section shall apply, notwithstanding the requirements of section 256.045, subdivision 3. Appeals of proposed terminations from the work readiness program shall be heard within 30 days of the date that the appeal was filed.~~

Sec. 28. Minnesota Statutes 1990, section 256D.111, is amended to read:

256D.111 [REGISTRATION FOR WORK; ~~DISQUALIFICATION~~ TERMINATION.]

Subd. 5. [RULEMAKING.] The commissioner shall adopt rules and is authorized to adopt emergency rules:

(a) providing for the ~~disqualification~~ termination from the receipt of *general assistance* or work readiness assistance for a recipient who has been determined to have failed to comply with work requirements or the requirements of the work readiness program;

(b) providing for the use of vouchers or vendor payments with respect to the family of a ~~disqualified~~ recipient *terminated for failure to comply with requirements of the work readiness program*; and

(c) providing that at the time of the approval of an application for assistance, the county agency gives to the recipient a written notice in plain and easily understood language describing the recipient's job registration, search, and acceptance obligations, and the disqualification that will be imposed for a failure to comply with those obligations.

Sec. 29. Minnesota Statutes 1990, section 256D.36, subdivision 1, is amended to read:

Subdivision 1. [STATE PARTICIPATION.] (a) [ELIGIBILITY.] Commencing January 1, 1974, the commissioner shall certify to each county agency the names of all county residents who were eligible for and did receive aid during December, 1973, pursuant to a categorical aid program of old age assistance, aid to the blind, or aid to the disabled. *The amount of supplemental aid for each individual eligible under this section shall be calculated according to the formula in title II, section 212(a) (3) of Public Law Number 93-66, as amended.*

(b) [DIVISION COSTS.] From and after January 1, 1980, until January 1, 1981, the state shall pay 70 percent and the county shall pay 30 percent of the supplemental aid calculated for each county resident certified under this section who is an applicant for or recipient of supplemental security income. After December 31, 1980, the state share of aid paid shall be 85 percent and the county share shall be 15 percent. ~~The amount of supplemental~~

~~aid for each individual eligible under this section shall be calculated according to the formula in title II, section 212 (a) (3) of Public Law Number 93-66, as amended. Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3, subject to provisions of 256.017.~~

Beginning July 1, 1991, the state will reimburse counties according to the payment schedule in section 256.025 for the county share of county agency expenditures for financial benefits to individuals under this subdivision from January 1, 1991, on. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Sec. 30. Minnesota Statutes 1990, section 393.07, subdivision 10, is amended to read:

Subd. 10. [FEDERAL FOOD STAMP PROGRAM.] (a) The county welfare board shall establish and administer the food stamp program pursuant to rules of the commissioner of human services, the supervision of the commissioner as specified in section 256.01, and all federal laws and regulations. The commissioner of human services shall monitor food stamp program delivery on an ongoing basis to ensure that each county complies with federal laws and regulations. Program requirements to be monitored include, but are not limited to, number of applications, number of approvals, number of cases pending, length of time required to process each application and deliver benefits, number of applicants eligible for expedited issuance, length of time required to process and deliver expedited issuance, number of terminations and reasons for terminations, client profiles by age, household composition and income level and sources, and the use of phone certification and home visits. The commissioner shall determine the county-by-county and statewide participation rate. ~~The commissioner shall report on the monitoring activities on a county-by-county basis in a report presented to the legislature by July 1 each year. This monitoring activity shall be separate from the management evaluation survey sample required under federal regulations.~~

(b) On July 1 of each year, the commissioner of human services shall determine a statewide and county-by-county food stamp program participation rate. The commissioner may designate a different agency to administer the food stamp program in a county if the agency administering the program fails to increase the food stamp program participation rate among families or eligible individuals, or comply with all federal laws and regulations governing the food stamp program. The commissioner shall review agency performance annually to determine compliance with this paragraph.

(c) A person who commits any of the following acts has violated section 256.98 and is subject to both the criminal and civil penalties provided under that section:

(1) Obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, or intentional concealment of a material fact, food stamps to which the person is not entitled or in an amount greater than that to which that person is entitled; or

(2) Presents or causes to be presented, coupons for payment or redemption knowing them to have been received, transferred or used in a manner contrary to existing state or federal law; or

(3) Willfully uses or transfers food stamp coupons or authorization to

purchase cards in any manner contrary to existing state or federal law.

Sec. 31. Minnesota Statutes 1990, section 393.07, subdivision 10a, is amended to read:

Subd. 10a. [EXPEDITED ISSUANCE OF FOOD STAMPS.] The commissioner of human services shall continually monitor the expedited issuance of food stamp benefits to ensure that each county complies with federal regulations and that households eligible for expedited issuance of food stamps are identified, processed, and certified within the time frames prescribed in federal regulations. ~~By July 1 each year the commissioner of human services shall present a report to the governor and the legislature regarding its monitoring of expedited issuance and the degree of compliance with federal regulations on a county-by-county basis.~~

County food stamp offices shall screen and issue food stamps to applicants on the day of application. Applicants who meet the federal criteria for expedited issuance and have an immediate need for food assistance shall receive either:

- (1) a manual Authorization to Participate (ATP) card; or
- (2) the immediate issuance of food stamp coupons.

The local food stamp agency shall conspicuously post in each food stamp office a notice of the availability of and the procedure for applying for expedited issuance and verbally advise each applicant of the availability of the expedited process.

Sec. 32. [REPEALER.]

Minnesota Statutes 1990, sections 256D.051, subdivisions 1b and 3c; 256D.09, subdivision 4; and 256D.101, subdivision 2, are repealed.

Sec. 33. [EFFECTIVE DATE.]

Sections 1 to 11 and 29 are effective the day after final enactment, except as indicated in section 4. Sections 12 to 27 and 32 are effective July 1, 1991.

Delete the title and insert:

“A bill for an act relating to human services; clarifying division of costs for state and counties for certain benefits and services; changing eligibility requirements for general assistance and work readiness; amending reporting requirements for the federal food stamp program; amending Minnesota Statutes 1990, sections 256.01, subdivision 11, and by adding a subdivision; 256.025, subdivisions 1, 3, and 4; 256.82, subdivision 1; 256.871, subdivision 6; 256.935, subdivision 1; 256D.03, subdivisions 2 and 2a; 256D.05, subdivisions 1, 2, and 6; 256D.051, subdivisions 1, 1a, 2, 3, 3a, 6, and 8; 256D.052, subdivisions 3 and 4; 256D.07; 256D.10; 256D.101, subdivisions 1 and 3; 256D.111; 256D.36, subdivision 1; and 393.07, subdivisions 10 and 10a; proposing coding for new law in Minnesota Statutes, chapters 256; repealing Minnesota Statutes 1990, sections 256D.051, subdivisions 1b and 3c; 256D.09, subdivision 4; and 256D.101, subdivision 2.”

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

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

S.F. No. 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.

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

Page 1, line 18, delete "*144B.10 to 144B.18*" and insert "*144B.09 to 144B.16*"

Page 3, line 6, delete "*144B.18*" and insert "*144B.16*"

Page 3, line 16, delete everything after the comma and insert "*where adult residents are provided sleeping accommodations and two or more meals per day and where supportive services are provided or offered to all residents by the facility. A "residential care home" does not include:*

(1) a board and lodging establishment licensed under chapter 157 and also licensed by the commissioner of human services under chapter 245A;

(2) a boarding care home or a supervised living facility licensed under chapter 144;

(3) a home care provider licensed under chapter 144A; and

(4) any housing arrangement which consists of apartments containing a separate kitchen or kitchen equipment that will allow residents to prepare meals and where supportive services may be provided, on an individual basis, to residents in their living units either by the management of the residential care home or by home care providers under contract with the home's management."

Page 3, delete lines 17 and 18

Page 3, line 21, delete "*social*"

Page 3, line 22, delete "*and recreational opportunities,*"

Page 3, line 24, delete "*cleaning rooms,*"

Page 3, line 25, delete everything after the first comma and insert "*and personal shopping assistance.*"

Page 4, lines 1 and 3, delete "*144B.18*" and insert "*144B.16*"

Page 4, delete section 5

Page 4, line 17, delete "*144B.04*" and insert "*144B.03*"

Page 5, lines 8, 19, and 33, delete "*144B.18*" and insert "*144B.16*"

Page 5, line 20, delete "*144B.05*" and insert "*144B.04*"

Page 5, line 28, delete "*144B.06*" and insert "*144B.05*"

Page 5, line 34, delete "*144B.04*" and insert "*144B.03*"

Page 6, line 13, delete "*144B.07*" and insert "*144B.06*"

Page 6, line 15, delete "*144B.09*" and insert "*144B.08*"

Page 6, line 21, delete "144B.18" and insert "144B.16"

Page 6, line 22, delete "144B.08" and insert "144B.07"

Page 6, line 26, delete "of" and insert "or"

Page 6, line 29, delete "operational control of" and insert "legal responsibility to operate"

Page 7, lines 7 and 20, delete "144B.18" and insert "144B.16"

Page 7, line 12, delete "144B.09" and insert "144B.08"

Page 7, line 31, delete "144B.04" and insert "144B.03"

Page 8, line 19, delete "144B.18" and insert "144B.16"

Page 8, line 20, delete "144B.10" and insert "144B.09"

Page 9, line 6, delete "144B.11" and insert "144B.10"

Page 9, lines 10 and 15, delete "144B.18" and insert "144B.16"

Page 11, line 19, delete "144B.12" and insert "144B.11"

Page 11, lines 25 and 30, delete "144B.18" and insert "144B.16"

Page 12, line 15, delete "144B.13" and insert "144B.12"

Page 13, line 7, delete "144B.15" and insert "144B.13"

Page 13, line 14, delete "144B.16" and insert "144B.14"

Page 13, line 23, delete "144B.11" and insert "144B.10"

Page 13, line 24, delete "144B.17" and insert "144B.15"

Page 13, line 33, delete "144B.18" and insert "144B.16"

Page 13, line 36, delete "144B.18" and insert "144B.16"

Page 14, after line 7, insert:

"Sec. 19. [144B.17] [ADVISORY WORK GROUP.]

The commissioner shall convene a work group to advise, consult with, and make recommendations to the commissioner regarding the development of rules required under sections 3 to 18. The work group must include consumers and providers of the services described in sections 3 to 18 and other interested parties."

Page 14, lines 23 and 28, delete "144B.18" and insert "144B.16"

Page 15, line 4, delete "144B.18" and insert "144B.16"

Page 15, after line 17, insert:

"Sec. 24. [REPORT TO THE LEGISLATURE.]

By February 1, 1992, the commissioner shall report to the legislature on the implementation of sections 3 to 18. This report must include a description of the provisions included in rules required under sections 3 to 18, and an estimate of the expected fiscal impact to the state of adopting those rules."

Page 15, line 22, delete "15, 17 to 19" and insert "14, 16 to 18" and delete "24" and insert "25"

Page 15, line 23, delete "16" and insert "15"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "requiring a report;"

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

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

S.F. No. 1231: A bill for an act relating to human services; authorizing the commissioner of human services to waive the requirement that emergency mental health services be provided by a provider other than the provider of fire and public safety emergency services; establishing conditions for a waiver; amending Minnesota Statutes 1990, sections 245.469, subdivision 2; and 245.4879, subdivision 2.

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

Page 2, line 11, delete "two" and insert "four" and after "training" insert "annually"

Page 2, line 12, after "services" insert "approved by the commissioner"

Page 2, line 16, delete "and"

Page 2, line 19, after "received" insert "; and"

(4) *the local social services agency agrees to monitor the frequency and quality of emergency services*"

Page 2, line 22, after "available" insert "on call" and after "for" insert "an emergency assessment and crisis intervention services, and must be available for"

Page 3, line 16, delete "two" and insert "four" and after "training" insert "annually"

Page 3, line 17, after "services" insert "approved by the commissioner"

Page 3, line 21, delete "and"

Page 3, line 24, after "received" insert "; and"

(4) *the local social services agency agrees to monitor the frequency and quality of emergency services*"

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. 1203: A bill for an act relating to human services; changing the effective date for separate billing by certified registered nurse anesthetists; appropriating money; amending Minnesota Statutes 1990, section 256.969, subdivision 6a.

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

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

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.

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

Mr. Novak from the Committee on Energy and Public Utilities, to which was referred

S.F. No. 1112: A bill for an act relating to energy; providing incentives for renewable energy sources of utility power; amending Minnesota Statutes 1990, sections 216B.03; 216B.164, subdivision 3; and 272.02, subdivision 1.

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

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1990, section 216B.164, subdivision 4, is amended to read:

Subd. 4. [PURCHASES; WHEELING.] (a) Except as otherwise provided in paragraph (c), this subdivision ~~shall apply~~ *applies* to all qualifying facilities having 40 kilowatt capacity or more as well as qualifying facilities as defined in subdivision 3 which elect to be governed by its provisions.

(b) The utility to which the qualifying facility is interconnected shall purchase all energy and capacity made available by the qualifying facility. The qualifying facility ~~shall must~~ be paid the utility's full avoided capacity and energy costs ~~as negotiated by the parties or set by the commission,~~ *including the value of environmental costs avoided by the qualifying facility and those social costs considered appropriate by the commission. To the extent possible, the commission shall quantify and value all environmental and social costs associated with each method of electricity generation.*

(c) *The commission shall set avoided-cost rates for electricity generated by renewable energy using the concept of long-term levelized forecasts for the marginal cost of energy.*

(d) For all qualifying facilities having 30 kilowatt capacity or more, the utility shall, at the qualifying facility's or the utility's request, provide wheeling or exchange agreements wherever practicable to sell the qualifying facility's output to any other Minnesota utility having generation expansion anticipated or planned for the ensuing ten years. The commission shall establish the methods and procedures to insure that, except for reasonable wheeling charges and line losses, the qualifying facility receives the full avoided energy and capacity costs of the utility ultimately receiving the output."

Page 8, line 31, delete "3" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "216B.03;"

Page 1, line 5, delete "3" and insert "4"

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

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

S.F. No. 1250: A bill for an act relating to human services; medical assistance and general assistance medical care; clarifying payment rates for hospitals; clarifying coverage of services and eligibility requirements; clarifying the role of independent actuaries; amending Minnesota Statutes 1990, sections 256.045, subdivision 10; 256.936, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.9685, subdivision 1; 256.9686, subdivisions 1 and 6; 256.969, subdivisions 1, 2, 2c, 3a, 6a, and by adding a subdivision; 256.9695, subdivisions 1 and 5; 256B.031, subdivision 4; 256B.055, subdivisions 10 and 12; 256B.057, subdivisions 1, 2, 3, 4, and by adding a subdivision; 256B.0575; 256B.0625, subdivisions 4, 9, 12, 13, 17, 24, 25, 28, 30, and by adding subdivisions; 256B.063; 256B.08, by adding a subdivision; 256B.19, by adding a subdivision; 256B.25, subdivision 3; and 256D.03, subdivisions 3 and 4.

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

Pages 13 and 14, delete section 9

Page 15, delete section 11

Renumber the sections of article 1 in sequence

Page 16, after line 16, insert:

"Section 1. Minnesota Statutes 1990, section 256B.031, is amended by adding a subdivision to read:

Subd. 11. [LIMITATION ON REIMBURSEMENT TO PROVIDERS NOT AFFILIATED WITH A PREPAID HEALTH PLAN.] A prepaid health plan may limit any reimbursement it may be required to pay to providers not employed by or under contract with the prepaid health plan to the medical assistance rates paid by the commissioner of human services to providers for services to recipients not enrolled in a prepaid health plan."

Page 16, line 29, after "of" insert "a change in" and delete "or policy"

Page 17, line 1, before the period, insert ", except for medical assistance and general assistance medical care made on behalf of a recipient pursuant to a court order"

Pages 19 and 20, delete section 7

Page 26, delete sections 16 and 17

Page 26, line 31, delete "an enrolled, dispensing physician" and insert "by a physician enrolled in the medical assistance program as a dispensing physician"

Page 27, lines 16 to 18, delete the new language

Page 27, line 19, reinstate the stricken language

Page 27, line 24, after the comma, insert "*products for the treatment of lice,*"

Page 29, line 12, delete "*medically*"

Pages 29 and 30, delete section 19

Page 30, lines 8 and 9, delete the new language

Page 31, line 11, before "Medical" insert "(a)"

Page 31, delete section 24 and insert:

"(b) A federally qualified health center that is beginning initial operation shall submit an estimate of budgeted costs and visits for the initial reporting period in the form and detail required by the commissioner. A federally qualified health center that is already in operation shall submit an initial report using actual costs and visits for the initial reporting period. Within 90 days of the end of its reporting period, a federally qualified health center shall submit, in the form and detail required by the commissioner, a report of its operations, including allowable costs actually incurred for the period and the actual number of visits for services furnished during the period, and other information required by the commissioner. Federally qualified health centers that file Medicare cost reports shall provide the commissioner with a copy of the most recent Medicare cost report filed with the Medicare program intermediary for the reporting year which support the costs claimed on their cost report to the state."

Page 32, line 5, delete everything after "*copayment*"

Page 32, delete line 6

Page 32, line 7, delete everything before "*in*"

Page 32, line 9, delete the colon and insert ", *for*"

Page 32, line 10, delete everything after "*room*" and insert a period

Page 32, delete lines 11 to 13

Page 32, line 14, delete everything before "*If*"

Page 32, line 18, delete everything after "*section*"

Page 32, line 19, delete "*room*"

Pages 34 and 35, delete section 28

Page 36, line 13, after "*for*" insert "*one month prior to application if the person was eligible under paragraph (a), clause (1) or (2), and*"

Page 37, line 36, after the third comma, insert "*products for the treatment of lice,*"

Page 39, line 7, delete "*chiropractic services,*"

Page 39, delete lines 18 to 26

Page 39, line 31, delete the period and insert a semicolon

Renumber the clauses in sequence

Page 40, line 6, delete "(6), (8), and (10)" and insert "*and (7)*"

Page 43, line 14, delete "(a)"

Page 43, line 16, delete "*sections 16, 17, and 25*" and insert "*section*

21”

Page 43, delete line 21

Page 43, line 24, delete “30” and insert “25”

Renumber the sections of article 2 in sequence

Page 43, after line 27, insert:

“ARTICLE 3

HUMAN SERVICES BUDGET CHANGES

Section 1. Minnesota Statutes 1990, section 254B.04, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) Persons eligible for benefits under Code of Federal Regulations, title 25, part 20, persons eligible for medical assistance benefits under sections 256B.055 and 256B.056 or who meet the income standards of section 256B.056, subdivision 4, and persons eligible for general assistance medical care under section 256D.03, subdivision 3, are entitled to chemical dependency fund services. *State money appropriated for this paragraph must be placed in a separate account established for this purpose.*

(b) A person not entitled to services under paragraph (a), but with family income that is less than 60 percent of the state median income for a family of like size and composition, shall be eligible to receive chemical dependency fund services within the limit of funds available after persons entitled to services under paragraph (a) have been served. A county may spend money from its own sources to serve persons under this paragraph. *State money appropriated for this paragraph must be placed in a separate account established for this purpose.*

(c) Persons whose income is between 60 percent and 115 percent of the state median income shall be eligible for chemical dependency services on a sliding fee basis, within the limit of funds available, after persons entitled to services under paragraph (a) and persons eligible for services under paragraph (b) have been served. Persons eligible under this paragraph must contribute to the cost of services according to the sliding fee scale established under subdivision 3. A county may spend money from its own sources to provide services to persons under this paragraph. *State money appropriated for this paragraph must be placed in a separate account established for this purpose.*

(d) *Notwithstanding paragraphs (b) and (c), state money appropriated to serve persons who are not entitled to services under paragraph (a) must be expended for chemical dependency treatment services for persons who are eligible for services but not entitled to services under paragraph (a) and who have children in their household, are pregnant, or are younger than 19 years old. These persons may have household incomes up to 115 percent of the state median income. State money appropriated for this paragraph must be placed in a separate account established for this purpose. Any money in addition to the amounts necessary to serve the persons identified in this paragraph must be expended according to the provisions of paragraphs (b) and (c).*

Sec. 2. Minnesota Statutes 1990, section 256B.501, subdivision 11, is amended to read:

Subd. 11. [INVESTMENT PER BED LIMITS, INTEREST EXPENSE LIMITATIONS, AND ARMS-LENGTH LEASES.] (a) The provisions of Minnesota Rules, part 9553.0075, except as modified under this subdivision, shall apply to newly constructed or established facilities that are certified for medical assistance on or after May 1, 1990.

(b) For purposes of establishing payment rates under this subdivision and Minnesota Rules, parts 9553.0010 to 9553.0080, the term "newly constructed or newly established" means a facility (1) for which a need determination has been approved by the commissioner under sections 252.28 and 252.291; (2) whose program is newly licensed under Minnesota Rules, parts 9525.0215 to 9525.0355, and certified under Code of Federal Regulations, title 42, section 442.400, et seq.; and (3) that is part of a proposal that meets the requirements of section 252.291, subdivision 2, paragraph (2). The term does not include a facility for which a need determination was granted solely for other reasons such as the relocation of a facility; a change in the facility's name, program, number of beds, type of beds, or ownership; or the sale of a facility, unless the relocation of a facility to one or more service sites is the result of a closure of a facility under section 252.292, in which case clause (3) shall not apply. The term does include a facility that converts more than 50 percent of its licensed beds from class A to class B residential or class B institutional to serve persons discharged from state regional treatment centers on or after May 1, 1990, in which case clause (3) does not apply.

(c) Newly constructed or newly established facilities that are certified for medical assistance on or after May 1, 1990, shall be allowed the capital asset investment per bed limits as provided in clauses (1) to (4).

(1) The 1990 calendar year investment per bed limit for a facility's land must not exceed \$5,700 per bed for newly constructed or newly established facilities in Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, Carver, Chisago, Isanti, Wright, Benton, Sherburne, Stearns, St. Louis, Clay, and Olmsted counties, and must not exceed \$3,000 per bed for newly constructed or newly established facilities in other counties.

(2) The 1990 calendar year investment per bed limit for a facility's depreciable capital assets must not exceed \$44,800 for class B residential beds, and \$45,200 for class B institutional beds.

(3) The investment per bed limit in clause (2) must not be used in determining the three-year average percentage increase adjustment in Minnesota Rules, part 9553.0060, subpart 1, item C, subitem (4), for facilities that were newly constructed or newly established before May 1, 1990.

(4) The investment per bed limits in clause (2) shall be adjusted annually beginning January 1, 1991, and each January 1 following, as provided in Minnesota Rules, part 9553.0060, subpart 1, item C, subitem (2).

(d) A newly constructed or newly established facility's interest expense limitation as provided for in Minnesota Rules, part 9553.0060, subpart 3, item F, on capital debt for capital assets acquired during the interim or settle-up period, shall be increased by 2.5 percentage points for each full .25 percentage points that the facility's interest rate on its mortgage is below the maximum interest rate as established in Minnesota Rules, part 9553.0060, subpart 2, item A, subitem (2). For all following rate periods, the interest expense limitation on capital debt in Minnesota Rules, part 9553.0060, subpart 3, item F, shall apply to the facility's capital assets

acquired, leased, or constructed after the interim or settle-up period. If a newly constructed or newly established facility is acquired by the state, the limitations of this paragraph and Minnesota Rules, part 9553.0060, subpart 3, item F, shall not apply.

(e) If a newly constructed or newly established facility is leased with an arms-length lease as provided for in Minnesota Rules, part 9553.0060, subpart 7, the lease agreement shall be subject to the following conditions:

(1) the term of the lease, including option periods, must not be less than 20 years;

(2) the maximum interest rate used in determining the present value of the lease must not exceed the lesser of the interest rate limitation in Minnesota Rules, part 9553.0060, subpart 2, item A, subitem (2), or 16 percent; and

(3) the residual value used in determining the net present value of the lease must be established using the provisions of Minnesota Rules, part 9553.0060.

(f) All leases of the physical plant of an intermediate care facility for the mentally retarded shall contain a clause that requires the owner to give the commissioner notice of any requests or orders to vacate the premises 90 days before such vacation of the premises is to take place. In the case of unlawful detainer actions, the owner shall notify the commissioner within three days of notice of an unlawful detainer action being served upon the tenant. The only exception to this notice requirement is in the case of emergencies where immediate vacation of the premises is necessary to assure the safety and welfare of the residents. In such an emergency situation, the owner shall give the commissioner notice of the request to vacate at the time the owner of the property is aware that the vacating of the premises is necessary. This section applies to all leases entered into after May 1, 1990. Rentals set in leases entered into after that date that do not contain this clause are not allowable costs for purposes of medical assistance reimbursement.

(g) A newly constructed or newly established facility's preopening costs are subject to the provisions of Minnesota Rules, part 9553.0035, subpart 12, and must be limited to only those costs incurred during one of the following periods, whichever is shorter:

(1) between the date the commissioner approves the facility's need determination and 30 days before the date the facility is certified for medical assistance; or

(2) the 12-month period immediately preceding the 30 days before the date the facility is certified for medical assistance.

(h) The development of any newly constructed or newly established facility as defined in this subdivision and projected to be operational after July 1, 1991, by the commissioner of human services shall be delayed until July 1, 1993, except for: (1) those facilities authorized by the commissioner as a result of a closure of a facility according to section 252.292 prior to January 1, 1991; (2) those facilities developed as a result of a receivership of a facility according to section 245A.12; or (3) facilities other than those specified in clauses (1) and (2), provided and to the extent that the total state cost of the newly constructed or newly established facilities does not exceed \$ for the biennium ending June 30, 1993, including

\$ for new state-operated community facilities and \$ for other new facilities. When approving development of new facilities under clause (3), the commissioner shall give equal consideration to facilities without regard to bed capacity. This paragraph does not apply to state-operated community facilities authorized in section 252.50.

Sec. 3. Minnesota Statutes 1990, section 256I.04, is amended by adding a subdivision to read:

Subd. 3. [MORATORIUM ON THE DEVELOPMENT OF NEGOTIATED RATE BEDS.] County agencies shall not enter into agreements for new general assistance or Minnesota supplemental aid negotiated rate beds except for: (1) adult foster homes licensed by the commissioner of human services under Minnesota Rules, parts 9555.5105 to 9555.6265, or facilities licensed under Minnesota Rules, parts 9525.0215 to 9525.0355, provided the foster home or facility is needed to meet the census reduction targets for persons with mental retardation or related conditions at regional treatment centers; (2) to ensure compliance with the federal Omnibus Budget Reconciliation Act alternative disposition plan requirements for inappropriately placed persons with mental retardation or related conditions or mental illness; (3) facilities other than those allowed under clauses (1) and (2), provided and to the extent that the total state cost of the new negotiated rate facility agreements does not exceed \$ for the new negotiated rate facility agreements; or (4) to allow up to eight additional general assistance or Minnesota supplemental aid negotiated rate facility beds for adult foster homes licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, to enable the commissioner to comply with the terms of a settlement offer made by the commissioner prior to January 1, 1991. Agreements for new beds are subject to the approval of the commissioner. This moratorium expires June 30, 1993.

Sec. 4. Minnesota Statutes 1990, section 256I.05, is amended by adding a subdivision to read:

Subd. 1a. [RATES FOR UNCERTIFIED BOARDING CARE HOMES.] Effective July 1, 1992, the maximum rate for a boarding care home not certified to receive medical assistance is equal to 47 percent of the average nursing home level "A" rate in effect for the geographic area in which the boarding care home is located. This is effective until June 30, 1993. A noncertified boarding care home licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, is exempt from this rate limit. The commissioner shall study the numbers of facilities and residents that will be affected by the limit in this subdivision, the number of facilities likely to close because of the limit, the available alternatives for affected residents, methods of relocating or securing alternative placements for residents, and other effects of the limit. The commissioner shall provide a report to the legislature by January 1, 1992, on the commissioner's findings and recommendations relating to the rate limit.

Sec. 5. Minnesota Statutes 1990, section 256I.05, subdivision 2, is amended to read:

Subd. 2. [MONTHLY RATES; EXEMPTIONS.] (a) The maximum negotiated rate does not apply to a residence that on August 1, 1984, was licensed by the commissioner of health only as a boarding care home, certified by the commissioner of health as an intermediate care facility, and licensed by the commissioner of human services under Minnesota Rules, parts 9520.0500 to 9520.0690. For residences in this clause that have less than five percent of their licensed boarding care capacity reimbursed by the medical assistance

program, rate increases shall be provided according to section 256B.431, subdivision 4, paragraph (c).

(b) The maximum negotiated rate does not apply to a residence that on August 1, 1984, was licensed by the commissioner of human services under Minnesota Rules, parts 9525.0520 to 9525.0660, but funded as a negotiated rate residence under general assistance or Minnesota supplemental aid. Rate increases for these residences are subject to the provisions of subdivision 7.

(c) ~~The following residences are exempt from the limit on negotiated rates and must be reimbursed for documented actual costs, until an alternative reimbursement system covering services excluding room and board maintenance services is developed by the commissioner:~~

~~(1) a residence that is not certified to participate in the medical assistance program, that was licensed as a boarding care facility by March 1, 1985, and does not receive supplemental program funding under Minnesota Rules, parts 9535.2000 to 9535.3000 or 9553.0010 to 9553.0080;~~

(2) A residence certified to participate in the medical assistance program, licensed as a boarding care facility or a nursing home, and declared to be an institution for mental disease by January 1, 1989, *residences are exempt from the limit on negotiated rates and must be reimbursed for documented actual costs, until an alternative reimbursement system covering services excluding room and board maintenance services is developed by the commissioner.* Effective January 1, 1989, the actual documented cost for these residences is the individual's appropriate medical assistance case mix rate until the commissioner develops a comprehensive system of rates and payments for persons in all negotiated rate residences. The exclusion from the rate limit for residences under this clause expires July 1, 1991. The commissioner of human services, in consultation with the counties in which these residences are located, shall review the status of each certified nursing home and board and care facility declared to be an institution for mental disease. This review shall include the cost effectiveness of continued payment for residents through general assistance or Minnesota supplemental aid; the appropriateness of placement of general assistance or supplemental aid clients in these facilities; the effects of Public Law Number 100-203 on these facilities; and the role of these facilities in the mental health service delivery system. The commissioner shall make recommendations to the legislature by January 1, 1990, regarding the need to continue the exclusion of these facilities from the negotiated rate maximum and the future role of these facilities in serving persons with mental illness.

Sec. 6. [DEMONSTRATION PROJECTS.]

The commissioner shall demonstrate the development of family foster care services for persons with developmental disabilities in order to achieve regional treatment center census reduction or to develop alternative placements for persons inappropriately placed in nursing homes. For all persons participating in this demonstration that receive services funded by the enhanced waived services fund, the costs of waived services shall not exceed an average of \$120 per person per day in fiscal year 1993.

The commissioner shall demonstrate a family choice option for 100 persons with developmental disabilities and their families in fiscal year 1992 and for 200 persons and their families in fiscal year 1993. For all persons authorized by the commissioner to receive services under the family choice

option, the cost of services funded by the Title XIX home- and community-based waiver are limited to an average of \$35 per person per day in fiscal year 1992 with annual cost adjustments as authorized by the legislature.

Sec. 7. [STUDY OF UNMET NEEDS OF PERSONS WITH PRADER-WILLI SYNDROME.]

The commissioner of human services shall study the special needs of persons with Prader-Willi syndrome, the adequacy of the existing system of services to meet the needs, and alternative methods of addressing unmet needs and improving existing services. Among other appropriate issues, the commissioner shall consider whether there is a need for new specialized residential programs, or specialized respite care services for clients living with relatives or in other community settings, or both. The commissioner shall provide a report to the legislature by December 1, 1991, that contains the results of the study, including recommendations for agency and legislative action the commissioner determines is needed to address unmet needs and improve services."

Amend the title as follows:

Page 1, line 10, after "3a," insert "and" and delete ", and by"

Page 1, line 11, delete "adding a subdivision" and delete "subdivisions" and insert "subdivision" and delete "and 5"

Page 1, line 12, delete "subdivisions" and insert "subdivision" and delete "and"

Page 1, line 13, delete "12"

Page 1, line 14, delete "9,"

Page 1, line 15, delete "12," and delete "17," and after "adding" insert "a"

Page 1, line 16, delete "subdivisions" and insert "subdivision"

Page 1, line 18, delete everything before "and"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 844, 505, 985, 1214, 327, 1153, 1040, 1318, 1122, 1216, 1174, 355, 1399, 1160, 219, 489, 83, 406, 1020, 1021, 240, 1295, 953, 1175, 1332, 988, 919, 768, 1330, 1169, 824, 417, 152, 871, 958, 1008, 887, 449, 679, 861, 794, 86, 970, 306, 990, 1231 and 1203 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 479 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Mehrkens moved that his name be stricken as a co-author to S.F. No. 850. The motion prevailed.

Mr. Price moved that the name of Mr. Larson be added as a co-author to S.F. No. 1027. The motion prevailed.

Ms. Berglin moved that the name of Mr. Storm be added as a co-author to S.F. No. 1047. The motion prevailed.

Mr. Kelly moved that the name of Mr. Morse be added as a co-author to S.F. No. 1172. The motion prevailed.

Mr. Neuville moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 1404. The motion prevailed.

Mrs. Pariseau moved that the name of Mr. Frank be added as a co-author to S.F. No. 1430. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Frank be added as a co-author to S.F. No. 1443. The motion prevailed.

Mr. Metzen moved that the name of Mr. Price be added as a co-author to S.F. No. 1449. The motion prevailed.

Mr. Frederickson, D.J. moved that S.F. No. 112 be withdrawn from the Committee on Commerce and re-referred to the Committee on Governmental Operations. The motion prevailed.

Ms. Flynn moved that S.F. No. 1379 be withdrawn from the Committee on Metropolitan Affairs and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Kelly moved that S.F. No. 1021, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Hottinger moved that S.F. No. 1203, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Luther moved that S.F. No. 1169, on General Orders, be stricken and re-referred to the Committee on Elections and Ethics. The motion prevailed.

Mr. Sams moved that S.F. No. 1174, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 1 be laid on the table. The motion prevailed.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 2 be laid on the table. The motion prevailed.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 5 be taken from the table. The motion prevailed.

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

Mr. Johnson, D.E. moved to amend House Concurrent Resolution No. 5 as follows:

Page 11, after line 4, insert:

“EMPLOYEE CAMPAIGN ACTIVITY PROHIBITED

Rule 3.04. No legislative employee may engage in campaign activity on taxpayers' time. Campaign activity shall include, but is not limited to, mailings of campaign committees, fundraising, strategy sessions, and campaign material design and dissemination.”

Mr. Moe, R.D. moved that House Concurrent Resolution No. 5 be re-referred to the Committee on Rules and Administration. The motion

prevailed.

Mr. Moe, R.D. moved that Senate Resolution No. 40 be taken from the table. The motion prevailed.

Senate Resolution No. 40: A Senate resolution adopting permanent rules of the Senate.

Mr. Luther moved to amend Senate Resolution No. 40 as follows:

Page 25, delete lines 28 to 36 and insert:

"Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Special Committee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of this rule apply."

The motion prevailed. So the amendment was adopted.

Mr. Waldorf moved to amend Senate Resolution No. 40 as follows:

Page 11, lines 18 to 25, delete the new language and reinstate the stricken language

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Beckman	Bertram	Johnson, D.E.	Larson	Olson
Belanger	Brataas	Johnson, D.J.	Lessard	Pariseau
Benson, D.D.	Davis	Johnston	Marty	Renneke
Benson, J.E.	Day	Kroening	McGowan	Stumpf
Berg	Frederickson, D.R.	Laidig	Mehrkens	Vickerman
Bernhagen	Halberg	Langseth	Neuville	Waldorf

Those who voted in the negative were:

Adkins	Frank	Merriam	Piper	Samuelson
Berglin	Frederickson, D.J.	Metzen	Pogemiller	Spear
Cohen	Hottinger	Moe, R.D.	Price	Storm
DeCramer	Hughes	Mondale	Ranum	Traub
Dicklich	Johnson, J.B.	Morse	Reichgott	
Finn	Kelly	Novak	Riveness	
Flynn	Luther	Pappas	Sams	

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Frank moved that the vote whereby the Waldorf amendment to Senate Resolution No. 40 failed on April 15, 1991, be now reconsidered.

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

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

Those who voted in the affirmative were:

Beckman	Bertram	Halberg	Langseth	Olson
Belanger	Brataas	Johnson, D.E.	Larson	Pariseau
Benson, D.D.	Davis	Johnson, D.J.	Lessard	Renneke
Benson, J.E.	Day	Johnston	McGowan	Stumpf
Berg	Frank	Kelly	Mehrkens	Vickerman
Bernhagen	Frederickson, D.R.	Laidig	Neuville	Waldorf

Those who voted in the negative were:

Adkins	Frederickson, D.J.	Merriam	Piper	Samuelson
Berglin	Hottinger	Metzen	Pogemiller	Spear
Cohen	Hughes	Moe, R.D.	Price	Storm
Dahl	Johnson, J.B.	Mondale	Ranum	Traub
DeCramer	Kroening	Morse	Reichgott	
Finn	Luther	Novak	Riveness	
Flynn	Marty	Pappas	Sams	

The motion did not prevail.

Mr. Luther moved the adoption of Senate Resolution No. 40.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 43 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Kelly	Mondale	Riveness
Beckman	Frederickson, D.J.	Kroening	Morse	Sams
Belanger	Frederickson, D.R.	Langseth	Novak	Samuelson
Berglin	Halberg	Lessard	Pappas	Spear
Cohen	Hottinger	Luther	Piper	Storm
Dahl	Hughes	Marty	Pogemiller	Stumpf
DeCramer	Johnson, D.E.	Merriam	Price	Traub
Dicklich	Johnson, D.J.	Metzen	Ranum	
Finn	Johnson, J.B.	Moe, R.D.	Reichgott	

Those who voted in the negative were:

Benson, D.D.	Bertram	Frank	McGowan	Pariseau
Benson, J.E.	Brataas	Johnston	Mehrkens	Renneke
Berg	Davis	Laidig	Neuville	Vickerman
Bernhagen	Day	Larson	Olson	Waldorf

The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. DeCramer introduced—

S.F. No. 1450: A bill for an act relating to counties; permitting county boards to appropriate necessary funds to be used for a radio or television broadcast facility; amending Minnesota Statutes 1990, section 375.164.

Referred to the Committee on Local Government.

Mses. Berglin, Piper, Mrs. Brataas, Messrs. Mondale and Luther introduced—

S.F. No. 1451: A bill for an act relating to health; modifying the definition of and requirements related to review organizations; amending Minnesota

Statutes 1990, sections 145.61, subdivisions 4a, 5, and by adding a subdivision; 145.63, subdivision 1; and 145.64.

Referred to the Committee on Health and Human Services.

Messrs. Bernhagen and Renneke introduced—

S.F. No. 1452: A bill for an act relating to taxation; property; allowing a special levy for McLeod county; providing for a levy limit base adjustment for McLeod county.

Referred to the Committee on Taxes and Tax Laws.

Mr. Day introduced—

S.F. No. 1453: A bill for an act relating to tax increment financing; exempting certain districts from the reduction in state tax increment financing aid; amending Minnesota Statutes 1990, section 273.1399, by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Mr. Bertram introduced—

S.F. No. 1454: A bill for an act relating to state employment; payroll direct deposit and deductions; permitting payment of money by payroll deduction to credit unions as well as payment by direct deposit to credit unions or financial institutions; amending Minnesota Statutes 1990, section 16A.133, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Renneke, Belanger, Mrs. Pariseau and Mr. Benson, D.D. introduced—

S.F. No. 1455: A bill for an act relating to state property; authorizing the rental of state land for public purposes under certain conditions; authorizing lease-purchase agreements and leases with option to buy; amending Minnesota Statutes 1990, section 16B.24, subdivisions 5 and 6.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 1456: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrant on person failing to pay fine for parking violation; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1990, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29, by adding subdivisions.

Referred to the Committee on Transportation.

Mr. Merriam introduced—

S.F. No. 1457: A bill for an act relating to public waters; requiring filter strips along wooded areas; proposing coding for new law in Minnesota

Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

Mr. Waldorf introduced—

S.F. No. 1458: A bill for an act relating to retirement; the Minnesota state retirement system; the public employees retirement association; the Minneapolis teachers retirement fund association; the Minneapolis employees retirement fund; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 11A.24, subdivision 1; 352.01, subdivisions 2b, 11, 13, and by adding a subdivision; 352.113, subdivision 1; 352.12, subdivision 1; 352.22, subdivision 3; 352C.033; 353.01, subdivisions 2b, 6, 10, 16, and 20; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.34, subdivision 1; 353.46, subdivision 4; 353.64, by adding a subdivision; 353A.01, subdivision 1; 353A.02, subdivision 16, and by adding a subdivision; 353A.03; 353A.06; 353A.08, subdivision 1; 353C.06, subdivision 3; 353C.07, subdivision 1; 353C.08, subdivision 2; 353C.09; 353D.01, subdivision 2; 353D.02; 353D.04; 353D.05, subdivision 2; 353D.07, subdivisions 2 and 3; 353D.12, subdivision 1; 356.371, subdivision 3; 356.71; 356.86, subdivisions 2 and 4; 356.87; 422A.03, subdivision 1; 422A.05, subdivision 2c; 422A.09, subdivision 3; 422A.13, subdivision 2; 422A.16, subdivisions 1 and 3; 490.124, subdivision 11; Laws 1990, chapter 570, article 8, section 14, subdivision 1; and repealing Minnesota Statutes 1990, sections 353.33, subdivision 5a; and 353C.07, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Storm and Vickerman introduced—

S.F. No. 1459: A bill for an act relating to human services; authorizing loans to mental health residential programs for physical accessibility improvements; creating an exception to the maximum negotiated rates for residential programs receiving accessibility loans; amending Minnesota Statutes 1990, sections 256I.05, subdivision 2; and 462A.05, by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Messrs. Storm and Vickerman introduced—

S.F. No. 1460: A bill for an act relating to human rights; prohibiting housing discrimination against disabled persons because of their familial status; amending Minnesota Statutes 1990, section 363.12, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Storm and Vickerman introduced—

S.F. No. 1461: A bill for an act relating to human services; authorizing grants for research and development of new approaches to services for persons who are both mentally ill and chemically dependent; appropriating money.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 1462: A bill for an act relating to natural resources; authorizing limited leasing of a tract of land within Lake Maria state park.

Referred to the Committee on Environment and Natural Resources.

Messrs. Novak; Johnson, D.J. and Gustafson introduced—

S.F. No. 1463: A bill for an act relating to utilities; authorizing public utilities commission to hear, determine, and redress discriminatory treatment by municipally owned utilities against nonresidents; amending Minnesota Statutes 1990, section 216B.17, subdivision 6.

Referred to the Committee on Energy and Public Utilities.

Mr. McGowan and Ms. Traub introduced—

S.F. No. 1464: A bill for an act relating to municipal elections; changing the effective date of municipal ordinances affecting the year of an election; authorizing a referendum on the ordinance; amending Minnesota Statutes 1990, section 205.07, subdivision 1, and by adding a subdivision.

Referred to the Committee on Elections and Ethics.

Messrs. Laidig, Cohen and Mondale introduced—

S.F. No. 1465: A bill for an act relating to education; authorizing construction at Northeast Metro Technical College.

Referred to the Committee on Education.

Ms. Piper, Messrs. Novak, Dicklich, Mrs. Benson, J.E. and Mr. Finn introduced—

S.F. No. 1466: A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation; providing for a start-up fund from unclaimed deposits; authorizing the department of human services to adopt rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Energy and Public Utilities.

Mr. Samuelson introduced—

S.F. No. 1467: A bill for an act relating to utilities; requiring utility to file with its tariff a plan for extended residential electric service to allow ten-year period for a residential customer to pay the excess costs attributed to the extension; amending Minnesota Statutes 216B.42, by adding a subdivision.

Referred to the Committee on Energy and Public Utilities.

Mr. Samuelson introduced—

S.F. No. 1468: A bill for an act relating to taxation; sales tax; modifying the accelerated payment of June sales tax liability; amending Minnesota Statutes 1990, section 289A.60, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Marty, Merriam, Belanger and Renneke introduced—

S.F. No. 1469: A bill for an act relating to taxes; abolishing the authority of metropolitan regional rail authorities to levy a property tax for light rail transit; amending Minnesota Statutes 1990, section 398A.04, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederickson, D.R. introduced—

S.F. No. 1470: A bill for an act relating to public safety; providing for revocation of driver's licenses and permits, motor vehicle registration certificates, and motor vehicle certificates of title when persons pay for issuance of these documents with bad checks; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Transportation.

Mr. Johnson, D.E. introduced—

S.F. No. 1471: A bill for an act relating to crimes; imposing a penalty for assaulting department of agriculture inspectors; amending Minnesota Statutes 1990, section 609.2231, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Morse, Langseth and Hottinger introduced—

S.F. No. 1472: A bill for an act relating to traffic regulations; authorizing the use of flashing green lights on authorized emergency vehicles; amending Minnesota Statutes 1990, section 169.64, by adding a subdivision.

Referred to the Committee on Transportation.

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

REPORTS OF COMMITTEES

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

Mr. Frank from the Committee on Metropolitan Affairs, to which was referred

S.F. No. 1329: A bill for an act relating to transportation; creating a paratransit advisory council; proposing coding for new law in Minnesota Statutes, chapter 256B.

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 171.01, is amended by adding a subdivision to read:

Subd. 24. [SPECIAL TRANSPORTATION SERVICE.] “Special transportation service” means motor vehicle transportation provided on a regular

basis by a public or private entity or person that is designed primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in section 144.801, subdivision 4. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles.

Sec. 2. Minnesota Statutes 1990, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle, school bus, *special transportation service vehicle*, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles except vehicles with a gross vehicle weight of 26,001 or more pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials.

The holder of a class C license may also tow vehicles under 10,000 pounds gross vehicle weight.

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; ~~and~~

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver; *and*

(4) *with a special transportation service vehicle endorsement, operating a motor vehicle providing special transportation service.*

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 3. Minnesota Statutes 1990, section 171.10, subdivision 2, is amended to read:

Subd. 2. [ENDORSEMENTS ADDED.] Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle, school bus, *special transportation service vehicle*, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

Sec. 4. Minnesota Statutes 1990, section 171.13, subdivision 5, is amended to read:

Subd. 5. [FEE FOR VEHICLE ENDORSEMENT.] Any person applying to secure a motorcycle, school bus, *special transportation service vehicle*, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

Sec. 5. Minnesota Statutes 1990, section 171.321, is amended to read:

171.321 [QUALIFICATIONS OF SCHOOL BUS AND SPECIAL TRANSPORTATION SERVICE DRIVERS.]

Subdivision 1. No person shall drive a school bus when transporting school children to or from school or upon a school related trip or activity without having a valid class A, class B, or class CC driver's license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus.

Subd. 1a. No person shall drive a motor vehicle providing special transportation service without having a valid class A, class B, or class CC driver's license with a special transportation service vehicle endorsement.

Subd. 2. (a) The commissioner of public safety shall prescribe rules governing the qualifications of individuals to drive school buses *and motor vehicles providing special transportation services*.

(b) The commissioner of public safety, in conjunction with the commissioner of education, shall adopt a training program for school bus drivers. Adoption of the program is not subject to chapter 14. The program must provide for initial classroom and behind-the-wheel training, and annual in-service training. The program must provide training in defensive driving, human relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use of safety equipment. The program must provide that the training will be conducted by the contract operator for a school district, the school district, the commissioner of education, a licensed driver training school, or by another person or entity approved by both commissioners.

(c) The commissioner of public safety shall adopt a training program for special transportation service vehicle drivers. Adoption of the program is not subject to chapter 14. The program must provide for the same types of training as are listed in paragraph (b) of this subdivision, together with training in interaction with persons with disabilities and regulations governing special transportation service.

Subd. 3. [STUDY OF APPLICANT.] Before issuing or renewing a school

bus or special transportation service vehicle endorsement, the commissioner shall conduct a criminal records check of the applicant. The commissioner may also conduct ~~the a records~~ check at any time while a person is so licensed. The check shall consist of a criminal records check of the state criminal records repository. If the applicant has resided in Minnesota for less than five years, the *records* check shall also include a criminal records check of information from the state law enforcement agencies in the states where the ~~person~~ applicant resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The applicant's failure to cooperate with the commissioner in conducting ~~the a records~~ check is reasonable cause to deny an application or cancel a school bus or special transportation vehicle endorsement. The commissioner may not release the results of ~~the a records~~ check to any person except the applicant.

Sec. 6. [256B.74] [ADVISORY COUNCIL ON PARATRANSIT.]

Subdivision 1. [CREATION; MEMBERSHIP.] The regional transit board shall establish a paratransit advisory council under section 15.059, consisting of the following members:

(1) two members representing the regional transit board, appointed by the chair of the board;

(2) two members representing the department of human services, appointed by the commissioner of human services;

(3) one member representing the department of transportation, appointed by the commissioner of transportation;

(4) one member representing the metropolitan transit commission, appointed by the commission's chair;

(5) one member representing the council on disability, appointed by the council;

(6) one member representing nonprofit providers, appointed by the commissioner of human services;

(7) one member representing for-profit providers, appointed by the commissioner of human services;

(8) one member representing the senior community, appointed by the commissioner of human services;

(9) one member representing the metropolitan area, appointed by the chair of the metropolitan council; and

(10) two members representing users of paratransit, appointed by the chair of the board.

The council shall expire December 31, 1991.

Subd. 2. [ADMINISTRATION.] The regional transit board and the department of human services shall provide staff and administrative services for the council. The organizations whose representatives are listed in subdivision 1, clauses (4) to (8), shall provide information, staff, and technical assistance for the council as needed.

Subd. 3. [STUDIES.] The council shall conduct a feasibility study of the consolidation and coordination of the existing metro mobility service trips

with the existing department of human services medical assistance service trips in the metropolitan area. The council shall seek consultation from affected persons and organizations not represented by members appointed under subdivision 1, including but not limited to day training and habilitation centers, nursing facilities, and intermediate care facilities for the mentally retarded.

Subd. 4. [REPORT.] The commissioner of human services and the chair of the regional transit board shall submit a joint consolidation and coordination feasibility report and recommendations to the legislature and the governor not later than December 31, 1991.

Subd. 5. [DEFINITION.] For the purposes of this section, "metropolitan area" has the meaning given it in section 473.121, subdivision 2.

Sec. 7. [APPLICATION.]

Section 6 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing special transportation service; clarifying certain driver's license requirements, classifications, and fees;"

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1990, sections 171.01, by adding a subdivision; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; and 171.321;"

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

Mr. Frank from the Committee on Metropolitan Affairs, to which was referred

S.F. No. 1323: A bill for an act relating to metropolitan government; providing for the appointments and terms of the metropolitan council; assigning duties relating to transit; transferring transit duties to the department of transportation; amending Minnesota Statutes 1990, sections 174.01; 398A.04, subdivision 8; 473.123, subdivisions 2a, 3, and 4; 473.373; 473.375, subdivisions 8, 11, 13, 14, and 15; 473.377; 473.38; 473.382; 473.384; 473.385, subdivision 2; 473.386; 473.387; 473.388; 473.39; 473.391; 473.392; 473.399, subdivision 3; 473.3991, subdivisions 1 and 4; 473.3994; 473.3996; 473.404, subdivisions 2 and 6; 473.446; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1990, sections 473.373, subdivision 6; 473.375, subdivision 7; 473.38, subdivision 3; 473.384, subdivision 9; 473.388, subdivision 6; and 473.3994, subdivision 7.

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 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the

legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
Commissioner of education;
Commissioner of transportation;
Commissioner of human services;
Commissioner of revenue;
Commissioner of public safety;
Executive director, state board of
investment;
Commissioner of gaming;
Director of the state lottery;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of
administrative hearings;
Commissioner, pollution control agency;
Commissioner, state planning agency;
Director, office of waste management;
Commissioner, housing finance
agency;
Executive director, public employees
retirement association;
Executive director, teacher's

retirement association;
 Executive director, state retirement
 system;
 Chair, metropolitan council;
~~Chair, regional transit board;~~

\$42,500-\$60,000

Commissioner of human rights;
 Commissioner, department of public service;
 Commissioner of veterans' affairs;
 Commissioner, bureau of mediation services;
 Commissioner, public utilities commission;
 Member, transportation regulation board;
 Ombudsman for corrections;
 Ombudsman for mental health and retardation.

Sec. 2. Minnesota Statutes 1990, section 15A.081, subdivision 7, is amended to read:

Subd. 7. [METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following positions, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Effective July 1, 1987
Chair, metropolitan airports commission	\$15,000-\$25,000
<i>Chair, regional transit board</i>	<i>\$15,000-\$25,000</i>
Chair, metropolitan waste control commission	\$25,000-\$67,500

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 3. Minnesota Statutes 1990, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as provided under subdivision 3a, council members must be appointed from newly drawn districts as provided in subdivision 3a. The terms of members are as follows: members representing ~~even-numbered~~ *the first, fourth, seventh, tenth, thirteenth, and sixteenth* districts for terms ending the first Monday in January of the year ending in the numeral ~~"7"~~ *"9"*; members representing ~~odd-numbered~~ *the second, fifth, eighth, eleventh, and fourteenth* districts for terms ending the first Monday in January of the year ending in the numeral *"5 7."* *Members representing the third, sixth, ninth, twelfth, and fifteenth districts for terms ending the first Monday in January in the year ending in the numeral "5."* Thereafter ~~the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. A member shall continue to serve the member's district until a successor is appointed~~

and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 4. Minnesota Statutes 1990, section 473.123, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council. *Every effort must be made to have each county in the metropolitan area represented with at least one resident on the council.*

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor ~~shall~~ *must* consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

Sec. 5. Minnesota Statutes 1990, section 473.123, subdivision 4, is amended to read:

Subd. 4. [CHAIR; APPOINTMENT, DUTIES.] (a) The chair of the metropolitan council shall be appointed by the governor as the 17th voting

member thereof by and with the advice and consent of the senate to serve ~~at the pleasure of the governor a term ending the first Monday in January 1997 and each sixth year thereafter.~~ Senate confirmation shall be as provided by section 15.066. The chair shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) The chair of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. The chair shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. The chair's salary shall be as provided in section 15A.081. The chair shall be eligible for expenses in the same manner and amount as state employees.

Sec. 6. [473.1631] [LEGISLATIVE REVIEW.]

All metropolitan agencies shall file their budgets with the secretary of the senate and the clerk of the house of representatives on January 15 of each year for review by the committees of each body that have jurisdiction over the metropolitan agencies.

Sec. 7. Minnesota Statutes 1990, section 473.303, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The chair of the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chair need only reside within the metropolitan area. *The chair shall be subject to senate confirmation as provided by section 15.066.* The chair shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned by the commission or by law. The commission may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 8. Minnesota Statutes 1990, section 473.373, subdivision 4a, is amended to read:

Subd. 4a. [MEMBERSHIP.] (a) The board consists of 11 members with governmental or management experience *appointed by the metropolitan council.* ~~Appointments are subject to the advice and consent of the senate.~~ Terms of members are four years commencing on the first Monday in January of the first year of the term.

(b) The council shall appoint eight members, ~~one from each of the following agency districts:~~

- (1) district A, consisting of council districts 1 and 2;
- (2) district B, consisting of council districts 3 and 7;
- (3) district C, consisting of council districts 4 and 5;
- (4) district D, consisting of council districts 6 and 11;
- (5) district E, consisting of council districts 8 and 10;
- (6) district F, consisting of council districts 9 and 13;
- (7) district G, consisting of council districts 12 and 14; and
- (8) district H, consisting of council districts 15 and 16 *as provided in*

section 473.141, subdivision 2, paragraph (d).

At least Six must be elected officials of statutory or home rule charter cities, towns, or counties. ~~Two of these officials must be county board members, each from a different county, and four must be elected officials of cities or towns.~~ Service on the board of a person who is appointed as an elected official may continue only as long as the person holds the office. At least 30 days before the expiration of a term or upon the occurrence of a vacancy, the council shall request nominations for the position from relevant organizations of local elected officials, such as the association of metropolitan municipalities, the metropolitan intercounty association, the association of urban counties, and where applicable, the association of townships. Each relevant organization shall nominate at least two persons for each position. A local governmental unit that is not a member of an organization may submit nominations independently. The council shall make its appointments from the nominations submitted to it to the extent possible consistent with the other requirements of this paragraph and with the appointment of a board that fairly reflects the diverse areas and constituencies affected by transit.

(c) The ~~governor~~ metropolitan council shall appoint, in addition to the chair, two persons, one who is age 65 or older at the time of appointment, and one with a disability. These appointments must be made following the procedures of section 15.0597. In addition, at least 30 days before the expiration of a term or upon the occurrence of a vacancy in the office held by a senior citizen or a person with a disability, the ~~governor~~ metropolitan council shall request nominations from organizations of senior citizens and persons with disabilities. Each organization shall nominate at least two persons. The ~~governor~~ metropolitan council shall consider the nominations submitted.

(d) No more than three of the members appointed under paragraphs (b) and (c) may be residents of the same statutory or home rule city or town, and none may be a member of the joint light rail transit advisory committee established under section 473.3991.

Sec. 9. Minnesota Statutes 1990, section 473.373, subdivision 5, is amended to read:

Subd. 5. [CHAIR.] *The chair is subject to senate confirmation as provided by section 15.066.* The duties of the chair are:

(a) to preside over all board meetings attended;

(b) to serve as ~~the principal~~ a transit spokesperson within the metropolitan area before the legislature, other state and regional agencies, local units of government, and the general public;

(c) to present to ~~the governor and the legislature, after approval by the council, for its review and approval~~ the board's financial plan for public transit in the metropolitan area;

(d) to convene and preside at an annual regional transit conference of transit providers, operators, and users; and

(e) to perform other duties assigned by law or by the board.

Sec. 10. Minnesota Statutes 1990, section 473.375, subdivision 8, is amended to read:

Subd. 8. [GIFTS; GRANTS.] The board may apply for, accept and disburse gifts, grants, or loans from the United States, the state, or from any

person on behalf of itself or any of its contract recipients, for any of its purposes. It may enter into an agreement required for the gifts, grants, or loans and may hold, use, and dispose of money or property received therefrom according to the terms of the gift, grant, or loan. The board may not be a recipient of federal operating or capital assistance distributed by formula or block grant.

No political subdivision within the metropolitan area may apply for federal transit assistance unless its application has been submitted to and approved by the ~~board~~ *metropolitan council*.

Sec. 11. Minnesota Statutes 1990, section 473.375, subdivision 14, is amended to read:

Subd. 14. [COORDINATION.] The board *with the approval of the metropolitan council* shall coordinate transit operations within the metropolitan area and shall establish a transit information program to provide transit users with accurate information on transit schedules and service.

Sec. 12. Minnesota Statutes 1990, section 473.375, subdivision 15, is amended to read:

Subd. 15. [PERFORMANCE STANDARDS.] The board *with the approval of the metropolitan council* may establish performance standards for recipients of financial assistance.

Sec. 13. Minnesota Statutes 1990, section 473.38, is amended by adding a subdivision to read:

Subd. 1a. [BUDGET; COUNCIL REVIEW AND APPROVAL.] The board must submit its budget to the council on August 15 of each year for review and approval by the council. The council shall act to approve or disapprove by October 1 of each year.

Sec. 14. Minnesota Statutes 1990, section 473.38, subdivision 2, is amended to read:

Subd. 2. [FINANCIAL PLAN; COUNCIL APPROVAL.] Along with its annual budget, each even-numbered year the board shall prepare a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must be consistent with the board's implementation plan and must contain the elements specified in section 473.1623, subdivision 3. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the board during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium. The board shall submit the financial plan to the council for review and approval or disapproval. The council may approve or disapprove in whole or in part. ~~The council may disapprove only for inconsistency with the policy plan of the council.~~

Sec. 15. Minnesota Statutes 1990, section 473.404, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The transit commission consists of five members appointed by the ~~transit board~~ *metropolitan council*. One member must be a resident of the city of Minneapolis, one must be a resident of the city of St. Paul, two must reside in the service area of the commission outside Minneapolis and St. Paul, and one may reside anywhere in the metropolitan area. At least one of the members from outside of Minneapolis and St. Paul must reside in the commission's full-peak and off-peak service area, as

defined for tax purposes in section 473.446. ~~Appointments are~~ *Appointment of the chair is* subject to the advice and consent of the senate *as provided by section 15.066.*

Sec. 16. Minnesota Statutes 1990, section 473.404, subdivision 6, is amended to read:

Subd. 6. [REMOVAL; VACANCIES.] Members may be removed by the ~~transit board~~ *council* only for cause in the manner specified in chapter 351. If the office of a member becomes vacant, under the conditions specified in chapter 351, the vacancy must be filled in the same manner in which the appointment to that office was made.

Sec. 17. Minnesota Statutes 1990, section 473.553, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The chair shall be appointed by the governor as the seventh voting member and shall meet all of the qualifications of a member, except the chair need only reside outside the metropolitan area. *The chair is subject to senate confirmation as provided by section 15.066.* The chair shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned by the commission or by law. The commission may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 18. Minnesota Statutes 1990, section 473.604, subdivision 1, is amended to read:

Subdivision 1. The commission consists of:

(1) the mayor of each of the cities, or a qualified voter appointed by the mayor, for the term of office as mayor;

(2) a number of members appointed from precincts equal or nearest to but not exceeding half the number of districts which are provided by law for the selection of members of the metropolitan council in section 473.123. Each member shall be a resident of the precinct represented. The members shall be appointed by the governor as follows: a number as near as possible to one-fourth, for a term of one year; a similar number for a term of two years; a similar number for a term of three years; and a similar number for a term of four years, all of which terms shall commence on July 1, 1981. The successors of each member shall be appointed for four-year terms commencing in July of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult with each member of the legislature from the precinct for which the member is to be appointed, to solicit the legislator's recommendation on the appointment;

(3) four members appointed from outside of the metropolitan area to reflect fairly the various regions and interests throughout the state that are affected by the operation of the commission's major airport and airport system. Two of these members must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as a key airport. The other two must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as an intermediate airport. The members must be appointed by the governor as follows: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. All of the terms start

on July 1, 1989. The successors of each member must be appointed to four-year terms commencing on July 1 of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult each member of the legislature representing the municipality or county from which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

(4) a chair appointed by the governor for a term of four years *with the advice and consent of the senate as provided in section 15.066*. The chair may be removed at the pleasure of the governor.

Sec. 19. [TRANSPORTATION STUDY.]

The metropolitan council in cooperation with the commissioner of transportation shall study and report to the legislature before February 1, 1992, on the role the department of transportation can play to improve and enhance the provision of an integrated transit system in the metropolitan area, with emphasis on the integration of transit alternatives with highway planning and development, and the role of the department in its relationship to the metropolitan council in promoting transit services as part of the metropolitan transportation system.

Sec. 20. [LIBRARY SERVICES STUDY.]

The metropolitan council shall study and report to the legislature by February 15, 1993, on the need for and the feasibility of a separate metropolitan agency to plan and coordinate library services in the metropolitan area or whether library services may be adequately provided through the regional library system under chapter 134 or the existing metropolitan agency structure.

Sec. 21. [SOLID WASTE DISPOSAL STUDY.]

The council shall study and report to the legislature by February 15, 1993, on the need for and the feasibility of a separate metropolitan agency to coordinate and review county planning for solid waste material disposal and for the disbursement of any federal and state funding for solid waste management in the metropolitan area, with emphasis on coordination of solid waste management activities in the metropolitan area with the authority of the waste management board under chapter 115A.

Sec. 22. [SURFACE WATER RUNOFF STUDY.]

The council shall study and report to the legislature by February 15, 1993, on the need for and the feasibility of a separate metropolitan agency to ensure compliance with federal law relating to surface water runoff or whether compliance may be adequately achieved through the existing metropolitan agency structure.

Sec. 23. [EFFICIENCY STUDY.]

The chair of the metropolitan council shall report to the standing committees of each body of the legislature having jurisdiction over metropolitan agencies by February 15 of each year on the level of staffing at the council in relationship to the duties and responsibilities of the council, detailing the avoidance of waste and inefficiency and duplication of efforts by staff members.

Sec. 24. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on January 1, 1993. The provisions of

section 9 relating to the districts of the regional transit board are effective for board districts formulated following the redistricting of the metropolitan council districts which take effect on the first Monday in January, 1993.

Sec. 25. [APPLICATION.]

Sections 1 to 24 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for the appointments and terms of the metropolitan council; assigning duties relating to transit; providing for a part-time chair of the regional transit board; clarifying the districts of the regional transit board; requiring metropolitan agencies to file budgets with the legislature; providing for senate confirmation for the chairs of certain metropolitan agencies; requiring metropolitan council approval of certain regional transit board activity; requiring studies; amending Minnesota Statutes 1990, sections 15A.081, subdivisions 1 and 7; 473.123, subdivisions 2a, 3, and 4; 473.303, subdivision 3; 473.373, subdivisions 4a and 5; 473.375, subdivisions 8, 14, and 15; 473.38, subdivision 2, and by adding a subdivision; 473.404, subdivisions 2 and 6; 473.553, subdivision 3; and 473.604, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1329 and 1323 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Riveness moved that his name be stricken as chief author, and the name of Ms. Johnston be added as chief author to S.F. No. 528. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:30 p.m., Wednesday, April 17, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate