

THIRTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 18, 1991

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Nancy L. Anderson.

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

Adkins	Davis	Johnson, J.B.	Metzen	Reichgott
Beckman	Day	Johnston	Moe, R.D.	Renneke
Belanger	DeCramer	Kelly	Mondale	Riveness
Benson, D.D.	Dicklich	Kroening	Morse	Sams
Benson, J.E.	Finn	Laidig	Neuville	Samuelson
Berg	Flynn	Langseth	Novak	Solon
Berglin	Frank	Larson	Olson	Spear
Bernhagen	Frederickson, D.R.	Lessard	Pappas	Storm
Bertram	Gustafson	Luther	Pariseau	Stumpf
Brataas	Hottinger	Marty	Piper	Traub
Chmielewski	Hughes	McGowan	Pogemiller	Vickerman
Cohen	Johnson, D.E.	Mehrkens	Price	Waldorf
Dahl	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. Halberg and Knaak were excused from the Session of today. Mr. Beckman was excused from the Session of today from 2:50 to 3:10 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 15, 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
	1209	Res. No. 6	6:30 p.m. April 12	April 13

Sincerely,
Joan Anderson Growe
Secretary of State

CERTIFICATION

April 17, 1991

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Wednesday, April 17, 1991, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1991:

Stanley D. Sahlstrom, Seventh Congressional District, Six Years

Wendell R. Anderson, Sixth Congressional District, Six Years

Ann J. Wynia, Fourth Congressional District, Six Years

H. Bryan Neel, III, First Congressional District, Six Years

Jerome M. Hughes
President of the Senate

Robert E. Vanasek
Speaker of the
House of Representatives

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 34, 254, 391 and 713.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1991

Mr. President:

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

House Files, herewith transmitted: H.F. Nos. 49, 121, 470, 664, 954, 1179, 1405, 1455, 1509, 1536, 1551, 200, 808, 1001, 248, 579, 1035, 551, 674, 173, 345, 716, 815, 914, 1017 and 1584.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 49: A bill for an act relating to stepparents; designating Stepparents Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 121: A bill for an act relating to education; encouraging a Minnesota international volunteer corps; amending Minnesota Statutes 1990, section 16B.88, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 553, now on General Orders.

H.F. No. 470: A bill for an act relating to metropolitan government; providing for the powers of the mosquito control district; amending Minnesota Statutes 1990, sections 473.1623, subdivision 6, and by adding a subdivision; 473.704, by adding a subdivision; and 473.705.

Referred to the Committee on Metropolitan Affairs.

H.F. No. 664: A bill for an act relating to commerce; requiring accessibility specialists; requiring certification by building officials; amending Minnesota Statutes 1990, sections 16B.63, by adding a subdivision; 16B.65, by adding a subdivision; and 471.468.

Referred to the Committee on Governmental Operations.

H.F. No. 954: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 679, now on General Orders.

H.F. No. 1179: A bill for an act relating to metropolitan government; directing the metropolitan council to conduct a study.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1124, now on General Orders.

H.F. No. 1405: A bill for an act relating to charitable organizations; changing distribution requirements for charitable organizations; amending Minnesota Statutes 1990, section 309.501, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1245.

H.F. No. 1455: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1330, now on General Orders.

H.F. No. 1509: A bill for an act relating to water resources; allowing certain land to be used as a veterans cemetery under certain circumstances; amending Minnesota Statutes 1990, section 103F.369, subdivision 2, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1265, now on General Orders.

H.F. No. 1536: A bill for an act relating to the city of St. Cloud; authorizing the commissioner of administration to sell certain surplus lands to the city.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1551: A bill for an act relating to retirement; Edina volunteer firefighters relief association; modifying limitations on survivor benefit coverage; amending Laws 1965, chapter 592, section 4, as amended.

Referred to the Committee on Governmental Operations.

H.F. No. 200: A bill for an act relating to courts; allowing counties with chambered judges to retain the judicial position; recognizing adequate access to the courts as a factor in determining whether a judicial position should remain or be abolished or transferred; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 193.

H.F. No. 808: A bill for an act relating to child care; permitting variances from certain staffing requirements for parent cooperative programs; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; and 245A.14, subdivision 6.

Referred to the Committee on Health and Human Services.

H.F. No. 1001: A bill for an act relating to game and fish; authorizing radio communication between a handler and dog; amending Minnesota Statutes 1990, section 97B.085, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 248: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 219, now on General Orders.

H.F. No. 579: A bill for an act relating to retirement; contributions and benefit computation for members of the Richfield police relief association; amending Laws 1965, chapter 458, sections 2, 4, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 708, now on General Orders.

H.F. No. 1035: A bill for an act relating to retirement; teachers retirement association; making various changes in laws governing the administration

of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a, and by adding a subdivision; 354.071, subdivision 2; 354.092; 354.093; 354.094, subdivision 1; 354.095; 354.10, subdivisions 1, 2, and 4; 354.33, subdivision 6; 354.35; 354.41, subdivision 7; 354.46, subdivision 2; 354.48, subdivisions 2, 4, 6, 7, and 8; 354.49, subdivision 3; 354.50, subdivision 1; 354.52, subdivision 2, and by adding a subdivision; 356.30, by adding a subdivision; and 356.87; repealing Minnesota Statutes 1990, sections 354.094, subdivisions 1a and 1b; and 354.48, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1030.

H.F. No. 551: A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been convicted of certain crimes; providing a penalty; amending Minnesota Statutes 1990, sections 171.17; and 171.30, subdivisions 2, 4, and by adding a subdivision.

Referred to the Committee on Judiciary.

H.F. No. 674: A bill for an act relating to commerce; regulating irrevocable funeral trusts; excluding certain trusts from the asset limitation requirements for medical assistance; amending Minnesota Statutes 1990, sections 149.11; and 256B.056, subdivision 3.

Referred to the Committee on Commerce.

H.F. No. 173: A bill for an act relating to the University of Minnesota; changing the structure of certain bargaining units; amending Minnesota Statutes 1990, section 179A.11, subdivisions 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 447, now on General Orders.

H.F. No. 345: A bill for an act relating to sexual abuse; extending the statute of limitations for intentional torts involving the sexual abuse of a minor; expanding the statute of limitations in criminal sexual conduct cases involving a minor victim; amending Minnesota Statutes 1990, sections 541.073; and 628.26.

Referred to the Committee on Judiciary.

H.F. No. 716: A bill for an act relating to crime victims; requiring victims to be notified of offender's escape; requiring notification to victim of final disposition of case; waiving fees necessary to obtain a temporary restraining order for harassment if petitioner is indigent; amending Minnesota Statutes 1990, sections 609.748, subdivisions 3, 4, and 6; 611A.02, subdivision 2; and 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

H.F. No. 815: A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating premium determinations, meetings, and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 13.71, by adding a subdivision; 62E.08, by adding a subdivision; 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter

62E.

Referred to the Committee on Judiciary.

H.F. No. 914: A bill for an act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir; requiring that description of certain tax-forfeited land bordering public water be submitted to commissioner of natural resources before proposing legislation to permit conveyance of the land; amending Minnesota Statutes 1990, section 282.018, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 844, now on General Orders.

H.F. No. 1017: A bill for an act relating to agriculture; regulating certain sales and services offered by grocery stores; limiting applicability of certain licensing and regulatory provisions; amending Minnesota Statutes 1990, sections 28A.05; 145A.03, by adding a subdivision; 157.01, subdivision 1; and 412.221, subdivision 30; proposing coding for new law in Minnesota Statutes, chapter 28A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 664, now on General Orders.

H.F. No. 1584: A bill for an act relating to retirement; the public employees retirement association; making various changes reflecting benefits, administration, and investment practices; amending Minnesota Statutes 1990, sections 353.01, subdivisions 2b, 6, 10, 15, 16, and 20; 353.03, subdivision 1; 353.27, subdivisions 4, 7, 12, 12a, and by adding subdivisions; 353.28, subdivision 6; 353.29, subdivision 4; 353.31, subdivision 1; 353.32, subdivision 1a; 353.33, subdivision 3a; 353.34, subdivision 1; 353.64, by adding a subdivision; 353.656, subdivision 1a; 353.657; 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; 356.86, subdivisions 2 and 4; 356.87; 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.

REPORTS OF COMMITTEES

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

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

S.F. No. 622: A bill for an act relating to human services; clarifying and establishing requirements for implementing the Minnesota family investment plan; amending Minnesota Statutes 1990, sections 256.031; 256.032; 256.033; 256.034; 256.035; and 256.036, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 256; repealing Minnesota Statutes 1990, sections 256.032, subdivisions 5 and 9; 256.035, subdivisions 6 and 7; 256.036, subdivision 10; Laws 1989, chapter 282, article 5, section 130.

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

Page 2, line 21, after "action" insert "*consistent with Public Law Numbers 101-202 and 101-239*"

Page 2, line 22, after the period, insert "*Before taking such corrective action, the commissioner shall consult with the chairs of the senate health and human services committee, the house of representatives health and human services committee, the health and human services division of the senate finance committee, and the human resources division of the house of representatives appropriations committee, or if the legislature is not in session, consult with the legislative advisory commission.*"

Page 5, lines 8 and 17, delete "*excluded from*" and insert "*included in*"

Page 5, line 9, delete "*elects to be excluded*" and insert "*does not elect to be included*"

Page 5, line 12, delete "*excluded from*" and insert "*included in*" and delete "*chooses*" and insert "*does not choose*"

Page 5, lines 13 and 18, delete "*excluded*" and insert "*included*"

Page 5, line 19, delete "*from*" and insert "*in*"

Page 5, line 20, delete "*chooses to be excluded*" and insert "*does not choose to be included*"

Page 7, line 12, before "*attending*" insert "*regularly*" and delete the comma

Page 7, line 13, delete from the first "*a*" through page 7, line 16, to "*19.*" and insert "*and is expected to complete, before reaching age 19, a high school or a secondary level course of vocational or technical training designed to fit students for gainful employment.*"

Page 8, line 27, delete "*(a)*"

Page 8, line 30, strike "*(1)*"

Page 8, line 35, delete the first "*the*" and insert "*(a)(1) The*"

Page 9, line 13, delete "*available*"

Page 9, line 16, delete "*gross*" and insert "*total*"

Page 9, line 19, before the colon, insert "*\$50 of child support collected in that month and from gross earned income deducting*"

Page 9, line 20, after the semicolon, insert "*and*"

Page 9, line 23, delete "*; and*" and insert a period

Page 9, delete line 24

Page 9, line 26, delete everything after "*in*" and insert "*paragraph (a) of this subdivision*"

Page 9, line 27, delete "*4*"

Page 10, line 16, after "*who*" insert "*do not*" and delete "*excluded from*" and insert "*included in*"

Page 19, line 32, after "*family*" insert "*and*"

Page 21, line 4, delete "*may include*" and insert "*are limited to*"

Page 21, line 9, before "Services" insert "Social"

Page 21, line 27, delete "participants" and insert "parental caregiver's"

Page 21, line 34, after "the" insert "parental"

Page 24, line 32, strike "cooperate" and insert "comply"

Page 25, lines 8 and 9, delete "OF ADMINISTRATIVE COSTS" and before "Up" insert "(a)"

Page 25, line 10, delete "county"

Page 25, line 11, delete "county" and insert "site"

Page 25, after line 16, insert:

"(b) Section 256.025, subdivision 2, applies to Minnesota family investment plan assistance."

Page 25, after line 20, insert:

"Sec. 12. [INSTRUCTION TO THE REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes, section 256.035, subdivision 4, as Minnesota Statutes, section 256.033, subdivision 1a."

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. 1037: A bill for an act relating to economic development; establishing the regional seed capital program; amending Minnesota Statutes 1990, sections 290.06, by adding a subdivision; and 469.101, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 1160.

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

Delete everything after the enacting clause and insert:

"Section 1. [1160.122] [SEED CAPITAL FUND.]

Subdivision 1. [ESTABLISHMENT.] The corporation shall, in consultation with private venture and seed capital companies and other public and private organizations as appropriate, implement a centrally managed seed capital fund to invest in early stage companies and small companies in Minnesota through equity or equity-type investments. The seed capital fund may receive contributions from the corporation, as well as from local, state, or federal government, private foundations, or other sources. Total investments by the seed capital fund in seven-county metropolitan area based companies must not exceed 20 percent of the total amount invested. Investments which contribute to the 20 percent metropolitan area limitation are those which will primarily enhance the operations of a metropolitan based facility. Investments that benefit a Greater Minnesota facility of a metropolitan based company are not subject to the limitation. Investments by the seed capital fund must be matched by other sources of capital at a ratio to be determined by the corporation. The seed capital fund shall identify sources of technical, management, and marketing assistance for companies

funded by the seed capital program and make appropriate referrals. The seed capital fund shall establish a procedure for liquidating private investments.

Subd. 2. [REGIONAL SEED CAPITAL REPORT.] By February 15, the board shall submit to the legislature and governor an annual report on the activities of the seed capital program.

Subd. 3. [CREDIT LIMIT.] The sum of the credits for investment in the fund under section 2 may not exceed \$ million in each fiscal year. In order to administer and enforce this limit, the corporation shall provide to investors in the fund, on a first-come first-served basis, credit entitlement certificates up to the annual limit.

Sec. 2. Minnesota Statutes 1990, section 290.06, is amended by adding a subdivision to read:

Subd. 24. [SEED CAPITAL FUND CREDIT.] (a) A taxpayer is allowed a credit against the tax imposed by this chapter equal to percent of the amount of a qualified investment in the regional seed capital program established and operated by the Greater Minnesota Corporation under section 1, during the taxable year. The maximum amount of this credit is \$

(b) The credit for the taxable year may not exceed the liability for tax. If the amount of the credit exceeds the liability for tax for the taxable year, the balance of the credit is a carryover credit to each of the next three taxable years. The entire amount of the credit shall be a credit carryover to the earliest of the taxable years to which it may be carried and then to each successive year to which the credit may be carried. In no case may the sum of credits allowed in a taxable year exceed the liability for tax.

(c) For purposes of this subdivision, the following terms have the meanings given.

(1) "Liability for tax" means the tax imposed by this chapter, except the tax under sections 290.091, 290.0921, and 290.0922, reduced by the sum of nonrefundable credits allowed under this chapter.

(2) "Qualified investment" means the amount of an investment in the regional seed capital fund that receives a credit entitlement certificate from the Greater Minnesota Corporation under section 1.

Sec. 3. Minnesota Statutes 1990, section 469.101, is amended by adding a subdivision to read:

Subd. 23. [SUPPLYING SMALL BUSINESS CAPITAL.] Notwithstanding any contrary law, the authority may participate with public or private corporations or other entities, whose purpose is to provide seed or venture capital to small businesses that have facilities located or to be located in the district. For that purpose the authority may use not more than percent of available annual net income or \$ annually, whichever is less, to invest in equities or acquire equity-type investments. These investments can be made directly in eligible corporations or entities or acquired through participation in a public or private seed or venture capital fund. The participation by the authority may not exceed in any year 25 percent of the total amount of funds provided for venture or seed capital purposes by all of the participants. The corporation, entity, or fund shall report in writing each six months to the commissioners of the authority all investments and other action taken by it since the last report. Funds contributed to the corporation or entity

must be invested pro rata with each contributor of capital taking proportional risks on each investment. As used in this subdivision, the term "small business" has the meaning given it in section 645.445, subdivision 2.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective for taxable years beginning after December 31, 1990."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing economic development authorities to provide seed capital to small businesses;"

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

S.F. No. 1024: A bill for an act relating to civil actions; recognizing a cause of action for tortious interference with access rights to a child; proposing coding for new law as Minnesota Statutes, chapter 604A.

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

Page 1, line 17, before "*decree*" insert "*valid*" and delete the first "*or*" and insert a comma and after "*judgment*" insert a comma

Page 2, line 4, before the period, insert "*and the child*"

Page 2, line 5, delete "*engages in,*"

Page 2, line 9, after "*child*" insert "*and who aids or assists in conduct for which a cause of action is authorized by paragraph (a)*"

Page 2, line 27, after the semicolon, insert "*and*"

Page 2, line 30, delete "*; and*" and insert a period

Page 2, delete line 31

Page 3, line 8, delete "*first*" and insert "*promptly*"

Page 3, line 9, delete the comma and insert "*and*"

Page 3, line 10, delete "*, and the agency failed to respond*" and insert a period

Page 3, delete line 11

Page 3, line 22, after "*that*" insert "*the plaintiff's access rights have been violated or the time that*" and delete "*current*"

Page 3, line 23, after "*plaintiff*" insert "*after access rights are violated, whichever occurs later. Section 541.13 applies to actions under this chapter*"

Page 3, line 32, delete "*reliefs*" and insert "*relief*"

Page 3, line 36, delete "*since*" and insert "*on or after*" and delete "*1963*" and insert "*1991*"

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. 809: A bill for an act relating to crimes; providing that it is a prima facie case for certification to adult court if a juvenile used a firearm at the time of the offense or is alleged to have committed a firearms violation after a previous firearms violation; increasing the penalty for furnishing a firearm to a minor; increasing the penalty for unlawful possession of a pistol by a minor; amending Minnesota Statutes 1990, sections 260.125, subdivision 3; 609.66, subdivision 1a, and by adding a subdivision; and 624.713, subdivision 2.

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

Page 3, lines 19 and 20, delete "or 97B.021,"

Page 3, lines 22 and 23, delete ", or 97B.021"

Pages 3 and 4, delete sections 2 to 5 and insert:

"Sec. 2. Minnesota Statutes 1990, section 299C.065, is amended to read:

299C.065 [UNDERCOVER BUY FUND; WITNESS PROTECTION SERVICES.]

Subdivision 1. The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322, 609.323, or any other state or federal law prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution; and

(5) witness protection services in cases involving criminal gang activity in violation of section 6, or domestic assault, as defined in section 611A.0315.

Subd. 2. A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1, on forms and pursuant to procedures developed by the superintendent. The application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.

Subd. 3. A report shall be made to the commissioner at the conclusion of an investigation pursuant to this section stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the legislature by January 1 of each year a report of investigations pursuant to this section.

Subd. 3a. The head of a law enforcement agency that receives a grant under this section for witness protection services shall file a report with the

commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the legislature by January 1 of each year a summary report of witness protection services provided under this section.

Subd. 4. An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of *protected witnesses*, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, *except that information in a report pertaining to the identity or location of a protected witness is private data.*

Sec. 3. Minnesota Statutes 1990, section 609.05, subdivision 4, is amended to read:

Subd. 4. A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, *or if the person is a juvenile who has not been found delinquent for the act.*

Sec. 4. Minnesota Statutes 1990, section 609.05, is amended by adding a subdivision to read:

Subd. 5. For purposes of this section, a crime also includes an act committed by a juvenile that would be a crime if committed by an adult.

Sec. 5. Minnesota Statutes 1990, section 609.11, is amended by adding a subdivision to read:

Subd. 5a. [DRUG OFFENSES.] Notwithstanding section 609.035, whenever a defendant is subject to a mandatory minimum term of imprisonment for a felony violation of chapter 152 and is also subject to this section, the minimum term of imprisonment imposed under this section shall be consecutive to that imposed under chapter 152.

Sec. 6. [609.229] [CRIME COMMITTED FOR BENEFIT OF A GANG.]

Subdivision 1. [DEFINITION.] As used in this section, "criminal gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

(1) has, as one of its primary activities, the commission of one or more of the offenses listed in section 609.11, subdivision 9;

(2) has a common name or common identifying sign or symbol; and

(3) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

Subd. 2. [CRIMES.] A person who commits a crime for the benefit of, at the direction of, or in association with a criminal gang, with the intent to promote, further, or assist in criminal conduct by gang members is guilty of a crime and may be sentenced as provided in subdivision 3.

Subd. 3. [PENALTY.] (a) If the crime committed in violation of subdivision 2 is a felony, the statutory maximum for the crime is three years longer than the statutory maximum for the underlying crime.

(b) If the crime committed in violation of subdivision 2 is a misdemeanor, the person is guilty of a gross misdemeanor.

(c) If the crime committed in violation of subdivision 2 is a gross misdemeanor, the person is guilty of a felony and may be sentenced to a term of imprisonment of not more than one year and a day or to payment of a fine of not more than \$5,000, or both.

Sec. 7. [609.494] [SOLICITATION OF JUVENILES.]

Subdivision 1. [CRIME.] A person is guilty of a crime and may be sentenced as provided in subdivision 2 if the person solicits a minor to commit a criminal act.

Subd. 2. [SENTENCE.] (a) A person who violates subdivision 1 is guilty of a misdemeanor if the intended criminal act is a misdemeanor, and is guilty of a gross misdemeanor if the intended criminal act is a gross misdemeanor.

(b) A person who violates subdivision 1 is guilty of a felony if the intended criminal act is a felony, and may be sentenced to imprisonment for not more than one-half the statutory maximum term for the intended criminal act or to payment of a fine of not more than one-half the maximum fine for the intended criminal act, or both.

Sec. 8. Minnesota Statutes 1990, section 609.52, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if *the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or*

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if *the value of the property or services stolen exceeds \$2,500, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule I or II pursuant to section 152.02 with the exception of marijuana; or*

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) *the value of the property or services stolen is more than \$500 but not more than \$2,500; or*

(b) *the property stolen was a controlled substance listed in schedule III, IV, or V pursuant to section 152.02; or*

(c) *the value of the property or services stolen is more than \$200 but not more than \$500 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.18, subdivision 3; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or*

(d) *the value of the property or services stolen is not more than \$500,*

and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) ~~the property is a firearm; or~~

~~(vi)~~ the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than \$200 but not more than \$500; or

(5) in all other cases where the value of the property or services stolen is \$200 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 9. Minnesota Statutes 1990, section 609.66, subdivision 1, is amended to read:

Subdivision 1. ~~MISDEMEANOR~~ **MISDEMEANORS AND GROSS MISDEMEANORS.**] (a) Whoever does any of the following is guilty of a ~~misdeemeanor~~ **crime** and may be sentenced as provided in paragraph (b):

(1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or

(2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or

(3) manufactures or sells for any unlawful purpose any weapon known as a slungshot or sand club; or

(4) manufactures, transfers, or possesses metal knuckles or a switch blade knife opening automatically; or

(5) possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or

(6) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits the child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

Self-defense is an applicable defense to a charge under clause (2).

Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under clause (6).

(b) A person convicted under paragraph (a) may be sentenced as follows:

(1) if the act was committed in a public housing zone, as defined in subdivision 1d, a school zone, as defined in section 152.01, subdivision 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(2) otherwise, including where the act was committed on residential premises within a zone described in clause (1) if the offender was at the time an owner, tenant, or invitee for a lawful purpose with respect to those residential premises, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 10. Minnesota Statutes 1990, section 609.66, subdivision 1a, is amended to read:

Subd. 1a. [FELONY.] Whoever does any of the following is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both:

(1) sells or has in possession any device designed to silence or muffle the discharge of a firearm; or

(2) ~~in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the police department of the municipality; or~~

~~(3) intentionally discharges a firearm under circumstances that endanger the safety of another.~~

Sec. 11. Minnesota Statutes 1990, section 609.66, is amended by adding a subdivision to read:

Subd. 1b. [FELONY; FURNISHING A DANGEROUS WEAPON.] *Whoever furnishes a person with a dangerous weapon in disregard of a substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.*

Sec. 12. Minnesota Statutes 1990, section 609.66, is amended by adding a subdivision to read:

Subd. 1c. [FELONY; FURNISHING TO MINORS.] *Whoever, in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian or of the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. Proof of a prior written consent signed by the minor's parent or guardian or of the police department of the municipality is a complete defense to a charge under this subdivision.*

Sec. 13. Minnesota Statutes 1990, section 609.66, is amended by adding a subdivision to read:

Subd. 1d. [PUBLIC HOUSING ZONE.] As used in this section, "public housing zone" means a public housing project or development administered by a local housing agency, except public housing for the elderly or the handicapped, plus the area within 300 feet of the property's boundary, or one city block, whichever is greater.

Sec. 14. Minnesota Statutes 1990, section 609.902, subdivision 4, is amended to read:

Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.811; 299F.815; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.323; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 3, clause (3)(b), or clause (4)(e) or (f); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.67; 609.687; 609.713; 609.86; 624.713; or 624.74, and also includes an act for which a juvenile was found delinquent that would have been a criminal act under this subdivision if committed by an adult.

Sec. 15. Minnesota Statutes 1990, section 624.713, subdivision 2, is amended to read:

Subd. 2. A person named in subdivision 1, clause (a) or (b), who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 who possesses a pistol is guilty of a gross misdemeanor.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 are effective August 1, 1991, and apply to offenses committed on or after that date."

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "providing for witness protection services; providing for consecutive mandatory minimum sentences for firearm and controlled substances violations; increasing the penalty for theft of a firearm; prohibiting soliciting a juvenile to commit a crime; imposing enhanced penalties for committing a crime to benefit a gang; enhancing penalties for weapons violations in public housing zones;"

Page 1, line 10, delete everything after the semicolon and insert "299C.065; 609.05, subdivision 4, and by adding a subdivision; 609.11, by adding a subdivision; 609.52, subdivision 3; 609.66, subdivisions 1, 1a, and by adding subdivisions; 609.902, subdivision 4;"

Page 1, line 11, delete "adding a subdivision; and" and before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 609"

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. 338: A bill for an act relating to retirement; legislators retirement plan; eliminating the requirement of the discontinuation of surviving spouse benefits in the event of the remarriage of the surviving spouse; amending Minnesota Statutes 1990, section 3A.04, subdivision 1.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

SURVIVING SPOUSE BENEFIT MODIFICATIONS

Section 1. Minnesota Statutes 1990, section 3A.04, subdivision 1, is amended to read:

Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as a member, or upon the death of a former legislator who has rendered at least the number of years of service as required by section 3A.02, subdivision 1, clause (1) and who was not receiving a retirement allowance, the surviving spouse shall be entitled to receive a survivor benefit in the amount of ~~one-half of~~ *equal to* the retirement allowance of the member of the legislature or former legislator computed as though the member or former legislator had attained at least the normal retirement age on the date of death and based upon the average monthly salary as of the date of death or as of the date of termination, whichever is applicable, and the allowable service of the member or the former legislator or eight years, whichever is greater. The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied from the first day of the month next following the date of termination of service as a member of the legislature to the month of death. Upon the death of a former legislator who was receiving a retirement allowance, the surviving spouse shall be entitled to ~~one-half of~~ the amount of the allowance being paid to the former legislator. The surviving spouse benefit shall be paid during the lifetime of the surviving spouse, ~~but shall cease and terminate upon the remarriage of the surviving spouse.~~

Sec. 2. Minnesota Statutes 1990, section 352B.11, subdivision 2, is amended to read:

Subd. 2. [DEATH; PAYMENT TO SPOUSE AND CHILDREN.] If a member serving actively as a member, a member receiving the disability benefit provided by section 352B.10, subdivision 1, or a former member receiving a disability benefit as provided by section 352B.10, subdivision 2, dies from any cause, the surviving spouse and dependent children are entitled to benefit payments as follows:

(a) A member with at least three years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member became or would have become 55.

(b) The surviving spouse of a member who had credit for less than three years of service shall receive, for life, a monthly annuity equal to 50 percent of that part of the average monthly salary of the member from which deductions were made for retirement. ~~If the surviving spouse remarries, the annuity shall cease as of the date of the remarriage.~~

(c) The surviving spouse of a member who had credit for at least three years service and who died after becoming 55 years old, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, in lieu of the annuity prescribed in paragraph (b).

(d) The surviving spouse of any member who had credit for three years

or more and who was not 55 years old at death, shall receive the benefit equal to 50 percent of the average monthly salary as described in clause (b) until the deceased member would have become 55 years old, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity. ~~If the surviving spouse remarries before the deceased member's 55th birth date, benefits or annuities shall cease as of the date of remarriage. Remarriage after the deceased member's 55th birthday shall not affect the payment of the benefit.~~

(e) Each dependent child shall receive a monthly annuity equal to ten percent of that part of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over 18 and under 23 years of age also may receive the monthly benefit provided in this section, if the child is continuously attending an accredited school as a full-time student during the normal school year as determined by the director. If the child does not continuously attend school but separates from full-time attendance during any part of a school year, the annuity shall cease at the end of the month of separation. In addition, a payment of \$20 per month shall be prorated equally to surviving dependent children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child must be made to the surviving spouse, or if there is none, to the legal guardian of the child. The maximum monthly benefit for any one family must not be less than 50 nor exceed 70 percent of the average monthly salary for any number of children.

(f) If the member dies under circumstances that entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the workers' compensation benefits received by them must not be deducted from the benefits payable under this section.

(g) The surviving spouse of a deceased former member who had credit for three or more years of allowable service, but not the spouse of a former member receiving a disability benefit under section 352B.10, subdivision 2, is entitled to receive the 100 percent joint and survivor annuity at the time the deceased member would have become 55 years old, if the surviving spouse has not remarried before that date. If a former member dies who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs are entitled to a refund of the accumulated deductions left in the fund plus interest at the rate of six percent per year compounded annually.

Sec. 3. Minnesota Statutes 1990, section 352C.04, subdivision 1, is amended to read:

Subdivision 1. [SURVIVING SPOUSE BENEFIT.] Upon the death of a constitutional officer or commissioner while actively serving in office, or a former constitutional officer or commissioner with at least eight years of allowable service, the surviving spouse is entitled to a survivor benefit in the amount of one-half of the retirement allowance of the constitutional officer or commissioner or the former constitutional officer or commissioner computed as though the constitutional officer or commissioner or the former constitutional officer or commissioner were at least age 62 on the date of death and based upon the attained allowable service or eight years, whichever is greater. The augmentation provided in section 352C.033, if applicable, shall be applied to the month of death. Upon the death of a former constitutional officer or commissioner receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the retirement

allowance being paid to the former constitutional officer or commissioner as of the date of death. The benefit shall be paid to a surviving spouse eligible therefor during the remainder of the spouse's natural life ~~or until remarriage. Upon remarriage, the spouse shall no longer be eligible for the benefit except as provided in section 356.31.~~

Sec. 4. Minnesota Statutes 1990, section 352C.04, subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR SURVIVOR BENEFITS.] A surviving spouse or a guardian of the estate of the dependent child or children entitled to the payment of benefits under this section shall file an application for the benefit with the director, and payment shall commence as of the first day of the month next following the filing of the application and shall be retroactive to the first of the month following the death of the constitutional officer or commissioner or the former constitutional officer or commissioner; provided, however, that no payment shall be retroactive for more than 12 months prior to the month in which the application is filed with the director. Such benefits shall be paid on the first day of each calendar month for that month. The surviving spouse benefit shall cease with the payment for the month in which the surviving spouse dies ~~or remarries as the case may be.~~ The dependent child's benefit shall cease with the payment for the month in which the child no longer qualifies for payment as a dependent child.

Sec. 5. Minnesota Statutes 1990, section 353.01, subdivision 20, is amended to read:

Subd. 20. [SURVIVING SPOUSE.] "Surviving spouse" means the ~~unre-~~
~~married~~ spouse of a deceased member who was legally married to the member at the time of death, or at the time the member became totally and permanently disabled.

Sec. 6. Minnesota Statutes 1990, section 353.31, subdivision 1, is amended to read:

Subdivision 1. [BENEFITS FOR SURVIVING SPOUSE AND DEPENDENT CHILDREN; BEFORE RETIREMENT.] Upon the death of a basic member before retirement or upon the death of a basic member who was disabled and receiving disability benefits pursuant to section 353.33 at the time of death who has had at least 18 months of credited allowable service, the surviving spouse and dependent children of the member, as defined in section 353.01, subdivisions 15 and 20, shall be entitled to receive the monthly benefit provided below:

- | | |
|--------------------------|--|
| (a) Surviving spouse | 50 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding the month in which death occurred |
| (b) Each dependent child | 10 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding the month in which death occurred |

Payments for the benefit of any dependent child, as defined in section 353.01, subdivision 15, shall be made to the surviving parent, or if there be none, to the legal guardian of the child. The maximum monthly benefit for a family shall not exceed \$1,000, and the minimum benefit per family

shall not be less than 50 percent of the basic member's specified average monthly salary, subject to the aforementioned maximum. ~~The surviving spouse benefit shall terminate upon the remarriage of the spouse, and~~ The dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

Any survivor of a basic member whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision. Prior to payment of any survivor benefit pursuant to this subdivision, in lieu of that benefit, the surviving dependent spouse may elect to receive the joint and survivor annuity provided pursuant to section 353.32, subdivision 1a.

Except for any benefits provided pursuant to section 353.32, subdivisions 1 and 1a, there are no survivor benefits payable to the surviving spouse or dependent children of a deceased coordinated member.

Sec. 7. Minnesota Statutes 1990, section 353.657, subdivision 2, is amended to read:

Subd. 2. The spouse, for life ~~or until remarriage~~, shall receive a monthly benefit equal to 50 percent of the member's average full-time monthly salary rate as a police officer or firefighter in effect over the last six months of allowable service preceding the month in which death occurred.

Sec. 8. Minnesota Statutes 1990, section 353B.11, subdivision 6, is amended to read:

Subd. 6. [DISCONTINUATION; SURVIVING SPOUSE BENEFIT.] (a) Except as specified in paragraph (b) or (c), a surviving spouse benefit shall terminate upon the death or the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit.

(b) A surviving spouse benefit shall terminate upon the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit but shall recommence at the appropriate amount without any retroactive payments in the event of the termination of the subsequent marriage for any reason for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Duluth firefighters relief association;
- (4) ~~Duluth police pension association;~~
- (~~5~~) Minneapolis fire department relief association;
- (~~6~~) (5) St. Paul fire department relief association; and
- (~~7~~) (6) St. Paul police relief association.

(c) A surviving spouse benefit shall terminate only upon the death of the person entitled to receive or receiving a surviving spouse benefit for the former members of the following consolidating relief associations:

- (1) *Anoka police relief association;*
- (2) *Buhl police relief association;*
- (3) *Chisholm fire department relief association;*

- (4) Chisholm police relief association;
- (5) Crookston fire department relief association;
- (6) Duluth police relief association;
- (7) Faribault fire department relief association;
- (8) Hibbing firefighters relief association;
- (9) Hibbing police relief association;
- (10) Mankato fire department relief association;
- ~~(2)~~ (11) Red Wing fire department relief association;
- (12) Red Wing police relief association;
- (13) Rochester fire department relief association;
- (14) Rochester police relief association;
- (15) St. Cloud fire department relief association;
- (16) St. Louis Park fire department relief association;
- (17) St. Louis Park police relief association;
- (18) South St. Paul firefighters relief association;
- ~~(3)~~ (19) South St. Paul police relief association;
- ~~(4)~~ (20) West St. Paul firefighters relief association; **and**
- ~~(5)~~ (21) Winona fire department relief association; **and**
- (22) Winona police relief association.

Sec. 9. Minnesota Statutes 1990, section 354.05, subdivision 15, is amended to read:

Subd. 15. [DEPENDENT SPOUSE.] "Dependent spouse" means the spouse of a deceased member who ~~has not remarried and~~ was living with and dependent upon the member at the time of death.

Sec. 10. Minnesota Statutes 1990, section 354.46, subdivision 1, is amended to read:

Subdivision 1. [BASIC PROGRAM; BENEFITS FOR SPOUSE AND CHILDREN OF TEACHER.] If a basic member who has at least 18 months of allowable service credit and who has an average salary as defined in section 354.44, subdivision 6, equal to or greater than \$75 dies prior to retirement or if a former basic member who, at the time of death, was totally and permanently disabled and receiving disability benefits pursuant to section 354.48 dies prior to attaining the age of 65 years, the surviving dependent spouse and dependent children of the basic member or former basic member shall be entitled to receive a monthly benefit as follows:

- (a) Surviving
dependent
spouse 50 percent of the basic member's monthly
average salary paid in the last full fiscal
year preceding death
- (b) Each
dependent

childten percent of the basic member's
monthly average salary paid in the last
full fiscal year preceding death

Payments for the benefit of any dependent child under the age of 22 years shall be made to the surviving parent, or if there be none, to the legal guardian of the child. The maximum monthly benefit shall not exceed \$1,000 for any one family, and the minimum benefit per family shall not be less than 50 percent of the basic member's average salary, subject to the foregoing maximum. ~~The surviving dependent spouse benefit shall terminate upon remarriage, and the surviving dependent children's benefit shall be reduced pro tanto when any surviving child is no longer dependent.~~

If the basic member and the surviving dependent spouse are killed in a common disaster and if the total of all survivors benefits payable pursuant to this subdivision is less than the accumulated deductions plus interest payable, the surviving dependent children shall receive the difference in a lump sum payment.

If the survivor benefits provided in this subdivision exceed in total the monthly average salary of the deceased basic member, these benefits shall be reduced to an amount equal to the deceased basic member's monthly average salary.

Prior to payment of any survivor benefit pursuant to this subdivision, in lieu of that benefit, the surviving dependent spouse may elect to receive the joint and survivor annuity provided pursuant to subdivision 2, or may elect to receive a refund of accumulated deductions with interest in a lump sum as provided pursuant to section 354.47, subdivision 1. If there are any surviving dependent children, the surviving dependent spouse may elect to receive the refund of accumulated deductions only with the consent of the district court of the district in which the surviving dependent child or children reside.

Sec. 11. Minnesota Statutes 1990, section 354A.011, subdivision 26, is amended to read:

Subd. 26. [SPOUSE.] "Spouse" means the person who was legally married to and living with the member immediately prior to the member's death ~~and who has not remarried subsequent to the member's death.~~

Sec. 12. [SURVIVING SPOUSE BENEFITS.]

Subdivision 1. Notwithstanding any laws to the contrary, the benefit payable to the surviving spouse of a deceased deferred or deceased retired former member of the following consolidated relief associations is as specified in subdivision 2:

- (a) *Chisholm fire relief association;*
- (b) *Chisholm police relief association;*
- (c) *Hibbing fire relief association; and*
- (d) *Hibbing police relief association.*

The benefit specified in subdivision 2 is payable to current and prospective surviving spouses eligible to receive a benefit under the benefit provisions of the applicable local relief association benefit plan.

Subd. 2. The benefit provided for individuals identified in subdivision 1 is 50 percent of the annuity amount being received by the former member

immediately prior to death, unless the survivor benefit computed under prior law is greater.

Sec. 13. [EFFECTIVE DATE.]

(a) Sections 1 to 11 are effective the day following final enactment.

Section 12 is effective for the former relief associations of the city of Chisholm the day following approval by the Chisholm city council and upon compliance with Minnesota Statutes, section 645.021. Section 12 is effective for the former relief associations of the city of Hibbing the day following approval by the Hibbing city council and upon compliance with Minnesota Statutes, section 645.021.

(b) The elimination of the surviving spouse benefit discontinuation requirement provided for in sections 1 to 11 also applies to any surviving spouse receiving a surviving spouse benefit on the date of final enactment of the act and the potential surviving spouse of active, deferred or retired plan members who have that status on the effective date of the change. Sections 1 to 11 do not apply to persons who formerly were receiving surviving spouse benefits and had those benefits discontinued by virtue of a remarriage and may not be considered to authorize the payment of any retroactive survivor benefit amounts to any person or to an estate.

ARTICLE 2

PUBLIC PENSION PLAN ACTUARIAL REPORTING REVISIONS

Section 1. Minnesota Statutes 1990, section 3.85, subdivision 11, is amended to read:

Subd. 11. [VALUATIONS AND REPORTS TO LEGISLATURE.] (a) The commission shall contract with an established actuarial consulting firm to conduct annual actuarial valuations ~~and financial adequacy studies~~ for the retirement plans named in paragraph (b). The contract ~~shall~~ *must* include provisions for performing cost analyses of proposals for changes in benefit and funding policies.

(b) The contract for actuarial valuation ~~and analysis shall~~ *must* include the following retirement plans:

- (1) the ~~statewide~~ *teachers retirement plan*, teachers retirement association;
- (2) the ~~general state~~ *employees retirement plan*, Minnesota state retirement system;
- (3) the ~~correctional~~ *employees retirement plan*, Minnesota state retirement system;
- (4) the ~~state patrol~~ *retirement plan*, Minnesota state retirement system;
- (5) the ~~judges~~ *retirement plan*, Minnesota state retirement system;
- (6) the ~~Minneapolis~~ *employees retirement plan*, Minneapolis employees retirement fund;
- (7) the ~~general~~ *public employees retirement plan*, public employees retirement association;
- (8) the ~~public employees~~ *police and fire plan*, public employees retirement association;
- (9) the ~~Duluth~~ *teachers retirement plan*, Duluth teachers retirement fund association;

(10) the *Minneapolis teachers retirement plan*, Minneapolis teachers retirement fund association;

(11) the *St. Paul teachers retirement plan*, St. Paul teachers retirement fund association;

(12) the ~~legislator's~~ *legislators retirement plan*, Minnesota state retirement system; and

(13) the elective state officers retirement plan, Minnesota state retirement system; and

(14) the *public employees local government correctional service retirement plan*, public employees retirement association, if there are any participants in that plan.

(c) ~~Every year~~ The contract ~~shall must~~ specify completion of standard annual actuarial valuations for the valuation calculations on a fiscal year basis with their contents as described specified in section 356.215, subdivisions 4 to 4k, and cash flow forecasts through the amortization target date and the standards for actuarial work adopted by the commission.

~~For every plan year~~ The contract ~~shall must~~ specify ~~preparation~~ completion of an exhibit on the experience of the fund for inclusion in the annual actuarial valuation and completion of a periodic experience study annual experience data collection and processing and a quadrennial published experience study for the plans listed in paragraph (b), clauses (1), (2), and (7), as provided for in the standards for actuarial work adopted by the commission. The experience study ~~shall~~ data collection, processing, and analysis must evaluate the appropriateness of continuing to use for future valuations the assumptions relating to the following:

(1) individual salary progression;

(2) rate of return on investments based on current asset value;

(3) payroll growth;

(4) mortality; ~~withdrawal~~; disability;

(5) retirement; and any other experience-related factor that could impact the future financial condition of the retirement funds age;

(6) ~~withdrawal~~; and

(7) disablement.

(d) The actuary retained by the commission shall annually prepare a report to the legislature, including the commentary on the actuarial valuation calculations for the plans named in paragraph (b) and summarizing the results of the valuations and cash flow projections actuarial valuation calculations. ~~It~~ The commission-retained actuary shall include with its the report the actuary's recommendations concerning the appropriateness of the support rates to achieve proper funding of the retirement funds by the required funding dates. ~~It~~ The commission-retained actuary shall, ~~within two months of the completion~~ as part of the periodic quadrennial published experience studies study, ~~prepare a report~~ include recommendations to the legislature on the appropriateness of the actuarial valuation assumptions required for evaluation in the periodic experience study.

(e) If the actuarial gain and loss analysis in the actuarial valuation calculations indicates a persistent pattern of sizable gains or losses, as

directed by the commission, the actuary retained by the commission shall prepare a special experience study for a plan listed in paragraph (b), clause (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), or (14), in the manner provided for in the standards for actuarial work adopted by the commission.

(f) The term of the contract between the commission and the actuary retained by the commission is two years, plus not to exceed two one-year extensions before competitive bidding. The contract is subject to competitive bidding procedures as specified by the commission.

Subd. 12. [ALLOCATION OF ACTUARIAL COST.] (a) The commission shall assess each retirement plan specified in subdivision 11, paragraph (b), ~~other than clauses (12) and (13),~~ for a portion of the compensation paid to the actuary retained by the commission for the ~~cost of its actuarial valuations~~ valuation calculations and quadrennial experience studies. The assessment shall be that ~~part~~ is 72 percent of the amount of contract compensation for the actuarial consulting firm retained by the commission for ~~these functions~~ that bears the same relationship that the total active, deferred, inactive, and benefit recipient membership of the retirement plan bears to the total active, deferred, inactive, and benefit recipient membership of all retirement plans specified in paragraph (b) actuarial valuation calculations, including the public employees police and fire plan consolidation accounts of the public employees retirement association, annual experience data collection and processing, and quadrennial experience studies.

The portion of the total assessment payable by each retirement system or pension plan must be determined as follows:

(1) Each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (14), must pay the following indexed amount based on its total active, deferred, inactive, and benefit recipient membership:

up to 2,000 members, inclusive	\$2.55 per member
2,001 through 10,000 members	\$1.13 per member
over 10,000 members	\$0.11 per member

The amount specified is applicable for the assessment of the July 1, 1991, to June 30, 1992, fiscal year actuarial compensation amounts. For the July 1, 1992, to June 30, 1993, fiscal year and subsequent fiscal year actuarial compensation amounts, the amount specified must be increased at the same percentage increase rate as the implicit price deflator for state and local government purchases of goods and services for the 12-month period ending with the first quarter of the calendar year following the completion date for the actuarial valuation calculations, as published by the federal Department of Commerce, and rounded upward to the nearest full cent.

(2) The total per-member portion of the allocation must be determined, and that total per-member amount must be subtracted from the total amount for allocation. Of the remainder dollar amount, the following per-retirement system and per-pension plan charges must be determined and the charges must be paid by the system or plan:

(i) 37.87 percent is the total additional per-retirement system charge, of which one-seventh must be paid by each retirement system specified in subdivision 11, paragraph (b), clauses (1), (2), (6), (7), (9), (10), and (11).

(ii) 62.13 percent is the total additional per-pension plan charge, of which one-thirteenth must be paid by each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (13), if there are not any participants in

the plan specified in subdivision 11, paragraph (b), clause (14), or of which one-fourteenth must be paid by each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (14), if there are participants in the plan specified in subdivision 11, paragraph (b), clause (14).

(b) The assessment ~~shall~~ must be made ~~upon~~ following the completion of the actuarial ~~valuations~~ valuation calculations and the experience ~~studies~~ analysis. The amount of the assessment is appropriated from the retirement fund applicable to the retirement plan. Receipts from assessments ~~shall~~ must be deposited in the state treasury and credited to the general fund.

Sec. 2. Minnesota Statutes 1990, section 356.20, subdivision 4, is amended to read:

Subd. 4. [CONTENTS OF FINANCIAL REPORT.] The financial report required by this section ~~shall include:~~

~~(1) must contain financial statements and disclosures that indicate the financial operations and position of the retirement plan and fund. The report must conform with generally accepted governmental accounting principles, applied on a consistent basis. The report must be audited. The report must include, as part of its exhibits or footnotes, an exhibit actuarial disclosure item based on the actuarial valuation calculations prepared by the commission-retained actuary or by the actuary retained by the retirement fund or plan, if applicable, according to applicable actuarial requirements enumerated in section 356.215, and specified in the most recent standards for actuarial work adopted by the legislative commission on pensions and retirement. The exhibit shall show the accrued assets of the fund, the accrued liabilities, including accrued reserves, and the unfunded actuarial accrued liability of the fund or plan must be disclosed. The exhibit shall disclosure item must contain the certificate of a declaration by the actuary retained by the legislative commission on pensions and retirement or the actuary retained by the fund or plan, whichever applies, specifying that the required reserves for any retirement, disability, or survivor benefits provided under a benefit formula are computed in accordance with the entry age actuarial cost method and any with the most recent applicable standards for actuarial work adopted by the legislative commission on pensions and retirement.~~

(a) Assets ~~shown in the exhibit shall~~ of the fund or plan contained in the disclosure item must include the following ~~items of actual assets:~~

Cash in office

Deposits in banks

Accounts receivable:

Accrued members' contributions

Accrued employer contributions

Other

Accrued interest on investments

Dividends on stocks, declared but not yet received

Investment in bonds at cost

Investment in stocks at cost

Investment in real estate

Equipment at cost, less depreciation

Other

Total assets - - - - -

(b) ~~The exhibit shall include a statement of the actuarial value of current assets as specified defined in section 356.215, subdivision 4, including:~~

Cash, cash equivalents, and short-term securities

Fixed income investments

Equity investments

Real estate investments

Equity in the Minnesota postretirement investment fund

Other 1:

	Value at cost	Value at market
Cash, cash equivalents, and short-term securities
Accounts receivable
Accrued investment income
Fixed income investments
Equity investments other than real estate
Real estate investments
Equipment
Equity in the Minnesota postretirement investment fund
Other
Total assets		
Value at cost	
Value at market	
Value of current assets	

(e) ~~(b) The exhibit shall include a statement of the unfunded actuarial accrued liability of the fund which shall or plan contained in the disclosure item must include the following measures of unfunded actuarial accrued liability, using the actuarial value of current assets as specified in section 356.215, subdivision 4:~~

(i) ~~(1) unfunded actuarial accrued liability, which shall be determined by subtracting the current assets and the present value of future normal costs from the total current and expected future benefit obligations; and~~

(ii) ~~current (2) unfunded actuarial liability pension benefit obligation, which is the total current benefit obligations less determined by subtracting the total current assets; and~~

(iii) ~~current and future unfunded actuarial liability, which is the total current and expected future benefit obligations less the total current and expected future assets from the actuarial present value of credited projected benefits.~~

If the current assets of the fund or plan exceed the actuarial accrued liabilities, the excess shall be listed disclosed and indicated as a surplus and indicated in the exhibit following the itemization of benefit obligations.

(d) The exhibit shall include a footnote showing accumulated member

contributions without interest:

(e) Current liabilities shown in the exhibit shall include the following items:

Current:

Accounts payable

Retirement annuity payments

Disability benefit payments

Survivor benefit payments

Refund to members

Accrued expenses

Suspense items

Total current liabilities

(f) (c) The exhibit shall include a schedule which shall be listed as the "current and expected future pension benefit obligations." The schedule shall included in the disclosure must contain the following information on the benefit obligations:

1. Current (1) The pension benefit obligations obligation, which shall be determined as the actuarial present value of benefit obligations credited projected benefits on account of service rendered to date, separately identified as follows:

(a) (i) For annuitants

Retirement annuities

Disability benefits

Surviving spouse and child benefits

(b) (ii) For former members without vested rights

(c) (iii) For deferred annuitants' benefits, including any augmentation

(d) (iv) For active employees

Retirement annuities

Disability benefits

Refund liability due to death or withdrawal

Survivors' benefits

Accumulated employee contributions,

including allocated investment income

Employer-financed benefits vested

Employer-financed benefits nonvested

Total current benefits obligations pension benefit obligation;

2. Expected future benefit obligations which shall be the actuarial value of benefit obligations on account of future service for active employees

3. Total current and expected future benefit obligations

4. In addition to the foregoing, (2) If there are additional benefits not appropriately covered by the foregoing three items of benefit obligations, they shall be listed separately a separate identification of the obligation.

(2) An income statement prepared on an accrual basis showing all income and all deductions from income for the fiscal year. The statement shall show separate items for employee contributions; employer regular contributions;

employer additional contributions if provided by law; investment income; profit on the sale of investments; and other income; if any.

(3) A statement of deductions from income, which shall include separate items for the payment of retirement annuities, disability benefits, surviving spouse benefits, surviving children's benefits, refunds to members terminating employment, refunds due to death of members and due to death of annuitants, the increase in total reserves required, general administrative expense incurred, loss on sale of investments, and any other deductions.

(4) A statement showing appropriate statistics concerning the membership and beneficiaries of the fund, with indications of changes in the statistical data which may result from the current year's operation.

(5) (d) Any additional statements or exhibits which or more detailed or subdivided itemization of a disclosure item that will enable the management of the fund to portray a true interpretation of the fund's financial condition, except that the term "surplus" or the term "excess of assets" shall not be used except as otherwise specifically provided for in this section; nor shall any representation of assets and liabilities other than as provided for in this section be included in the additional statements or exhibits.

(6) A more detailed or subdivided itemization of any of the items required by this section, if the management of the fund so desires.

Sec. 3. Minnesota Statutes 1990, section 356.215, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of sections 3.85 and 356.20 to 356.23, each of the following terms shall have the meaning given:

(1) "Actuarial valuation" or "actuarial valuation calculations" means a set of calculations prepared by the actuary retained by the legislative commission on pensions and retirement if so required under section 3.85, or otherwise, by an approved actuary, to determine the normal cost and the accrued actuarial liabilities of a benefit plan, according to a stated the entry age actuarial cost method and based upon stated assumptions including, but not limited to rates of interest, mortality, salary increase, disability, withdrawal, and retirement and to determine the payment necessary to amortize over a stated period any unfunded accrued actuarial liability disclosed as a result of the actuarial valuation and the resulting actuarial balance sheet of the benefit plan.

(2) "Approved actuary" means a person who is regularly engaged in the business of providing actuarial services and who has at least 15 years of service to major public employee pension or retirement funds or who is a fellow in the society of actuaries.

(3) "Entry age actuarial cost method" means an actuarial cost method under which the actuarial present value of the projected benefits of each individual currently covered by the benefit plan and included in the actuarial valuation is allocated on a level basis over the service of the individual if the benefit plan is governed by section 69.773 or over the earnings of the individual if the benefit plan is governed by any other law between the entry age and the assumed exit age, with the portion of this actuarial present value which is allocated to the valuation year to be the normal cost and the portion of this actuarial present value not provided for at the valuation date by the actuarial present value of future normal costs to be the actuarial accrued liability, with aggregation in the calculation process to be the sum

of the calculated result for each covered individual and with recognition given to any different benefit formulas which may apply to various periods of service.

(4) "Experience study" means a report ~~which provides~~ *providing* experience data and an actuarial analysis ~~which substantiate of the adequacy of~~ the actuarial assumptions on which *actuarial* valuations are based.

(5) ~~"Expected future statutory supplemental contributions" means the sum of future employee and employer contributions at the rates specified in statute when the valuation is completed, reduced by the present value of future normal costs.~~

(6) "Current assets" means the value of all assets at cost, ~~which includes~~ *including* realized capital gains or losses, plus one-third of any unrealized capital gains or losses.

(7) (6) "Unfunded actuarial accrued liability" means *the* total current and expected future benefit obligations ~~less, reduced by~~ the sum of current assets and the present value of future normal costs.

(7) "Pension benefit obligation" means *the actuarial present value of credited projected benefits, determined as the actuarial present value of benefits estimated to be payable in the future as a result of employee service attributing an equal benefit amount, including the effect of projected salary increases and any step rate benefit accrual rate differences, to each year of credited and expected future employee service.*

Sec. 4. Minnesota Statutes 1990, section 356.215, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS.] It is the policy of the legislature that it is necessary and appropriate to determine annually the financial status of tax supported retirement and pension plans for public employees. To achieve this goal, the legislative commission on pensions and retirement shall have prepared ~~by the actuary retained by the commission annual actuarial valuations and periodic experience studies~~ *valuation calculations of the public pension and retirement plans enumerated in section 3.85, subdivision 11, clause paragraph (b), and quadrennial experience studies of the retirement plans enumerated in section 3.85, subdivision 11, paragraph (b), clauses (1), (2), and (7). The governing or managing board or administrative officials of each public pension and retirement fund or plan enumerated in section 356.20, subdivision 2, clauses (9), (10), and (12), shall have prepared by an approved actuary annual actuarial valuations and periodic experience studies of their respective funds as provided in this section. This requirement shall also apply applies to any fund which may be a that is the successor to any organization enumerated in section 356.20, subdivision 2, or to the governing or managing board or administrative officials of any newly formed retirement fund or association operating under the control or supervision of any public employee group, governmental unit, or institution receiving a portion of its support through legislative appropriations, and any local police or fire fund coming within the provisions of section 356.216.*

Sec. 5. Minnesota Statutes 1990, section 356.215, subdivision 3, is amended to read:

Subd. 3. [REPORTS.] The actuarial ~~valuations~~ *valuation calculations* required annually ~~shall must~~ be made as of the beginning of each fiscal year. Two copies of the valuation ~~shall calculations must~~ be delivered to

the executive director of the legislative commission on pensions and retirement, to the commissioner of finance and to the legislative reference library, not later than the first day of the sixth month occurring after the end of the previous fiscal year. Two copies of ~~any a quadrennial~~ experience study ~~prepared periodically as provided for in the standards adopted by the commission~~ *shall must* be filed with the executive director of the legislative commission on pensions and retirement, with the commissioner of finance, and with the legislative reference library, not later than the first day of the 11th month occurring after the end of the last fiscal year of the *four-year* period which the experience study covers. For actuarial ~~valuations~~ *valuation calculations* and experience studies prepared at the direction of the legislative commission on pensions and retirement, two copies of the document ~~shall must~~ be delivered to the governing or managing board or administrative officials of the applicable public pension and retirement fund or plan.

Sec. 6. Minnesota Statutes 1990, section 356.215, subdivision 4, is amended to read:

Subd. 4. [ACTUARIAL VALUATION; CONTENTS.] The actuarial valuation ~~shall~~ *calculations must* be made in conformity with the requirements of the definition contained in subdivision 1 and *the most recent* standards *for actuarial work* adopted by the legislative commission on pensions and retirement. The actuarial valuation ~~shall~~ *calculations must* measure all aspects of the benefit plan of the fund in accordance with changes in benefit plans, if any, and salaries ~~as will or can~~ reasonably be anticipated to be in force during the ensuing fiscal year. The actuarial valuation ~~shall~~ *calculations must* be prepared in accordance with the entry age actuarial cost method.

The actuarial valuation *calculations* required under this section ~~shall must~~ include the information required in subdivisions 4a to 4k.

Sec. 7. Minnesota Statutes 1990, section 356.215, subdivision 4a, is amended to read:

Subd. 4a. [NORMAL COST.] For ~~each a~~ fund providing ~~any~~ benefits *in whole or in part* under a defined benefit plan, the actuarial valuation ~~shall~~ *contain an exhibit indicating calculations must indicate* the level normal cost of the benefits provided by the laws governing the fund as of the date of the valuation *calculations*, calculated in accordance with the entry age actuarial cost method. The normal cost ~~shall must~~ be expressed as a level percentage of the *present value of future payroll payrolls* of the active participants of the fund as of the date of the valuation.

Sec. 8. Minnesota Statutes 1990, section 356.215, subdivision 4b, is amended to read:

Subd. 4b. [ACCRUED LIABILITY.] For ~~each a~~ fund providing ~~any~~ benefits under a defined benefit plan, the actuarial valuation ~~shall~~ *calculations must* contain an exhibit indicating the *actuarial* accrued liabilities of the fund; ~~which shall be equal to. This figure is the present value of all future benefits minus, reduced by the present value of future normal costs,~~ calculated in accordance with the entry age actuarial cost method.

Sec. 9. Minnesota Statutes 1990, section 356.215, subdivision 4d, is amended to read:

Subd. 4d. [INTEREST AND SALARY ASSUMPTIONS.] (a) For funds governed by chapters ~~3A, 352, 352B, 352C, 353, 353C, and 354~~ *other than*

the variable annuity fund governed by section 354.62, and 490, the actuarial valuation ~~shall calculations must~~ use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and ~~an a~~ future salary increase assumption ~~that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year of 6.5 percent.~~

(b) For funds governed by chapter 354A, the actuarial valuation ~~shall calculations must~~ use preretirement and postretirement assumptions of 8.5 percent and ~~an a~~ future salary increase assumption ~~that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year of 6.5 percent,~~ but the actuarial valuation ~~shall must~~ reflect the payment of postretirement adjustments to retirees ~~shall be,~~ based on the methods specified in the bylaws of the fund as approved by the legislature.

(c) For all other funds *not specified in paragraph (a), (b), or (d),* the actuarial valuation ~~shall calculations must~~ use a preretirement interest assumption of five percent, a postretirement interest assumption of five percent, and ~~an a~~ future salary increase assumption ~~that in each future year the salary on which a retirement or other benefit is based is 1.035 multiplied by the salary for the preceding year of 3.5 percent.~~

(d) For funds governed by chapters 3A, 352C, and 490, the actuarial valuation ~~shall calculations must~~ use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and ~~an a~~ future salary increase assumption ~~that of 6.5 percent in each future year in which the salary amount payable is not determinable from section 3.099, 15A.081, subdivision 6, or 15A.083, subdivision 1, whichever is applicable applies,~~ or from applicable compensation council recommendations under section 15A.082; ~~the salary on which a retirement or other benefit is based is 1.065 multiplied by the known or computed salary for the preceding year, whichever is applicable.~~

Sec. 10. Minnesota Statutes 1990, section 356.215, subdivision 4e, is amended to read:

Subd. 4e. [OTHER ASSUMPTIONS.] The actuarial valuation ~~shall calculations must~~ use assumptions concerning mortality, disability, retirement, withdrawal, retirement age, and any other relevant demographic or economic factor, ~~which shall. These must be set at levels consistent with those determined in the most recent quadrennial experience study completed pursuant to under subdivision 5, if required, or representative of the best estimate of future experience, if a quadrennial experience study is not required.~~ The actuarial valuation ~~shall calculations must~~ contain an exhibit indicating any actuarial assumptions used in preparing the valuation report.

Sec. 11. Minnesota Statutes 1990, section 356.215, subdivision 4f, is amended to read:

Subd. 4f. [ACTUARIAL BALANCE SHEET PUBLIC SECTOR ACCOUNTING DISCLOSURE INFORMATION.] The actuarial valuation ~~shall calculations must~~ contain an actuarial balance sheet, which shall indicate ~~current and expected future benefit obligations, current and expected future assets, unfunded actuarial accrued liability, current unfunded actuarial liability, and current and future unfunded actuarial liability. Specifically, the balance sheet for all funds, except local police, salaried firefighter, and specified volunteer firefighter funds, shall include the following:~~

CURRENT AND EXPECTED FUTURE ASSETS

Current assets		
Cash, cash equivalents, and short-term securities	\$ - - -	
Fixed income investments	- - -	
Equity investments	- - -	
Real estate investments	- - -	
Equity in the Minnesota postretirement investment fund	- - -	
Other	- - -	
Total current assets		\$ - - -
Expected future assets		
Present value of expected future statutory supplemental contributions	- - -	
Present value of future normal costs	- - -	
Total expected future assets		\$ - - -
Total current and expected future assets		\$ - - -

CURRENT AND EXPECTED FUTURE BENEFIT OBLIGATIONS

Current benefit obligations		
Actuarial present value of credited projected benefit obligations on account of service rendered to date:		
For annuitants		
Retirement annuities	\$ - - -	
Disability benefits	- - -	
Surviving spouse and child benefits	- - -	
For former members without vested rights	- - -	
For deferred annuitants' benefits, including any augmentation	- - -	
For active employees		
Retirement benefits	- - -	
Disability benefits	- - -	
Refund liability due to death or withdrawal	- - -	
Survivors' benefits	- - -	
Total current benefit obligations		\$ - - -
Expected future benefit obligations		
Actuarial value of benefit obligations on account of future service for active employees		\$ - - -
Total current and expected future benefit obligations		\$ - - -
Current unfunded actuarial liability (Total current benefit obligations less total current assets):		\$ - - -
Current and future unfunded actuarial liability		
(Total current and expected future benefit obligations less total current and expected future assets):		\$ - - -

In addition to that itemization of benefit obligations, separate items shall

~~be shown for additional benefits, if any, which may not be appropriately included in that itemization those actuarial calculations necessary to allow the retirement plan administration or participating employing units to prepare the pension-related portions of annual financial reporting that meet generally accepted accounting principles for the public sector.~~

Sec. 12. Minnesota Statutes 1990, section 356.215, subdivision 4g, is amended to read:

Subd. 4g. [AMORTIZATION CONTRIBUTIONS.] (a) In addition to the exhibit indicating the level normal cost, the actuarial valuation ~~shall~~ *calculations must* contain an exhibit indicating the additional annual contribution ~~which would be required sufficient~~ to amortize the unfunded actuarial accrued liability. For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354, 354A, and 490, the additional contribution ~~shall must~~ be calculated on a level percentage of covered payroll basis by the established date for full funding ~~which is~~ in effect when the valuation is prepared. The level percent additional contribution ~~shall must~~ be calculated assuming annual payroll growth of 6.5 percent. For all other funds, the additional annual contribution ~~shall must~~ be calculated on a level annual dollar amount basis.

~~If;~~ (b) For any fund other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, ~~if~~ there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, which change or changes by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded actuarial accrued liability of the fund, the established date for full funding for the first actuarial valuation made after June 1, 1989, and each successive actuarial valuation ~~shall be~~ is the first actuarial valuation date ~~which occurs~~ occurring after June 1, 2020.

~~If;~~ (c) For any fund or plan other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, ~~if~~ there has been a change in any or all of the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability in the fund, the established date for full funding ~~shall must~~ be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the fund ~~shall must~~ be determined in accordance with the plan provisions governing annuities and retirement benefits and the actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution or level percentage, whichever is applicable, ~~which is~~ needed to amortize the unfunded actuarial accrued liability amount determined pursuant to subclause under item (i) by the established date for full funding in effect prior to before the change ~~shall must~~ be calculated using the interest assumption specified in subdivision

4d in effect before the change;

(iii) the unfunded actuarial accrued liability of the fund ~~shall~~ *must* be determined in accordance with any new plan provisions governing annuities and benefits payable from the fund and any new actuarial assumptions and the remaining plan provisions governing annuities and benefits payable from the fund and actuarial assumptions in effect before the change;

(iv) the level annual dollar contribution or level percentage, whichever is applicable, ~~which is~~ needed to amortize the difference between the unfunded actuarial accrued liability amount calculated ~~pursuant to subclause under item (i)~~ and the unfunded actuarial accrued liability amount calculated ~~pursuant to subclause under item (iii)~~ over a period of 30 years from the end of the plan year in which the applicable change is effective ~~shall~~ *must* be calculated using the applicable interest assumption specified in subdivision 4d in effect after any applicable change;

(v) the level annual dollar or level percentage amortization contribution ~~pursuant to subclause under item (iv)~~ ~~shall~~ *must* be added to the level annual dollar amortization contribution or level percentage calculated ~~pursuant to subclause under item (ii)~~;

(vi) the period in which the unfunded actuarial accrued liability amount determined in ~~subclause item (iii)~~ ~~will be~~ *is* amortized by the total level annual dollar or level percentage amortization contribution computed ~~pursuant to subclause under item (v)~~ ~~shall~~ *must* be calculated using the interest assumption specified in subdivision 4d in effect after any applicable change, rounded to the nearest integral number of years, but ~~which shall not to exceed a period of 30 years from the end of the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and which shall not to be less than the period of years beginning in the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and ending by the date for full funding in effect before the change; and~~

(vii) the period determined ~~pursuant to subclause under item (vi)~~ ~~shall~~ *must* be added to the date as of which the actuarial valuation was prepared and the date obtained ~~shall be~~ *is* the new established date for full funding.

(d) For the Minneapolis employees retirement fund, the established date for full funding ~~shall be~~ *is* June 30, 2017.

Sec. 13. Minnesota Statutes 1990, section 356.215, subdivision 4h, is amended to read:

Subd. 4h. [ACTUARIAL GAINS AND LOSSES.] The actuarial valuation ~~shall~~ *calculations must* contain an exhibit consisting of an analysis by the actuary explaining the net increase or decrease in the unfunded actuarial accrued liability since the last valuation ~~must be provided~~. The explanation ~~shall~~ *must* subdivide the net increase or decrease in the unfunded actuarial accrued liability into at least the following parts:

(a) increases or decreases in the unfunded actuarial accrued liability because of changes in benefits;

(b) increases and decreases in the unfunded actuarial accrued liability because of ~~each change, if any,~~ *changes* in actuarial assumptions;

(c) increases or decreases in the unfunded actuarial accrued liability

~~separately by source~~ attributable to actuarial gains or losses resulting from any ~~experience deviations of from the assumptions on which the valuation is based, as follows:~~

- (i) actual investment earnings;
- (ii) actual postretirement mortality rates; ~~and;~~
- (iii) actual salary increase rates ~~from the assumptions on which the valuations are based;~~ and
- (iv) the remainder of the increase or decrease not attributable to any separate source;
- (d) increases or decreases in unfunded actuarial accrued liability because of other reasons, including the effect of any amortization contribution *paid or additional amortization contribution previously calculated but unpaid;* and
- (e) increases or decreases in unfunded actuarial accrued liability because of changes in eligibility requirements or groups included in the membership of the fund.

Sec. 14. Minnesota Statutes 1990, section 356.215, subdivision 4i, is amended to read:

Subd. 4i. [MEMBERSHIP TABULATION.] The actuarial valuation ~~shall~~ *calculations must contain an exhibit consisting of* a tabulation of active membership and annuitants in the fund. If the membership of a fund is under more than one general benefit program, a separate tabulation ~~shall~~ *must* be made for each general benefit program. The tabulations ~~shall~~ *must* be prepared by the administration of the pension fund and must contain the following information:

- | | |
|---|---------------|
| <p>(a) (1) Active members</p> <p style="padding-left: 20px;">As of last valuation date</p> <p style="padding-left: 40px;">New entrants</p> <p style="padding-left: 40px;">Total</p> <p style="padding-left: 20px;">Separations from active service</p> <p style="padding-left: 20px;">Refund of contributions</p> <p style="padding-left: 20px;">Separation with deferred annuity</p> <p style="padding-left: 20px;">Separation with neither refund
nor deferred annuity</p> <p style="padding-left: 20px;">Disability</p> <p style="padding-left: 20px;">Death</p> <p style="padding-left: 20px;">Retirement with service annuity</p> <p style="padding-left: 20px;">Total separations</p> <p style="padding-left: 20px;">As of current valuation date</p> | <p>Number</p> |
| <p>(b) (2) Annuitants</p> <p style="padding-left: 20px;">As of last valuation date</p> <p style="padding-left: 20px;">New entrants</p> <p style="padding-left: 20px;">Total</p> <p style="padding-left: 20px;">Terminations</p> <p style="padding-left: 20px;">Deaths</p> <p style="padding-left: 20px;">Other</p> <p style="padding-left: 20px;">Total terminations</p> <p style="padding-left: 20px;">As of current valuation date</p> | <p>Number</p> |

The tabulation required under ~~subclause (b) shall~~ *clause (2) must* be made

separately for each of the following classes of ~~annuitants~~ *benefit recipients*:

- (a) (1) service retirement annuitants;
- (b) (2) disability benefit recipients;
- (c) (3) ~~Surviving spouse survivor~~ benefit recipients
- (d) ~~Surviving child benefit recipients~~; and
- (e) (4) deferred annuitants.

Sec. 15. Minnesota Statutes 1990, section 356.215, subdivision 4j, is amended to read:

Subd. 4j. [ADMINISTRATIVE EXPENSES.] The actuarial valuation ~~shall contain an exhibit indicating a statement of calculations must indicate~~ the administrative expenses *of the fund*, expressed both in dollars and ~~also~~ as a percentage of covered payroll.

Sec. 16. Minnesota Statutes 1990, section 356.215, subdivision 4k, is amended to read:

Subd. 4k. [PLAN SUMMARY.] The actuarial valuation ~~shall~~ *calculations must contain an exhibit indicating* a summary of the principal provisions of the plan upon which the valuation is based.

Sec. 17. Minnesota Statutes 1990, section 356.215, subdivision 5, is amended to read:

Subd. 5. [QUADRENNIAL EXPERIENCE STUDY; CONTENTS.] ~~Each A quadrennial experience study shall, if required, must contain an actuarial analysis of the experience of the fund or association and a comparison of the experience with the actuarial assumptions on which the most recent actuarial valuation of the retirement fund or relief association was based, and shall also contain a statement of the average ages at which service retirements have taken place.~~

Sec. 18. Minnesota Statutes 1990, section 356.215, subdivision 6, is amended to read:

Subd. 6. [ACTUARIAL SERVICES BY APPROVED ACTUARIES.] ~~Each (a) The actuarial valuation calculations or quadrennial experience study shall must be made and any actuarial consulting services for a retirement fund or plan shall must be provided by an approved actuary. The actuarial valuation calculations or quadrennial experience study shall must include a certification declaration that it has been prepared in accordance with the provisions of according to sections 356.20 to 356.23 and the most recent standards for actuarial work adopted by the legislative commission on pensions and retirement.~~

(b) *Actuarial valuations, actuarial valuation calculations, or experience results prepared by an actuary retained by a retirement fund or plan must be submitted to the legislative commission on pensions and retirement within ten days of the submission of the document to the retirement fund or plan.*

Sec. 19. Minnesota Statutes 1990, section 356.215, subdivision 7, is amended to read:

Subd. 7. [ESTABLISHMENT OF ACTUARIAL ASSUMPTIONS.] Actuarial assumptions used for actuarial valuations under this section that are other than those set forth in this section may be changed only with the approval of the legislative commission on pensions and retirement. A change

in the applicable actuarial assumptions may be proposed by the governing board of the applicable pension fund or relief association, by the actuary retained by the legislative commission on pensions and retirement, by the actuarial advisor ~~retained by~~ to a pension fund governed by chapter 352, 353, 354, or 354A, or by the actuary retained by a local police or firefighters relief association governed by sections 69.77 or 69.771 to 69.776, *if one is retained.*

Sec. 20. [MODIFICATIONS IN ACTUARIAL SERVICES.]

(a) The actuary retained by the legislative commission on pensions and retirement is not required to prepare actuarial valuation calculations of the public employees local government correctional employees retirement plan unless the plan is implemented by a county under Minnesota Statutes, section 353C.04.

(b) The cost of any requested benefit projections by the commission-retained actuary relating to the Minnesota postretirement investment fund for the state board of investment is payable by the state board of investment.

(c) Actuarial valuation calculations under Minnesota Statutes, section 356.215, for July 1, 1991, and thereafter, are not required to have an individual commentary section. The commentary section, if omitted from the individual plan actuarial valuation calculations, must be included in an appropriate generalized format as part of the report to the legislature under Minnesota Statutes, section 3.85, subdivision 11.

(d) Actuarial valuation calculations under Minnesota Statutes, section 356.215, for July 1, 1991, and thereafter, are not required to contain separate actuarial valuation results for basic and coordinated programs unless each program has a membership of at least ten percent of the total membership of the fund. Actuarial valuation calculations under Minnesota Statutes, section 356.215, for July 1, 1991, and thereafter, are not required to contain cash flow forecasts.

(e) Actuarial valuation calculations of the public employees police and fire fund local consolidation accounts for July 1, 1991, and thereafter, are not required to contain separate tabulations or summaries of active member, service retirement, disability retirement, and survivor data for each local consolidation account.

(f) The commission-retained actuary is:

(1) required to publish experience findings for plans for which experience findings are required only on a quadrennial basis for the four-year period ending June 30, 1992, and every four years thereafter;

(2) not required to prepare a separate experience analysis or publish separate experience findings for basic and coordinated programs if separate actuarial valuation results for the programs are not required; and

(3) not required to calculate investment rate of return experience results on any basis other than current asset value as defined in Minnesota Statutes, section 356.215, subdivision 1, clause (6).

Sec. 21. [REPEALER.]

Minnesota Statutes 1990, sections 352.85, subdivision 6; 352.86, subdivision 4; and 353A.09, subdivision 7, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1 to 21 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; various public employee pension plans; providing for the continuation of surviving spouse benefits in the event of remarriage in certain circumstances; modifying the surviving spouse benefit of the legislators retirement plan; modifying the duties and functions of the consulting actuary retained by the legislative commission on pensions and retirement; modifying the various public pension plan actuarial reporting requirements; amending Minnesota Statutes 1990, sections 3.85, subdivision 11; 3A.04, subdivision 1; 352B.11, subdivision 2; 352C.04, subdivisions 1 and 4; 353.01, subdivision 20; 353.31, subdivision 1; 353.657, subdivision 2; 353B.11, subdivision 6; 354.05, subdivision 15; 354.46, subdivision 1; 354A.011, subdivision 26; 356.20, subdivision 4; 356.215, subdivisions 1, 2, 3, 4, 4a, 4b, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 5, 6, and 7; repealing Minnesota Statutes 1990, sections 352.85, subdivision 6; 352.86, subdivision 4; and 353A.09, subdivision 7."

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. 1030: A bill for an act relating to retirement; teachers retirement association; making various changes in laws governing the administration of the association; amending Minnesota Statutes 1990, sections 136.82, subdivision 1; 176.021, subdivision 7; 354.05, subdivisions 5, 13, 22, 35, 35a, and by adding a subdivision; 354.071, subdivision 2; 354.092; 354.093; 354.094, subdivision 1; 354.095; 354.10, subdivisions 1, 2, and 4; 354.33, subdivision 6; 354.35; 354.41, subdivision 7; 354.46, subdivision 2; 354.48, subdivisions 2, 4, 6, 7, and 8; 354.49, subdivision 3; 354.50, subdivision 1; 354.52, subdivision 2, and by adding a subdivision; 356.30, by adding a subdivision; and 356.87; repealing Minnesota Statutes 1990, sections 354.094, subdivisions 1a and 1b; and 354.48, subdivision 5.

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

Page 10, line 28, after the stricken period, insert "*Notwithstanding the provisions of any agreements to the contrary, employee and employer contributions may not be made to receive allowable service credit under this section if the member does not retain the right to full reinstatement at the end of the leave.*"

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. 906: A bill for an act relating to retirement; authorizing purchase of military service credit by a certain teachers retirement association member.

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

Delete everything after the enacting clause and insert:

"Section 1. [TEACHER'S MILITARY SERVICE CREDIT.]

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, section 354.094, a member of the teachers retirement association who was born May 23, 1936, and who is employed by independent school district No. 833 may purchase allowable service credit for a one-year period of involuntary extension of military active duty performed after June 30, 1984, and before July 1, 1985, and not previously credited to the member.

Subd. 2. [PURCHASE PAYMENT AMOUNT.] To purchase service credit under subdivision 1, there must be paid to the teachers retirement association an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity that would be obtained by the purchase. Present value shall be calculated using the preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the fund and assuming continuous future service as a member of the association until the requirements for retirement at the minimum age for normal retirement or retirement with an annuity unreduced for early retirement are met with the additional service credit purchased. The calculation shall also assume future salary history that includes annual salary increases at the rate specified in Minnesota Statutes, section 356.215, subdivision 4d. The member must establish proof of the service for which the purchase of service credit is requested in the manner prescribed by the executive director of the teachers retirement association.

Subd. 3. [PAYMENT; CREDITING SERVICE.] Payment must be made in one lump sum. Allowable service may be credited only after receipt of full payment by the executive director.

Subd. 4. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment must be made by the member. However, the current or former employer of the member may, in its discretion, pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect or required during the period of military service, applied to the actual salary rates in effect after the period of military service, plus interest at the rate of six percent a year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 982: A bill for an act relating to economic development; changing the name of the Greater Minnesota Corporation; adding duties; providing for a new structure for the board of directors; amending Minnesota Statutes 1990, sections 116O.03, subdivision 2; 116O.04, subdivision 2; 116O.05, subdivision 2; and 116O.09, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116O; repealing Minnesota Statutes 1990, sections 116J.970; 116J.971; and 116O.03, subdivision 2a.

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

Page 1, line 28, after "*sector*" insert "*, appointed by the governor,*"

Page 2, line 1, delete "*appointed by the governor*" and delete "*who shall*"

Page 4, line 2, delete "*shall*" and insert "*must*"

Page 8, line 1, after the comma, insert "\$ *to the Minnesota inventors congress,*"

Page 8, line 3, after the period, insert "*A spending plan must be submitted and approved by the corporation before the payment of funds.*"

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. 1316: A bill for an act relating to horse racing; authorizing the commission to adopt rules governing affirmative action plan goals and economic opportunity contract goals; amending Minnesota Statutes 1990, sections 240.06, subdivision 1; 240.07, subdivision 1; 240.19; and 240.23.

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. 769: A bill for an act relating to state government; providing for selection of the chair of the advisory council on mental health; appropriating money; amending Minnesota Statutes 1990, section 245.697, subdivision 1.

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

Page 1, line 9, strike "*A*" and insert "*The*"

Page 1, line 10, strike "*is created. The council must have*" and insert "*consists of*"

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. 813: A bill for an act relating to retirement; teachers retirement association; permitting purchases of prior services by certain employees for periods of leave.

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

Page 1, line 9, delete "*who was*"

Page 1, delete line 10

Page 1, line 11, delete "*school year,*"

Page 1, line 12, after "*credit*" insert "*from the teachers retirement association*" and delete "*those two years*" and insert "*one year*" and delete "*by*" and insert a period

Page 1, delete lines 13 and 14 and insert "*The purchase payment amount is an amount equal to that described in Laws 1990, chapter 570, article 8, section 14, subdivisions 2, 3, and 4.*"

Page 1, line 15, delete everything before "*The*"

Page 1, line 17, delete everything after "*1991*" and insert a period

Page 1, delete lines 18 and 19

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. 377: A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing for the continuation of surviving spouse benefits in the event of remarriage; amending Minnesota Statutes 1990, sections 69.48; 353B.11, subdivision 6; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; and 424.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A.

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 15.53, subdivision 2, is amended to read:

Subd. 2. The period of individual assignment or detail under an interchange program shall not exceed 24 months, nor shall any person be assigned or detailed for more than 24 months during any 36-month period, *except when the assignment or detail is made to coincide with an unclassified appointment under section 15.06.* Details relating to any matter covered in sections 15.51 to 15.57 may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

Sec. 2. [423A.17] [AUTHORITY TO IMPLEMENT THE CONTINUATION OF SURVIVING SPOUSE BENEFITS UPON REMARRIAGE.]

(a) *Notwithstanding a provision of section 69.48; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; or 424.24, subdivision 1, or other law governing a local police or salaried firefighters relief association to the contrary, the board of trustees of a local relief association governed by section 69.77, with municipal approval as provided in section 69.77, subdivision 2i, may amend the bylaws of the relief association to provide that a surviving spouse benefit is payable for the life of the surviving spouse and remains payable even in the event of the remarriage of the surviving spouse.*

(b) *If the surviving spouse benefit change described in paragraph (a) is made, the change applies to a surviving spouse benefit payable on the effective date of the change and to the potential surviving spouses of all active, deferred, or retired members of the relief association who have that*

status on the effective date of the change.

(c) In addition, if the surviving spouse benefit change described in paragraph (a) is made and the bylaws so provide, a person who formerly was receiving surviving spouse benefits from the relief association and who had those benefits discontinued by virtue of the remarriage is entitled, upon application, to a resumption of the surviving spouse benefit, beginning with the last day of the month following receipt of the application by the secretary of the relief association. Nothing in this section authorizes the payment of a benefit amount to an estate.

(d) The bylaw amendment is not effective until a certified copy of the amendment and the municipal approval has been filed by the municipal clerk with the executive director of the legislative commission on pensions and retirement, the state auditor, and the secretary of state.

Sec. 3. [SERVICE EXCLUSION.]

Notwithstanding any law to the contrary, a person serving in the state unclassified service under an employee interchange program according to Minnesota Statutes, section 15.53, who remains a member of another public pension plan during the state unclassified service is not a member of the Minnesota state retirement system for the service under the employee interchange program.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to retirement; local police and salaried fire-fighters relief associations; exempting certain persons participating in the employee interchange program from membership in the Minnesota state retirement system; authorizing the continuation of surviving spouse benefits in the event of remarriage; amending Minnesota Statutes 1990, section 15.53, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 423A."

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. 1190: A bill for an act relating to local government; permitting police and fire civil service commissions to expand certified lists in certain circumstances; amending Minnesota Statutes 1990, sections 419.06; and 420.07.

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

Page 1, line 10, strike everything after "shall"

Page 1, strike line 11 and insert "adopt"

Page 1, line 13, strike "shall" and insert "must"

Page 2, line 1, strike "shall" and insert "must" and strike "embraced" and insert "included"

Page 2, line 3, after "been" insert "*on the register for*"

Page 2, line 4, strike "thereon"

Page 2, line 6, strike "shall"

Page 2, line 15, after "emergency" insert a comma

Page 2, lines 16 and 17, strike "shall" and insert "*may*"

Page 2, line 19, strike "the present" and insert "*a*"

Page 2, line 25, strike "shall" and insert "*must*"

Page 2, line 31, strike "Such"

Page 2, line 34, delete everything before "*when*"

Page 3, line 7, delete "*lists*" and insert "*list*"

Page 3, line 9, after the period, insert "*These expanded certification procedures apply only to positions to be filled from the public, and do not apply to promotional appointments.*"

Page 3, line 10, strike "shall" and insert "*must*"

Page 3, line 13, strike "shall be" and insert "*are*" and strike "so"

Page 3, line 17, strike everything after "shall"

Page 3, strike line 18 and insert "*adopt*"

Page 3, line 20, strike "shall" and insert "*must*"

Page 3, line 33, strike "lists shall" and insert "*must*" and strike "embraced" and insert "*included*"

Page 3, line 36, after "been" insert "*on the register for*"

Page 4, line 1, strike "thereon"

Page 4, line 3, strike "shall"

Page 4, lines 14 and 15, strike "shall" and insert "*must*"

Page 4, line 21, strike "Such"

Page 4, line 24, delete everything before "*when*"

Page 4, line 33, delete "*lists*" and insert "*list*"

Page 4, line 35, after the period, insert "*These expanded certification procedures apply only to positions to be filled from the public, and do not apply to promotional appointments.*"

Page 4, line 36, strike "shall" and insert "*must*"

Page 5, line 1, after "house" insert a comma

Page 5, line 3, strike "shall be" and insert "*are*" and strike "so"

Page 5, after line 3, insert:

"Sec. 3. [EFFECTIVE DATE.]

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

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

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

S.F. No. 1099: A bill for an act relating to insurance; regulating claim denial; requiring chemical dependency claim reviewers to meet certain qualifications; requiring insurers to file an annual report on evaluations with the commissioner of commerce; amending Minnesota Statutes 1990, section 72A.201, subdivision 8.

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

Page 2, line 18, delete "in" and insert "*specified under*"

Page 2, line 19, delete everything before the period and insert "*subdivision 8a*"

Page 2, after line 28, insert:

"Sec. 2. Minnesota Statutes 1990, section 72A.201, is amended by adding a subdivision to read:

Subd. 8a. [CHEMICAL DEPENDENCY CLAIM REVIEWER QUALIFICATIONS.] (a) The personnel file of a chemical dependency claim reviewer must include documentation of the individual's competency in the following areas:

- (1) knowledge of chemical abuse and dependency;*
- (2) chemical use assessment, including client interviewing and screening;*
- (3) case management, including treatment planning, general knowledge of social services, and appropriate referrals, and record keeping, reporting requirements, and confidentiality rules and regulations that apply to chemical dependency clients; and*
- (4) individual and group counseling, including crisis intervention.*

(b) The insurer may accept one of the following as adequate documentation that a chemical dependency claim reviewer is competent in the areas required under paragraph (a):

(1) the individual has at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology, is a licensed registered nurse, or is a licensed physician; has successfully completed 30 hours of classroom instruction in each of the areas identified in paragraph (a), clauses (1) and (2); and has successfully completed 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

(2) the individual has documented the successful completion of the following:

(i) 60 hours of classroom training in the subject area identified in paragraph (a), clause (1);

(ii) 30 hours of classroom training in the subject area identified in paragraph (a), clause (2);

(iii) 160 hours of classroom training in the subject areas identified in paragraph (a), clauses (3) and (4); and

(iv) completion of 480 hours of supervised experience as a chemical dependency counselor, either as a student or as an employee; or

(3) the individual is certified by the Institute for Chemical Dependency Professionals of Minnesota, Inc., as a chemical dependency counselor or as a chemical dependency counselor reciprocal, through the evaluation process established by the Certification Reciprocity Consortium Alcohol and Other Drug Abuse, Inc., and published in the Case Presentation Method Trainer's Manual, copyright 1986; or

(4) the individual successfully completed three years of supervised work experience as a chemical dependency counselor before January 1, 1988.

After January 1, 1993, chemical dependency counselors must document that they meet the requirements of clause (1), (2), or (3) in order to comply with this paragraph."

Amend the title as follows:

Page 1, line 7, after "8" insert " , and by adding a subdivision"

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

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

S.F. No. 269: A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, 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 340A.410, is amended by adding a subdivision to read:

Subd. 4a. [NOTICE POSTING.] (a) A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain in a conspicuous place within the licensed premises:

(1) One or more signs which read:

"THE MAXIMUM CRIMINAL PENALTY FOR DRIVING WHEN UNDER THE INFLUENCE OF ALCOHOL IS \$700 OR 90 DAYS IN JAIL OR BOTH. MINNESOTA STATUTES, SECTION 169.121. THE MAXIMUM CRIMINAL PENALTY FOR CRIMINAL VEHICULAR HOMICIDE IS \$20,000 OR TEN YEARS IMPRISONMENT OR BOTH. MINNESOTA STATUTES, SECTION 609.21."

(2) One or more signs which read:

"THIS ESTABLISHMENT IS PROHIBITED BY LAW FROM SERVING ALCOHOLIC BEVERAGES TO A PERSON WHO IS OBVIOUSLY INTOXICATED. MINNESOTA STATUTES, SECTION 340A.502."

(b) A conspicuous place is a location clearly visible to the customers.

(c) The commissioner shall design and manufacture the signs authorized by this subdivision. The signs must be at least 12 inches wide by eight inches high, with letters at least one inch high in clear contrast with the background. The commissioner may sell the signs at cost to persons required to post them under paragraph (a)."

Delete the title and insert:

"A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, 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. 19: A bill for an act relating to education; designating and appropriating money for full campus status for Cambridge community college; amending Minnesota Statutes 1990, sections 136.60 and 136.602.

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

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

S.F. No. 520: A bill for an act relating to legal services; providing for the creation of a state board of specialized legal assistants; requesting the supreme court to adopt rules governing the delivery of legal services by specialized legal assistants; amending Minnesota Statutes 1990, section 481.02, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 481A.

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

Page 4, line 4, delete "*board of specialized legal assistants*" and insert "*supreme court*"

Pages 4 and 5, delete sections 2 and 3

Page 5, line 10, delete "[481A.03]"

Page 5, delete lines 12 to 16 and insert:

"The supreme court shall review the feasibility of the delivery of legal services by specialized legal assistants, and shall prepare a report for the legislature by February 1, 1992. In preparing the report, the supreme court should consult with licensed attorneys, legal assistants, representatives of the educational community for legal assistants, and representatives of advocacy groups for the economically disadvantaged. The report should include at least the following:

(1) whether the delivery of legal services through specialized legal assistants is in the best interest of consumers of legal services;"

Page 5, after line 24, insert:

"(6) limits and conditions of practice under a specialty license including malpractice insurance requirements;"

Page 5, line 25, delete "(6)" and insert "(7)"

Page 5, line 26, delete "(7)" and insert "(8)"

Page 5, line 27, delete "(8)" and insert "(9)"

Page 5, line 30, delete "(9)" and insert "(10)"

Page 5, delete lines 32 to 36

Page 6, delete lines 1 to 11 and insert:

"Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1992."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "adopt" and insert "study the feasibility of adopting"

Page 1, line 7, delete everything after "3" and insert a period

Page 1, delete line 8

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. 271: A bill for an act relating to criminal justice; requiring the commissioner of state planning to coordinate preparation of a criminal justice system impact statement and fiscal note for certain bills creating new crimes or enhancing penalties for existing crimes; requiring the sentencing guidelines commission to project increases in criminal justice system resource utilization due to new crimes or enhanced penalties; requiring the peace officer standards and training board, attorney general, state public defender, state court administrator, and commissioner of corrections to prepare resource impact statements; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Delete everything after the enacting clause and insert:

"Section 1. [CRIMINAL JUSTICE RESOURCE MANAGEMENT.]

Subdivision 1. [CRIMINAL JUSTICE RESOURCE MANAGEMENT PLAN.] By January 1, 1993, the judges of each judicial district shall complete a final written criminal justice resource management plan to implement the goal of ensuring the fair and economical use of the criminal justice system resources within the district and the continued effective implementation of the district's case management plan. Each criminal justice resource management plan must address the following issues:

(1) the relationship of the judicial district's case management plan to its use of the correctional resources within the judicial district;

(2) the role of individual judicial discretion in the use of the resources within the district. In addressing this issue, the plan shall make specific reference to the data and information submitted in the reports of the supreme court gender fairness and racial bias task forces and shall specifically provide for implementation of the findings of the task forces;

(3) the use of pretrial evaluation, bail, pretrial detention, and pretrial supervision and counseling;

(4) the use of criminal justice diversion programs;

(5) *the role and use of intermediate sanctions such as community service, economic sanctions such as fines or day-fine programs, and sentencing to service programs;*

(6) *the presentence investigation process and the posttrial probation supervision process;*

(7) *the housing of various categories of nonviolent offenders;*

(8) *the adequacy of sharing of correctional resources between counties contained within multicounty judicial districts;*

(9) *the role of new correctional technologies such as electronic home monitoring or auto ignition interlocking devices;*

(10) *the use of treatment alternatives involving chemical dependency, sex offender treatment, and other psychological services; and*

(11) *the adequacy of existing correctional facilities and the possible need for a new correctional facility.*

Subd. 2. [PRINCIPLES; ASSISTANCE.] *By September 1, 1991, the sentencing guidelines commission shall develop principles to guide judicial districts in developing judicial district resource management plans. The commission shall provide technical assistance in developing the plans to districts that request assistance.*

Subd. 3. [REVIEW OF JUDICIAL DISTRICT RESOURCE MANAGEMENT PLAN.] (a) *Each judicial district shall submit its preliminary criminal justice resource management plan to the conference of chief judges by July 1, 1992. The conference shall review the plan and make recommendations it deems appropriate. Specifically, the conference shall address the adequacy and use of the sharing of correctional resources among judicial districts.*

(b) *A copy of the final draft of each judicial district's criminal justice resource management plan, along with the conference of chief judges' recommendations for changes in rules, criminal procedure, and statutes, must be filed with the chairs of the judiciary committees in the house of representatives and the senate by February 1, 1993.*

Sec. 2. Minnesota Statutes 1990, section 244.16, is amended to read:
244.16 [DAY-FINES.]

Subdivision 1. [MODEL SYSTEM.] ~~By June 1, 1991, The sentencing guidelines commission shall develop a model day-fine system. Each judicial district must adopt either the model system or its own day-fine system by January 1, 1992. The commission shall report its model system to the legislature by February 1, 1993. Upon request of a judicial district, the commission may establish one pilot project for the development of a day-fine system.~~

Subd. 2. [COMPONENTS.] *A day-fine system adopted under this section must provide for a two-step sentencing procedure for those receiving a fine as part of a probationary felony, gross misdemeanor, or misdemeanor sentence. In the first step, the court determines how many punishment points a person will receive, taking into account the severity of the offense and the criminal history of the offender. The second step is to multiply the punishment points by a factor that accounts for the offender's financial circumstances. The goal of the system is to provide a fine that is proportional*

to the seriousness of the offense and largely equal in impact among offenders with different financial circumstances. The system may provide for community service in lieu of fines for offenders whose means are so limited that the payment of a fine would be unlikely.

Sec. 3. Minnesota Statutes 1990, section 631.425, subdivision 3, is amended to read:

Subd. 3. [CONTINUATION OF EMPLOYMENT.] If the person committed under this section has been regularly employed, the sheriff shall arrange for a continuation of the employment insofar as possible without interruption. If the person is not employed, the ~~sheriff or any court may designate a suitable person or agency designated by the court shall make every effort to make reasonable efforts~~ to secure some suitable employment for that person. An inmate employed under this section must be paid a fair and reasonable wage for work performed and must work at fair and reasonable hours per day and per week.

Sec. 4. Minnesota Statutes 1990, section 631.425, subdivision 7, is amended to read:

Subd. 7. [VIOLATION OF SENTENCE; PROCEDURE.] If the inmate violates a condition of work release relating to conduct, custody, or employment, ~~the inmate must be returned to the court. The court then (1) may require that the balance of the inmate's sentence be spent in actual confinement; (2) may cancel any earned reduction of the inmate's term; and (3) may find~~ *correctional facility administrator may require that the inmate spend the balance of the inmate's sentence in actual confinement. The facility administrator shall give the inmate an opportunity to be heard before implementing this decision. On appeal by the inmate within seven days, the court must review the facility administrator's decision and, in its review, may (1) uphold or reverse the decision; and (2) order additional sanctions for the work release violation, including canceling any earned reduction in the inmate's term and finding the inmate in contempt of court.*

Sec. 5. Minnesota Statutes 1990, section 643.29, subdivision 1, is amended to read:

Subdivision 1. ["GOOD CONDUCT" ALLOWANCE.] Any person sentenced for a term to any county jail, workhouse, or correctional work farm, *whether the term is part of an executed sentence or is imposed as a condition of probation*, shall diminish the term of the sentence ~~five days one day for each month~~ *two days*, commencing on the day of arrival, during which the person has not violated any rule or discipline of the place wherein the person is incarcerated and, if required to labor, has labored with diligence and fidelity.

Sec. 6. [COMMISSION ON CORRECTIONS CROWDING.]

Subdivision 1. [COMMISSION; MEMBERSHIP.] (a) The commission on corrections crowding is composed of 23 members and staffed by the state planning agency. The governor shall appoint 19 members, such as representatives from among local government officials, law enforcement, the judiciary, local corrections, business and industry, experts in juvenile and criminal justice, the public, the state planning agency, the sentencing guidelines commission, the department of finance, and the department of corrections.

(b) Two members of the commission are members of the house of representatives, one from each party, appointed under the rules of the house of representatives, and two members of the commission are members of the senate, one from each party, appointed under the rules of the senate.

(c) The governor shall designate a chairperson and vice chairperson from among the membership of the commission. The commission may create ad hoc work groups as needed.

Subd. 2. [DUTIES.] The commission on corrections crowding shall examine the short- and long-range demand for correctional services and facilities and prepare a ten-year plan that fashions a corrections system for the 1990's. The commission shall:

(1) examine the relationship, interdependence, financing, and functions of the state and local correctional systems;

(2) review the entire system including felonies, gross misdemeanors, and misdemeanors;

(3) address the need for juvenile and adult, male and female correctional services and facilities;

(4) review the community corrections act and its funding formula;

(5) examine the increase of mentally ill correctional clients;

(6) recommend an equitable and effective solution for the short-term prison offender;

(7) examine the state's approach to pretrial detention, housing of various categories of nonviolent offenders, prerelease counseling, and post-release supervision; and

(8) conduct informational forums across the state to solicit ideas and concerns regarding corrections crowding.

Subd. 3. [REPORT.] The commission shall make an interim report to the governor and the legislature by January 1, 1992. The commission shall complete its examination of these matters and make a final report to the governor and legislature by January 1, 1993.

Sec. 7. [METROPOLITAN AREA CORRECTIONS REPORT.]

The county correctional administrators of the metropolitan area, as defined in Minnesota Statutes, section 473.121, shall report to the legislature by January 1, 1992, concerning the steps taken by those counties to:

(1) alleviate correctional crowding; and

(2) speed the processing of offenders through the system.

Sec. 8. [COMMUNITY CORRECTIONS.]

\$ is appropriated to the commissioner of corrections for community corrections act counties, to be used by those counties to establish local correctional facility diversion programs.

Sec. 9. [APPROPRIATION.]

\$95,000 is appropriated to the state planning agency for the commission on corrections crowding.

Sec. 10. [EFFECTIVE DATE.]

Sections 1, 2, and 7 are effective the day following final enactment. Sections 3 and 4 are effective August 1, 1991, and apply to sentences imposed after that date. Section 5 is effective June 1, 1991. Section 6 is effective July 1, 1991."

Delete the title and insert:

"A bill for an act relating to crimes; corrections; requiring the development of model local intermediate sanctions standards by the sentencing guidelines commission; requiring judicial districts to adopt intermediate sanction standards; allowing a court to designate an agency to seek a work release position for an offender; allowing correctional facility administrators to provide sanctions for violations of work release; changing the good conduct allowance in local correctional facilities; creating a commission on corrections crowding; removing the requirement that judicial districts adopt day-fine systems; requiring a report on metropolitan area jail crowding; appropriating money; amending Minnesota Statutes 1990, sections 244.16; 631.425, subdivisions 3 and 7; and 643.29, subdivision 1."

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. 1380: A bill for an act relating to utilities; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; amending Minnesota Statutes 1990, section 216B.62, subdivision 5.

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

Page 1, after line 26, insert:

"Sec. 2. Minnesota Statutes 1990, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] "Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;

(2) the extraction of minerals;

(3) the opening of a grave in a cemetery;

(4) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

(5) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, unless any of these activities disturbs the soil to a depth of 18 inches or more; or

(6) landscaping or gardening unless one of the activities disturbs the soil to a depth of 12 inches or more; or

(7) installation of real estate "For Sale" signs, unless the installation disturbs the soil to a depth of 12 inches or more."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "adding real estate signs to the exemptions from the one call excavation notice system;"

Page 1, line 6, delete "section" and insert "sections" and before the period, insert "; and 216D.01, subdivision 5"

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 re-referred

S.F. No. 559: A bill for an act relating to motor fuels; requiring ethanol as the oxygenate in oxygenated gasoline; amending Minnesota Statutes 1990, section 239.76, by adding subdivisions.

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

Page 1, delete section 1

Page 1, line 14, delete "1b" and insert "1a" and delete "(a) After"

Page 1, delete lines 15 to 24

Page 1, line 25, delete everything before "no"

Page 2, after line 2, insert:

"Sec. 2. Minnesota Statutes 1990, section 296.01, is amended by adding a subdivision to read:

Subd. 26. [OXYGENATED GASOLINE.] "Oxygenated gasoline" is gasoline that meets the oxygen-content standards set in the federal clean air act amendments of 1990, Public Law Number 101-549.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1995."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "ethanol as the"

Page 1, line 3, delete "oxygenate in" and insert "the sale of"

Page 1, line 4, delete everything after the first comma and insert "sections 239.76, by adding a subdivision; and 296.01, 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. 300: A bill for an act relating to health; clarifying requirements for licensing consulting psychologists and psychological associates; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990,

sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.97; 148.975, subdivisions 1 and 5; 148.976, subdivision 1; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 62A.152, subdivision 2, is amended to read:

Subd. 2. [MINIMUM BENEFITS.] (a) All group policies and all group subscriber contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage on the same basis as coverage for other benefits for at least 80 percent of the cost of the usual and customary charges of the first ten hours of treatment incurred over a 12-month benefit period, for mental or nervous disorder consultation, diagnosis and treatment services delivered while the insured person is not a bed patient in a hospital, and at least 75 percent of the cost of the usual and customary charges for any additional hours of treatment during the same 12-month benefit period for serious or persistent mental or nervous disorders, if the services are furnished by (1) a licensed or accredited hospital, (2) a community mental health center or mental health clinic approved or licensed by the commissioner of human services or other authorized state agency, (3) a ~~licensed psychologist~~ *psychological practitioner* licensed under the provisions of sections 148.88 to 148.98, (4) a ~~licensed consulting psychologist~~ licensed under the provisions of sections 148.88 to 148.98, or (5) a psychiatrist licensed under chapter 147. Prior authorization from an accident and health insurance company, or a nonprofit health service corporation, shall be required for an extension of coverage beyond ten hours of treatment. This prior authorization must be based upon the severity of the disorder, the patient's risk of deterioration without ongoing treatment and maintenance, degree of functional impairment, and a concise treatment plan. Authorization for extended treatment may be limited to a maximum of 30 visit hours during any 12-month benefit period.

(b) For purposes of this section, covered treatment for a minor includes treatment for the family if family therapy is recommended by a provider listed in paragraph (a). For purposes of determining benefits under this section, “hours of treatment” means treatment rendered on an individual or single-family basis. If treatment is rendered on a group basis, the hours of covered group treatment must be provided at a ratio of no less than two group treatment sessions to one individual treatment hour.

Sec. 2. Minnesota Statutes 1990, section 62A.152, subdivision 3, is amended to read:

Subd. 3. [PROVIDER DISCRIMINATION PROHIBITED.] All group policies and group subscriber contracts that provide benefits for mental or nervous disorder treatments in a hospital must provide direct reimbursement for those services if performed by a ~~licensed psychologist~~ *psychological practitioner* or a ~~licensed consulting psychologist~~ to the extent that the services and treatment are within the scope of ~~licensed psychologist~~ *psychological practitioner* or ~~licensed consulting psychologist~~ licensure. ~~The order of the physician requesting the services of the licensed psychologist or~~

licensed consulting psychologist may be required to be submitted with the claim for payment.

This subdivision is intended to provide payment of benefits for mental or nervous disorder treatments performed by a licensed psychologist psychological practitioner or a licensed consulting psychologist in a hospital and is not intended to change or add benefits for those services provided in policies or contracts to which this subdivision applies.

Sec. 3. Minnesota Statutes 1990, section 148.88, is amended to read:

148.88 [CITATION.]

Sections 148.88 to 148.98 may shall be cited as the Minnesota licensing law for psychologists.

Sec. 4. [148.881] [DECLARATION OF POLICY.]

The practice of psychology in Minnesota affects the public health, safety, and welfare. The regulations in sections 148.88 to 148.98 protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

Sec. 5. Minnesota Statutes 1990, section 148.89, is amended to read:

148.89 [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purpose purposes of Laws 1973, chapter 685 sections 148.88 to 148.98, the term "private practice of psychology" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

(1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;

(2) Psychological treatment of persons who have adjustment problems;

(3) Psychological counseling and guidance;

(4) Conducting behavioral research; and

(5) Teaching of psychology following terms have the meanings given them.

Subd. 2. [BOARD OF PSYCHOLOGY OR BOARD.] For the purpose of Laws 1973, chapter 685 the term "collaboration" means consultation between a licensed psychologist and a licensed consultant psychologist on at least an annual basis but shall not necessarily require consultation on each case referred to a licensed psychologist. "Board of psychology" or "board" means the board established under section 148.90.

Subd. 3. [INDEPENDENT PRACTICE.] "Independent practice" means the practice of psychology without supervision.

Subd. 4. [LICENSEE.] "Licensee" means a person who is licensed by the board as a licensed psychologist or as a psychological practitioner.

Subd. 5. [PRACTICE OF PSYCHOLOGY.] "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, to prevent or eliminate symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work and life adjustment, personal and organizational effectiveness, behavioral

health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) psychological research, psychological testing, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(2) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and diagnosis and treatment of: (i) mental and emotional disorder or disability; (ii) alcoholism and substance abuse; (iii) disorders of habit or conduct; and (iv) the psychological aspects of physical illness, accident, injury, or disability; and

(3) psychoeducational evaluation, therapy, remediation, and consultation. Recipients of psychological services include individuals, families, groups, organizations, and the public.

Subd. 6. [PSYCHOLOGIST.] "Psychologist" means a person who represents himself or herself to be a psychologist by: (1) using any title or description of services incorporating the words "psychology," "psychological," or "psychologist"; and (2) representing that the person has expert qualification in any area of psychology.

Subd. 7. [SUPERVISED PSYCHOLOGICAL EMPLOYMENT.] "Supervised psychological employment" means paid or volunteer work experience and postdegree training of a person seeking to be licensed as a licensed psychologist that involves the direct professional oversight of a licensed psychologist and satisfies the supervision requirements in section 11.

Subd. 8. [SUPERVISION.] "Supervision" means:

(1) face-to-face documented consultation between a supervising licensed psychologist and a psychological practitioner under the conditions specified in section 11; or

(2) documented consultation between an applicant for licensure as a licensed psychologist and either a supervising licensed psychologist or a person designated by the supervising licensed psychologist, under the conditions specified in section 11.

Sec. 6. Minnesota Statutes 1990, section 148.90, is amended to read:

148.90 [BOARD OF PSYCHOLOGY.]

Subdivision 1. [BOARD OF PSYCHOLOGY.] (a) The board of psychology is hereby created with the powers and duties as hereinafter prescribed described in this section. The board shall consist of has 11 members. In its initial composition, membership shall who consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4, (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5, (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, chapter 685, whose specialties broadly represent the fields of interest in psychology, and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists.

(1) three persons licensed as licensed psychologists who have a doctoral degree in psychology;

(2) two persons licensed as licensed psychologists who have a master's degree in psychology;

(3) two psychologists, not necessarily licensed, one with a doctoral degree in psychology who represents a doctoral training program in psychology, and one who represents a master's degree training program in psychology;

(4) one person licensed or qualified to be licensed as a psychological practitioner; and

(5) three public members.

(b) After the date on which fewer than 30 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy filled under paragraph (a), clause (2), must be filled by a person licensed or qualified to be licensed as a psychological practitioner. From this date on, this position when vacant must be filled by a person licensed or qualified to be licensed as a psychological practitioner.

(c) After the date on which fewer than 15 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy under paragraph (a), clause (2), for a person licensed as a licensed psychologist with a master's degree in psychology must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology. From this date on, this position when vacant must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.

(d) Following the filling of the first vacancy under paragraph (c), no further appointments shall be made pursuant to paragraph (a), clause (2).

Subd. 2. [MEMBERS.] (a) The members of the board shall:

(1) be appointed by the governor;

(2) be residents of the state;

(3) serve for not more than two consecutive terms;

(4) designate the officers of the board, and pursuant to chapter 14, prescribe rules as may be necessary to enable it to carry into effect the provisions of Laws 1973, chapter 685; and

(5) administer oaths pertaining to the business of the board.

Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part-time basis in the practice of psychology. (b) A public member of the board shall broadly represent the public interest and shall not:

(1) be a psychologist or engage in the practice of psychology before retirement;

(2) be an applicant or former applicant for licensure;

(3) be a member of another health profession;

(4) be a member of a household that includes a psychologist; or

(5) have conflicts of interest or the appearance of conflicts with duties

as a board member.

Subd. 3. [TERMS; COMPENSATION; REMOVAL OF MEMBERS.] Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in ~~sections 214.07 to 214.09~~ *chapter 214*. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other ~~provisions~~ *activities* relating to board operations shall be ~~as provided in~~ *conducted according to* chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 7. [148.905] [DUTIES OF THE BOARD.]

Subdivision 1. [GENERAL.] The board shall:

(1) adopt and enforce rules for licensing psychologists and for regulating their professional conduct. The rules must include, but are not limited to, standards for training, supervision, the practice of psychology, and any other areas covered by sections 148.88 to 148.98;

(2) adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education;

(3) hold examinations at least once a year to assess applicants' knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board;

(4) issue licenses to individuals qualified under section 148.91, according to the procedures for licensing in Minnesota Rules;

(5) issue copies of the rules for licensing to all applicants;

(6) establish and maintain annually a register of current licenses;

(7) establish reasonable fees for the issuance and renewal of licenses and other services by the board. Fees must be set to defray the cost of administering the provisions of sections 148.88 to 148.98 including applications, examinations, enforcement, and the cost of maintaining the operations of the board;

(8) educate the public about the requirements for licensing of psychologists and about the code of professional ethics, to allow consumers to file complaints against licensees who may have violated licensing requirements or professional ethics;

(9) establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses; and

(10) establish and implement, by January 1, 1992, a process for certifying psychologists' competencies in specialty areas, including but not limited to the area of supervision. The process shall include steps to verify that a psychologist has had adequate education and experience in a specialty area to be considered competent to practice in that area. Recertification of competencies declared prior to the effective date of this act shall not be required.

Subd. 2. [ADDITIONAL POWERS.] *The board may adopt rules necessary to define standards or to carry out the provisions of sections 148.88 to 148.98. Rules shall be adopted according to chapter 14.*

Sec. 8. Minnesota Statutes 1990, section 148.91, is amended to read:
148.91 [REQUIREMENTS OF LICENSES.]

Subdivision 1. [LEVELS OF PRACTICE.] The board may grant licenses for two levels of psychological practice. ~~The persons so licensed are to be known and are hereafter referred to as (a) (1) licensed consulting psychologist and (b) licensed psychologist, or if both levels are referred to, as licensee (2) psychological practitioner.~~

Subd. 2. [TESTING REQUIRED.] Before granting ~~any such a~~ license, the board shall require ~~every an~~ applicant ~~therefor~~ to pass a skills assessment and an examination in psychology. ~~This examination A different skills assessment and examination may be required of applicants for each of the levels of practice enumerated in subdivision 1. The examinations shall be given at least once each a year, at such a time and place and under such supervision as the board prescribes may prescribe.~~

Subd. 3. [FEE; TERM OF LICENSE.] ~~Each~~ An applicant shall pay a nonrefundable application fee set by the board. The licenses granted ~~hereunder by the board~~ shall be valid for a period as set by the board of three years and shall be renewed on a three-year basis. The fee for a license and for renewal shall be set by the board.

Subd. 4. [AGE AND ETHICAL REQUIREMENTS.] To become a licensed consulting psychologist a person must fulfill and comply with the requirements of subdivision 2 and satisfy the board that the person:

- (1) ~~Has~~, an applicant must have attained the age of majority;
- (2) ~~Is be~~ of good moral character, and is not found to be engaging have engaged in unethical practices as defined within in the code of ethics adopted pursuant to section 148.98;
- (3) ~~Has received a doctorate degree with a major in psychology, which may include educational and child psychology, from an educational institution meeting standards which may be prescribed by rule of the board; and~~
- (4) ~~Has had at least two full years or their equivalent of post doctoral employment as a psychologist the board adopts.~~

Subd. 5. [EDUCATIONAL REQUIREMENTS FOR LICENSED CONSULTING PSYCHOLOGIST.] To become a licensed psychologist, a person must comply with the requirements of subdivisions 2 to 4 and must have:

- (1) received a doctorate or master's degree or has received the equivalent of a master's degree in a doctoral program with a major in psychology, which may include educational and child psychology, from an educational institution meeting the standards which may be prescribed by rule of the board has established by rule; and
- (2) completed at least two full years of experience or its their equivalent of employment as a psychologist after receiving the training upon which application for this license is made;
- (3) Otherwise fulfilled and complied with subdivision 2 and subdivision 4, clauses (1) and (2) postdoctoral supervised psychological employment.

Subd. 6. [EDUCATIONAL REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONER.] To become licensed as a psychological practitioner, a person must comply with the provisions of subdivisions 2 to 4 and must have received a doctorate or master's degree or the equivalent of a master's

degree in a doctoral program with a major in psychology from an educational institution meeting the standards the board has established by rule.

Sec. 9. [148.911] [CONTINUING EDUCATION.]

When the licensee renews the license, the licensee must provide the board with satisfactory evidence that the licensee has completed continuing education requirements established by the board. Continuing education programs must be approved under section 148.905, subdivision 1, clause (9). The board shall establish by rule the number of continuing education training hours required each year and may specify subject or skills areas that the licensee must address. In specifying subject or skills areas, the board shall consider the need for continuing education requirements in the areas of ethics, forensic practice, and supervision.

Sec. 10. [148.921] [WAIVERS.]

Subdivision 1. [PERSONS PREVIOUSLY LICENSED.] A person licensed in this state as a licensed consulting psychologist or a licensed psychologist on the effective date of this act qualifies for licensure as a licensed psychologist, as defined in section 148.91, at the time of license renewal.

Subd. 2. [PERSONS PREVIOUSLY QUALIFIED.] The board shall grant a license for a licensed psychologist without further examination to a person who:

(1) before November 1, 1991, entered a program granting a master's degree with a major in psychology at an educational institution meeting the standards the board has established by rule;

(2) before November 1, 1991, filed with the board a written declaration of intent to seek licensure under this subdivision;

(3) complied with all requirements of section 8, subdivisions 2 to 4, before December 31, 1997; and

(4) completed at least two full years or their equivalent of post-master's supervised psychological employment before December 31, 1998.

Subd. 3. [RECIPROCITY.] The board may grant a license without an examination to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by section 148.91.

Sec. 11. [148.925] [SUPERVISION.]

Subdivision 1. [PERSONS QUALIFIED TO PROVIDE SUPERVISION.] (a) The following persons are qualified to provide supervision for master's degree level applicants for licensure as a licensed psychologist:

(1) a licensed psychologist with a competency in supervision in professional psychology and in the area of practice being supervised; and

(2) a person eligible for licensure by reciprocity who, in the judgment of the board, is competent or experienced in professional psychology and in the area of practice being supervised.

(b) Professional supervision of a doctoral level applicant for licensure as a licensed psychologist must be provided by a person:

(1) who meets the requirements of paragraph (a), clause (1) or (2), and

(2)(i) who has a doctorate degree with a major in psychology, or

(ii) who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in supervision of applicants for licensure in accord with section 7, subdivision 1, clause (10), by August 1, 1993.

Subd. 2. [SUPERVISORY CONSULTATION.] (a) Supervisory consultation between a supervising licensed psychologist and a supervised psychological practitioner must occur on a one-to-one basis at a ratio of at least one hour of supervision for the initial 20 or fewer hours of psychological services delivered per month and no less than one hour a month. The consultation must be at least one hour in duration. For each additional 20 hours of psychological services delivered per month, an additional hour of supervision must occur. However, if more than 20 hours of psychological services are provided in a week, no time period of supervision beyond one hour per week is required, but supervision must be adequate to assure the quality and competence of the services. Supervisory consultation must include discussions on the nature and content of the practice of the psychological practitioner, including but not limited to a review of a representative sample of psychological services in the supervisee's practice.

(b) Supervision of an applicant for licensure as a licensed psychologist must include at least two hours of regularly scheduled face-to-face consultations a week, one hour of which must be with the supervisor on a one-to-one basis. The remaining hour may be with other mental health professionals designated by the supervisor.

Sec. 12. Minnesota Statutes 1990, section 148.93, is amended to read:

148.93 [LIMITATION.]

Subdivision 1. [FEE SPLITTING PROHIBITED.] A licensed psychologist may engage in private practice only in collaboration with at least one licensed consulting psychologist in the licensed psychologist field of practice. In addition, a licensed psychologist so collaborating may form any other working relationships with psychologists or other professionals insofar as these do not violate other sections of this or other Minnesota Statutes. It shall be unlawful for any licensed psychologist or licensed consulting psychologist a licensee to divide fees with, or to pay a commission to, or to pay a referral fee to any other person who calls for consultation or sends clients for psychological services as defined in Laws 1973, chapter 685, provided that unless the licensee receives a payment of a fee for collaborative services performed is not prohibited by this section in proportion to the services provided and the responsibility assumed by each professional and the licensee has disclosed the terms of the division.

Subd. 2. [REQUIREMENTS FOR INDEPENDENT PRACTICE.] After the effective date of this section, no person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist.

Subd. 3. [REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONERS.] A psychological practitioner shall practice only under supervision that satisfies the requirements of section 11 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the psychological practitioner.

Subd. 4. [WAIVER.] (a) The board shall grant a waiver from the supervision requirements of section 11 to a psychological practitioner who presents evidence of:

(1) completion of two full years or their equivalent of supervised post-master's degree employment, meeting the requirements of section 11;

(2) endorsement for specific areas of competency by the licensed psychologist who provided the two years of supervision;

(3) employment by a hospital or by a community mental health center or nonprofit mental health clinic or social service agency providing services as a part of the mental health service plan required by the comprehensive mental health act;

(4) the employer's acceptance of clinical responsibility for the care provided by the psychological practitioner; and

(5) a plan for supervising the work of the psychological practitioner which is satisfactory to the board.

(b) From the effective date of this act until December 31, 1993, the supervision requirements of section 11 must be deemed by the board to be waived for a person who has submitted a request for a waiver under paragraph (a) from the time the person submits the request for a waiver until the board has: (1) reviewed the waiver request; (2) given the applicant a reasonable opportunity to furnish additional or supplementary information required by the board; and (3) either granted the waiver or denied the request for a waiver. After December 31, 1993, the supervision requirements must be deemed waived for a person who previously received a waiver under paragraph (a) and is seeking a new waiver because of a change of employment to a different employer or employment setting. The deemed waiver continues until the board either grants or denies the waiver as provided in clauses (1) to (3). A person who has been denied a waiver is entitled to appeal the decision using a contested case hearing. The person must request a hearing within 30 days after receiving notice from the board that the request for a waiver has been denied. A deemed waiver under this paragraph continues until the appeal has been resolved.

Sec. 13. Minnesota Statutes 1990, section 148.95, is amended to read:

148.95 [SUSPENSION AND REVOCATION.]

The board may suspend or revoke the license of any consulting psychologist or psychologist may be suspended or revoked by the board licensee upon proof of guilt that the licensee has been guilty of unprofessional conduct as defined by the rules established by the board or violation of has violated the code of ethics adopted by the board.

For reasons it deems considers sufficient and upon an affirmative vote of six of its members, the board may restore a license which that has been revoked, reduce a period of suspension, or withdraw a reprimand.

Sec. 14. Minnesota Statutes 1990, section 148.96, is amended to read:

148.96 [PRESENTATION TO PUBLIC.]

Subdivision 1. [REQUIREMENTS FOR ADVERTISING.] No individual shall present or permit presentation of that individual to the public by any title incorporating the word "psychological," "psychologist," or "psychology" other than those so licensed by Laws 1973, chapter 685; except that:

All psychologists and psychological practitioners, when representing themselves to the public through written materials or advertising, must use their academic degree as well as their license status in the advertising or written materials.

Subd. 2. [DISCLOSURE OF EDUCATION.] At the initial meeting, a psychologist shall display or make available to each new client accurate information about the qualifications and competencies of the psychologist, in accordance with regulations of the board.

Subd. 3. [REQUIREMENTS FOR REPRESENTATIONS TO THE PUBLIC.] Individuals shall not present themselves or permit themselves to be presented to the public as psychologists unless they are licensed under sections 148.88 to 148.98, except as provided in paragraphs (a) to (c).

(1) ~~Any~~ (a) Psychologically trained individual individuals who are employed by an educational institutions institution recognized by a regional accrediting organization, by a federal, state, county, or local governmental institutions government institution, agencies, or research facilities, or agencies providing services on a contracting basis may be represented represent themselves by the academic or research title designated by that organization;

(2) ~~Any~~ (b) A psychologically trained individual from such recognized institutions, as given an institution described in clause (1), paragraph (a) may offer lecture services and be exempt from the provisions of this section; and.

(3) ~~Persons~~ (c) A person preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as a "psychological intern," "psychological trainee," or others by other terms clearly indicating such describing the person's training status.

(d) Nothing in this section shall be construed to prohibit the practice of school psychology by a person licensed in accordance with chapter 125.

Sec. 15. Minnesota Statutes 1990, section 148.97, subdivision 1, is amended to read:

Subdivision 1. Any person who shall engage in the private practice of psychology without having obtained a license under Laws 1973, chapter 685 and any person who shall violate violates any other provision of Laws 1973, chapter 685 shall be sections 148.88 to 148.97 is guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 1990, section 148.98, is amended to read:

148.98 [CODE OF ETHICS.]

The board shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board shall publish the code in the State Register and file such the code with the secretary of state at least 30 days prior to the effective date of such the code. This The code of ethics shall include, but is not be limited to, the following principles: in paragraphs (a) to (c).

(4) (a) The psychologist recognizes personal shall recognize the boundaries of the psychologist's competence and the limitation of the psychologist's techniques and does shall not offer services or use techniques that fail to meet usual and customary professional standards established in particular fields.

~~(2) (b) The psychologist who engages in practice assists the client shall assist clients in obtaining professional help for all important aspects of the client's problem their problems that fall outside the boundaries of the psychologist's competence.~~

~~(3) (c) A psychologist does shall not claim either directly or by implication professional qualifications that differ from the psychologist's actual qualifications, nor does shall the psychologist misrepresent the psychologist's affiliation with any institution, organization, or individual, nor lead others to assume the psychologist has false affiliations an affiliation that does not exist.~~

Sec. 17. Minnesota Statutes 1990, section 253B.02, subdivision 7, is amended to read:

Subd. 7. [EXAMINER.] "Examiner" means a person who is knowledgeable, trained, and practicing in the diagnosis and treatment of the alleged impairment and who is:

(1) a licensed physician; or

(2) a licensed consulting psychologist; ~~knowledgeable, trained and practicing in the diagnosis and treatment of the alleged impairment~~ who has a doctoral degree in psychology or who became licensed as a licensed psychologist before July 2, 1975.

Sec. 18. [LEGISLATIVE INTENT.]

In passing sections 1 to 17, the legislature does not intend to expand the jurisdiction of the board of psychology to include occupations and professions not traditionally regulated by the board, including, but not limited to, chemical dependency counselors, occupational therapists, and employment rehabilitation workers.

Sec. 19. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall: (1) substitute the term "psychological practitioner" for the term "licensed psychologist" wherever the latter term appears and (2) substitute the term "licensed psychologist" for the term "licensed consulting psychologist" wherever the latter term appears. This instruction does not apply to the language in this act.

Sec. 20. [REPEALER.]

Minnesota Statutes 1990, sections 148.92 and 148.97, subdivision 4, are repealed."

Delete the title and insert:

"A bill for an act relating to health; clarifying requirements for licensing psychologists and psychological practitioners; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990, sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.97, subdivision 1; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4."

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

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

S.F. No. 738: A bill for an act relating to public safety; requiring commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Delete everything after the enacting clause and insert:

“Section 1. [221.0335] [HAZARDOUS MATERIALS SAFETY PERMIT.]

Subdivision 1. [PERMIT REQUIREMENT.] A person may not transport hazardous material that is required to be placarded under Code of Federal Regulations, title 49, section 172, without a hazardous materials safety permit issued under this section. The permit or a copy must be retained in the motor vehicle used to transport hazardous material.

The commissioner shall promulgate rules establishing standards for determining the terms, conditions, or limitations of a permit.

Subd. 2. [FEES.] Beginning January 1, 1993, the commissioner shall collect an annual fee for issuing a hazardous material safety permit. The commissioner shall establish permit fees that are individually a percentage of the annual federal fees imposed under section 117A(h) of the Hazardous Materials Transportation Act, and in total amount collected annually are sufficient to pay the enforcement costs of the commissioner under this section and the costs of planning, developing, and maintaining the capability for emergency response to hazardous materials transportation incidents under sections 2 to 9. All fees must be deposited in the general fund and credited to the hazardous materials incident response account.

Subd. 3. [AUTHORITY TO ISSUE PENALTY ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of this section, of a material term or condition of a license issued under this section, or of a rule or order of the commissioner relating to the transportation of hazardous material. An order must be issued as provided in section 221.036.

Subd. 4. [PERMIT SUSPENSION AND REVOCATION.] (a) The commissioner may after notice and opportunity for hearing under chapter 14 suspend or revoke a permit issued under this section if the commissioner determines that a permit holder's actions constitute a serious or repeated violation of a statute or rule governing the transportation of hazardous material. Factors to be considered by the commissioner in determining whether to suspend or revoke a permit include:

(1) the danger of exposing the public to toxic or hazardous substances;
(2) the condition of vehicles used by the licensee to transport hazardous material; and

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified.

(b) The commissioner shall revoke by order, without a hearing, the permit of a person who fails to renew a permit. Revocation under this paragraph continues until the person renews the permit.

Sec. 2. [299A.47] [CITATION.]

Sections 2 to 9 may be cited as the "Minnesota hazardous materials incident response act."

Sec. 3. [299A.48] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 2 to 9, the following terms have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public safety.

Subd. 3. [DEPARTMENT.] "Department" means the department of public safety.

Subd. 4. [HAZARDOUS MATERIALS.] "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and flammable gases.

Subd. 5. [HAZARDOUS MATERIALS RESPONSE TEAM.] "Hazardous materials response team" means a regional hazardous materials response team or strategic chemical assessment team established by the department.

Subd. 6. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" means a county, home rule charter or statutory city, or town, or combination of them.

Subd. 7. [REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM.] "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release.

Subd. 8. [STRATEGIC CHEMICAL ASSESSMENT TEAM.] "Strategic chemical assessment team" means a team trained and equipped to evaluate a hazardous materials incident and recommend the best means to control the hazard following consideration of factors such as life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, and availability of local resources.

Sec. 4. [299A.49] [RESPONSE PLAN.]

Subdivision 1. [ELEMENTS OF PLAN; RULES.] (a) Following consultation with the department of natural resources, the pollution control agency, the department of agriculture, the department of transportation, the state fire marshal, the emergency response commission, and the advisory task force in section 5, the commissioner shall adopt rules to implement a state-wide hazardous materials incident response plan. The plan must include at

least the following:

(1) locations within the state of five regional response teams, based on the location of hazardous materials, response time, and proximity to large population centers;

(2) the number of strategic chemical assessment teams necessary to support each regional hazardous materials response team;

(3) the number of members on each team and qualifications;

(4) the different responsibilities of regional hazardous materials and strategic chemical assessment teams and coordination of responsibilities in response to an incident;

(5) equipment needed for regional hazardous materials and strategic chemical assessment teams;

(6) procedures for selecting and contracting with local governments or nonpublic persons to establish hazardous materials response teams;

(7) procedures for dispatching teams at the request of local governments;

(8) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(9) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and nonpublic persons.

Subd. 2. [CONTRACTS AND AGREEMENTS.] *The commissioner may cooperate and enter into necessary contracts and agreements with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons approved by the commissioner, to implement the response plan.*

Sec. 5. [299A.50] [ADVISORY TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] *The commissioner shall establish an advisory task force under section 15.014, subdivision 2, including representatives of professional firefighters, state fire chiefs, volunteer firefighters, emergency managers, facilities storing or transporting hazardous materials, officials of local units of government, the pollution control agency, and other organizations or professions the commissioner considers appropriate. The commissioner shall ensure representation from each region of the state served by a regional hazardous materials response team.*

Subd. 2. [DUTIES.] *The advisory task force shall advise the commissioner on the implementation and technical aspects of the response plan.*

Sec. 6. [299A.51] [LIABILITY AND WORKERS' COMPENSATION.]

Subdivision 1. [LIABILITY.] *During operations authorized under section 4, members of a hazardous materials response team are "employees of the state" as defined in section 3.736.*

Subd. 2. [WORKERS' COMPENSATION.] *During operations authorized under section 4, members of a hazardous materials response team are considered state employees for purposes of chapter 176.*

Subd. 3. [GOOD SAMARITAN.] *A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's facility or property, at the request of the state or a local*

unit of government, is not liable for any civil damages as a result of acts or omissions by that person in providing the assistance in a hazardous materials incident, unless that person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance.

For the purposes of this section, the scene of a hazardous materials response incident is those areas not within the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 148, 150A, or 153. The scene of a hazardous materials response incident includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials.

For the purposes of this subdivision, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, and any partnership, corporation, association, or other organization.

Sec. 7. [299A.52] [RESPONSIBLE PERSON.]

Subdivision 1. [RESPONSE LIABILITY.] A responsible person, as described in section 115B.03, is liable for the reasonable and necessary costs of the regional hazardous materials response team and the local unit of government for response to a hazardous materials incident, including legal and administrative costs.

Subd. 2. [ATTEMPTED AVOIDANCE OF LIABILITY.] For purposes of sections 2 to 9, a responsible person may not and does not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar arrangement.

Sec. 8. [299A.53] [HAZARDOUS MATERIALS INCIDENT RESPONSE ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] The hazardous materials response account is created in the general fund. The account consists of money from hazardous materials safety permit fees under section 1, fees collected from persons under section 9, and gifts received under subdivision 2.

Subd. 2. [GIFTS.] The commissioner may accept monetary gifts for deposit in the account and any equipment for use by regional hazardous materials response teams.

Subd. 3. [RECOVERED EXPENSES.] When a regional hazardous materials response team is dispatched, the commissioner shall bill the person responsible for causing the emergency, if known, for the cost of responding to the emergency. If a person fails to pay the cost set forth in a billing within 30 days after the second billing, the commissioner may bring an action for recovery of those unpaid costs, reasonable attorney fees, and any additional court costs and disbursements.

Subd. 4. [EXPENDITURES.] Money in the account may be spent for:

(1) vehicles, equipment, and personnel costs for regional hazardous materials response teams pursuant to contracts entered into under section 4;

(2) training members of regional hazardous materials response teams pursuant to contracts entered into under section 4;

(3) reimbursing response costs of regional hazardous materials response teams pursuant to contracts entered into under section 4;

- (4) *maintaining a state 24-hour emergency response center;*
- (5) *maintaining a hazardous materials incident follow-up reporting system; and*
- (6) *department administrative costs related to sections 2 to 9.*

Sec. 9. [299K.095] [HAZARDOUS MATERIALS INCIDENT RESPONSE FEES.]

(a) Persons, except individuals engaged in a farming operation, required under section 11002 of the federal act to notify the commission of the storage of an extremely hazardous substance shall pay an annual fee of \$75 for each facility.

(b) Persons required under section 11023 of the federal act to submit a toxic chemical release form to the commission shall pay an annual fee of \$500 for each facility. This fee is in addition to fees collected under section 115D.12.

(c) All fees collected under this section must be deposited in the general fund and credited to the hazardous materials incident response account."

Delete the title and insert:

"A bill for an act relating to public safety; requiring a permit to transport hazardous materials and authorizing the commissioner of transportation to adopt rules and establish fees; requiring the commissioner of public safety to implement a state hazardous materials incident response plan; creating an advisory task force; creating the hazardous materials incident response account and distributing money to the account; proposing coding for new law in Minnesota Statutes, chapters 221; 299A; and 299K."

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

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

S.F. No. 225: A bill for an act relating to elections and government ethics; reducing the contribution limits to constitutional officer candidates; limiting preprimary expenditures to the spending limit; including cost of food and beverages for volunteers as a noncampaign disbursement; reducing the public subsidy to unopposed candidates; requiring candidates to file a campaign spending report 30 days before the general election; increasing late filing fees; requiring lobbyists to report names and addresses of principals; providing for administrative enforcement of the prohibition on fundraising during legislative sessions; requiring reporting of the sum of noncampaign disbursements; requiring the reporting of last-minute loans; imposing a late filing fee for failing to correct incorrect documents; providing for withholding of public subsidy for filing a false affidavit of matching funds; requiring candidates for county attorney to be licensed to practice law in Minnesota; amending Minnesota Statutes 1990, sections 6.76; 10A.01, subdivisions 10, 10c, 25, and 26; 10A.02, subdivision 9; 10A.03, subdivision 2; 10A.04, subdivisions 5, 6, and 7; 10A.065, subdivision 3, and by adding a subdivision; 10A.09, subdivisions 2, 6a, and 7; 10A.20, subdivisions 2, 3, 5, and 12; 10A.23; 10A.25, subdivisions 5, 7, 10, and by adding a subdivision; 10A.255, subdivision 3; 10A.27, subdivision 1; 10A.30, subdivision 2; 10A.31, subdivisions 3, 10, and by adding a subdivision; 10A.322, subdivisions 1 and 4; 10A.323; 10A.324, subdivision

3; 10A.43, subdivisions 3 and 4; 10A.44, subdivision 4; 201.091, subdivision 4; 204B.06, subdivision 4; 204C.32, subdivision 2; 204C.33, subdivision 3; 290.06, subdivision 23; 383B.053, subdivision 1; and 388.01.

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

Page 3, after line 3, insert:

"Sec. 4. Minnesota Statutes 1990, section 10A.09, subdivision 5, is amended to read:

Subd. 5. [FORM.] A statement of economic interest required by this section shall be on a form prescribed by the board. The individual filing shall provide the following information:

(a) Name, address, occupation and principal place of business;

(b) The name of each associated business and the nature of that association;

(c) A listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500; or (ii) an option to buy, which property has a fair market value of \$50,000 or more;

(d) A listing of all real property within the state in which a partnership of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500 or (ii) an option to buy, which property has a fair market value of \$50,000 or more. Any listing under clause (c) or (d) shall indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county wherein the property is located; ~~and~~

(e) A listing of any investments, ownership, or interests in property connected with pari-mutuel horse racing in the United States and Canada, including a race horse, in which the individual directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest; *and*

(f) For an elected local official or an elected public official, the giver, nature, and approximate value of a gift with a fair market value of \$100 or more, or of gifts with an aggregate fair market value of \$100 or more, received during the period covered by the report from an association, or a person other than a member of the reporting individual's extended family, with a financial interest in a matter with which the official deals in the course of the official's duties. For purposes of this paragraph, "gift" means money, real or personal property, a favor, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, except a contribution as defined in section 10A.01, subdivision 7, that is given and received without the giver receiving consideration of equal or greater value in return."

Renumber the sections of article 1 in sequence

Page 3, after line 25, insert:

"Sec. 2. Minnesota Statutes 1990, section 10A.02, subdivision 5, is

amended to read:

Subd. 5. The board shall appoint an executive director who shall be in the unclassified service. The board may also employ and prescribe the duties of other permanent or temporary employees in the unclassified service as may be necessary to administer ~~sections 10A.01 to 10A.34 this chapter~~, subject to appropriation. The executive director and all other employees shall serve at the pleasure of the board. Expenses of the board shall be approved by the chair or such other member as the rules of the board may provide and the expenses shall then be paid in the same manner as other state expenses are paid.

Sec. 3. Minnesota Statutes 1990, section 10A.02, subdivision 8, is amended to read:

Subd. 8. The board shall:

(a) Report at the close of each fiscal year to the legislature, the governor, and the public concerning the action it has taken, the names, salaries, and duties of all individuals in its employ, and the money it has disbursed. The board shall include and identify in its report any other reports it has made during the fiscal year. It may indicate apparent abuses and offer legislative recommendations;

(b) Prescribe forms for statements and reports required to be filed under ~~sections 10A.01 to 10A.34 this chapter~~ and make the forms available to individuals required to file them;

(c) Make available to the individuals required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting;

(d) Develop a filing, coding, and cross-indexing system consistent with the purposes of ~~sections 10A.01 to 10A.34 this chapter~~;

(e) Make the reports and statements filed with it available for public inspection and copying by the end of the second day following the day on which they were received. Any individual may copy a report or statement by hand or by duplicating machine and the board shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any individual or association for any commercial purpose. "Commercial purpose" does not include purposes related to elections, political activities, or law enforcement. Any individual or association violating the provisions of this clause may be subject to a civil penalty of up to \$1,000. An individual who knowingly violates this subdivision is guilty of a misdemeanor;

(f) Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of five years from the date of receipt;

(g) Compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate; and

(h) Prepare and publish reports as it may deem appropriate."

Page 3, line 31, strike "sections 10A.01 to 10A.34" and insert "*this chapter*"

Page 4, line 2, strike "sections 10A.01 to 10A.34" and insert "*this chapter*"

Page 4, lines 3 and 4, strike "sections 10A.01 to 10A.34" and insert

"this chapter"

Page 4, after line 7, insert:

"Sec. 5. Minnesota Statutes 1990, section 10A.02, subdivision 10, is amended to read:

Subd. 10. The board may make audits and investigations with respect to statements and reports which are filed or which should have been filed under the provisions of ~~sections 10A.01 to 10A.34~~ *this chapter*. In all matters relating to its official duties, the board shall have the power to issue subpoenas and cause them to be served. If a person does not comply with a subpoena, the board may apply to the district court of Ramsey county for issuance of an order compelling obedience to the subpoena. A person failing to obey the order is punishable by the court as for contempt.

Sec. 6. Minnesota Statutes 1990, section 10A.02, subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of ~~sections 10A.01 to 10A.34~~ *this chapter* based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. An advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.

Sec. 7. Minnesota Statutes 1990, section 10A.02, subdivision 13, is amended to read:

Subd. 13. The provisions of chapter 14 apply to the board. The board may ~~promulgate~~ *adopt* rules to carry out the purposes of ~~sections 10A.01 to 10A.34~~ *this chapter*.

Sec. 8. Minnesota Statutes 1990, section 10A.03, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION; FEE.] Each lobbyist shall file a registration form with the board within five days after becoming a lobbyist. *A lobbyist who receives compensation other than reimbursement of expenses shall pay an annual registration fee of \$ The principal of a lobbyist who receives compensation other than reimbursement of expenses shall pay an annual reporting fee of \$ These annual fees shall be paid in the manner prescribed by the board. Proceeds from the registration and reporting fees shall be deposited in the treasury and credited to the general fund.*"

Page 4, after line 23, insert:

"Sec. 10. Minnesota Statutes 1990, section 10A.04, subdivision 4, is amended to read:

Subd. 4. [REPORT CONTENTS.] (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions

of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, ~~excluding~~ *including* contributions to a candidate ~~made or solicited by the lobbyist, equal in value to \$50 \$100 or more individually or in aggregate,~~ given or paid to any public or local official by the lobbyist ~~or under the lobbyist's direction or by any employer or any employee of the lobbyist.~~ The list shall include the name and address of each public or local official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid.

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

Page 5, delete lines 16 to 18 and insert:

- "(1) \$501 to ~~\$50,000~~ \$10,000;
- (2) \$10,001 to \$25,000;
- (3) \$25,001 to \$50,000;
- (4) \$50,001 to ~~\$150,000~~ \$100,000; ~~or~~
- (5) \$100,001 to \$150,000; ~~or~~
- ~~(6)~~ (6) \$150,001 to \$250,000."

Page 7, line 5, after the period, insert "*For a person who receives only per diem compensation for service in the position that requires the filing of a statement of economic interest, the late filing fee is \$5 per day, not to exceed \$100.*"

Page 7, after line 11, insert:

"Sec. 16. Minnesota Statutes 1990, section 10A.14, subdivision 1, is amended to read:

Subdivision 1. The treasurer of a political committee or political fund shall register with the board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has made a contribution, received contributions or made expenditures in excess of \$100. *A political committee or fund, other than a political party committee, shall pay an annual registration fee in the amount of \$, in the manner prescribed by the board, with the proceeds deposited in the treasury and credited to the general fund.*"

Page 7, line 21, after the period, insert "*For an unreimbursed volunteer treasurer of a principal campaign committee or political committee, who is not a registered lobbyist, the late filing fee is \$5 per day, not to exceed \$100.*"

Page 7, line 27, after the period, insert "*For an unreimbursed volunteer*

treasurer of a principal campaign committee or political committee, who is not a registered lobbyist, the late filing fee is \$50 per day, not to exceed \$500."

Page 8, line 11, delete "*may*" and insert "*shall*"

Page 8, line 13, delete "*if the completed*" and insert a period

Page 8, delete lines 14 to 17

Renumber the sections of article 2 in sequence

Pages 10 and 11, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1990, section 10A.065, subdivision 1, is amended to read:

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

Sec. 4. Minnesota Statutes 1990, section 10A.065, subdivision 5, is amended to read:

Subd. 5. [POLITICAL COMMITTEE.] This section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by all or part of the party organization within each house of the legislature, except for individual members; by a candidate for ~~an office other than the legislature~~ *a judicial office*; or to a member of such a political committee acting solely on behalf of the committee.

Sec. 5. Minnesota Statutes 1990, section 10A.14, subdivision 2, is amended to read:

Subd. 2. The statement of organization shall include:

- (a) The name and address of the political committee or political fund;
- (b) The name and address of any supporting association of a political fund;
- (c) The name and address of the chair, the treasurer, and any deputy treasurers;
- (d) A listing of all depositories or safety deposit boxes used;
- (e) A statement as to whether the committee is ~~a~~ *the single* principal campaign committee *of a candidate*; and
- (f) For political parties only, a list of categories of substate units as defined in section 10A.27, subdivision 4.

Sec. 6. Minnesota Statutes 1990, section 10A.19, subdivision 1, is amended to read:

Subdivision 1. [SINGLE COMMITTEE.] No candidate shall accept contributions from any source, other than self, in aggregate in excess of \$100 or

any money from the state elections campaign fund unless the candidate designates and causes to be formed a single principal campaign committee. A candidate may not authorize, designate, or cause to be formed any other political committee bearing the candidate's name or title or otherwise operating under the direct or indirect control of the candidate. However, a candidate may be involved in the direct or indirect control of a party unit as defined in section 10A.275, subdivision 3."

Page 14, delete sections 7 and 8 and insert:

"Sec. 10. Minnesota Statutes 1990, section 10A.25, subdivision 5, is amended to read:

Subd. 5. [PRIMARY RACES.] Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary who ~~receives less~~ received fewer than twice as many votes as any one of the candidate's opponents in that primary may make aggregate expenditures and approved expenditures equal to 120 percent of the applicable amount as set forth in subdivision 2, as adjusted by section 10A.255. A candidate in a contested primary race may not, under this subdivision, make aggregate expenditures and approved expenditures of more than 100 percent of the expenditure limits imposed by subdivision 2 until after the primary."

Page 15, line 8, before "The" insert "(a)"

Page 15, delete lines 15 to 22 and insert:

"(b) A candidate of a major political party who agrees to be bound by the limits and receives a public subsidy, who has an opponent who: (1) is a candidate of a major political party; and (2) does not agree to be bound by the limits but is otherwise eligible to receive a public subsidy;

(i) is no longer bound by the limits, including those in section 10A.324, subdivision 1, paragraph (c); but;

(ii) is still eligible to receive a public subsidy; and

(iii) also receives the opponent's share of the general account public subsidy under section 10A.31."

Page 16, line 6, delete "\$6,000" and insert "\$1,500"

Page 16, line 7, delete "\$2,000" and insert "one-third of that amount"

Page 16, line 8, delete "\$3,000" and insert "\$1,000"

Page 16, line 9, delete "\$1,000" and insert "\$500"

Page 16, line 12, delete "\$1,500" and insert "\$750"

Page 16, after line 20, insert:

"Sec. 15. Minnesota Statutes 1990, section 10A.27, subdivision 9, is amended to read:

Subd. 9. [TRANSFERS PROHIBITED.] A treasurer of a candidate's principal campaign committee shall may not accept in any calendar year aggregate contributions in an amount greater than the maximum amount allowed under subdivision 1 from make a transfer or contribution to another candidate's principal campaign committee or any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate. A treasurer of a candidate's principal campaign committee may

not accept a transfer or contribution to that committee from another candidate's principal campaign committee or any other committee bearing the candidate's name or title or otherwise authorized by the candidate."

Page 17, after line 8, insert:

"Sec. 18. Minnesota Statutes 1990, section 10A.31, subdivision 5, is amended to read:

Subd. 5. (a) In each calendar year the money in the general account shall be allocated to candidates as follows:

- (1) 21 percent for the offices of governor and lieutenant governor together;
- (2) 3.6 percent for the office of attorney general;
- (3) 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer;

(4) In each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;

(5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative.

(b) In each calendar year the money in each party account shall be allocated as follows:

- (1) 14 percent for the offices of governor and lieutenant governor together;
- (2) 2.4 percent for the office of attorney general;
- (3) 1.2 percent each for the offices of secretary of state, state auditor, and state treasurer;

(4) In each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;

(5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative;

(6) ten percent for the state committee of a political party; money allocated to each state committee under this clause must be deposited in a separate account and must be spent for only those items enumerated in section 10A.275; money allocated to a state committee under this clause must be paid to the committee by the state treasurer as notified by the state ethical practices board as it is received in the account on a monthly basis, with payment on the 15th day of the calendar month following the month in which the returns were processed by the department of revenue, provided that these distributions would be equal to 90 percent of the amount of money indicated in the department of revenue's weekly unedited reports of income tax returns and property tax refund returns processed in the month, as notified by the department of revenue to the state ethical practices board. The amounts paid to each state committee are subject to biennial adjustment and settlement at the time of each certification required of the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments received by a state committee for the period reflected on a certification by the department of revenue is different from the amount that should have been received during the

period according to the certification, each subsequent monthly payment must be increased or decreased to the fullest extent possible until the amount of the overpayment is recovered or the underpayment is distributed.

To assure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, money from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive money from the candidate's party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula:

For each county within the candidate's district the candidate's share of the dollars allocated in that county to the candidate's party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, amounts in the party's account shall be allocated based on (a) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (b) the number of the people voting in that county in the last general election, multiplied by (c) the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

In a year in which the first election after a legislative reapportionment is held, "the candidate's district" means the newly drawn district, and voting data from the last general election will be applied to the area encompassing the newly drawn district notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in

clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.

(c) Money from a party account not distributed to candidates for state senator and representative in any election year shall be returned to the general fund of the state. Money from a party account not distributed to candidates for other offices in an election year shall be returned to the party account for reallocation to candidates as provided in clauses (1) to (6) in the following year. Money from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision."

Pages 17 and 18, delete section 16

Page 19, after line 3, insert:

"Sec. 22. Minnesota Statutes 1990, section 10A.322, is amended by adding a subdivision to read:

Subd. 5. [ADDITIONAL AGREEMENTS.] As a condition of receiving a public subsidy from the state elections campaign fund, a candidate shall agree to:

(1) refuse to accept total contributions from political associations other than political parties in an amount that exceeds 50 percent of the total amount of nonpublic political contributions received by the candidate during the calendar year in which the general election is held; and

(2) provide evidence to the board before receiving the public subsidy from the party account that the candidate is complying with clause (1)."

Page 19, delete lines 7 to 19 and insert:

"Subdivision 1. [AFFIDAVIT.] In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy from the state elections campaign fund a candidate shall file an affidavit with the board stating that:

(1) during that calendar year the candidate has accumulated contributions, including unexpended balances from the year before, equal to 20 percent or more of the minimum amount that the board estimates, on August 15 of the general election year, would be received by the candidate from the state elections campaign fund; and

(2) the candidate has received 50 percent of the amount required under clause (1) from individual contributors who reside for voting purposes in the candidate's legislative district, if the candidate is seeking a legislative office, or from individual contributors who reside for voting purposes in the state of Minnesota, if the candidate is seeking a statewide constitutional office.

Subd. 2. [DEADLINE.] The candidate or the candidate's treasurer shall submit the affidavit required by this subdivision to the board in writing by October 1 September 15 of the general election year."

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

Page 20, after line 5, insert:

"Sec. 25. Minnesota Statutes 1990, section 10A.324, is amended by adding a subdivision to read:

Subd. 5. [RETURN OF OPPONENT'S PUBLIC SUBSIDY.] If a candidate received the candidate's opponent's public subsidy under section 10A.25, subdivision 10, the candidate shall return all or a portion of the

opponent's public subsidy if required under subdivision 1. In addition, the candidate shall return all of the opponent's public subsidy to the ethical practices board if the opponent fails to file any campaign spending reports under section 10A.20 or if the opponent's postelection report due on January 31 indicates that the opponent raised and spent \$1,000 or less during the campaign."

Page 20, line 34, after "candidate" insert "within the time limits provided by law"

Page 20, after line 35, insert:

"Sec. 28. Minnesota Statutes 1990, section 10A.44, subdivision 1, is amended to read:

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

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

A congressional candidate whose name will appear on the ballot in more than one general or special election in a year is subject to a separate spending limit for each election. For a candidate for representative in Congress in a special election, the expenditure limits apply during the ten months before and the two months after the special election. *For purposes of this section, an expenditure does not include a transfer from the candidate's principal campaign committee to another committee of that congressional candidate or state political party."*

Page 21, after line 7, insert:

"Sec. 30. Minnesota Statutes 1990, section 10A.44, subdivision 6, is amended to read:

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

Sec. 31. Minnesota Statutes 1990, section 211A.02, subdivision 2, is amended to read:

Subd. 2. [INFORMATION REQUIRED.] The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the name and address of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;
- (4) the purpose for each expenditure; and
- (5) the name of any individual or committee that during the year has made

one or more contributions that in the aggregate are equal to or greater than ~~\$500~~ \$100.

Sec. 32. [211A.071] [CONTRIBUTION LIMITS.]

A candidate for a town, statutory or home rule charter city, county, or school district office may not allow the candidate's campaign committee to accept aggregate contributions from an individual, political committee, or political fund in excess of \$750 in any calendar year.

Sec. 33. Minnesota Statutes 1990, section 211B.05, subdivision 2, is amended to read:

Subd. 2. [ADVERTISING RATES.] Rates charged for advertising to support or oppose a candidate ~~or ballot question~~ must be the same as the charges made for any other political candidate and may be no greater than ~~charges made for any other comparable purpose or use according to the seller's lowest-paying commercial client rate schedule.~~

Page 21, line 19, before the period, insert "*and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the party chair*"

Page 22, line 12, after "a" insert "*congressional candidate as defined in section 10A.41, subdivision 4, or a*"

Page 22, lines 14 and 15, delete the new language

Page 22, after line 29, insert:

"Sec. 35. [REPEALER.]

Minnesota Statutes 1990, section 10A.25, subdivision 2a, is repealed."

Renumber the sections of article 3 in sequence

Pages 22 and 23, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING; POSTPONE-MENT.] At 7:30 p.m. on the ~~fourth first~~ Tuesday in February ~~after the first Monday in March~~ in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision."

Page 24, line 21, before the period, insert ";

(h) for county sheriff, that the candidate has a certificate of satisfactory completion of the basic course of training, issued by the executive director of the peace officer standards and training board"

Amend the title as follows:

Page 1, line 22, delete "subdivision 9" and insert "subdivisions 5, 8, 9, 10, 12, and 13" and delete "subdivision 2" and insert "subdivisions 1 and 2"

Page 1, line 23, after "subdivisions" insert "4," and delete "subdivision 3, and" and insert "subdivisions 1, 3, and 5;"

Page 1, line 24, delete "by adding a subdivision;" and after "2," insert "5,"

Page 1, line 25, after "7;" insert "10A.14, subdivisions 1 and 2; 10A.19, subdivision 1;"

Page 1, line 26, after "7," insert "and" and delete ", and by adding a"

Page 1, line 27, delete the first "subdivision"

Page 1, line 28, delete "subdivision 1" and insert "subdivisions 1 and 9"

Page 1, line 29, after "3," insert "5, and" and delete ", and by adding a subdivision"

Page 1, line 30, delete "and" and insert a comma and after "4" insert ", and by adding a subdivision"

Page 1, line 31, after the first "3" insert ", and by adding a subdivision"

Page 1, delete line 32 and insert "subdivisions 1, 4, and 6; 202A.14, subdivision 1; 204B.06,"

Page 1, line 34, after "3;" insert "211A.02, subdivision 2; 211B.05, subdivision 2;"

Page 1, line 35, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 211A; repealing Minnesota Statutes 1990, section 10A.25, subdivision 2a"

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

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

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

H.F. No. 178: A bill for an act relating to occupations and professions; increasing minimum insurance coverage required for abstractors; abolishing requirement of seals by impression; repealing an obsolete provision; amending Minnesota Statutes 1990, sections 386.66 and 386.67; repealing Minnesota Statutes 1990, section 386.65, subdivision 3.

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

H.F. No. 276: A bill for an act relating to insurance; accident and health; prohibiting the nondiagnostic use of X-rays; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

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

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

Page 1, delete lines 22 to 25 and insert:

"Subd. 2. [PROHIBITED CONDUCT.] Any person who assaults a sports official in connection with an interscholastic athletic activity may be excluded from attending an activity for up to 12 months.

Subd. 3. [SANCTION.] The board of directors of the Minnesota state high school league or a school board may exclude any person other than a head varsity coach, except as provided in subdivision 5.

The board of directors of the Minnesota state high school league may exclude a person from:

(1) any activity of the kind in connection with which the assault occurred; or

(2) all interscholastic athletic activities.

A school board may exclude a person from any activity sponsored or participated in by the school district.

Subd. 4. [PROCEDURE.] The board of directors of the Minnesota state high school league or a school board may exclude a person, other than a head varsity coach, from any interscholastic athletic activity if the person assaulted a sports official in connection with an activity. A person alleged to have assaulted a sports official shall be entitled to an informal hearing on the matter by the board of directors of the Minnesota state high school league or school board. Upon finding that the person assaulted a sports official, the board of directors of the Minnesota state high school league or school board shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the person is excluded.

Subd. 5. [HEAD VARSITY COACH.] A school board employing a head varsity coach may exclude that head varsity coach from any interscholastic athletic activity upon finding by the board that the coach assaulted a sports official in connection with an activity. A head varsity coach alleged to have assaulted a sports official shall be invited to an informal hearing on the matter by the school board. Upon finding that a head varsity coach assaulted a sports official, the school board shall notify the coach in writing and shall indicate any activity from which, and the period of time for which, the coach is excluded."

Page 2, delete lines 1 to 34

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

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

H.F. No. 499: A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

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

Delete everything after the enacting clause and insert:

"Section 1. [123.751] [FLAG SCHOOL RECORDS OF MISSING CHILDREN.]

Subdivision 1. [FLAG RECORD UPON CERTAIN NOTIFICATION.] A school district shall flag the record of a pupil who is currently or was previously enrolled in the district if a law enforcement agency notifies the district of the pupil's disappearance. The flag must be made so that, if a copy of or information regarding the pupil's record is requested, the district is aware that the record is that of a missing pupil.

Subd. 2. [DISTRICT NOTIFICATION WHEN RECORDS ARE REQUESTED.] When the district provides a copy of the pupil's record or other information concerning the pupil whose record is flagged, the district shall notify the law enforcement agency that notified the district of the pupil's disappearance of every inquiry concerning the record. The district shall also provide a copy to the law enforcement agency of a written request for information concerning the record.

Subd. 3. [RECORDS UPON SCHOOL DISTRICT TRANSFER.] When a pupil transfers from one district to another, the receiving district shall attempt to obtain, within 30 days of the pupil's enrollment, the pupil's record from the district from which the pupil has transferred. If the pupil's parent, custodian, or guardian provides a copy of the pupil's record from the district from which the pupil has transferred, the receiving district shall request, within 30 days of the pupil's enrollment, written verification of the pupil's record by contacting the district named on the transferring pupil's record. Information received by a school district indicating that the transferring pupil is a missing child must be reported by the district to the department of public safety.

Subd. 4. [DATA DISCLOSURE.] Data in this section may be disclosed according to section 13.32, subdivision 3, clause (d)."

Delete the title and insert:

"A bill for an act relating to education; requiring school districts to flag the school records of missing pupils; proposing coding for new law in Minnesota Statutes, chapter 123."

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. 1064: A bill for an act relating to waters; exempting certain proceedings by the board of water and soil resources from the administrative procedure act; authorizing appeals to the court of appeals; amending Minnesota Statutes 1990, sections 103B.345, subdivisions 2 and 4; 103D.105, subdivision 1; and 103D.111.

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

Page 2, line 18, reinstate the stricken "A hearing"

Page 2, line 20, reinstate the stricken "in a proceeding to establish or terminate a watershed"

Page 2, line 21, reinstate the stricken "district"

Page 2, line 22, after the stricken "103D.535" insert "*must be conducted*" and reinstate the stricken period

Page 2, after line 31, insert:

"Subdivision 1. [REVIEW OF ESTABLISHMENT AND TERMINATION DECISIONS.] In a proceeding to establish or terminate a watershed district where the board elected not to refer the proceeding to the office of administrative hearings, a local unit of government or 25 or more residents within the area affected by the proceeding may, prior to judicial appeal of the board's decision, demand a contested case hearing to be conducted by the office of administrative hearings. In the report of the administrative law judge, the fees of the office of administrative hearings and transcript fees may be apportioned among the parties and the board. Apportionment must be based on the degree to which the parties and the board prevailed, or caused unnecessary delay or expense. Following receipt of the report of the administrative law judge, the board shall make a final decision in accordance with chapter 14.

Subd. 2. [APPEALS OF FINAL BOARD DECISIONS.]"

Page 2, line 32, reinstate the stricken language and delete "a"

Page 2, after line 35, insert:

"Sec. 5. Minnesota Statutes 1990, section 103F.535, subdivision 1, is amended to read:

Subdivision 1. [RESERVATION OF MARGINAL LAND AND WETLANDS.] (a) Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section.

(b) This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 103F.515, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

(3) conveyances of land to correct errors in legal descriptions under

section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation *or by the Minnesota housing finance agency*, or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration *or by the Minnesota housing finance agency* for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10.

Sec. 6. Minnesota Statutes 1990, section 103G.271, subdivision 4a, is amended to read:

Subd. 4a. [MT. SIMON-HINCKLEY AQUIFER.] (a) The commissioner may not issue new water use permits that will appropriate water from the Mt. Simon-Hinckley aquifer *in a metropolitan county, as defined in section 473.121, subdivision 4*, unless the appropriation is for potable water use, there are no feasible or practical alternatives to this source, and a water conservation plan is incorporated with the permit.

(b) The commissioner shall terminate all permits authorizing appropriation and use of water from the Mt. Simon-Hinckley aquifer for once-through systems *in the seven-county metropolitan area county, as defined in section 473.121, subdivision 4*, by December 31, 1992.

Sec. 7. Minnesota Statutes 1990, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] "Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;

(2) the extraction of minerals;

(3) the opening of a grave in a cemetery;

(4) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

(5) plowing, cultivating, planting, harvesting, and similar operations in

connection with growing crops, *trees, and shrubs*, unless any of these activities disturbs the soil to a depth of 18 inches or more; or

(6) landscaping or gardening unless one of the activities disturbs the soil to a depth of 12 inches or more."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "changing administrative appeal procedures;"

Page 1, line 5, after the semicolon, insert "exempting the Minnesota housing finance agency from restrictions on transfers of marginal land and wetlands; limiting a prohibition on certain new water use permits to the metropolitan area; exempting tree and shrub planting from certain notification requirements;"

Page 1, line 7, delete "and" and before the period, insert "; 103F.535, subdivision 1; 103G.271, subdivision 4a; and 216D.01, subdivision 5"

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

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

S.F. No. 835: A bill for an act relating to battered women's programs; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; amending Minnesota Statutes 1990, sections 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; and 611A.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 256D.04, is amended to read:

256D.04 [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise according to section 256.01 the administration of general assistance and general assistance medical care by county agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21, *including section 256D.05, subdivision 3, and section 256.01, subdivision 2, paragraph (16)*, to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all county agencies and other interested persons; in promulgating rules, the provisions of sections 14.001 to 14.69, shall apply;

(3) Allocate money appropriated for general assistance and general assistance medical care to county agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each county agency, and the activities of each county agency and publish such reports for the information of the public; and

(8) Specify requirements for general assistance and general assistance medical care reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17).

Sec. 2. [611A.25] [SEXUAL ASSAULT ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] Within 60 days after the effective date of this section, the commissioner of corrections shall appoint a 12 member advisory council on sexual assault to advise the commissioner on the implementation and continued operation of sections 611A.21 to 611A.23. The sexual assault advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of sexual assault, and as an advocate within the department of corrections for the rights of sexual assault victims.

Subd. 2. [MEMBERSHIP.] Six of the sexual assault advisory council members shall either be representatives of or persons who have received services from organizations that provide services to sexual assault victims, and six of the members shall be public members. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. [TERMS; VACANCIES; EXPENSES.] Section 15.059 governs the filling of vacancies and removal of members of the sexual assault advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 4. [REPORT TO LEGISLATURE.] On or before August 1, 1992, the sexual assault advisory council, in consultation with the commissioner and the Minnesota coalition of sexual assault services, shall file a written report with the legislature, containing recommendations on the following matters:

(1) the scope of the commissioner's authority regarding the administration of grants for sexual assault services;

(2) the membership and duties of the sexual assault advisory council;

(3) criteria for funding programs for services for sexual assault victims;

(4) *the appointment of a sexual assault program director; and*

(5) *other matters agreed to by the commissioner, the sexual assault advisory council, and the Minnesota coalition of sexual assault services.*

Sec. 3. Minnesota Statutes 1990, section 611A.31, subdivision 2, is amended to read:

Subd. 2. "Battered woman" means a woman who is being or has been assaulted by her spouse, other male relative, or by a male with whom she is residing or has resided in the past victimized by domestic abuse as defined in section 518B.01, subdivision 2, except that "family or household members" includes persons with whom the woman has had a continuing relationship.

Sec. 4. Minnesota Statutes 1990, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS DESIGNATED GRANTS AWARDED.] The commissioner shall designate four or more pilot award grants to programs to which provide emergency shelter services and support services to battered women and shall award grants to the pilot programs. At least two pilot programs shall be designated in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington and Carver counties. At least one pilot program shall be designated in a city located outside of the metropolitan area, and at least one pilot program shall be designated in a location accessible to a predominately rural population their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

Sec. 5. Minnesota Statutes 1990, section 611A.32, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] Any public or private nonprofit agency may apply to the commissioner for designation as a pilot program a grant to provide emergency shelter services and, support services, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(a) (1) a proposal for the provision of emergency shelter services and, support services, or both, for battered women and their children;

(b) (2) a proposed budget;

(c) (3) evidence of the integration of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established by the director pursuant to section under sections 611A.33 into the proposed program and 611A.34;

(d) (4) evidence of the participation of the an ability to represent the interests of battered women and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health; and other interested agencies or groups in the development of the application; and

~~(e) (5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and~~

~~(6) any other content the commissioner may; require by rule adopted under chapter 14, require after considering the recommendations of the advisory council.~~

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 6. Minnesota Statutes 1990, section 611A.33, is amended to read:

611A.33 [DUTIES OF COMMISSIONER.]

The commissioner shall:

~~(a) (1) Review applications for designation as and award grants to a pilot program; and designate four or more pilot programs pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;~~

~~(b) Review applications from and award grants to public or private nonprofit agencies which submit proposals to develop and implement education programs pursuant to section 611A.32, subdivision 4;~~

~~(c) (2) Appoint the members of the advisory task force council created under section 611A.34, and provide consultative staff and other administrative services to the advisory task force council;~~

~~(d) (3) After considering the recommendation of the advisory council, appoint a project coordinator program director to perform the duties set forth in section 611A.35;~~

~~(e) (4) Design and implement a uniform method of collecting and evaluating data on battered women and of evaluating to be used to evaluate the programs funded under section 611A.32;~~

~~(f) (5) Provide technical aid to applicants in the design and implementation of the programs funded under section 611A.32 development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and~~

~~(g) Promulgate (6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36 and 256D.05, subdivision 3, including emergency rules; and~~

~~(h) Report to the legislature on January 1, 1978, January 1, 1979, and November 15, 1979, on the programs funded under section 611A.32 and report to the legislature by January 1, 1979 on the feasibility of creating similar programs for men.~~

Sec. 7. Minnesota Statutes 1990, section 611A.34, is amended to read:

611A.34 [ADVISORY COUNCIL.]

Subdivision 1. [CREATION GENERALLY.] Within 60 days after June 3, 1977, The commissioner shall appoint a nine 12 member advisory council to advise the commissioner on the implementation and continued operation

of sections 611A.31 to 611A.36. ~~The provisions of battered women's advisory council shall also serve as a liaison between the commissioner and organizations that provide services to battered women. Section 15.059 shall govern the terms, filling of vacancies and removal of members, and expiration of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.~~

Subd. 2. [MEMBERSHIP] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. ~~Five members of the advisory council shall be representatives of community or governmental organizations which provide services to battered women, and four members of the advisory council shall be public members.~~ about and have experience or interest in issues concerning battered women, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women in Minnesota. Six of the council members shall either be representatives of or persons who have received services from community or governmental organizations that provide services to battered women, and six of the members shall be public members. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state. The commissioner shall also make special efforts to ensure that the membership of the council is representative of different racial minority groups and sexual orientations and of women who have been formerly battered.

Subd. 3. [DUTIES.] The advisory council shall:

~~(a)~~ (1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs further the objectives described in section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of ~~project coordinator~~ battered women's program director;

~~(b)~~ (4) advise the commissioner on the rules ~~promulgated~~ adopted under chapter 14 pursuant to section 611A.33;

~~(c)~~ (5) review and comment on applications received by the commissioner for designation as a pilot program and applications for education grants under section 611A.32 and make recommendations on the awarding of grants; and

~~(d)~~ (6) advise the ~~project coordinator~~ program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Subd. 4. [CONFLICTS OF INTEREST.] A member of the advisory council shall be excluded from participating in review and recommendations concerning a grant application if the member:

(1) serves or has served at any time during the past three years as an

employee, volunteer, or governing board member of an organization whose application is being reviewed; or

(2) has a financial interest in the funding of the applicant organization.

Sec. 8. [611A.345] [ADVISORY COUNCIL RECOMMENDATIONS.]

Subdivision 1. [PROPOSED ACTION.] The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women funded under section 611A.32. Before taking action on matters related to programs and services for battered women and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration under subdivision 2 without causing a delay in the issuance of grant money. If the commissioner decides to take action contrary to or inconsistent with the recommendations of the advisory council, the commissioner shall provide the advisory council with written objections to the advisory council's recommendation, the basis for the objections, and the information, records, or data supporting the decision.

Subd. 2. [RECONSIDERATION.] Within ten days after receiving the commissioner's written objections, the advisory council may ask the commissioner to reconsider the decision to take action contrary to or inconsistent with the advisory council's recommendations. The advisory council may ask for a reconsideration if the commissioner fails to take any action on its recommendations. The advisory council may respond in writing to the commissioner's objections and may offer alternative recommendations. The advisory council may also ask the commissioner to meet with the advisory council and discuss its recommendations and the commissioner's decision. Prior to requesting a reconsideration, the advisory council shall have access to all records or other information not previously made available to the advisory council upon which the commissioner relied in reaching a decision, unless the records or information is data that is not accessible to the public under section 13.03. A request for reconsideration stays implementation of the commissioner's proposed action.

Within five days after receiving the request for reconsideration, the commissioner shall deliver to the advisory council a written decision amending or affirming the proposed decision. A request for reconsideration shall not be a basis for the commissioner to fail to propose action on other recommendations of the advisory council.

Sec. 9. [611A.346] [GRANTEE REQUEST FOR RECONSIDERATION OF GRANT DENIAL.]

Within five days of receiving notification of the commissioner's decision, any applicant whose grant application was denied by the commissioner or not recommended by the advisory council, in whole or in part, may ask the commissioner to reconsider the decision. The commissioner and advisory council shall respond to the applicant within ten days of the request. If the commissioner and advisory council affirm the prior decision, the commissioner shall provide the applicant with a written explanation of the reasons why the applicant's grant was denied or not recommended for funding.

Sec. 10. Minnesota Statutes 1990, section 611A.35, is amended to read:

611A.35 [PROJECT COORDINATOR BATTERED WOMEN'S PROGRAM DIRECTOR.]

The commissioner shall appoint a ~~project coordinator~~ *program director*. In appointing the ~~project coordinator~~ *program director* the commissioner shall give due consideration to the list of applicants submitted to the commissioner ~~by the advisory task force~~ pursuant to section 611A.34, subdivision 3, clause (a) (3). The ~~project coordinator~~ *program director* shall administer the funds appropriated for sections 611A.31 to 611A.36 and ~~256D.05, subdivision 3,~~ coordinate the programs funded under section 611A.32, consult with and provide staff to the advisory council, and perform other duties related to battered women's programs as the commissioner may assign. The ~~project coordinator~~ *program director* shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 11. Minnesota Statutes 1990, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. [FORM PRESCRIBED.] The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on battered women. The method and form of data collection shall be designed to document the incidence of assault on ~~battered women by their spouses, male relatives or other males with whom they are residing or have resided in the past as defined in section 611A.31, subdivision 2.~~ All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 12. [611A.361] [GENERAL CRIME VICTIMS ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] Within 60 days after the effective date of this section, the commissioner of corrections shall appoint a 12 member advisory council on general crime victims to advise the commissioner on the implementation and continued operation of chapter 611A with respect to victims of crimes other than sexual assault and domestic abuse. The general crime victims advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of crime, and as an advocate within the department of corrections for the rights of general crime victims.

Subd. 2. [MEMBERSHIP.] Six of the general crime victims advisory council members shall either be representatives of or persons who have received services from organizations that provide services to crime victims, and six of the members shall be public members. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. [TERMS; VACANCIES; EXPENSES.] Section 15.059 governs the filling of vacancies and removal of members of the general crime victims advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 4. [REPORT TO LEGISLATURE.] On or before August 1, 1992,

the general crime victims advisory council, in consultation with the commissioner, shall file a written report with the legislature, containing recommendations on the following matters:

- (1) the scope of the commissioner's authority regarding the administration of grants for general crime victims services;*
- (2) the membership and duties of the general crime victims advisory council;*
- (3) criteria for funding programs for services for general crime victims;*
- (4) the appointment of a general crime victims program director; and*
- (5) other matters agreed to by the commissioner, and the general crime victims advisory council.*

Sec. 13. [TRANSITION.]

(a) Notwithstanding Minnesota Statutes, section 611A.34, until the first Monday in January 1992, the battered women's advisory council consists of the members serving as delegates or alternates on the council on January 1, 1991.

(b) Notwithstanding any law to the contrary, the terms of all members serving on the council before the first Monday in January 1992, expire on the first Monday in January 1992. Of the members appointed to terms beginning in January 1992, six shall be appointed to one-year terms and six shall be appointed to two-year terms.

(c) The limit on consecutive terms in Minnesota Statutes, section 611A.34, applies to members serving on the council on and after the effective date of section 611A.34, but does not operate to remove a person from the council before the expiration of the person's term.

Sec. 14. [REPEALER.]

Minnesota Statutes 1990, section 611A.32, subdivision 4, is repealed."

Delete the title and insert:

"A bill for an act relating to domestic violence; battered women; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; creating a sexual assault advisory council and a general crime victims advisory council; clarifying the commissioner of human services' authority to adopt rules governing general assistance payments on behalf of persons receiving services from battered women's shelters; amending Minnesota Statutes 1990, sections 256D.04; 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; and 611A.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4."

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

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

H.F. No. 471 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.
		471	436		

Pursuant to Rule 49, the committee on Rules and Administration recommends that H.F. No. 471 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 471 and insert the language after the enacting clause of S.F. No. 436, the first engrossment; further, delete the title of H.F. No. 471 and insert the title of S.F. No. 436, the first engrossment.

And when so amended H.F. No. 471 will be identical to S.F. No. 436, and further recommends that H.F. No. 471 be given its second reading and substituted for S.F. No. 436, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 620 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.
620	489				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 620 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 620 and insert the language after the enacting clause of S.F. No. 489, the first engrossment; further, delete the title of H.F. No. 620 and insert the title of S.F. No. 489, the first engrossment.

And when so amended H.F. No. 620 will be identical to S.F. No. 489, and further recommends that H.F. No. 620 be given its second reading and substituted for S.F. No. 489, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 807 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.
807	689				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 807 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 807 and insert the language after the enacting clause of S.F. No. 689, the first engrossment; further, delete the title of H.F. No. 807 and insert the title of S.F. No. 689, the first engrossment.

And when so amended H.F. No. 807 will be identical to S.F. No. 689, and further recommends that H.F. No. 807 be given its second reading and substituted for S.F. No. 689, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 230 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.
230	152				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 230 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 230 and insert the language after the enacting clause of S.F. No. 152, the first engrossment; further, delete the title of H.F. No. 230 and insert the title of S.F. No. 152, the first engrossment.

And when so amended H.F. No. 230 will be identical to S.F. No. 152, and further recommends that H.F. No. 230 be given its second reading and substituted for S.F. No. 152, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 274 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.

S.F. No.

CONSENT CALENDAR

H.F. No.

S.F. No.

CALENDAR

H.F. No.

S.F. No.

274

241

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 274 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 274 and insert the language after the enacting clause of S.F. No. 241, the first engrossment; further, delete the title of H.F. No. 274 and insert the title of S.F. No. 241, the first engrossment.

And when so amended H.F. No. 274 will be identical to S.F. No. 241, and further recommends that H.F. No. 274 be given its second reading and substituted for S.F. No. 241, and that the Senate File be indefinitely postponed.

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

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

S.F. Nos. 1443 and 1449 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 1443 to the Committee on Economic Development and Housing.

S.F. No. 1449 to the Committee on Gaming Regulation.

Report adopted.

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

S.F. No. 1069: A bill for an act relating to human rights; limiting certain defenses; amending Minnesota Statutes 1990, section 363.02, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for April 17, 1991, be amended to read:

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

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

S.F. No. 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 report from the Committee on Agriculture and Rural Development, shown in the Journal for April 15, 1991, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Environment and Natural Resources”. Amendments adopted. Report adopted.

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

S.F. No. 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 report from the Committee on Environment and Natural Resources, shown in the Journal for April 15, 1991, be amended to read:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Agriculture and Rural Development”. Amendments adopted. Report adopted.

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

S.F. No. 1248: A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent commission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 17, 1991, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be 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 under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3: A bill for an act relating to wetlands; preserving, enhancing, establishing, and restoring wetlands; identifying wetlands; establishing wetland public value criteria; designating priority areas to establish and preserve wetlands; requiring local water plans to include wetlands with high public value; establishing wetland preservation areas; authorizing a tax exemption for wetland preservation areas; establishing a wetland restoration and compensation fund; establishing fees to pay for wetland establishment, preservation, and restoration; requiring permits and providing criteria for alternative uses of wetlands; requiring compensation for denied uses of wetlands; providing authority to establish and restore wetlands on private land; requiring assessment of direct benefits and payment of damages for establishment of wetlands; requiring a report on simplification and coordination of state and federal wetland permitting procedures; amending Minnesota Statutes 1990, sections 97A.475, by adding a subdivision; 103B.155; 103B.231, subdivision 6; 103B.311, subdivision 6; 103G.005, subdivisions 15 and 18; 103G.221; 103G.225; 103G.231; 103G.235; 103G.301, by adding a subdivision; 103I.208, by adding a subdivision; and 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103F; 103G; 116P; and 144.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 17, 1991, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Agriculture and Rural Development". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 480: A bill for an act relating to the environment; authorizing background investigations of environmental permit applicants; expanding current authority to impose administrative penalties for air and water pollution and solid waste management violations; amending Minnesota Statutes 1990, sections 115.071, by adding a subdivision; 115C.05; and 116.072, subdivisions 1, 2, and 6; proposing coding for new law in Minnesota Statutes, chapter 115.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 17, 1991, be adopted; that committee recommendation being:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 462: A bill for an act relating to the environment; establishing an environmental enforcement account; establishing a field citation pilot

project for unauthorized disposal of solid waste; amending Minnesota Statutes 1990, sections 115.072; and 116.07, subdivision 4d; proposing coding for new law in Minnesota Statutes, chapter 115.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 17, 1991, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be 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 under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 546: A bill for an act relating to crimes; environmental enforcement; imposing criminal penalties for knowing violations of standards related to hazardous air pollutants and toxic pollutants in water; providing that certain property is subject to forfeiture in connection with convictions for water pollution and air pollution violations; imposing criminal penalties for unauthorized disposal of solid waste; authorizing prosecution of environmental crimes by the attorney general; providing for environmental restitution as part of a sentence; increasing criminal penalties for false statements on documents related to permits and record keeping; amending Minnesota Statutes 1990, sections 18D.331, subdivision 4; 609.531, subdivision 1; and 609.671.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 17, 1991, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be referred to the Committee on Judiciary”. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1024, 809, 338, 1030, 906, 1316, 813, 377, 1190, 1099, 269, 520, 1380 and 300 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 924, 178, 276, 499, 471, 620, 807, 230 and 274 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Waldorf moved that the name of Mr. Beckman be added as a co-author to S.F. No. 158. The motion prevailed.

Messrs. Belanger and Riveness introduced—

Senate Resolution No. 58: A Senate resolution congratulating Northwestern College of Chiropractic as they celebrate their 50th Anniversary.

Referred to the Committee on Rules and Administration.

Ms. Flynn introduced—

Senate Resolution No. 59: A Senate resolution congratulating Alice Johnson on her 108th Birthday.

Referred to the Committee on Rules and Administration.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

H.F. Nos. 73, 331, 472 and 697, which the committee recommends to pass.

H.F. No. 326, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Amend H.F. No. 326, as amended pursuant to Rule 49, adopted by the Senate April 4, 1991, as follows:

(The text of the amended House File is identical to S.F. No. 552.)

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 204C.04, is amended to read:

204C.04 [EMPLOYEES; TIME OFF TO VOTE.]

Subdivision 1. [RIGHT TO BE ABSENT.] Every employee who is eligible to vote at a state general in an election or at an election to fill a vacancy in the office of United States senator or United States representative under sections 201.014 and 201.016 has the right to be absent from work for the purpose of voting during the morning of election the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

Subd. 2. [ELECTIONS COVERED.] For purposes of this section, “election” means a general or special election, a primary, or a special primary, as those terms are defined in section 200.02, or a presidential primary as described in section 207A.01.

Subd. 3. [PENALTY.] A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.”

Delete the title and insert:

“A bill for an act relating to elections; providing for time off to vote in elections; amending Minnesota Statutes 1990, section 204C.04.”

The motion prevailed. So the amendment was adopted.

S.F. No. 350, which the committee recommends to pass, after the following motion:

Mr. Benson, D.D. moved to amend S.F. No. 350 as follows:

Page 3, line 19, delete “not”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	Johnson, D.J.	Mehrkens	Renneke
Belanger	Brataas	Johnston	Neuville	Storm
Benson, D.D.	Davis	Laidig	Olson	Vickerman
Benson, J.E.	Frederickson, D.R.	Larson	Pariseau	
Berg	Johnson, D.E.	McGowan	Pogemiller	

Those who voted in the negative were:

Berglin	Flynn	Langseth	Mondale	Riveness
Bertram	Frank	Lessard	Morse	Sams
Cohen	Hottinger	Luther	Novak	Samuelson
Dahl	Hughes	Marty	Pappas	Spear
DeCramer	Johnson, J.B.	Merriam	Price	Stumpf
Dicklich	Kelly	Metzen	Ranum	Traub
Finn	Kroening	Moe, R.D.	Reichgott	Waldorf

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

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Bertram, Ms. Reichgott and Mr. Benson, D.D. introduced—

S.F. No. 1490: A bill for an act relating to taxes; establishing a Minnesota residential property tax study commission.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Langseth, DeCramer, Bertram, Renneke and Vickerman introduced—

S.F. No. 1491: A bill for an act relating to transportation; authorizing municipalities to create transportation utilities; proposing coding for new law in Minnesota Statutes, chapter 444.

Referred to the Committee on Transportation.

Mr. Morse introduced—

S.F. No. 1492: 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.

Ms. Ranum, Messrs. Spear, Pogemiller and Johnson, D.J. introduced—

S.F. No. 1493: A bill for an act relating to taxation; reducing the property tax class rate applied to certain homesteads and commercial-industrial property; amending Minnesota Statutes 1990, section 273.13, subdivisions 22, 24, and 32.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kelly, Ms. Pappas and Mr. Cohen introduced—

S.F. No. 1494: A bill for an act relating to taxation; excluding property in the city of St. Paul from the levy for county roads and bridges.

Referred to the Committee on Taxes and Tax Laws.

Ms. Pappas, Messrs. Kelly and Cohen introduced—

S.F. No. 1495: A bill for an act relating to Ramsey county; increasing the payment to the city of St. Paul by Ramsey county for streets; amending Minnesota Statutes 1990, section 383A.16, subdivision 1.

Referred to the Committee on Local Government.

Messrs. Riveness, Waldorf, Ms. Ranum and Mr. DeCramer introduced—

S.F. No. 1496: A bill for an act relating to the legislature; authorizing joint legislative commissions to issue subpoenas; amending Minnesota Statutes 1990, section 3.153.

Referred to the Committee on Rules and Administration.

Ms. Piper introduced—

S.F. No. 1497: A bill for an act relating to human services; providing an exception to the nursing home moratorium; clarifying requirements for proposals of renovations or replacements of existing nursing homes; establishing a health development review process for renovation or replacement proposals; amending Minnesota Statutes 1990, sections 144A.071, subdivision 3, and by adding subdivisions; 144A.073, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 144A.

Referred to the Committee on Health and Human Services.

Ms. Olson, Messrs. Belanger, Benson, D.D.; Gustafson and Bernhagen introduced—

S.F. No. 1498: A bill for an act relating to taxation; providing for homestead classification of all one-, two-, and three-unit dwellings; restricting homestead eligibility for other dwellings; amending Minnesota Statutes 1990, sections 273.124, subdivisions 1, 2, 8, 11, and 12; and 273.13, subdivision 25; repealing Minnesota Statutes 1990, section 273.124, subdivisions 7, 10, 13, 15, and 16.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke and Bernhagen introduced—

S.F. No. 1499: A bill for an act relating to taxation; removing the requirement of bulk purchases by governmental entities in order to qualify for the tax credit on gasoline; amending Minnesota Statutes 1990, section 296.02, subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vickerman introduced—

S.F. No. 1500: A bill for an act relating to highways; designating the B. E. Grottum memorial highway; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Halberg and Bernhagen introduced—

S.F. No. 1501: A bill for an act relating to taxation; allowing home rule and statutory cities to impose a sales tax; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, D.R.; Moe, R.D.; Hughes; Benson, D.D. and Dahl introduced—

S.F. No. 1502: A resolution memorializing the Postmaster General to issue a postal stamp in commemoration of Wanda Gag, American Author and Illustrator.

Referred to the Committee on Veterans and General Legislation.

Mr. DeCramer introduced—

S.F. No. 1503: A bill for an act relating to transportation; authorizing the use of local bridge grant funds to construct drainage structures; amending Laws 1990, chapter 610, article 1, section 13, subdivision 5.

Referred to the Committee on Transportation.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, April 22, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate