

THIRTY-SIXTH DAY

St. Paul, Minnesota, Monday, April 22, 1991

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Monsignor John C. Ward.

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

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

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

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

Mr. Lessard was excused from the Session of today from 2:00 to 2:25 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 17, 1991

The Honorable Jerome M. Hughes
President of the Senate

Dear Senator Hughes:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 5, 148, 154, 162, 567 and 611.

Warmest regards,
Arne H. Carlson, Governor

April 18, 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
	661	Res. No. 4	3:04 p.m. April 17	April 17
611		24	3:00 p.m. April 17	April 17
148		25	3:02 p.m. April 17	April 17
154		26	2:59 p.m. April 17	April 17
5		27	2:55 p.m. April 17	April 17
162		28	2:55 p.m. April 17	April 17
567		29	2:57 p.m. April 17	April 17

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 339.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1991

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 414, 526, 584, 683, 806, 825, 832, 1070, 877, 921, 459, 744, 244, 287, 181, 875, 739, 887, 74, 870 and 932.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 414: A bill for an act relating to peace officers; requiring reports on the discharge of firearms by peace officers to be sent to the board of peace officer standards and training; requiring law enforcement agencies to adopt written policies governing the use of deadly force; requiring initial and continuing peace officer training on deadly force and the use of firearms; amending Minnesota Statutes 1990, section 626.553, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 400.

H.F. No. 526: A bill for an act relating to corporations; clarifying and modifying provisions governing divisions and combinations of shares and rights of shareholders; clarifying meeting notice requirements; authorizing electronic communications by shareholders; modifying access to corporate records; clarifying and modifying provisions governing mergers and dissolutions; amending Minnesota Statutes 1990, sections 302A.111, subdivision 2; 302A.139; 302A.401, subdivisions 3 and 4; 302A.405, subdivision 1; 302A.413, subdivision 3; 302A.435, subdivision 1; 302A.437, subdivision 1; 302A.449, subdivision 1, and by adding a subdivision; 302A.461, subdivisions 2, 4, and 4a; 302A.471, subdivision 1; 302A.551, subdivision 4; 302A.613, subdivision 2; 302A.621; 302A.651, subdivision 1; 302A.701; 302A.723, subdivision 3; 302A.725, subdivision 1; 302A.727; and 302A.781; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 302A.729; 302A.730; and 302A.733.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 395, now on General Orders.

H.F. No. 584: A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecommunications organizations; amending Minnesota Statutes 1990, section 237.19.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 599, now on General Orders.

H.F. No. 683: A bill for an act relating to alcoholic beverages; prohibiting a retailer from having an interest in a manufacturer, brewer, or wholesaler; prohibiting a retailer from renting space to a manufacturer, brewer, or wholesaler; providing that brand registration is for a three-year period; specifying that club on-sale licenses are subject to approval of the commissioner of public safety; consolidating provisions of law relating to seasonal on-sale licenses; providing extended duration of seasonal licenses in certain counties; removing certain restrictions on location of off-sale and combination licenses issued by counties; clarifying law on issuance of off-sale licenses by counties; allowing gambling on licensed premises when governed by tribal ordinance or a tribal-state compact; clarifying language on certain prohibitions on issuance of multiple licenses and repealing obsolete provisions relating thereto; prohibiting off-site storage of intoxicating liquor; specifying applicability of license limits to certain fourth-class cities;

changing the expiration date for consumption and display permits; raising the minimum age for keeping intoxicating liquor in bottle clubs; authorizing commissioner of public safety to impose civil penalties for conducting or permitting unlawful gambling on licensed premises, or for failure to remove impure products; specifying applicability to municipal liquor stores of prohibitions against permitting consumption of alcoholic beverages by underage persons; clarifying language on sales of intoxicating liquor on Christmas day; providing for Sunday liquor elections in counties; prohibiting sale of certain beverages of more than 50 percent alcohol content; authorizing commissioner of public safety to inspect alcoholic beverages for purity of contents and to order the removal of impure products; specifying that a split liquor referendum is not required for issuance of club licenses; repealing restrictions on wine sales at Minneapolis-St. Paul International Airport; authorizing issuance of an on-sale intoxicating malt liquor license in St. Louis county; authorizing the issuance of an on-sale intoxicating liquor license to a location in Duluth; amending Minnesota Statutes 1990, sections 340A.301, subdivision 7; 340A.311; 340A.402; 340A.404, subdivisions 1 and 6; 340A.405, subdivisions 2 and 6; 340A.408, subdivision 2; 340A.410, subdivision 5; 340A.412, subdivisions 2, 3, and by adding a subdivision; 340A.413, subdivision 1; 340A.414, subdivisions 4 and 8; 340A.415; 340A.503, subdivision 1; 340A.504, subdivisions 2 and 3; 340A.506; 340A.508, by adding a subdivision; 340A.601, subdivision 5; and 340A.604; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1990, section 340A.404, subdivision 6a.

Referred to the Committee on Commerce.

H.F. No. 806: A bill for an act relating to retirement; St. Paul teachers retirement fund association; special postretirement adjustment for certain pre-1978 retirees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 794, now on General Orders.

H.F. No. 825: A bill for an act relating to traffic regulations; amending the implied consent law advisory; simplifying the contents of a petition for judicial review under the implied consent law; amending Minnesota Statutes 1990, section 169.123, subdivisions 2 and 5c.

Referred to the Committee on Judiciary.

H.F. No. 832: A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; providing for returns and repurchases under certain circumstances; providing remedies; amending Minnesota Statutes 1990, section 325E.0681, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 833, now on General Orders.

H.F. No. 1070: A bill for an act relating to agricultural finance; changing certain provisions of the rural finance authority's beginning farmer program; amending Minnesota Statutes 1990, sections 41.55; 41.57, subdivision 3; 41B.03, subdivision 3; 41B.036; and 41B.039, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

H.F. No. 877: A bill for an act relating to game and fish; authorizing certain disabled permit holders to take deer of either sex; authorizing the

commissioner to establish special seasons for persons with a physical disability to take game with firearms and by archery; amending Minnesota Statutes 1990, section 97B.055, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 497, now on General Orders.

H.F. No. 921: A bill for an act relating to education; permitting school district employees to be reimbursed for the costs of defending against criminal charges; amending Minnesota Statutes 1990, section 123.35, by adding a subdivision.

Referred to the Committee on Education.

H.F. No. 459: A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivisions 2 and 3; 611.31; and 611.32.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 464.

H.F. No. 744: A bill for an act relating to the environment; petrofund; amending Minnesota Statutes 1990, sections 115C.07, subdivision 3; 115C.09, subdivisions 1, 2, 3, 3b, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 103I.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 244: A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, sections 169.01, subdivision 6; 169.45; 169.451; 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 354, now on General Orders.

H.F. No. 287: A bill for an act relating to occupations; granting the attorney general's office access to certain private data; requiring cancellation of school bus driver's endorsement on a driver's license when driver has committed a crime against a minor; requiring background investigations on school bus drivers; requiring certain licensing boards to consider revoking the license or endorsement of a licensee convicted of certain felonies involving a minor; exempting licensing of the board of teaching and the state board of education from certain requirements with respect to the rehabilitation of criminal offenders; amending Minnesota Statutes 1990, sections 125.09, subdivision 4; 214.10, by adding a subdivision; 364.09; and 631.40; proposing coding for new law in Minnesota Statutes, chapter 171.

Referred to the Committee on Education.

H.F. No. 181: A bill for an act relating to the environment; adding reimbursement requirements for the petroleum tank release cleanup account; providing for insurance subrogation rights; amending Minnesota Statutes 1990, sections 115C.04, subdivision 3; 115C.09, subdivision 3; and 115C.10, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 875: A bill for an act relating to insurance; rental vehicles; increasing property damage liability coverage; amending Minnesota Statutes 1990, section 65B.49, subdivision 5a.

Referred to the Committee on Commerce.

H.F. No. 739: A bill for an act relating to corporations; deleting consideration of the effect of insurance company takeovers on shareholders and creditors; limiting application of fair price provisions to domestic corporations; deleting nexus requirements for application of control share acquisition and business combination statutes; exempting employee stock ownership plans from takeover statutes; modifying limitations on corporate share purchases above market value; amending Minnesota Statutes 1990, sections 60D.02, subdivisions 1, 2, and 4; 60D.06; 60D.08, subdivisions 1 and 2; 60D.11; 60D.12, subdivision 2; 302A.011, subdivisions 38, 39, 49, and by adding subdivisions; and 302A.553, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 60D.02, subdivision 5; and 80B.06, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 482, now on General Orders.

H.F. No. 887: A bill for an act relating to game and fish; setting conditions under which a hunter may take two deer; amending Minnesota Statutes 1990, section 97B.301, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 74: A bill for an act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 213.

H.F. No. 870: A bill for an act relating to retirement; public employees retirement fund police and fire consolidation accounts; permitting survivors of account members killed in the line of duty to elect coverage; proposing coding for new law in Minnesota Statutes, chapter 353A.

Referred to the Committee on Governmental Operations.

H.F. No. 932: A bill for an act relating to corrections; extending female offender programs to include juveniles adjudicated delinquent; encouraging counties and agencies to develop and implement female offender programs; amending Minnesota Statutes 1990, sections 241.70; 241.71; 241.72; and 241.73.

Referred to the Committee on Health and Human Services.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 825 and the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 621: A bill for an act relating to the environment; clarifying and correcting provisions relating to the legislative commission on Minnesota resources and the Minnesota environmental and natural resources trust fund; amending Minnesota Statutes 1990, sections 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 3 and 4; 116P.09, subdivisions 2, 4, 5, and 7; repealing Minnesota Statutes 1990, section 116P.04, subdivision 5.

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

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1990, section 116P.04, subdivision 5, is amended to read:

Subd. 5. [AUDITS REQUIRED.] ~~(a) The commission shall select a certified public accountant annually to audit the trust fund. The audit must be given to the governor and the legislature and be available to the public.~~

~~(b) The legislative auditor shall audit trust fund expenditures to ensure that the money is spent for the purposes provided in the commission’s budget plan.”~~

Pages 5 and 6, delete section 8

Page 7, line 8, delete “and”

Page 7, line 11, reinstate the stricken language and delete the period

Page 7, line 12, reinstate the stricken “(11) a copy of the most recent”

Page 7, line 13, reinstate the stricken language

Page 7, delete section 10

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 6, after “sections” insert “116P.04, subdivision 5;”

Page 1, line 8, delete “5,” and delete everything after “7” and insert a period

Page 1, delete line 9

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. 1091: A bill for an act relating to waste; extending the date for incinerator ash to be considered special waste; amending Minnesota Statutes 1990, section 115A.97, subdivision 4.

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

Page 2, after line 5, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

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. 565: A bill for an act relating to civil actions; regulating recovery for economic loss arising from the sales of goods; amending Minnesota Statutes 1990, section 336.2-725; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Page 2, delete lines 14 to 16 and insert “*property that is damaged is not the goods and the sale is not a sale between parties who are each merchants in goods of the kind.*”

Page 2, line 22, before the period, insert “, *but economic loss that arises from a sale of goods between parties who are each merchants in goods of the kind is not recoverable in tort*”

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

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

S.F. No. 1076: A bill for an act relating to transportation; requiring a study and report by the commissioner of transportation on the effect of allowing the use of 110-foot, triple-trailer vehicle combinations; appropriating money.

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

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

S.F. No. 1309: A bill for an act relating to agriculture; changing the commercial cannery assessment; amending Minnesota Statutes 1990, section 31.39.

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

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

S.F. No. 1152: A bill for an act relating to motor vehicles; authorizing the registrar of motor vehicles to prorate the original registration on groups of passenger motor vehicles presented to St. Paul by a lessor; amending Minnesota Statutes 1990, section 168.017, subdivision 3.

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

Page 2, line 1, after “*St. Paul*” insert “, *or at such other locations as the registrar may designate*”

Page 2, after line 7, insert:

“Sec. 2. [EFFECTIVE DATE.]

This bill is effective the day following final enactment.”

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

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

H.F. No. 192: A bill for an act relating to the Duluth transit authority; providing for the transportation of students; repealing Laws 1988, chapter 573, section 2.

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

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

H.F. No. 239: A bill for an act relating to crime; clarifying the application of felony penalties to the act of intentionally disarming a peace officer; amending Minnesota Statutes 1990, section 609.50, subdivision 2.

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

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

H.F. No. 128: A bill for an act relating to water; mandating requirements on certain development; amending Minnesota Statutes 1990, section 103B.3363, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103B.

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

Page 1, line 11, delete “DETENTION” and insert “RETENTION”

Page 1, line 12, delete “No”

Page 1, line 13, delete “*in the state*” and after “*covers*” insert “*or replaces*” and delete “*and*” and insert “*with*”

Page 1, line 14, delete “*creates a new*” and insert “*an*” and delete “*of land*”

Page 1, line 15, before “*take*” insert “*not*” and delete “*detention*” and insert “*retention*”

Page 1, line 16, delete “*at or from*” and insert “*for*”

Page 1, line 19, delete the first “*or*” and insert “*and*”

Page 2, line 2, delete “*which*” and insert “*that*”

Page 2, line 3, delete “*and mosquito development*”

Page 2, line 4, delete “*vegetated surfaces*” and insert “*surfaces covered with vegetation*”

Page 2, line 7, delete the second “*and*”

Page 2, line 8, before the period, insert “, and reduce mosquito breeding habitat” and delete everything after the period

Page 2, delete lines 9 to 12

Page 2, after line 15, insert:

“Sec. 3. [EFFECTIVE DATE.]

This act is effective January 1, 1992.”

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

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

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

Page 1, line 9, before “In” insert “(a)”

Page 1, line 15, delete “any” and insert “a”

Page 1, line 16, delete everything after the first “or” and insert “grant of land, an interest in land, or”

Page 1, line 17, after “kind” insert a comma

Page 1, line 19, delete everything after “board”

Page 1, line 20, delete everything before the semicolon

Page 3, after line 6, insert:

“(b) Money received under paragraph (a), clause (1), is appropriated to the state board for the purpose for which it is granted.”

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

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

H.F. No. 894: A bill for an act relating to local government; permitting officers to contract for certain services; amending Minnesota Statutes 1990, section 471.88, by adding subdivisions.

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

Page 1, line 11, after the period, insert “*The officer may not vote on the question of the contract when it comes before the governing body for consideration.*”

Page 1, line 16, delete everything after “public” and insert a period

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

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

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

Page 1, line 13, delete "*is permanent and*"

Page 1, line 15, before the period, insert "*and is effective until withdrawn upon similar notice by December 1 for the succeeding year*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 782: A bill for an act relating to jobs and training; requiring the commissioner of jobs and training to contract for the provision of comprehensive adjustment-to-blindness training services; amending Minnesota Statutes 1990, section 248.07, by adding a subdivision.

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

Page 1, line 10, before "*The*" insert "*(a)*"

Page 1, line 14, after "*Services*" insert "*available*" and after "*include*" insert "*, but not be limited to,*"

Page 1, line 20, delete "*fully*" and insert "*, when in the best interests of the client,*"

Page 2, after line 1, insert:

"(b) This subdivision does not limit the commissioner's authority to enter into contracts or agreements for any service with other qualified agencies or organizations."

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

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

S.F. No. 1419: A bill for an act relating to health; requiring home care providers to advise persons receiving home care services of certain rights; amending Minnesota Statutes 1990, section 144A.44, subdivision 1.

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

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

S.F. No. 864: A bill for an act relating to agriculture; changing certain food licensing fees; amending Minnesota Statutes 1990, section 28A.08.

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

Page 1, line 23, after "sales" insert "*of only prepackaged nonperishable food*"

Page 1, line 24, delete "\$25,000" and insert "\$15,000"

Page 1, line 25, reinstate the stricken language

Page 2, line 1, delete everything after "year" and insert "*and filing a statement with the commissioner*"

Page 2, line 2, delete "\$25,000" and insert "*under \$15,000 gross sales including food preparation or having \$15,000*"

Page 2, line 4, delete "\$ 75" and insert "\$ 50" and delete "\$ 20" and insert "\$ 15" and delete "\$ 50" and insert "\$ 25"

Page 2, line 7, delete "\$125" and insert "\$100"

Page 2, line 11, delete "\$200" and insert "\$175"

Page 2, line 22, delete "\$600" and insert "\$800"

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

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

S.F. No. 1284: A bill for an act relating to agriculture; changing the livestock market agency and dealer licensing act; amending Minnesota Statutes 1990, sections 17A.01; 17A.03, subdivisions 1 and 7; 17A.04, subdivision 1; 17A.14; proposing coding for new law in Minnesota Statutes, chapter 17A; repealing Minnesota Statutes 1990, section 17A.15.

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 17A.01, is amended to read:

17A.01 [CITATION.]

~~Sections 17A.01 to 17A.15~~ *This chapter may be cited as the Minnesota livestock market agency and dealer licensing act.*

Sec. 2. Minnesota Statutes 1990, section 17A.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in ~~sections 17A.01 to 17A.15~~ *this chapter*, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1990, section 17A.03, subdivision 7, is amended to read:

Subd. 7. [LIVESTOCK DEALER.] "Livestock dealer" means any person, including a packing company, engaged in the business of buying or selling livestock for the person's own account or for the account of others.

"Livestock dealer" does not include:

(a) persons licensed under section 28A.04 who are primarily engaged in the sale of meats at retail and persons operating as frozen food processing plants as defined in section 31.185; and

(b) persons engaged in the business of farming, when purchasing livestock for breeding or herd replacement purposes or feeding programs, and when selling the livestock they have owned and raised, fed out or fattened for slaughter in their specific farming program *for a period of at least 15 days; and*

(c) persons engaged in the business of farming who make an occasional sale when the livestock purchased for a specific program either fail to perform or show noticeable defects pertinent to the program.

Sec. 4. Minnesota Statutes 1990, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to ~~17A.09~~ 17A.091, and 17A.12 to ~~17A.15~~ 17A.17.

Sec. 5. Minnesota Statutes 1990, section 17A.14, is amended to read:
17A.14 [PENALTIES.]

Subdivision 1. [CRIMINAL PENALTIES.] Any person, duly licensed or otherwise, who violates the provisions of sections ~~17A.01 to 17A.15~~ this chapter, for which violation a penalty has not been specifically set out, is guilty of a misdemeanor. Any subsequent violation is a gross misdemeanor.

Subd. 2. [ADMINISTRATIVE PENALTIES.] (a) The commissioner may, as an alternative to misdemeanor prosecution, impose an administrative penalty on a person who violates this chapter. For a first violation, the commissioner may impose an administrative penalty of not more than \$1,000 for each violation. For a second or succeeding violation, the commissioner may impose an administrative penalty of not more than \$1,500 for each violation. Each day a violation continues is a separate violation.

(b) In determining the amount of the administrative penalty the commissioner may consider:

- (1) the willfulness of the violation;*
- (2) the gravity of the violation;*
- (3) the person's history of past violations;*
- (4) the number of violations;*

- (5) *the economic benefit from the violation; and*
- (6) *other factors identified in the commissioner's citation.*

(c) For a second or succeeding violation, the commissioner shall determine the amount of a penalty by considering the factors in paragraph (b) and:

- (1) similarity between the violations;*
- (2) time elapsed since the last violation; and*
- (3) the person's response to the most recent violation.*

Sec. 6. [17A.145] [ADMINISTRATIVE PENALTIES AND ENFORCEMENT.]

Subdivision 1. [ADMINISTRATIVE PENALTIES; CITATION.] If a person has violated this chapter, the commissioner may issue a written citation to the person by personal service or by certified mail. The citation shall describe the nature of the violation and the provision alleged to have been violated; state the time for correction; and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 30 days if the person wishes to appeal the citation. If the person fails to appeal the citation, the citation is the final order and not subject to further review.

Subd. 2. [FAILURE TO CORRECT.] If a person fails to correct a violation within the time prescribed by the commissioner, the commissioner shall notify the person by certified mail of the failure to correct and the penalty amount assessed. The notice must state that the person must notify the commissioner in writing within 30 days if the person wishes to appeal the penalty. If the person fails to appeal the penalty in writing within 30 days of receipt of the notice, the penalty is a final order and not subject to further review.

Subd. 3. [CONTESTED CASE.] If a person appeals a citation or a penalty assessment within the time limits in subdivisions 1 and 2, the commissioner, within 40 days after receiving the appeal, shall initiate a contested case proceeding under chapter 14. The report of the administrative law judge is the final decision of the commissioner of agriculture.

Sec. 7. [17A.151] [INVESTIGATION.]

Subdivision 1. [AUTHORITY.] The commissioner may, upon presenting appropriate credentials, enter and inspect any premises subject to the commissioner's authority under this chapter and all related conditions, structures, machines, apparatus, devices, equipment, and materials during regular working hours and at other reasonable times; question any employer, owner, operator, agent, or employee; and inspect any papers, books, documents, or records; and audit business records. The commissioner may issue notices in lieu of citations for minor violations if a notice is in the public interest.

Subd. 2. [FAILURE TO COMPLY.] The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with the commissioner's orders and activities under this section.

Sec. 8. [REPEALER.]

Minnesota Statutes 1990, section 17A.15, is repealed. If S.F. No. 928 is

enacted into law, section 5, subdivision 2, and sections 6 and 7 are repealed."

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

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

S.F. No. 771: A bill for an act relating to counties; permitting counties to establish economic development revolving funds; permitting St. Louis county to establish subordinate service districts; removing a St. Louis county purchasing law; amending Minnesota Statutes 1990, sections 375B.03; 471.562, subdivision 3; and 471.563; repealing Minnesota Statutes 1990, sections 383C.33 to 383C.34.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 275: A bill for an act relating to motor vehicles; exempting from commercial vehicle inspection requirements and hazardous material driver's license endorsement requirements, pickup trucks carrying certain quantities of petroleum products or liquid fertilizer; reducing the minimum size of fleets of commercial vehicles permitted to conduct self-inspections; providing for the issuance of commercial vehicle inspection decals to vehicles manufactured before January 1, 1976; limiting the authority of agents of the commissioner of transportation to inspect vehicles; delaying effective date of requirement that all commercial vehicles bear a commercial vehicle inspection decal; amending Minnesota Statutes 1990, sections 169.781, subdivisions 1, 3, and 5; and 171.02, by adding a subdivision; Laws 1990, chapter 563, section 11; proposing coding for new law in Minnesota Statutes, chapter 174.

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 169.781, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle" means:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and

(2) each vehicle in a combination drawn by a commercial motor vehicle of more than 26,000 pounds.

"Commercial motor vehicle" does not include (1) a school bus displaying a certificate under section 169.451, or (2) a bus operated by the metropolitan transit commission created in section 473.404 or by a local transit commission created in chapter 458A, or (3) a motor vehicle with a gross weight of not more than 26,000 pounds, carrying in bulk tanks a total of not more

than 200 gallons of petroleum products and liquid fertilizer.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage trailer" means a trailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the trailer "storage only" in letters at least six inches high.

Sec. 2. Minnesota Statutes 1990, section 169.781, subdivision 2, is amended to read:

Subd. 2. [INSPECTION REQUIRED.] It is unlawful for a person to operate or permit the operation of a commercial motor vehicle registered in Minnesota unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, *or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.*

Sec. 3. Minnesota Statutes 1990, section 169.781, subdivision 3, is amended to read:

Subd. 3. [WHO MAY INSPECT.] (a) An inspection required by this section may be performed only by:

(1) an employee of the department of public safety or transportation who has been certified by the commissioner after having received training provided by the state patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the state patrol *or other training approved by the commissioner.*

(b) A person who is not an employee of the department of public safety or transportation may be certified by the commissioner if the person is: (1) an owner, or employee of the owner, of ~~five~~ *one* or more commercial motor vehicles that are power units; (2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; or (3) engaged primarily in the business of repairing and servicing commercial motor vehicles. Certification of persons described in clauses (1) to (3) is effective for ~~one year~~ *two years* from the date of certification. The commissioner may require ~~annual~~ *biennial* retraining of persons holding a certificate under this paragraph as a condition of renewal of the certificate. *The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed.* A certified person described in clauses (1) to (3) may charge a fee of not more than \$50 for each inspection of a vehicle not owned by the person or the person's employer.

(c) *Except as otherwise provided in section 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 shall be the standards prescribed in 49 Code of Federal Regulations, section 396.17, and in chapter III, subchapter B, appendix G.* The commissioner may classify types of vehicles for inspection purposes and may ~~adopt separate inspection procedures and~~ issue separate classes of

inspector certificates for each class.

(d) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the state patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the state patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

Sec. 4. Minnesota Statutes 1990, section 169.781, subdivision 4, is amended to read:

Subd. 4. [INSPECTION REPORTS.] (a) A person performing an inspection under this section shall issue an inspection report to the owner of the commercial motor vehicle inspected. The report must include:

(1) the full name of the person performing the inspection, and the person's inspector certification number;

(2) the name of the owner of the vehicle and, if applicable, the United States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner;

(3) the vehicle identification number and, if applicable, the license plate number of the vehicle;

(4) the date and location of the inspection;

(5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and

(6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.

(b) The owner must retain a copy of the inspection report for at least ~~one year~~ 14 months at a location in the state where the vehicle is domiciled or maintained. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the administrative procedure act.

Sec. 5. Minnesota Statutes 1990, section 169.781, subdivision 5, is amended to read:

Subd. 5. [INSPECTION DECALS.] (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and

transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to commercial motor vehicles bearing Minnesota-based license plates.

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, or (2) a storage trailer, must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the commercial motor vehicle safety alliance. A decal issued to a vehicle described in clauses (1) and (2) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

Sec. 6. Minnesota Statutes 1990, section 169.781, is amended by adding a subdivision to read:

Subd. 9. [PROOF OF FEDERAL INSPECTION.] An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicle of interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, paragraph (a), the commissioner shall issue the certificate to the applicant.

Sec. 7. Minnesota Statutes 1990, section 169.783, subdivision 1, is amended to read:

Subdivision 1. [POSTCRASH INSPECTION.] A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the state patrol if the accident results in death, personal injury, or property damage to an apparent extent of more than ~~\$4,500~~ \$4,400. It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle: (1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of the department of public safety or transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or (2) a waiver has been granted under subdivision 2.

Sec. 8. Minnesota Statutes 1990, section 171.02, is amended by adding a subdivision to read:

Subd. 2a. [HAZARDOUS MATERIALS; EXCEPTION.] Notwithstanding subdivision 2, a hazardous materials endorsement is not required to operate a motor vehicle with a gross weight of not more than 26,000 pounds, carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer.

Sec. 9. Laws 1990, chapter 563, section 11, is amended to read:

Sec. 11. [EFFECTIVE DATE.]

(a) Section 1, subdivisions 1 and 3 to 8, and sections 2 to 10 are effective July 1, 1990.

(b) *Except as provided in paragraph (c), section 1, subdivision 2, is*

effective ~~April~~ July 1, 1991.

(c) Section 1, subdivision 2, is effective April 1, 1992, for any registered farm truck with a registered gross weight of not more than 57,000 pounds while being operated within a radius of 75 miles of the home post office of the owner.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor vehicles; exempting from commercial vehicle inspection requirements and hazardous material driver's license endorsement requirements, pickup trucks carrying certain quantities of petroleum products or liquid fertilizer; reducing the minimum size of fleets of commercial vehicles permitted to conduct self-inspections; specifying the commercial vehicle inspection standards to be adopted by the commissioner of public safety; providing that certain vehicles may be issued certificates by complying with out-of-service criteria, and that such certificates are valid for two years; providing certain proof of federal inspection in lieu of state inspection decal requirements; changing the period of time for which inspection records must be retained; lowering the property damage level of accidents subject to postcrash vehicle inspections; delaying effective date of requirement that all commercial vehicles bear a commercial vehicle inspection decal; amending Minnesota Statutes 1990, sections 169.781, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; 169.783, subdivision 1; 171.02, by adding a subdivision; and Laws 1990, chapter 563, section 11."

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

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

S.F. No. 1120: A bill for an act relating to the secretary of state; changing certain fees, deadlines, and procedures; providing for supplemental filing and information services; providing for removal of documents from the public record; clarifying certain language; amending Minnesota Statutes 1990, sections 5.03; 5.16, subdivision 5; 302A.821, subdivisions 3, 4, and 5; 303.07, subdivision 2; 303.08; 303.13, subdivision 1; 303.17, subdivision 1; 308A.131, subdivision 1; 308A.801, subdivision 6; 317A.821, subdivision 2; 317A.823; 317A.827, subdivision 1; and 331A.02, subdivision 1; Laws 1989, chapter 236, section 12; proposing coding for new law in Minnesota Statutes, chapter 5.

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

Page 2, line 20, after the period, insert "*This subdivision does not apply to financing statements filed under chapter 336.*"

Page 3, after line 18, insert:

"Sec. 4. [5.24] [SUPPLEMENTAL FILING AND INFORMATION SERVICES.]

(a) The secretary of state may offer services to the public that supplement filing and information services already authorized by law. The secretary of

state may discontinue the supplemental services at any time. The services must be designed to provide the public with a benefit by improving the manner of providing, or by providing an alternative manner of payment for, existing services provided by the secretary of state.

(b) The cost of providing the supplemental services to the public, as determined by the secretary of state, must be recovered from the recipients of the services. The funds collected for the services must be deposited in the uniform commercial code account and are continuously available to the secretary of state for payment of the cost of providing the supplemental services."

Page 4, line 8, strike "registrations" and insert "registration"

Page 10, line 25, strike "registrations" and insert "registration"

Pages 12 and 13, delete section 17

Page 13, line 4, delete "4," and delete "11, 13, 14, and 15" and insert "7, 12, 14, 15, and 16"

Page 13, line 5, after the period, insert "Section 4 is effective July 1, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete everything after "1;"

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

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

S.F. No. 213: A bill for an act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 466.03, is amended by adding a subdivision to read:

Subd. 6f. [BEACH OR POOL EQUIPMENT.] (a) Subject to paragraphs (b) and (c), any claim based upon an injury arising out of the use by any person of a diving board, diving platform, diving raft, water slide, nonwater slide, or dock installed at a beach or swimming pool owned, leased, or operated by a municipality other than a school district, if the injury occurred when the beach or swimming pool was closed as indicated by a sign posted at the beach or pool.

(b) A municipality has a duty to use reasonable care to warn trespassers of any danger or risk involved with the use of beach or pool equipment described in paragraph (a) if the municipality:

(1) knows or has reason to know that trespassers regularly use certain portions of the beach or pool equipment;

(2) installs, operates, or maintains the equipment in a way known as

likely to cause death or serious bodily harm; and

(3) has reason to believe trespassers would not discover the risks involved in the use of the equipment.

The requirements of this paragraph do not apply if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use.

(c) Nothing in this subdivision limits the liability of a municipality for conduct that would entitle trespassing children to damages against a private person.”

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. 193: 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.

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

Page 1, lines 11 and 12, delete the new language

Page 1, line 13, strike “, county, or county municipal”

Page 1, line 19, before the period, insert “*. In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge*”

Page 1, line 26, delete the new language

Page 2, line 1, delete the new language

Page 2, line 10, after the period, insert “*In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge.*”

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before “recognizing”

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. 400: A bill for an act relating to peace officers; requiring law enforcement agencies to adopt written policies governing the use of deadly force; requiring initial and continuing peace officer training on deadly force and the use of firearms; proposing coding for new law in Minnesota Statutes, chapter 626.

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

as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1990, section 626.553, subdivision 2, is amended to read:

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by the officer's department head with the commissioner of public safety. *The commissioner of public safety shall forward a copy of the filing to the board of peace officer standards and training.* The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even-numbered year containing summary information concerning use of firearms by peace officers.”

Page 1, line 13, after “of” insert “force, including”

Page 1, line 21, after the first “of” insert “force,” and after “force” insert a comma

Page 2, line 1, delete “on the use of deadly force” and insert “required in subdivision 1”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “requiring reports on the discharge of firearms by peace officers to be sent to the board of peace officer standards and training;”

Page 1, line 6, after the semicolon, insert “amending Minnesota Statutes 1990, section 626.553, subdivision 2;”

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

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

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.

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

Page 2, after line 36, insert:

“Sec. 3. Minnesota Statutes 1990, section 245A.16, subdivision 1, is amended to read:

Subdivision 1. [DELEGATION OF AUTHORITY TO AGENCIES.] (a) County agencies and private agencies that have been designated or licensed by the commissioner to perform licensing functions and activities under section 245A.04, to recommend denial of applicants under section 245A.05, to issue correction orders and recommend fines under section 245A.06, or

to recommend suspending, revoking, and making licenses probationary under section 245A.07, shall comply with rules and directives of the commissioner governing those functions and with this section.

(b) By January 1, 1991, the commissioner shall study and make recommendations to the legislature regarding the licensing and provision of support services to child foster homes. In developing the recommendations, the commissioner shall consult licensed private agencies, county agencies, and licensed foster home providers.

(c) For family day care programs, the commissioner may authorize licensing reviews every two years after a licensee has had at least one annual review."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing biennial licensing reviews for family day care;"

Page 1, line 5, delete "and"

Page 1, line 6, after "6" insert "; and 245A.16, subdivision 1"

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

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

H.F. No. 671: A bill for an act relating to human services; child care providers; allowing an extension for installing interior vertical access in child care facilities in churches; amending Minnesota Statutes 1990, section 16B.61, subdivision 3.

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

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

H.F. No. 90: A bill for an act relating to health; requiring geographic representation on the board of medical examiners; amending Minnesota Statutes 1990, section 147.01, subdivision 1.

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

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

H.F. No. 36: A bill for an act relating to occupations and professions; changing requirements for reciprocal licensing of physicians from other states and foreign medical school graduates; authorizing physicians to cancel licenses in good standing; requiring the cancellation of physicians' licenses for nonrenewal; changing licensing requirements for midwifery; changing the name of the board of medical examiners; amending Minnesota Statutes 1990, sections 147.03; 147.037, subdivision 1; and 148.31; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Report adopted.

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

H.F. No. 282: A bill for an act relating to public utilities; exempting from prior rate regulation gas utilities that have 650 or fewer customers in any one municipality and a total of 2,000 or fewer customers; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

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

Page 1, line 19, after the period, insert "*However, the commission shall require the utility to adopt the commission's policies and procedures governing disconnection during cold weather. The utility shall annually submit a copy of its municipally approved rates to the commission.*"

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

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

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

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

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

H.F. No. 365: A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

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

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

H.F. No. 914 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.
914	844				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 914 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 914 and insert the language after the enacting clause of S.F. No. 844, the first engrossment; further, delete the title of H.F. No. 914 and insert the title of S.F. No. 844, the first engrossment.

And when so amended H.F. No. 914 will be identical to S.F. No. 844, and further recommends that H.F. No. 914 be given its second reading and substituted for S.F. No. 844, 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. 1035 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1035	1030				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1179 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.
1179	1124				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1179 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1179 and insert the language after the enacting clause of S.F. No. 1124, the first engrossment; further, delete the title of H.F. No. 1179 and insert the title of S.F. No. 1124, the first engrossment.

And when so amended H.F. No. 1179 will be identical to S.F. No. 1124, and further recommends that H.F. No. 1179 be given its second reading and substituted for S.F. No. 1124, 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. 1455 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.
1455	1330				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1455 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1455 and insert the language after the enacting clause of S.F. No. 1330, the first engrossment; further, delete the title of H.F. No. 1455 and insert the title of S.F. No. 1330, the first engrossment.

And when so amended H.F. No. 1455 will be identical to S.F. No. 1330, and further recommends that H.F. No. 1455 be given its second reading and substituted for S.F. No. 1330, 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. 299 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.
299	377				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 299 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 299 and insert the language after the enacting clause of S.F. No. 377, the first engrossment; further, delete the title of H.F. No. 299 and insert the title of S.F. No. 377, the first engrossment.

And when so amended H.F. No. 299 will be identical to S.F. No. 377, and further recommends that H.F. No. 299 be given its second reading and substituted for S.F. No. 377, 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. 954 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
954			679		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1017 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.
1017			664		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1017 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1017 and insert the language after the enacting clause of S.F. No. 664, the first engrossment; further, delete the title of H.F. No. 1017 and insert the title of S.F. No. 664, the first engrossment.

And when so amended H.F. No. 1017 will be identical to S.F. No. 664, and further recommends that H.F. No. 1017 be given its second reading and substituted for S.F. No. 664, 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. 173 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
173			447		

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

Delete all the language after the enacting clause of H.F. No. 173 and insert the language after the enacting clause of S.F. No. 447, the first engrossment; further, delete the title of H.F. No. 173 and insert the title of S.F. No. 447, the first engrossment.

And when so amended H.F. No. 173 will be identical to S.F. No. 447, and further recommends that H.F. No. 173 be given its second reading and substituted for S.F. No. 447, 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. 1509 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.
1509	1265				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1509 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1509 and insert the language after the enacting clause of S.F. No. 1265, the first engrossment; further, delete the title of H.F. No. 1509 and insert the title of S.F. No. 1265, the first engrossment.

And when so amended H.F. No. 1509 will be identical to S.F. No. 1265, and further recommends that H.F. No. 1509 be given its second reading and substituted for S.F. No. 1265, 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. 579 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.
579	708				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 579 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 579 and insert the language after the enacting clause of S.F. No. 708, the first engrossment; further, delete the title of H.F. No. 579 and insert the title of S.F. No. 708, the first engrossment.

And when so amended H.F. No. 579 will be identical to S.F. No. 708, and further recommends that H.F. No. 579 be given its second reading and substituted for S.F. No. 708, 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. 248 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.
248			219		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 248 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 248 and insert the language after the enacting clause of S.F. No. 219, the first engrossment; further, delete the title of H.F. No. 248 and insert the title of S.F. No. 219, the first engrossment.

And when so amended H.F. No. 248 will be identical to S.F. No. 219, and further recommends that H.F. No. 248 be given its second reading and substituted for S.F. No. 219, 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. 121 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.
121			553		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 121 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 121 and insert the language after the enacting clause of S.F. No. 553, the first

engrossment; further, delete the title of H.F. No. 121 and insert the title of S.F. No. 553, the first engrossment.

And when so amended H.F. No. 121 will be identical to S.F. No. 553, and further recommends that H.F. No. 121 be given its second reading and substituted for S.F. No. 553, 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. Frank from the Committee on Metropolitan Affairs, to which was referred the following appointment as reported in the Journal for February 4, 1991:

**METROPOLITAN COUNCIL
CHAIR**

Mary Anderson

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

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

Mr. Frank from the Committee on Metropolitan Affairs, to which were referred the following appointments as reported in the Journal for January 14, 1991:

**REGIONAL TRANSIT BOARD
CHAIR**

Michael Ehrlichmann

REGIONAL TRANSIT BOARD

Doris Caranicas
Terrance O'Toole
John Finley
Richard Wedell
Sandra Hilary

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

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

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

S.F. No. 1204: A bill for an act relating to economic development; providing a preference for certain areas for grants-in-aid for recreational betterment; amending Minnesota Statutes 1990, section 116J.406, 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 116J.980, is amended by adding a subdivision to read:

Subd. 4. [PREFERENCE FOR OUTDOOR RECREATION GRANTS.] In awarding grants under the outdoor recreation grant program, the commissioner shall give special consideration to proposed outdoor recreation projects for which particular need has been demonstrated by the applicant based on, but not limited to, the following factors:

(1) low to moderate income status of persons living adjacent to or most likely to make use of the proposed facility;

(2) lack of adequate transportation or access to existing outdoor recreation facilities by those most likely to use the proposed facility;

(3) the need for outdoor recreation facilities designed to accommodate handicapped persons and other special populations that would be met by the proposed facility;

(4) the overall inadequacy or lack of outdoor recreation facilities within the area to be served by the proposed project;

(5) the need for acquisition of land in fully developed areas with limited opportunities for recreation facility development; and

(6) a high population of school-aged children in the area to be served by the proposed outdoor recreation facility and a lack of appropriate recreation facilities for children.

The commissioner shall incorporate into the annual project ranking process a procedure for awarding additional ranking points to those project applications which demonstrate a special need based on the above or similar factors.”

Delete the title and insert:

“A bill for an act relating to economic development; providing a preference for outdoor recreation grants; amending Minnesota Statutes 1990, section 116J.980, by adding a subdivision.”

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. 1286: A bill for an act relating to public buildings; requiring that legislative hearing rooms and the house and senate chambers be fitted with devices to aid the hearing-impaired; appropriating money; amending Minnesota Statutes 1990, section 16B.61, by adding a subdivision.

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

Page 1, line 12, delete “*which*” and insert “*that*”

Page 1, lines 15 and 17, delete “*shall*” and insert “*must*”

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

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

S.F. No. 900: A bill for an act relating to retirement; eliminating the additional employer contribution to the teachers retirement association on behalf of employees participating in the individual retirement account plan; amending Minnesota Statutes 1990, section 354B.04, subdivision 2.

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

Page 1, after line 17, insert:

“Sec. 2. [TRANSFER.]

Notwithstanding Minnesota Statutes, section 354B.03, subdivision 3, or any other provision of law to the contrary, a person who is an employee of the state university board on the effective date of this section who was employed by the state university board before 1964, and who elected to transfer retirement coverage from the teachers retirement association to the individual retirement account plan created in Minnesota Statutes, chapter 354B, may revoke that transfer prospectively and have future service credited by the teachers retirement association. A revocation must be made in a manner prescribed by the executive director of the teachers retirement association and must be made within 60 days of the effective date of this section. The election is effective only for future service and does not permit transfer to the teachers retirement association of any contributions made to the individual retirement account plan.”

Page 1, line 20, after the period, insert “*Section 2 is effective the day following final enactment.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert “permitting certain employees of the state university board to withdraw from the individual retirement account plan;”

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. 1245: A bill for an act relating to charitable organizations; changing distribution requirements for charitable organizations; amending Minnesota Statutes 1990, section 309.501, subdivision 1.

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

Page 1, delete line 23 and insert “~~collected~~ *campaign* income and revenue to the designated”

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

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

S.F. No. 195: A bill for an act relating to drivers' licenses; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining farm truck for purposes of driver's license classifications; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; amending Minnesota Statutes 1990, sections 169.123, subdivision 5c; 171.01, by adding a subdivision; 171.02, subdivision 2; 171.03; and 171.165, subdivision 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. Minnesota Statutes 1990, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of ~~26,001 or~~ more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds *and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;*

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033~~, *except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks not more than 450 liters of petroleum products or liquid fertilizer; or*

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15.

(b) For purposes of sections 169.1211, 169.1215, and 169.123, subdivisions 2 and 4, a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a).

Sec. 2. Minnesota Statutes 1990, section 169.01, is amended by adding a subdivision to read:

Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 3. Minnesota Statutes 1990, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL CHEMICAL USE ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result shall be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. When the driver's record shows

a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have ~~an alcohol problem~~ a *chemical use* assessment ~~meeting which meets~~ the commissioner's requirements. The assessment shall be at the driver's expense. In no event shall the commissioner deny the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for longer than 90 days. If an assessment is made pursuant to this section, the commissioner may waive the assessment required by section 169.126.

Sec. 4. Minnesota Statutes 1990, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review; ~~unless the person is entitled to review under section 171.166.~~ The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, and date of the offense. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 5. Minnesota Statutes 1990, section 169.123, subdivision 8, is amended to read:

Subd. 8. [NOTICE OF ACTION TO OTHER STATES.] ~~When it has been finally determined that~~ a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

Sec. 6. Minnesota Statutes 1990, section 171.01, subdivision 22, is amended to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of ~~26,001~~ or more than 26,000 pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds *and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;*

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials ~~defined in section 221.033~~, *except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks not more than 450 liters of petroleum products or liquid fertilizer; or*

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.44, subdivision 15.

Sec. 7. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 24. [FARM TRUCK.] For purposes of this chapter only, "farm truck" means a single-unit truck, including a pickup truck as defined in section 168.011; truck-tractor; tractor; semitrailer; or trailer, used by its owner:

(1) to transport from the farm to the market agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the owner of the farm truck;

(2) to transport the owner's other personal property from the farm to market; or

(3) to transport property and supplies to the farm of the owner.

Sec. 8. Minnesota Statutes 1990, section 171.01, is amended by adding a subdivision to read:

Subd. 25. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, part 172, subpart F.

Sec. 9. Minnesota Statutes 1990, section 171.02, subdivision 1, is amended to read:

Subdivision 1. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon any street or highway in this state unless such person has a license valid under the provisions of this chapter for the type or class of vehicle being driven. No person shall receive a driver's license unless and until the person surrenders to the department all valid driver's licenses in possession issued to the person by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that licensee is now licensed in new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time. No person may receive a driver's license, other than an instruction permit or a *limited license*, unless the person surrenders to the department any Minnesota identification card issued to the person under section 171.07, subdivision 3.

Sec. 10. Minnesota Statutes 1990, section 171.02, subdivision 2, is amended to read:

Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class

of license shall be valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner, (ii) an immediate family member of the owner, (iii) an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site;

(2) fire trucks and emergency fire equipment, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit vehicles except vehicles with a gross vehicle weight of ~~26,001~~ or more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials.

The holder of a class C license may also tow vehicles under 10,000 pounds if the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(b) Class CC; valid for:

(1) operating class C vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class C vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 11. Minnesota Statutes 1990, section 171.03, is amended to read:

171.03 [PERSONS EXEMPT.]

The following persons are exempt from license hereunder:

(1) any a person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government, *except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota national guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license;*

(2) any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and for purposes of this section an all-terrain vehicle, as defined in section 84.92, subdivision

8, is not an implement of husbandry;

(3) a nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) a nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(6) any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

(8) any person operating a snowmobile, as defined in section 84.81.

Sec. 12. Minnesota Statutes 1990, section 171.07, subdivision 3, is amended to read:

Subd. 3. Upon payment of the required fee, the department shall issue to every applicant therefor a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than an instruction permit or a *limited license*. The card must bear a distinguishing number assigned to the applicant, a colored photograph or an electronically produced image, the full name, date of birth, residence address, a description of the applicant in the manner as the commissioner deems necessary, and a space upon which the applicant shall write the usual signature and the date of birth of the applicant with pen and ink.

Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license." The fee for a Minnesota identification card issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2, is 50 cents.

Sec. 13. Minnesota Statutes 1990, section 171.165, subdivision 3, is amended to read:

Subd. 3. [GRAVE OR MULTIPLE OFFENSES.] Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous

materials;

(2) not less than ten years, if the person is convicted a second or subsequent time of an offense set forth in subdivision 1 or if ~~the person's license is revoked more than once under section 169.123 or 2~~, a statute of another state or ordinance in conformity with it, or any combination of ~~them~~ those offenses; or

(3) life, if the person is convicted under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

Sec. 14. Minnesota Statutes 1990, section 171.29, subdivision 1, is amended to read:

Subdivision 1. No person whose ~~drivers~~ driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or 65B.67, or revoked under section 169.123 or 169.792 shall be issued another license unless and until that person shall have successfully passed an examination as required for an initial license.

Sec. 15. Minnesota Statutes 1990, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under section 65B.67, 169.121, 169.123, 169.792, or 171.17, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

If the person's driver's license or permit to drive, or nonresident operating privileges, have been revoked *under section 65B.67 or 169.792*, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months."

Delete the title and insert:

"A bill for an act relating to drivers' licenses; making technical changes; clarifying procedure for review of driver's license revocation or disqualification under implied consent law; defining hazardous materials, commercial motor vehicle, and farm truck; allowing holder of a limited license to obtain a Minnesota identification card; allowing class C driver's license holder to tow when the gross weight of the vehicles is 26,000 pounds or less; requiring holder of class A, B, or CC driver's license to have medical examiner's certificate in possession; restricting exemption for drivers of certain federal vehicles from requirement to possess commercial driver's license; clarifying offenses for which driver may be disqualified from holding commercial driver's license; requiring person whose driver's license has been revoked to pass examination under certain circumstances; permitting qualified driver to obtain limited license following revocation for failure to have vehicle insurance; amending Minnesota Statutes 1990, sections 169.01, subdivision 75, and by adding a subdivision; 169.121, subdivision 8; 169.123, subdivisions 5c and 8; 171.01, subdivision 22, and by adding subdivisions; 171.02, subdivisions 1 and 2; 171.03; 171.07, subdivision 3; 171.165, subdivision 3; 171.29, subdivision 1; and 171.30, subdivision 1."

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. 371: A bill for an act relating to crimes; child abduction; requiring convicted sex offenders to register with local law enforcement agencies; requiring the publication of missing children bulletins; establishing a historic data base of information concerning missing children; requiring training concerning the investigation of missing children cases; providing for the release of medical and dental records of missing children; appropriating money; amending Minnesota Statutes 1990, section 299C.52, subdivisions 1, 3, and 6; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C.

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

Delete everything after the enacting clause and insert:

"Section 1. [243.166] [REGISTRATION OF SEX OFFENDERS.]

Subdivision 1. [REGISTRATION REQUIRED.] *A person shall comply*

with this section after being released from prison if:

(1) the person was sentenced to imprisonment following a conviction for kidnapping under section 609.25, false imprisonment under section 609.255, criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, solicitation of children to engage in sexual conduct under section 609.352, use of minors in a sexual performance under section 617.246, or solicitation of children to practice prostitution under section 609.322, and the offense was committed against a victim who was a minor;

(2) the person is not now required to register under section 243.165; and

(3) ten years have not yet elapsed since the person was released from imprisonment.

Subd. 2. [NOTICE.] When a person who is required to register under this section is released, the commissioner of corrections shall tell the person of the duty to register under section 243.165 and this section. The commissioner shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The commissioner shall obtain the address where the person expects to reside upon release and shall report within three days the address to the bureau of criminal apprehension. The commissioner shall give one copy of the form to the person, and shall send one copy to the bureau of criminal apprehension and one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon release.

Subd. 3. [REGISTRATION PROCEDURE.] (a) The person shall, within 14 days after the end of the term of supervised release, register with the probation officer assigned to the person at the end of that term.

(b) If the person changes residence address, the person shall give the new address to the last assigned probation officer in writing within ten days. The probation officer shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.

Subd. 4. [CONTENTS OF REGISTRATION.] The registration provided to the probation officer must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, and a fingerprint card and photograph of the person if these have not already been obtained in connection with the offense that triggers registration. Within three days, the probation officer shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension.

Subd. 5. [CRIMINAL PENALTY.] A person required to register under this section who violates any of its provisions is guilty of a gross misdemeanor.

Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the provisions of section 609.165, subdivision 1, a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person was released from imprisonment.

(b) If a person required to register under this section fails to register following a change in address, the commissioner of public safety may require the person to continue to register for an additional period of five years.

Subd. 7. [USE OF INFORMATION.] The information provided under this section is private data on individuals under section 13.02, subdivision 12. The information may be used only for law enforcement purposes.

Sec. 2. Minnesota Statutes 1990, section 299C.52, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 299C.52 and ~~299C.53~~ to section 7, the following terms have the meanings given them:

(a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent;

(b) "CJIS" means Minnesota criminal justice information system;

(c) "Missing" means the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located; and

(d) "NCIC" means National Crime Information Center.

Sec. 3. Minnesota Statutes 1990, section 299C.52, subdivision 3, is amended to read:

Subd. 3. [COMPUTER EQUIPMENT AND PROGRAMS.] The commissioner shall provide the necessary computer hardware and computer programs to enter, modify, and cancel information on missing children in the NCIC computer through the CJIS. These programs must provide for search and retrieval of information using the following identifiers: *physical description*, name and date of birth, name and social security number, name and driver's license number, vehicle license number, and vehicle identification number. The commissioner shall also provide a system for regional, statewide, multistate, and nationwide broadcasts of information on missing children. These broadcasts shall be made by local law enforcement agencies where possible or, in the case of statewide or nationwide broadcasts, by the bureau of criminal apprehension upon request of the local law enforcement agency.

Sec. 4. Minnesota Statutes 1990, section 299C.52, subdivision 6, is amended to read:

Subd. 6. [RULES.] The commissioner may adopt rules in conformance with sections 299C.52 and ~~299C.53~~ to section 7 to provide for the orderly collection and entry of missing child information and requests for retrieval of missing child information.

Sec. 5. [299C.54] [MISSING CHILDREN BULLETINS.]

Subdivision 1. [MISSING CHILDREN BULLETIN.] The commissioner shall distribute a missing children bulletin on a quarterly basis to local law enforcement agencies, county attorneys, and public and nonpublic schools. The commissioner shall also make this information accessible to other parties involved in efforts to locate missing children and to other persons as the commissioner considers appropriate.

Subd. 2. [PHOTOGRAPHS.] The commissioner shall provide appropriate local law enforcement agencies with a list of missing children, with an appropriate waiver form to assist the agency in obtaining a photograph of each missing child. Local agencies shall obtain the most recent photograph available for missing children and forward those photographs to the commissioner. The commissioner shall include these photographs, as they become available, in the quarterly bulletins.

Subd. 3. [INCLUDED WITH MAILINGS.] State and local elected officials and agencies may enclose in their mailings information regarding

missing children obtained from law enforcement agencies or from any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and has an ongoing missing children program. Elected officials and commissioners of state agencies are urged to develop policies to enclose missing children information in mailings when it will not increase postage costs and is otherwise considered appropriate.

Sec. 6. [299C.55] [TRAINING.]

The commissioner shall adopt standards for training appropriate personnel concerning the investigation of missing children cases.

Sec. 7. [299C.56] [RELEASE OF MEDICAL DATA.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care facility" means the office of a dentist or physician, or another medical facility, that is in possession of identifying data.

(c) "Identifying data" means dental or skeletal X-rays, or both, and related information, previously created in the course of providing dental or medical care to a child who has now been reported as missing.

Subd. 2. [WRITTEN DECLARATION.] If a child is reported missing, a law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing child is being conducted, and that the identifying data are necessary for the exclusive purpose of furthering the investigation. Notwithstanding chapter 13, when a written declaration executed under this subdivision, signed by a peace officer, is presented to a health care facility, the facility shall provide access to the missing child's identifying data to the law enforcement agency.

Sec. 8. Minnesota Statutes 1990, section 609.115, is amended by adding a subdivision to read:

Subd. 8. [SUPPLEMENTARY SEX OFFENDER INFORMATION STATEMENT.] *When a person is convicted of criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, kidnapping under section 609.25, false imprisonment under section 609.255, murder while committing criminal sexual conduct under section 609.185, clause (2), solicitation of children to engage in sexual conduct under section 609.352, use of minors in a sexual performance under section 617.246, or solicitation of children to practice prostitution under section 609.322, the court shall cause a supplementary sex offender information statement to be prepared in addition to the sentencing worksheet and presentence investigation report. The form and content of the supplementary sex offender information statement shall be prescribed by the commissioner of public safety and must include the following:*

- (1) the offender's full name, and date and place of birth;*
- (2) the offender's physical characteristics, including height, weight, race, gender, hair and eye color, and other identifying characteristics;*
- (3) the offender's prior convictions;*
- (4) the offense originally charged and the offense of conviction;*
- (5) the sentencing court, date and type of disposition, and projected discharge date;*

(6) *the victim's relevant characteristics, including relationship to the offender;*

(7) *details of the offense including whether sexual penetration occurred, whether a weapon or threat was used, whether injury occurred, and other characteristics of the offense; and*

(8) *a judgment of the likelihood that the offender will commit a sex offense in the future.*

If the supplementary sex offender information statement is based on confidential information, the statement must note that fact. The statement shall be provided to the court, to the department of corrections or a local corrections agency as appropriate, and to the bureau of criminal apprehension.

Sec. 9. [APPROPRIATION.]

§ is appropriated to the commissioner of public safety, bureau of criminal apprehension, to implement sections 1 to 7, to be available until June 30, 1993.

Sec. 10. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1991, and applies to offenders released from imprisonment on or after that date. Sections 2 to 7 are effective August 1, 1991, and apply to crimes committed, and persons reported missing, on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; child abduction; requiring certain convicted sex and kidnapping offenders to report a current address to probation officer following release from prison; requiring the publication of missing children bulletins; requiring training concerning the investigation of missing children cases; providing law enforcement officers access to medical and dental records of missing children; appropriating money; amending Minnesota Statutes 1990, sections 299C.52, subdivisions 1, 3, and 6; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C."

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. 1137: A bill for an act relating to housing; redefining eligibility requirement for targeted neighborhoods; appropriating money; amending Minnesota Statutes 1990, sections 466A.01, subdivision 2; 466A.02, subdivision 2; and 466A.05, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 466A.01, subdivision 2, is amended to read:

Subd. 2. [CITY.] "City" means a city of the first class or a city with a portion of its border contiguous to a city of the first class located within

the metropolitan area, or having a population of at least 55,000 as determined by the most recent federal census figures available, or a city of the second class located outside the metropolitan area. Metropolitan area has the meaning given it in section 473.121. City of the first class and city of the second class are as defined in section 410.01.

Sec. 2. Minnesota Statutes 1990, section 466A.02, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY REQUIREMENTS FOR TARGETED NEIGHBORHOODS.] (a) An area within a city of the first class is eligible for designation as a targeted neighborhood if the area meets at least two of the following criteria:

(1) the area had an unemployment rate that was twice the unemployment rate for the Minneapolis and St. Paul standard metropolitan statistical area as determined by the ~~1980~~ most recent federal census figures available;

(2) the median household income in the area was no more than half the median household income for the Minneapolis and St. Paul standard metropolitan statistical area as determined by the ~~1980~~ most recent federal census figures available; or

(3) the area is characterized by residential dwelling units in need of substantial rehabilitation. An area qualifies under this clause if 25 percent or more of the residential dwelling units are in substandard condition as determined by the city or 70 percent or more of the residential dwelling units were built before 1940 as determined by the ~~1980~~ most recent federal census figures available.

(b) An area within an eligible city that is not a city of the first class qualifies for designation as a targeted neighborhood if the city can demonstrate that the area meets at least one of the following criteria:

(1) the area had an unemployment rate that was twice the unemployment rate for the state, excluding cities of the first class, as determined by the most recent federal census figures available;

(2) the area had an increase in crime over the past five years greater than 110 percent of the citywide increase in crime; or

(3) the area had an increase in AFDC cases over the past five years greater than 110 percent of the citywide increase in AFDC cases.

(c) An area within an eligible city of the second class qualifies for designation as a targeted neighborhood if the city is designated as an economically depressed area by the United States Department of Commerce.

Sec. 3. Minnesota Statutes 1990, section 466A.05, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION.] Appropriation to each city of the first class shall be in proportion to the city's portion of the combined population of the cities. Appropriation to each city that is not a city of the first class shall be in proportion to the city's portion of population residing within targeted neighborhoods to the combined population of the targeted neighborhoods in all eligible non-first-class cities. The population of each city is determined by the most recent estimates available to the commissioner.

Sec. 4. [APPROPRIATION.]

\$. is appropriated from the general fund to the commissioner

of the state planning agency for the community resources program, to be available for the biennium ending June 30, 1993. \$ is to be allocated to cities of the first class and \$ is to be allocated to the other eligible cities."

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. 579: A bill for an act relating to economic development; regulating the use of tax-exempt revenue bonds; amending Minnesota Statutes 1990, sections 474A.02, subdivisions 1, 2b, 7, 8, 19, and by adding subdivisions; 474A.04, subdivision 1a; 474A.047, subdivisions 1 and 3; 474A.061, subdivisions 1, 2a, 2b, and 2c; 474A.091, subdivisions 3 and 5; 474A.131, by adding a subdivision; 474A.15; 474A.16; and 474A.17; proposing coding for new law in Minnesota Statutes, chapters 462A and 462C; repealing Minnesota Statutes 1990, sections 474A.048; and 474A.081, subdivisions 1, 2, and 4.

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

Page 7, after line 21, insert:

"Sec. 11. Minnesota Statutes 1990, section 474A.03, is amended to read:
474A.03 [DETERMINATION OF ANNUAL VOLUME CAP]

Subdivision 1. [ANNUAL VOLUME CAP UNDER FEDERAL TAX LAW; POOL ALLOCATIONS.] At the beginning of each calendar year after December 31, 1990, the commissioner shall determine the aggregate dollar amount of the annual volume cap under federal tax law for the calendar year, and of this amount the commissioner shall make the following allocation:

- (1) ~~\$75,000,000~~ \$65,000,000 to the manufacturing pool;
- (2) \$46,000,000 to the housing pool;
- (3) \$10,000,000 to the public facilities pool; and
- (4) amounts to be allocated as provided in subdivision 2a.

If the annual volume cap is greater or less than the amount of bonding authority allocated under clauses (1) to (4) and subdivision 2a, paragraph (a), clauses (1) to (3), the allocation must be adjusted so that each adjusted allocation is the same percentage of the annual volume cap as each original allocation is of the total bonding authority originally allocated.

Subd. 2a. [ENTITLEMENT ISSUER ALLOCATION.] (a) The commissioner shall make the following allocation to the Minnesota housing finance agency and the following cities *and county*:

- (1) \$51,000,000 per year to the Minnesota housing finance agency, less any amount received in the previous year under section 474A.091, subdivision 6;
- (2) \$20,000,000 per year to the city of Minneapolis; ~~and~~
- (3) \$15,000,000 per year to the city of Saint Paul; *and*

(4) \$10,000,000 per year to the Dakota county housing and redevelopment authority.

(b) Allocations provided under this subdivision must be used for mortgage bonds, mortgage credit certificates, or residential rental project bonds, except that entitlement cities may also use their allocations for public facility bonds.”

Page 7, lines 28 and 29, strike “August” and insert “July”

Page 9, line 36, strike “August” and insert “July”

Page 10, line 2, strike “August” and insert “July”

Page 12, lines 16, 17 and 31, strike “August” and insert “July”

Page 13, line 19, strike “August” and insert “July”

Page 14, line 5, strike “August” and insert “July”

Page 14, after line 14, insert:

“Sec. 19. Minnesota Statutes 1990, section 474A.061, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DEPOSIT.] An issuer which has received an allocation under this section may retain any unused portion of the allocation after the first Tuesday in ~~September~~ *August* only if the issuer has submitted to the department before the first Tuesday in ~~September~~ *August* a letter stating its intent to issue obligations pursuant to the allocation before the end of the calendar year or within the time period permitted by federal tax law and a deposit in addition to that provided under subdivision 1, equal to one percent of the amount of allocation to be retained. The Minnesota housing finance agency may retain an unused portion of an allocation after the first Tuesday in ~~September~~ *August* without submitting an additional deposit.

Sec. 20. Minnesota Statutes 1990, section 474A.061, subdivision 4, is amended to read:

Subd. 4. [RETURN OF ALLOCATION; DEPOSIT REFUND.] (a) If an issuer that receives an allocation under this section determines that it will not issue obligations equal to all or a portion of the allocation received under this section within 90 days of allocation or within the time period permitted by federal tax law, whichever is less, the issuer must notify the department. If the issuer notifies the department or the 90-day period since allocation has expired prior to the last Monday in ~~August~~ *July*, the amount of allocation is canceled and returned for reallocation through the pool from which it was originally allocated. If the issuer notifies the department or the 90-day period since allocation has expired on or after the last Monday in ~~August~~ *July*, the amount of allocation is canceled and returned for reallocation through the unified pool. If the issuer notifies the department after the last Monday in November, the amount of allocation is canceled and returned for reallocation to the Minnesota housing finance agency.

(b) An issuer that returns for reallocation all or a portion of an allocation received under this section within 90 days of allocation shall receive within 30 days a refund equal to:

(1) one-half of the application deposit for the amount of bonding authority returned within 30 days of receiving allocation;

(2) one-fourth of the application deposit for the amount of bonding authority returned between 31 and 60 days of receiving allocation; and

(3) one-eighth of the application deposit for the amount of bonding authority returned between 61 and 90 days of receiving allocation.

No refund shall be available for allocations returned 90 or more days after receiving the allocation. This subdivision does not apply to the Minnesota housing finance agency.

Sec. 21. Minnesota Statutes 1990, section 474A.091, subdivision 1, is amended to read:

Subdivision 1. [UNIFIED POOL AMOUNT.] On the day after the last Monday in ~~August~~ *July* any bonding authority remaining unallocated from the manufacturing pool, the housing pool, and the public facilities pool is transferred to the unified pool and must be reallocated as provided in this section.

Sec. 22. Minnesota Statutes 1990, section 474A.091, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] An issuer may apply for an allocation under this section by submitting to the department an application on forms provided by the department accompanied by (1) a preliminary resolution, (2) a statement of bond counsel that the proposed issue of obligations requires an allocation under this chapter, (3) the type of qualified bonds to be issued, (4) an application deposit in the amount of two percent of the requested allocation, and (5) a public purpose scoring worksheet for small issue applications. The issuer must pay the application deposit by check. An entitlement issuer may not apply for an allocation for public facility bonds, residential rental project bonds, or mortgage bonds under this section unless it has either permanently issued bonds equal to the amount of its entitlement allocation for the current year plus any amount carried forward from previous years or returned for reallocation all of its unused entitlement allocation. For purposes of this subdivision, its entitlement allocation includes an amount obtained under section 474A.04, subdivision 6.

The Minnesota housing finance agency may not apply for an allocation for mortgage bonds under this section until after the last Monday in ~~September~~ *August*. Notwithstanding the restrictions imposed on unified pool allocations after ~~October~~ *September* 1 under subdivision 3, paragraph (c)(2), the Minnesota housing finance agency may be awarded allocations for mortgage bonds from the unified pool after ~~October~~ *September* 1. The Minnesota housing finance agency may apply for and receive an allocation under this section without submitting an application deposit."

Page 14, lines 20 and 36, strike "September" and insert "*August*"

Page 14, line 26, strike "October" and insert "*September*"

Page 15, lines 17 and 23, strike "October" and insert "*September*"

Page 16, line 5, strike "October" and insert "*September*"

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "474A.03;"

Page 1, line 7, delete "and 2c" and insert "2c, 3, and 4"

Page 1, line 8, delete "3" and insert "1, 2, 3,"

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

S.F. No. 862: A bill for an act relating to retirement; Minneapolis municipal employees; changing interest and salary assumptions and the target date for amortization of unfunded liabilities; providing for certain postretirement adjustments; providing for certain optional annuities; increasing survivor benefits; amending Minnesota Statutes 1990, sections 356.215, subdivisions 4d and 4g; 422A.101; 422A.17; and 422A.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Page 6, after line 7, insert:

"Sec. 4. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2e. [STANDING; PARTIES.] In addition to other parties with claims under statute or the common law, the state and a political subdivision that helps to finance a plan have standing to sue on behalf of all taxpayers and the plan beneficiaries for an alleged breach of fiduciary duty. If a suit is brought by the state or a political subdivision under this subdivision, no separate suit regarding the same claims on behalf of taxpayers of the state or a political subdivision or of beneficiaries may be allowed, and any suit then pending on behalf of taxpayers of the state or a political subdivision or of beneficiaries must be dismissed unless the court determines that its dismissal would prejudice or limit the rights or claims of the taxpayers or beneficiaries. Nothing in this subdivision precludes suits by both the state and an affected political subdivision.

Sec. 5. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2f. [ATTORNEY FEES.] The court shall award reasonable attorney fees and costs of litigation, in addition to damages and other relief, in a suit where a breach of fiduciary duty is found under subdivision 2a or chapter 356A."

Page 12, after line 8, insert:

"Subd. 4. [ADDITIONAL EMPLOYER CONTRIBUTION IN CERTAIN INSTANCES.] If assets in the deposit accumulation fund are insufficient to make a transfer to the retirement benefit fund, the city of Minneapolis shall pay the amount of that insufficiency to the retirement benefit fund within three days of certification of the insufficiency by the executive director of the fund. The city of Minneapolis may bill any other participating employing unit other than the state for its proportion of the amount paid."

Page 13, line 36, reinstate the stricken language and delete the new language

Page 14, line 5, reinstate the stricken language and delete the new language

Page 14, line 12, reinstate the stricken language and delete the new language

Page 14, line 36, delete "6" and insert "8"

Page 15, line 2, after the period, insert "*Section 4 is effective the day following final enactment and applies to all claims pending on that date or filed on or after that date.*"

Page 15, line 3, delete "7" and insert "3 and 6 to 9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "providing for lawsuits brought by the state and political subdivisions for breaches of fiduciary duty;"

Page 1, line 9, after "4g;" insert "422A.05, by adding subdivisions;"

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. 1466: A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation; providing for a start-up fund from unclaimed deposits; authorizing the department of human services to adopt rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Delete everything after the enacting clause and insert:

"Section 1. [ADVISORY TASK FORCE ON LOW-INCOME ENERGY ASSISTANCE.]

Subdivision 1. [DUTIES.] The advisory task force on low-income energy assistance shall study the establishment of an energy assistance foundation that may:

(1) be a nonprofit foundation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1990;

(2) provide emergency energy assistance covering all heating sources, including at least natural gas, electricity, fuel oil, propane, and wood to households that are eligible for assistance under the Low-Income Home Energy Assistance Act of 1981, United States Code, title 42, sections 8621 to 8629, as amended;

(3) solicit funds for low-income energy assistance programs from various sources, including the Leveraging Incentive Program established under the Low-Income Home Energy Assistance Act of 1981, United States Code, title 42, sections 8621 to 8629, as amended;

(4) monitor and evaluate contributions and expenditures; and

(5) submit an annual report to the appropriate committees of the legislature that set forth funds received and distributions made.

Subd. 2. [MEMBERSHIP; ADMINISTRATION.] The task force consists of three representatives of energy assistance providers, three representatives of utilities or other fuel suppliers with a minimum of one utility representative from a utility with a primary service area outside of the seven-county metropolitan area, one representative from an existing fuel fund, one representative of the state office of economic opportunity, one representative of the department of public service, two consumers served by low-income energy assistance programs, and two legislators. The governor shall appoint the nonlegislative task force members. The subcommittee on committees of the senate committee on rules and administration shall appoint one member of the senate, and the speaker shall appoint one member of the house of representatives. The commissioner of jobs and training shall provide staff and administrative support to the task force. The task force shall meet at the times and places it may designate. It shall select a chair, vice-chair, and other officers from its membership. Except as described in this section, the task force is governed by Minnesota Statutes, section 15.059, subdivision 6, except that the members may not collect a per diem. The task force shall report its findings and recommendations to the chairs of the senate committee on energy and public utilities and the house of representatives committee on energy by January 1, 1992."

Delete the title and insert:

"A bill for an act relating to energy; creating an advisory task force on low-income energy assistance to establish an energy assistance foundation."

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

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

H.F. No. 752: A bill for an act relating to education; providing for school consolidation in certain circumstances.

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

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

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

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

Page 1, line 10, strike "shall be" and insert "is"

Page 1, lines 11, 12, 17, and 19, strike "any" and insert "a"

Page 1, line 16, strike "such" and insert "the"

Page 1, line 22, strike "shall" and insert "does"

Page 2, line 2, strike "any" and insert "an"

Page 2, lines 3 and 6, strike "any"

Page 2, lines 8, 9, and 17, strike "any" and insert "a"

Page 2, line 10, strike "so" and insert "*who are*"

Page 2, line 13, strike "such" and insert "*the*" and strike "which" and insert "*that*"

Page 2, line 14, strike "is agreed" and insert "*the wage*"

Page 2, line 27, strike "hereby declared to be"

Page 3, line 6, strike "any"

Page 3, lines 13 and 14, strike "any" and insert "a"

Page 3, line 25, after "revenues" insert a comma

Page 3, line 26, strike the period and insert "*provided that*"

Page 3, line 27, strike the comma and strike "shall" and insert "*may*"

Page 3, line 33, delete "*which*" and insert "*that*"

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

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

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.

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

Page 5, line 23, before the period, insert "*or the successor of the district*"

Page 21, line 31, delete "*former*"

Page 21, line 32, delete "*member or*"

Page 40, after line 8, insert:

"Sec. 48. [TEMPORARY; PUBLIC HOSPITAL STATUS.]

The change specified in section 2 does not impact the status of any hospital district as of the effective date of section 2 regarding inclusion or exclusion of an employing unit."

Page 40, line 9, delete "48" and insert "49"

Page 40, delete lines 12 to 18 and insert:

“Sec. 50. [EFFECTIVE DATE.]

Sections 1 to 49 are effective the day following final enactment. Section 20 applies retroactively to May 16, 1989, and applies to all refunds paid after the day following final enactment. Section 30 applies retroactively to December 31, 1990. Section 47 applies retroactively to October 1, 1990.”

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

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

H.F. No. 456: A bill for an act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

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

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

H.F. No. 236: A bill for an act relating to eminent domain; allowing entry onto land for environmental testing before beginning eminent domain proceedings; amending Minnesota Statutes 1990, section 117.041.

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 117.041, is amended to read:

117.041 [ENTRY FOR ~~SURVEYS~~ SURVEY OR ENVIRONMENTAL TESTING.]

Subdivision 1. [SURVEYS.] For the purpose of making surveys and examinations relative to any proceedings under this chapter, it shall be lawful to enter upon any land, doing no unnecessary damage.

Subd. 2. [ENVIRONMENTAL TESTING BEFORE EMINENT DOMAIN PROCEEDINGS.] (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to identify the existence and extent of a release or threat of release of a hazardous substance, pollutant, or contaminant if:

(1) the state agency or political subdivision has reason to believe that acquisition of the property may be required pursuant to eminent domain proceedings;

(2) the state agency or political subdivision has reason to believe that a hazardous substance, pollutant, or contaminant is present on the property or the release of a hazardous substance, pollutant, or contaminant may have occurred or is likely to occur on the property; and

(3) entry on the property for environmental testing is rationally related to health, safety, or welfare concerns of the state agency or political subdivision in connection with possible eminent domain proceedings.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting

permission to enter the property, stating the approximate time and purpose of the entry, and giving the owner the option of refusing entry. The notice shall also give the owner the option of requesting an equal amount of any sample or portion taken from the property and a copy of any data obtained or report issued. If the property owner refuses to consent to the entry, the state agency or political subdivision must apply for a court order authorizing the entry and the removal of any sample or portion from the property, giving notice of the court order to the property owner. The court shall issue an order if the state agency or political subdivision meets the standards in paragraph (a). Notices under this paragraph must be served in the same manner as a summons in a civil action.

(c) The state agency or political subdivision must do no unnecessary damage to the property and shall restore the property to substantially the same condition in which it was found. If the state agency or political subdivision removes a sample or portion of the property for investigation, monitoring, or testing, or obtains any data or issues any report, it must give the property owner an equal amount of the sample or portion and a copy of any data or report, if requested by the property owner, and must permit the property owner to perform independent investigation, monitoring, or testing of the sample or portion.

(d) The results of testing performed under paragraph (a) must be included in any environmental assessment worksheet or environmental impact statement that the state agency or political subdivision is required to prepare under chapter 116D.

Sec. 2. Minnesota Statutes 1990, section 117.085, is amended to read:
117.085 [COMMISSIONERS, POWERS, DUTIES.]

The commissioners, having been duly sworn and qualified according to law, shall meet as directed by the order of appointment and hear the allegations and proofs of all persons interested touching the matters to them committed. They may adjourn from time to time and from place to place within the county, giving oral notice to those present of the time and place of their next meeting. All testimony taken by them shall be given publicly, under oath, and in their presence. They shall view the premises, and any of them may subpoena witnesses, which shall be served as subpoenas in civil actions are served, and at the cost of the parties applying therefor. If deemed necessary, they may require the petitioner or owner to furnish for their use maps, plats, and other information which the petitioner or owner may have showing the nature, character, and extent of the proposed undertaking and the situation of lands desired therefor. In proper cases they may reserve to the owner a right of way or other privilege in or over the land taken, or attach reasonable conditions to such taking in addition to the damages given or they may make an alternative award, conditioned upon the granting or withholding of the right specified. Without unreasonable delay they shall make a separate assessment and award of the damages which in their judgment will result to each of the owners of the land by reason of such taking and report the same to the court. The commissioners, in all such proceedings, may in their discretion allow and show separately in addition to the award of damages, reasonable appraisal fees not to exceed a total of \$500. Upon request of an owner the commissioners shall show in their report the amount of the award of damages which is to reimburse the owner and tenant or lessee for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner

and tenant or lessee for damages to the remainder involved, whether or not described in the petition. The amounts awarded to each person shall also be shown separately. *The commissioners shall, if requested by any party, make an express finding of the assumed cost of removal and remedial actions that will be necessary on the taken property because of existing environmental contamination.*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for findings regarding the cost of removal and remedial actions relating to environmental contamination;"

Page 1, delete line 5 and insert "sections 117.041; and 117.085."

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. 825: A bill for an act relating to waste management; abolishing the inventory process for solid waste disposal facilities in the metropolitan area; amending Minnesota Statutes 1990, sections 473.145, subdivisions 2c, 2e, and 4; 473.803, subdivision 4; 473.811, subdivisions 1, 1a, 4a, 6, 7, 8, and 9; 473.823, subdivision 6; 473.831, subdivision 2; 473.840, subdivisions 2, 3, 4, and 7; and 473.845, subdivision 3; repealing Minnesota Statutes 1990, sections 473.149, subdivision 2b; 473.803, subdivision 1a; 473.806; and 473.833.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 1420: A bill for an act relating to economic development; creating a small business incubator program; appropriating money for a pilot project; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. [116J.986] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 3.

Subd. 2. [INCUBATOR.] "Incubator" means a facility in which units of space may be leased by a tenant and in which the management maintains or provides access to business development services for use by tenants.

Subd. 3. [SPONSOR.] "Sponsor" means a nonprofit corporation organized under chapter 317A that complies with section 2 and qualifies for tax-exempt status under United States Code, title 26, section 501(c), which enters into a written agreement with the department to establish, operate,

and administer an incubator or to provide funding to an organization which operates an incubator.

Subd. 4. [TENANT.] "Tenant" means a sole proprietorship, business partnership, or corporation operating a small business, as defined by section 645.445, and leasing or otherwise occupying space in an incubator.

Sec. 2. [116J.987] [SMALL BUSINESS INCUBATOR PROGRAM.]

Subdivision 1. [GENERALLY.] The commissioner shall develop and establish a small business incubator program. The purpose of the program is to make loans and grants for the establishment, operation, and administration of small business incubators.

Subd. 2. [APPLICATIONS.] Sponsors may apply to the commissioner for loans or grants awarded under subdivision 1 to establish, operate, or administer an incubator. Each application must:

- (1) demonstrate that a facility exists that operates as an incubator or can be transformed into an incubator at a specified cost;*
- (2) demonstrate the ability to provide or arrange for the provision of business development services for tenants of the incubator;*
- (3) demonstrate a potential for sustained use of the incubator by eligible tenants;*
- (4) demonstrate the ability to manage and operate the incubator;*
- (5) demonstrate a financial commitment of at least 50 percent of the projected costs; and*
- (6) include any other information the commissioner determines necessary to award the grants or loans.*

Subd. 3. [ELIGIBLE USE OF FUNDS.] (a) Loans and grants awarded under subdivision 1 shall be used only for the following purposes:

- (1) the purchase or leasing of existing buildings;*
 - (2) the rehabilitation of buildings or other facilities;*
 - (3) the construction of new facilities;*
 - (4) the purchase of equipment and furnishings which are necessary for the creation and operation of the incubator;*
 - (5) paying administrative costs including the salary of the incubator manager; and*
 - (6) establishing an incubator revolving loan fund to make loans to tenants with terms and conditions as the department determines.*
- (b) Loans and grants may not exceed 50 percent of total eligible project costs.*

Subd. 4. [LOAN REPAYMENT.] In making loans under subdivision 1, the department must:

- (1) determine the circumstances, terms, and conditions under which all or any portion of the loan will be repaid; and*
- (2) establish appropriate security for the loan repayment.*

Subd. 5. [LOAN OR GRANT REQUIREMENT.] The commissioner shall require the facility to be owned and operated by the sponsor for the term

of the loan or grant as a condition of receiving financial assistance under subdivision 1.

Subd. 6. [RESPONSIBILITIES OF SPONSORS.] Sponsors receiving assistance under subdivision 1 have the following responsibilities for establishing and operating incubators:

- (1) to secure title to or a lease of the facility;*
- (2) to manage the physical development of the incubator facility;*
- (3) to provide common conference or meeting space in the incubator that can be used by tenants and community groups;*
- (4) to furnish and equip the facility to provide business services to the tenants;*
- (5) to market and promote the facility to secure eligible tenants and increase community awareness of the incubator and its tenants;*
- (6) to arrange for or provide financial consulting, marketing, and management assistance services for tenants;*
- (7) to set rental and service fees;*
- (8) to encourage cooperation among tenants;*
- (9) to establish policies and criteria to determine tenant eligibility and termination of occupancy; and*
- (10) to maintain an environment that supports business growth.*

Subd. 7. [APPLICATIONS; PRIORITY.] The commissioner shall establish criteria to establish the priority of the applications received under subdivision 1. The criteria are not subject to chapter 14 and may include the following:

- (1) the ability of the sponsor to carry out the provisions of this section;*
- (2) the economic impact of the incubator on the community;*
- (3) the incubator's conformance with regional, city, or local economic development plans, if any exist;*
- (4) the support of the community; and*
- (5) the location of the incubator, in order to encourage geographic distribution of incubators across the state.*

Subd. 8. [REPORTS.] Organizations receiving funds under subdivision 1 must submit an annual report to the department. Annual reports must include, but need not be limited to, a financial statement for the incubator, a list of tenants, and evidence that all tenants are eligible under this section.

Sec. 3. [APPROPRIATION.]

§ is appropriated from the general fund to the commissioner of trade and economic development to fund three incubators as a pilot project. Two incubators must be located in targeted neighborhoods as defined by Minnesota Statutes, section 469.201, in a city of the first class within the seven-county metropolitan area. The third must be located outside the seven-county metropolitan area. This sum is available until June 30, 1993. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

No funds shall be released for the purposes of sections 1 and 2 until the commissioner of trade and economic development has reviewed the services and determined that they do not duplicate other state programs."

Delete the title and insert:

"A bill for an act relating to economic development; creating a small business incubator program; appropriating money for a pilot project; proposing coding for new law in Minnesota Statutes, chapter 116J."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 621, 1091, 565, 1152, 782, 1419, 1284, 771, 213, 193, 400, 1204, 900, 1245, 195 and 1466 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 192, 239, 128, 894, 578, 808, 671, 90, 36, 282, 910, 365, 914, 1035, 1179, 1455, 299, 954, 1017, 173, 1509, 579, 248, 121, 752, 304, 1584, 456 and 236 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Kroening be added as a co-author to S.F. No. 1153. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Resolution No. 60: A Senate resolution commemorating the centennial of Itasca State Park and all Minnesota state parks.

Referred to the Committee on Rules and Administration.

Mr. Langseth moved that S.F. No. 598 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

Mr. Metzen moved that H.F. No. 578, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

CALENDAR

H.F. No. 326: A bill for an act relating to elections; providing for time off to vote in primaries; amending Minnesota Statutes 1990, section 204C.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Gustafson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 73: A bill for an act relating to education; eliminating the deduction for one year's interest payments from the proceeds of state bonds for maximum effort school loans; amending Minnesota Statutes 1990, sections 124.40, subdivision 1; 124.46, subdivision 3; and 124.477.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 331: A bill for an act relating to education; permitting education districts and districts operating under joint powers agreements to conduct meetings via interactive television; amending Minnesota Statutes 1990, sections 122.92, subdivision 1; 136C.61, subdivision 7; and 471.59, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 472: A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 697: A bill for an act relating to credit unions; providing that credit unions may be designated as depositories of state funds; providing for the election of a supervisory committee; clarifying investment authority of board of directors; amending Minnesota Statutes 1990, sections 9.031, subdivision 1; 52.04, subdivision 1; 52.08; and 52.09, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 350: A bill for an act relating to the environment; adding a purpose for expenditure from the metropolitan landfill contingency action trust fund; authorizing the city of Hopkins to issue bonds to pay for environmental response costs at a landfill; authorizing the city to impose a solid waste collection surcharge; authorizing a landfill cleanup assessment against property; authorizing a service charge; appropriating money; amending Minnesota Statutes 1990, section 473.845, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Berg	Johnson, D.E.	McGowan	Neuville
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So the bill passed and its title was agreed to.

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:

S.F. Nos. 420, 302, 515, 373 and H.F. Nos. 230, 146, which the committee recommends to pass.

H.F. No. 98, which the committee recommends to pass with the following amendments offered by Messrs. Neuville and Luther:

Mr. Neuville moved to amend H.F. No. 98 as follows:

Page 3, delete lines 21 to 23

Page 3, line 24, delete everything before "*Before*" and insert:

"(b) During the 72-hour hold period, a court may not release a person held under this section unless the court has received a written petition for release and held a summary hearing regarding the release. The petition must include the name of the person being held, the basis for and location of the hold, and a statement as to why the hold is improper. The petition also must include copies of any written documentation under subdivision 1 or 2 in support of the hold, unless the person holding the petitioner refuses to supply the documentation. The hearing must be held as soon as practicable and may be conducted by means of a telephone conference call or similar method by which the participants are able to simultaneously hear each other. If the court decides to release the person, the court shall issue written findings supporting the decision, but may not delay the release."

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 98 as follows:

Page 3, line 24, delete "*releasing*" and insert "*deciding to release*"

Page 3, line 26, after "*the*" insert "*proposed*"

The motion prevailed. So the amendment was adopted.

S.F. No. 910, which the committee reports progress subject to the following motion:

Ms. Berglin moved to amend S.F. No. 910 as follows:

Page 4, after line 25, insert:

"Sec. 5. Minnesota Statutes 1990, section 144.698, subdivision 1, is amended to read:

Subdivision 1. [YEARLY REPORTS.] Each hospital and each outpatient surgical center, which has not filed the financial information required by this section with a voluntary, nonprofit reporting organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(1) a balance sheet detailing the assets, liabilities, and net worth of the hospital;

(2) a detailed statement of income and expenses;

(3) a copy of its most recent cost report, if any, filed pursuant to requirements of Title XVIII of the United States Social Security Act;

(4) a copy of all changes to articles of incorporation or bylaws;

(5) information on services provided to benefit the community, including services provided at no cost or for a reduced fee to patients unable to pay, teaching and research activities, or other community or charitable activities;

(6) information required on the revenue and expense report form set in effect on July 1, 1989, *or as amended by the commissioner in rule*; and

(7) other information required by the commissioner in rule."

Page 6, after line 19, insert:

"Sec. 9. Minnesota Statutes 1990, section 153A.15, subdivision 4, is

amended to read:

Subd. 4. [~~PENALTY~~ PENALTIES.] A person violating sections 513A.13 to 153A.16 is guilty of a misdemeanor. *The commissioner may impose an automatic civil penalty equal to one-fourth the renewal fee on each hearing instrument seller who fails to renew the permit required in section 153A.14 by the renewal deadline established by the commissioner in rules.*"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "144.698, subdivision 1;"

Page 1, line 6, after the second comma, insert "subdivision 4, and"

The motion prevailed. So the amendment was adopted.

S.F. No. 910 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

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

S.F. No. 776: A bill for an act relating to agriculture; transferring the rural finance authority to the department of agriculture; providing for an agricultural development bond program to finance agricultural business enterprises and beginning farmers; appropriating funds; amending Minnesota Statutes 1990, sections 41B.025, subdivisions 1, 3, and 6; 41B.03, subdivision 3; 41B.211; 474A.02, subdivisions 13a and 23a; 474A.03, subdivision 1; 474A.061, subdivisions 1, 2b, 3, and 4; 474A.081; 474A.091; 474A.14; proposing coding for new law as Minnesota Statutes, chapter 41C.

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

Page 1, line 21, delete "6 to 17" and insert "7 to 18"

Page 2, after line 36, insert:

"Sec. 5. Minnesota Statutes 1990, section 41B.036, is amended to read:

41B.036 [GENERAL POWERS OF THE AUTHORITY.]

For the purpose of exercising the specific powers granted in section 41B.04 and effectuating the other purposes of sections 41B.01 to 41B.23 the authority has the general powers granted in this section.

(a) It may sue and be sued.

(b) It may have a seal and alter the seal.

(c) It may make, and from time to time, amend and repeal rules consistent with sections 41B.01 to 41B.23.

(d) It may acquire, hold, and dispose of real or personal property for its corporate purposes.

(e) It may enter into agreements, contracts, or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association, or organization, including contracts or agreements for administration and implementation of all or part of sections 41B.01 to 41B.23.

(f) It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate.

(g) It may provide general technical services related to rural finance.

(h) It may provide general consultative assistance services related to rural finance.

(i) It may promote research and development in matters related to rural finance.

(j) It may enter into agreements with lenders, borrowers, or the issuers of securities for the purpose of regulating the development and management of farms financed in whole or in part by the proceeds of qualified agricultural loans.

(k) It may enter into agreements with other appropriate federal, state, or local governmental units to foster rural finance. It may give advance reservations of loan financing as part of the agreements, with the understanding that the authority will only approve the loans pursuant to normal procedures, and may adopt special procedures designed to meet problems inherent in such programs.

(l) It may undertake and carry out studies and analyses of rural financing needs within the state and ways of meeting such needs including: data with respect to geographical distribution; farm size; the distribution of farm credit needs according to debt ratios and similar factors; the amount and quality of available financing and its distribution according to factors affecting rural financing needs and the meeting thereof; and may make the results of such studies and analyses available to the public and may engage in research and disseminate information on rural finance.

(m) It may survey and investigate the rural financing needs throughout the state and make recommendations to the governor and the legislature as to legislation and other measures necessary or advisable to alleviate any existing shortage in the state.

(n) It may establish cooperative relationships with such county and multicounty authorities as may be established and may develop priorities for the utilization of authority resources and assistance within a region in cooperation with county and multicounty authorities.

(o) It may contract with, use, or employ any federal, state, regional, or local public or private agency or organization, legal counsel, financial advisors, investment bankers or others, upon terms it deems necessary or desirable, to assist in the exercise of any of the powers granted in sections 41B.01 to 41B.23 and to carry out the objectives of sections 41B.01 to 41B.23 and may pay for the services from authority funds.

(p) It may establish cooperative relationships with counties to develop priorities for the use of authority resources and assistance within counties and to consider county plans and programs in the process of setting the priorities.

(q) It may delegate any of its powers to its officers or staff.

(r) It may enter into agreements with qualified agricultural lenders or others insuring or guaranteeing to the state the payment of all or a portion of qualified agricultural loans.

(s) It may enter into agreements with eligible agricultural lenders providing for advance reservations of purchases of participation interests in restructuring loans, if the agreements provide that the authority may only purchase participation interests in restructuring loans under the normal procedure. The authority may provide in an agreement for special procedures or requirements designed to meet specific conditions or requirements.

(t) It may allow farmers who are natural persons to combine programs of the federal Agriculture Credit Act of 1987 with programs of the rural finance authority.

(u) From within available funds generated by program fees, it may provide partial or full tuition assistance for farm management programs required under section 41B.03, subdivision 3, clause (7)."

Page 3, lines 9 and 10, delete "6 to 17" and insert "7 to 18"

Page 6, line 12, after "the" insert "*Farm Credit System or*" and delete ", Federal Land Bank,"

Page 17, lines 7 and 28, delete "6 to 17" and insert "7 to 18"

Page 18, line 9, delete "6 to 17" and insert "7 to 18"

Page 23, line 9, delete "6 to 17" and insert "7 to 18"

Page 26, lines 32 and 35, delete "6 to 17" and insert "7 to 18"

Page 27, line 2, delete "28" and insert "29"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the second semicolon, insert "41B.036;"

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Solon moved that S.F. No. 771, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Waldorf moved that S.F. No. 1323, No. 149 on General Orders, be stricken and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 1496 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Governmental Operations. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Olson, Mr. Belanger, Mrs. Pariseau and Mr. Renneke introduced—

S.F. No. 1504: A bill for an act relating to taxation; repealing the tax levy authority of the metropolitan mosquito control district; amending Minnesota Statutes 1990, section 473.711, subdivisions 1, 2, and 3; repealing Minnesota Statutes 1990, section 473.711, subdivisions 4 and 5.

Referred to the Committee on Metropolitan Affairs.

Mr. Chmielewski introduced—

S.F. No. 1505: A bill for an act relating to education; appropriating money for telecommunications grants to members of the central Carlton, northern Pine county interactive television district.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 1506: A bill for an act relating to natural resources; directing establishment of a visitor center at the Moose Lake state recreation area; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 1507: A bill for an act relating to emergency telephone service; establishing a grant program for counties to initiate and improve emergency telephone services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 403.

Referred to the Committee on Energy and Public Utilities.

Mr. Riveness introduced—

S.F. No. 1508: A bill for an act relating to taxation; providing for delayed assessment of valuation increases due to the rehabilitation of buildings; amending Minnesota Statutes 1990, section 273.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Pariseau, Messrs. Benson, D.D. and Bernhagen introduced—

S.F. No. 1509: A bill for an act relating to taxation; changing certain collection, penalty, and disclosure provisions; authorizing and clarifying revenue notices and tax information bulletins; requiring payment of certain tax liabilities by electronic funds transfer; providing for uniform recording of state and federal tax liens; creating a revenue department revolving fund; appropriating money; imposing a penalty; amending Minnesota Statutes

1990, sections 13.51, subdivision 2; 14.03, subdivision 3; 115B.24, subdivision 2; 138.17, subdivision 1a; 268.161, subdivision 1; 270.274, subdivision 1; 270.66, subdivision 3; 270.68, subdivision 1; 270.69, subdivisions 2, 8, 9, and by adding a subdivision; 270.70, subdivision 10; 270.703, subdivision 2; 270.75, subdivision 4; 270B.09; 272.479; 272.482; 272.483; 272.485; 272.486; 289A.19, subdivision 1; 289A.20, subdivisions 1, 2, and 4; 289A.26, by adding a subdivision; 289A.30, subdivision 1; 289A.37, subdivision 1; 289A.38, subdivision 9; 289A.42, subdivisions 1 and 2; 289A.60, subdivisions 2, 12, and by adding a subdivision; 290.611, subdivision 1; 290.92, by adding a subdivision; 296.14, subdivision 1; 297.03, subdivision 6; 297.35, subdivision 1; 297C.03, subdivision 1; 297C.04; 336.9-411; 349.212, subdivision 4; 357.18, subdivision 2; 386.46; 473.843, subdivision 3; 508.25; and 508A.25; proposing coding for new law in Minnesota Statutes, chapters 270 and 272; repealing Minnesota Statutes 1990, sections 272.487; 289A.19, subdivision 6; 290.48, subdivisions 5 and 8; and 297A.39, subdivision 9.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 1510: A bill for an act relating to motor vehicles; imposing a surcharge on the daily or weekly rental of certain motor vehicles; amending Minnesota Statutes 1990, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J. and Gustafson introduced—

S.F. No. 1511: A bill for an act relating to natural resources; establishing a Superior Vista bicycle and hiking trail in St. Louis county; appropriating funds for planning; amending Minnesota Statutes 1990, section 85.015, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Riveness, Ms. Ranum, Messrs. Waldorf, Pogemiller and Frederickson, D.R. introduced—

S.F. No. 1512: A bill for an act relating to the state budget; requiring the commissioner of finance to prepare performance budgets; prescribing their contents; requiring the commissioner of administration to prepare a functional analysis of state government; amending Minnesota Statutes 1990, section 16A.095, by adding subdivisions; repealing Minnesota Statutes 1990, section 16A.095, subdivision 3.

Referred to the Committee on Governmental Operations.

Ms. Reichgott, Messrs. Moe, R.D.; Johnson, D.J. and Pogemiller introduced—

S.F. No. 1513: A bill for an act relating to the financing and operation of local governments; providing grants to meet the cost of combining local government service functions; providing aids to local units of government that enter into agreements to cooperate and merge; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on Local Government.

Mr. Bertram introduced—

S.F. No. 1514: A bill for an act relating to manufactured home park rentals; utility charges; adding a basis for determining permissible rates; amending Minnesota Statutes 1990, section 327C.04, subdivision 3, and by adding a subdivision.

Referred to the Committee on Economic Development and Housing.

Mr. Lessard introduced—

S.F. No. 1515: A bill for an act relating to economic development; requiring the commissioner of trade and economic development to designate Koochiching county as an enterprise zone.

Referred to the Committee on Economic Development and Housing.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Tuesday, April 23, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate