

FORTY-SIXTH DAY

St. Paul, Minnesota, Friday, May 3, 1991

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

April 19, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

JUDGE, MINNESOTA TAX COURT

Kathleen Doar, 1617 West 25th Street, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective May 6, 1991, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Taxes and Tax Laws.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1535: A bill for an act relating to public administration; appropriating money for education and related purposes to the higher education coordinating board, state board of technical colleges, state board for community colleges, state university board, University of Minnesota, higher education board, and the Mayo medical foundation, with certain conditions; creating the higher education board; merging the state university, community college, and technical college systems; amending Minnesota Statutes 1990, sections 15A.081, subdivision 7b; 135A.03, subdivision 3; 135A.05; 136.11, subdivisions 3, 5, and by adding a subdivision; 136.142, subdivision 1, and by adding a subdivision; 136A.121, subdivision 10, and by adding subdivisions; 136A.233, subdivision 3; 179A.10, subdivision 2; and 298.28, subdivisions 4, 7, 10, 11, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 135A; 136; 136A; 136E; and 298; repealing Minnesota Statutes 1990, section 136A.05, subdivision 2.

Senate File No. 1535 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1991

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 1535, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1533: A bill for an act relating to the organization and operation of state government; appropriating money for the protection of the state's environment and natural resources; amending Minnesota Statutes 1990, sections 14.18; 41A.09, subdivision 3; 85A.02, subdivision 17; 103B.321, subdivision 1; and 116P.11.

Senate File No. 1533 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1991

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 1533, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 593 and 1074.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1991

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 53.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 53: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; providing for certain rights-of-way; requiring studies and reports; fixing and limiting accounts and fees; amending Minnesota Statutes 1990, sections 10A.02, by adding a subdivision; 12.14; 15A.081, subdivision 1; 16A.662, subdivisions 2, 4, and 5; 41A.09, subdivision 3; 60A.14, subdivision 1; 60A.17, subdivision 1d; 72B.04, subdivision 7; 80C.04, subdivision 1; 80C.07; 80C.08, subdivision 1; 82.22, subdivisions 1, 5, 10, and 11; 115C.09, by adding a subdivision; 129D.04, by adding subdivisions; 129D.05; 138.91; 138.94; 162.02, subdivision 12; 168C.04; 171.06, subdivision 2a; 171.26; 182.651, by adding subdivisions; 182.661, subdivisions 1, 2, 2a, 3, 3a, and by adding subdivisions; 182.664, subdivisions 3 and 5; 182.666, subdivisions 1, 2, 3, 4, 5, and 5a; 182.669, subdivision 1; 184.28, subdivision 2; 184.29; 184A.09; 239.78; 240.02, subdivisions 2 and 3; 240.06, subdivision 8; 240.155; 240.28; 297B.09, subdivision 1; 299F.57, subdivision 1a; 299F.641, subdivision 2; 299K.07; 299K.09, subdivision 2; 336.9-413; 349.12, subdivision 10; 349.151, subdivision 2; 349A.01, subdivisions 5 and 9; 349A.02, subdivision 1; 349A.03, subdivision 1; 349A.10, subdivision 5; and 626.861, subdivisions 1 and 4; Laws 1989, chapter 269,

sections 11, subdivision 7; and 31; repealing Minnesota Statutes 1990, sections 182.664, subdivision 2; 240.01, subdivision 15; 349.12, subdivision 12; 349A.01, subdivisions 3, 4, and 6; and 349B.01; and Laws 1989, chapter 322, section 7.

Mr. Moe, R.D. moved that H.F. No. 53 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1179: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt and for the financial obligations of authorities; amending Minnesota Statutes 1990, sections 287.06; 400.101; 429.061, subdivision 3; 447.49; 469.155, subdivision 12; 473.811, subdivision 2; 475.58, subdivision 2; 475.60, subdivision 1; 475.66, subdivision 3; and 475.67, subdivisions 3 and 8; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Minnesota Statutes 1990, section 475.60, subdivision 2.

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

Page 3, line 6, reinstate the stricken "October" and delete the new language and insert "31"

Page 3, line 7, delete the new language

Page 4, after line 26, insert:

"Sec. 5. [462C.14] [HOUSING PROGRAM AND DEVELOPMENTAL FINANCIAL SERVICES.]

Subdivision 1. [AUTHORIZATION TO PROVIDE SERVICES.] A city, as defined in section 462C.02, subdivision 6, may provide housing program and development financial services, including mortgage banking services, for housing. The services provided by the city may include all housing program and development financial services, including origination of loans or other indebtedness, administration and servicing of loans or other indebtedness, arranging for mortgage insurance from private or public sources, and other related services. For this purpose, the city may exercise any of the powers relating to housing or housing finance provided in this section and the powers of a city under chapter 462C, a housing and redevelopment authority under chapter 469, or the Minnesota housing finance agency under chapter 462A. Housing program and development financial services provided by the city are determined to be for the public purpose of ensuring an adequate supply of affordable, decent, safe, and sanitary housing. A city may form a corporation under chapter 302A or 317A controlled by the city and delegate to it the power to exercise the powers granted to the city by this section.

Subd. 2. [BOUNDARY LIMITATIONS.] A city may provide housing

program and development financial services only within its corporate boundaries, except to the extent that a joint powers agreement or contract authorizes a city to provide the services within the boundaries of another city or within the jurisdiction of a state agency and except to the extent the services are provided with respect to housing located outside the state.

Subd. 3. [JOINT ACTION.] Two or more cities, or housing and redevelopment authorities or port authorities authorized to exercise the powers of a city under chapter 462C, or a joint powers board formed by them, may act jointly pursuant to section 471.59 and this section or may delegate the exercise of their powers under this section to a corporation controlled by them. A city as defined in section 462C.02, subdivision 6, or other political subdivision or state agency may contract with the city or a joint powers board or a corporation for housing program and development financial services for housing.

Subd. 4. [OBLIGATIONS.] The city may issue bonds or other obligations and apply their proceeds for any proper purpose of the city or a corporation formed by the city relating to housing program and development financial services. Bonds or other obligations issued for a specific program or development shall be issued only in accordance with sections 462C.01 to 462C.07 to the extent required by section 462C.08. Bonds or obligations issued for financial services purposes may be sold at public or private sale, without an election, on the terms and conditions the city shall determine. For that purpose, the city may exercise any of the powers that a housing and redevelopment authority may exercise under chapter 469, or the Minnesota housing finance agency may exercise under chapter 462A, in either case without limitation under the provisions of chapter 475. The city or corporation may purchase real or personal property used or useful for housing program or development financial services under an installment contract, or lease real or personal property with an option to purchase under a lease purchase agreement. The city may issue bonds or other obligations secured by obligations under an installment contract or lease, in the manner provided in this section for other bonds or obligations issued for financial services purposes."

Page 5, lines 20, 27, 34, and 36, after "municipality" insert "*or redevelopment agency*"

Pages 7 and 8, delete section 10 and insert:

"Sec. 11. Minnesota Statutes 1990, section 475.60, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS WAIVED.] The requirements as to public sale shall not apply to:

(1) obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale, or authorizing them to be issued in such manner or on such terms and conditions as the governing body may determine;

(2) obligations sold by an issuer in an amount not exceeding the total sum of \$1,200,000 in any 12-month period;

(3) obligations issued by a governing body other than a school board in anticipation of the collection of taxes or other revenues appropriated for expenditure in a single year, if sold in accordance with the most favorable of two or more proposals solicited privately;

(4) obligations sold to any board, department, or agency of the United States of America or of the state of Minnesota, in accordance with rules or regulations promulgated by such board, department, or agency;

(5) obligations issued to fund pension and retirement fund liabilities under section 475.52, subdivision 6, obligations issued with tender options under section 475.54, subdivision 5a, crossover refunding obligations referred to in section 475.67, subdivision 13, and any issue of obligations comprised in whole or in part of obligations bearing interest at a rate or rates which vary periodically referred to in section 475.56;

(6) obligations to be issued for a purpose, in a manner, and upon terms and conditions authorized by law, if the governing body of the municipality, on the advice of bond counsel or special tax counsel, determines that interest on the obligations cannot be represented to be excluded from gross income for purposes of federal income taxation;

(7) obligations issued in the form of an installment purchase contract, lease purchase agreement, or other similar agreement; ~~and~~

(8) obligations sold under a bond reinvestment program; *and*

(9) *if the municipality has retained an independent financial advisor, obligations which the governing body determines shall be sold by private negotiation."*

Page 9, line 4, strike "governments" and insert "government" and strike "are" and insert "is"

Page 9, lines 5 and 6, delete the new language

Page 9, line 7, reinstate the stricken language

Page 9, line 9, after "state" insert ", or (4) a general or revenue obligation of any agency or authority of the state of Minnesota other than a general obligation of the Minnesota housing finance agency"

Page 9, line 11, after "service" insert "*and provided that investments under clause (4) must be in obligations that are rated AA or better by a national bond rating service*"

Pages 10 and 11, delete section 12 and insert:

"Sec. 13. Minnesota Statutes 1990, section 475.67, subdivision 3, is amended to read:

Subd. 3. (a) Any or all obligations and interest thereon may be refunded if and when and to the extent that for any reason the taxes or special assessments, revenues, or other funds appropriated for their payment are not sufficient to pay all principal and interest due or about to become due thereon.

(b) Any or all obligations of one or more issues regardless of their source of payment and interest thereon may be refunded before their due dates, if:

(1) consistent with covenants made with the holders thereof; ~~when~~; and

(2) determined by the governing body to be necessary or desirable:

(i) for the reduction of debt service cost to the municipality; or

(ii) for the extension or adjustment of the maturities in relation to the resources available for their payment; ~~or~~

(iii) for the issuance of obligations bearing a fixed rate of interest in the case of obligations bearing interest at a rate varying periodically; or

(iv) in the case of obligations payable solely from a special fund, for the more advantageous sale of additional obligations payable from the same fund or to relieve the municipality of restrictions imposed by covenants made with the holders of the obligations to be refunded; ~~provided.~~

(c) The amount of interest which may be refunded from the proceeds of the refunding obligations shall not exceed the amount of proceeds estimated to be required in excess of the principal amount of refunded obligations to retire the refunded obligations in accordance with subdivision 6, ~~but~~. In no event shall the aggregate principal amount of the refunding obligations exceed by more than ten percent the aggregate principal amount of the obligations to be refunded.

(d) No general obligations, for which the full faith and credit of the issuer is pledged, shall be issued to refund special obligations previously issued for any purpose, payable solely from a special fund, unless ~~such~~ the issuance is authorized by ~~such~~ the election, hearing, petition, resolution, or other procedure as that would have been required as a condition precedent to the original issuance of general obligations for the same purpose."

Page 12, delete section 14

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 10, delete "chapter" and insert "chapters 462C and" and delete "; repealing" and insert a period

Page 1, delete line 11

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 856: A bill for an act relating to taxation; property; not requiring payment of additional taxes when open space qualification is lost due to acquisition of property by the state of Minnesota or a political subdivision; amending Minnesota Statutes 1990, section 273.112, by adding a subdivision.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 273.112, subdivision 7, is amended to read:

Subd. 7. When real property which is being, or has been, valued and assessed under this section no longer qualifies under subdivision 3, the portion which no longer qualifies shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided, however, that the amount determined under subdivision 5 shall not

be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivision 5. The additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on the additional taxes if timely paid, and provided further, that the additional taxes shall only be levied with respect to the last seven years that the property has been valued and assessed under this section. *This subdivision does not apply to real property that ceases to qualify under subdivision 3 because it is acquired by the state of Minnesota or a political subdivision, agency, or instrumentality of the state.*"

Page 1, line 18, delete "in 1991 or" and insert "after December 30, 1990."

Page 1, delete lines 19 and 20

Amend the title as follows:

Page 1, line 6, delete "by adding a"

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

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

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

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

Page 3, line 2, after the period, insert "*A commissioner appointed jointly by the city council and town board may be removed for cause only by action of a majority of the city council and a majority of the town board. The city council and town board shall each pay one-half of that commissioner's reimbursements and compensation.*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-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.03; 474A.04, subdivision 1a; 474A.047, subdivisions 1 and 3; 474A.061, subdivisions 1, 2a, 2b, 2c, 3, and 4; 474A.091, subdivisions 1, 2, 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 1, after line 14, insert:

"ARTICLE 1
BOND ALLOCATION"

Page 8, line 16, after "*authority*" insert "*for the county of Dakota and all political subdivisions located within the county*"

Page 21, after line 20, insert:

"ARTICLE 2
AGRICULTURAL DEVELOPMENT BONDS"

Section 1. Minnesota Statutes 1990, section 41B.025, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] There is created a public body corporate and politic *within the department of agriculture* to be known as the "Minnesota rural finance authority," which shall perform the governmental functions and exercise the sovereign powers delegated to it in sections 41B.01 to 41B.23 and 7 to 18 in furtherance of the public policies and purposes declared in section 41B.01. The board of the authority consists of the commissioners of agriculture, commerce, *trade and economic development*, and finance, the state auditor, and ~~three~~ *five* public members appointed by the governor with the advice and consent of the senate. No public member may reside within the metropolitan area, as defined in section 473.121, subdivision 2. Each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member is conclusive evidence of the proper appointment of the member.

Sec. 2. Minnesota Statutes 1990, section 41B.025, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The commissioner of ~~finance~~ *agriculture* is the chair of the board. The commissioner of ~~agriculture~~ *finance* is the vice-chair of the board.

Sec. 3. Minnesota Statutes 1990, section 41B.025, subdivision 6, is amended to read:

Subd. 6. [ADMINISTRATIVE CONTROL.] The authority is under the administrative control of the commissioner of ~~finance~~ *agriculture*.

Sec. 4. Minnesota Statutes 1990, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan in which the authority holds an interest, must:

- (1) have sufficient education, training, or experience in the type of farming for which the loan is desired;
- (2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than ~~\$100,000~~ *\$200,000*;
- (3) demonstrate a need for the loan;
- (4) demonstrate an ability to repay the loan;
- (5) certify that the agricultural land to be purchased will be used by the

borrower for agricultural purposes;

(6) certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

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).

Sec. 6. Minnesota Statutes 1990, section 41B.211, is amended to read:

41B.211 [DATA PRIVACY.]

Financial information, including credit reports, financial statements, and net worth calculations, received or prepared by the authority regarding any authority loan and the name of each individual who is the recipient of a loan are private data on individuals, under chapter 13, *except that information obtained under the agricultural development bond program in sections 7 to 18 may be released as required by federal tax law.*

Sec. 7. [41C.01] [SHORT TITLE.]

This chapter shall be called and may be cited as the "Minnesota agricultural development act."

Sec. 8. [41C.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

Subd. 2. [AGRICULTURAL BUSINESS ENTERPRISE.] "Agricultural business enterprise" means an individual or partnership with a low or moderate net worth who owns or plans to own properties, real or personal, used or useful in connection with the general processing of agricultural products or in the manufacturing, assembly, or fabrication of agricultural or agricultural-related equipment.

Subd. 3. [AGRICULTURAL IMPROVEMENTS.] "Agricultural improvements" means improvements, buildings, structures, or fixtures suitable for use in farming located on agricultural land, including a single-family dwelling located on agricultural land which is or will be occupied by a beginning farmer, and structures attached to or incidental to the use of the dwelling.

Subd. 4. [AGRICULTURAL LAND.] "Agricultural land" means land suitable for use in farming.

Subd. 5. [AUTHORITY.] "Authority" means the Minnesota rural finance authority established in section 41B.025.

Subd. 6. [BEGINNING FARMER.] "Beginning farmer" means an individual or partnership with a low or moderate net worth who engages in farming or plans to engage in farming.

Subd. 7. [BONDS.] "Bonds" means bonds, notes, or other evidence of indebtedness issued by the authority under this chapter.

Subd. 8. [CONSERVATION FARM EQUIPMENT.] "Conservation farm equipment" means the specialized planters, cultivators, and tillage equipment used for reduced tillage or no-till planting of row crops.

Subd. 9. [DEPRECIABLE AGRICULTURAL PROPERTY.] "Depreciable agricultural property" means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1986, as amended.

Subd. 10. [FARMING.] "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, the production of forest products, or other activities designated by the authority by rules.

Subd. 11. [LENDING INSTITUTION.] "Lending institution" includes "eligible lender" as defined in section 41B.02, and individuals.

Subd. 12. [LOW OR MODERATE NET WORTH.] "Low or moderate net worth" means:

(1) for an individual, an aggregate net worth of the individual and the individual's spouse and minor children of less than \$200,000; or

(2) for a partnership, an aggregate net worth of all partners, including each partner's net capital in the partnership, and each partner's spouse and

minor children, of less than \$400,000. However, the aggregate net worth of each partner and that partner's spouse and minor children may not exceed \$200,000.

Sec. 9. [41C.03] [GUIDING PRINCIPLES.]

(a) *In the performance of its duties, implementation of its powers, and selection of specific programs and projects to receive its assistance under this chapter, the authority must be guided by the principles in paragraphs (b) to (e).*

(b) *The authority shall not become an owner of real or depreciable property, except on a temporary basis if it is necessary in order to implement its programs, to protect its investments by means of foreclosure or other means, or to facilitate transfer of real or depreciable property for the use of beginning farmers.*

(c) *The authority shall exercise diligence and care in selection of projects to receive its assistance and shall apply customary and acceptable business and lending standards in selection and subsequent implementation of the projects. The authority may delegate primary responsibility for determination and implementation of the projects to any federal governmental agency that assumes any obligation to repay the loan, either directly or by insurance or guarantee.*

(d) *The authority shall establish a beginning farmer and agricultural business enterprise loan program to aid in the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers, and real and personal property for an agricultural business enterprise.*

(e) *The authority shall develop programs for providing financial assistance to agricultural producers in this state.*

Sec. 10. [41C.04] [COMBINATION PROGRAMS.]

Programs authorized in this chapter may be combined with any other programs authorized in this chapter or under another state or federal program in order to facilitate as far as practicable the acquisition of agricultural land and property by beginning farmers, to facilitate the implementation of permanent soil and water conservation practices and the acquisition of conservation farm equipment, and to encourage the development of agricultural business enterprises.

Sec. 11. [41C.05] [AGRICULTURAL DEVELOPMENT BOND BEGINNING FARMER AND AGRICULTURAL BUSINESS ENTERPRISE LOAN PROGRAM.]

Subdivision 1. [DEVELOPMENT OF PROGRAM.] The authority shall develop an agricultural development bond beginning farmer and agricultural business enterprise loan program to facilitate the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers and real and personal property by an agricultural business enterprise. The authority shall exercise the powers granted to it in this chapter in order to fulfill the goal of providing financial assistance to beginning farmers and agricultural business enterprises in the acquisition of agricultural land, agricultural improvements, depreciable agricultural property, and real and personal property for an agricultural business enterprise. The authority may participate in and cooperate with programs of the Farm Credit System or Farmers Home Administration or any other agency

or instrumentality of the federal government or with any program of any other state agency in the administration of the agricultural development bond beginning farmer and agricultural business enterprise loan program and in the making or purchasing of mortgage or secured loans under this chapter.

Subd. 2. [ELIGIBILITY; BEGINNING FARMERS.] *The authority shall provide in the agricultural development bond beginning farmer and agricultural business enterprise loan program that a mortgage or a contract on behalf of a beginning farmer may be provided if the borrower qualifies under section 41B.03, subdivisions 1 and 3, and authority rules and under federal tax law governing qualified small issue bonds.*

Subd. 3. [ELIGIBILITY; AGRICULTURAL BUSINESS ENTERPRISES.] *(a) The authority shall provide in the agricultural development bond beginning farmer and agricultural business enterprise loan program that a mortgage or contract on behalf of an agricultural business enterprise may be provided if the borrower qualifies under this chapter and rules of the authority and under federal tax law governing qualified small issue bonds.*

(b) An agricultural business enterprise is eligible for a program loan in an aggregate amount not exceeding \$250,000.

(c) An agricultural business enterprise is eligible for program loans only for new or expanded operations located in a community with a population of 5,000 or less.

Subd. 4. [LOANS AND CONTRACTS FOR BEGINNING FARMERS AND AGRICULTURAL BUSINESS ENTERPRISES.] *(a) The authority may:*

(1) make loans to qualified beginning farmers for the acquisition of agricultural land, agricultural improvements, and depreciable agricultural property, and to an agricultural business enterprise for real and personal property. Each loan made by the authority under this program and all collateral securing the loan may be assigned as security for the authority's bond.

(2) enter into contracts to purchase agricultural land, agricultural improvements, depreciable agricultural property, and real and personal property for an agricultural business enterprise. Each contract entered into by the authority under this program and all obligations of the authority under the contract shall be assigned to the beginning farmer or agricultural business enterprise without recourse.

(b) Loan documents and contracts entered into by the authority shall contain such terms and conditions of repayment as may be agreed to between the beginning farmer or agricultural business enterprise and the individual or agricultural lender involved, and such terms and conditions as the authority may deem necessary.

(c) Each individual or agricultural lender purchasing a bond from the authority under this program is responsible for making their own independent credit evaluation of the beginning farmer or the agricultural business enterprise involved, and for the creation and perfection of any security interest which they deem necessary for the loan or contract to be made on behalf of the beginning farmer or the agricultural business enterprise.

(d) The authority shall bear no continuing responsibility for repayment

of any bond issued under the program other than the assignment of its interests under the loan document made with the proceeds of the bond or the contract entered into in connection with the bond.

Subd. 5. [OTHER TERMS.] The authority may provide that loans and contracts made under this program may not be assumed, or any interest in the agricultural land or improvements or depreciable agricultural property or real or personal property of an agricultural business enterprise may not be leased, sold, or otherwise conveyed without its prior written consent, and may provide a due-on-sale clause with respect to the occurrence of any of the foregoing events without its prior written consent. The authority may provide by rule the grounds for permitted assumptions of loans and contracts or for the leasing, sale, or other conveyance of any interest in the agricultural land or improvements or real or personal property of an agricultural business enterprise. However, the authority shall provide and state in its loan documents and contracts that the interest rate of the loan or contracts shall increase to the then prevailing market rate if the loan or contract is assumed by anyone other than a qualified beginning farmer or agricultural business enterprise. This subdivision controls with respect to a loan or contract made under this program, notwithstanding other law.

Sec. 12. [41C.06] [LOAN ALLOCATION.]

Not more than 25 percent of the total bond allocation available for beginning farmer and agricultural business enterprise loans may be used for agricultural business enterprise loans. However, any portion of the bond allocation that remains unencumbered on November 1 of each year may be made available for agricultural business enterprise loans.

Sec. 13. [41C.07] [BONDS.]

Subdivision 1. [AUTHORITY.] The authority may issue its negotiable bonds in principal amounts which, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds, the establishment of reserves to secure its bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its purposes and powers. The bonds are investment securities and negotiable instruments within the meaning of and for all purposes of the Uniform Commercial Code.

Subd. 2. [PAYMENT OF BONDS.] Bonds are payable solely and only out of the money, assets, or revenues of the authority and as provided in the agreement with bondholders pledging any particular money, assets, or revenues. Bonds are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this chapter, and the authority shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the authority or make its debts payable out of any money except that of the authority.

Subd. 3. [RESOLUTION OF AUTHORITY.] Bonds must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds by an appropriate certificate of the authorized officer.

Subd. 4. [REQUIREMENTS.] Bonds must:

(1) state the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limit; and

(2) be either registered, registered as to principal only, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the chair or vice-chair, attested by the manual or facsimile signature of the secretary, have impressed or imprinted on them the seal of the authority or a facsimile of it; be payable as to interest at rates and at times as the authority determines; be payable as to principal at times over a period not to exceed 50 years from the date of issuance, at places and with reserved rights of prior redemption as the authority prescribes; be sold at prices, at public or private sale, and in a manner as the authority prescribes, and the authority may pay all expenses, premiums, and commissions that it considers necessary or advantageous in connection with the issuance and sale; and be issued under and subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the authority for the most advantageous sale.

Subd. 5. [REFUNDING.] The authority may issue its bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and are subject to the provisions of this chapter in the same manner and to the same extent as other bonds.

Subd. 6. [ANTICIPATION NOTES.] The authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of the notes, including renewals, must not exceed ten years from the date of issue of the original notes. Notes are payable from any available money of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes must be issued in the same manner as bonds and notes and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subdivision, which the bonds or a bond resolution of the authority may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders have all the remedies provided in this chapter for bondholders. Notes are as fully negotiable as

bonds of authority.

Subd. 7. [FILING.] A copy of each pledge agreement by or to the authority, including without limitation each bond resolution, indenture of trust or similar agreement, or any revisions or supplements to it, must be filed with the secretary of state and no further filing or other action under article 9 of the Uniform Commercial Code or any other law of the state is required to perfect the security interest in the collateral or any additions to it or substitutions for it; and the lien and trust so created are binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against the pledgor.

Subd. 8. [PERSONAL LIABILITY LIMITED.] Members of the authority and any person executing its bonds are not liable personally on the bonds or subject to personal liability or accountability by reason of the issuance of the authority's bonds.

Subd. 9. [NOTICE.] The authority shall publish a notice of intention to issue bonds in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds proposed to be issued and, in general, what net revenues will be pledged to pay the bonds and interest on them. An action may not be brought questioning the legality of the bonds or the power of the authority to issue the bonds or the legality of any proceedings in connection with the authorization or issuance of the bonds after 60 days from the date of publication of the notice.

Sec. 14. [41C.08] [RESERVE FUNDS AND APPROPRIATIONS.]

Subdivision 1. [AUTHORITY.] The authority may create and establish one or more special funds, each to be known as a "bond reserve fund," and shall pay into each bond reserve fund any money appropriated and made available by the state for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the resolutions of the authority authorizing their issuance, and any other money that is available to the authority for the purpose of the fund from any other sources. Money held in a bond reserve fund, except as otherwise provided in this chapter, must be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

Subd. 2. [WITHDRAWALS.] Money in a bond reserve fund may not be withdrawn from it in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this section, except for the purpose of making payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other money of the authority is not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the authority to other funds or accounts of the authority to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

Subd. 3. [ISSUANCE OF SECURED BONDS.] The authority may not at any time issue bonds secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will

be less than the bond reserve fund requirement for the fund, unless the authority at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this section, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money required to be on deposit therein in the bond reserve fund, as provided in the resolutions of the authority authorizing the bonds with respect to which the fund is established.

Subd. 4. [REPAYMENT.] Amounts paid over to the authority by the state under this section constitute and must be accounted for as advances by the state to the authority and, subject to the rights of the holders of any bonds of the authority, must be repaid to the state without interest from all available operating revenues of the authority in excess of amounts required for the payment of bonds, the bond reserve fund, and operating expenses.

Subd. 5. [ANNUAL REPORT.] The authority shall cause to be delivered to the senate committee on finance and the house of representatives committee on appropriations, within 90 days of the close of its fiscal year, its annual report certified by an independent certified public accountant, who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority selected by the authority. In the event that the principal amount of any bonds deposited in a bond reserve fund is withdrawn for payment of principal or interest, thereby reducing the amount of that fund to less than the bond reserve fund requirement, the authority shall immediately notify the legislature of this event and take steps to restore the fund to its bond reserve fund requirement from any amounts available, other than principal of a bond issue, that are not pledged to the payment of other bonds.

Sec. 15. [41C.09] [REMEDIES OF BONDHOLDERS.]

Subdivision 1. [DEFAULT.] If the authority defaults in the payment of principal or interest on an issue of bonds at maturity or upon call for redemption, and the default continues for a period of 30 days, or if the authority fails or refuses to comply with the provisions of this chapter, or defaults in an agreement made with the holders of an issue of bonds, the holders of 25 percent in aggregate principal amount of bonds of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the authority is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds for the purposes provided in this section.

Subd. 2. [ACTIONS.] The authority or any trustee appointed under the indenture under which the bonds are issued may, but upon written request of the holders of 25 percent in aggregate principal amount of the issue of bonds then outstanding shall:

(1) enforce all rights of the bondholders including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter;

(2) bring suit upon the bonds;

(3) by action require the authority to account as if it were the trustee of an express trust for the holders;

(4) by action enjoin any acts or things which are unlawful or in violation of the rights of the holders; and

(5) declare all the bonds due and payable and, if all defaults are made good, with the consent of the holders of 25 percent of the aggregate principal amount of the issue of bonds then outstanding, annul the declaration and its consequences.

Subd. 3. [TRUSTEE'S POWERS.] The trustees may exercise functions specifically set forth or incident to the general representation of bondholders in the enforcement and protection of their rights.

Subd. 4. [NOTICE.] Before declaring the principal of bonds due and payable, the trustee shall first give 30 days' notice in writing to the governor, to the authority, and to the attorney general of the state.

Subd. 5. [JURISDICTION.] The district court has jurisdiction of any action by the trustee on behalf of bondholders. The venue of the action is in the county in which the principal office of the authority is located.

The bondholders may, to the extent provided in the resolution to which the bonds were issued or in its agreement with the authority, enforce any of the remedies in subdivision 2, clauses (1) to (5), or the remedies provided in the proceedings or agreements for and on their own behalf.

Sec. 16. [41C.10] [BONDS AS LEGAL INVESTMENTS.]

Bonds are securities in which public officers, state departments and agencies, political subdivisions, insurance companies, and other persons carrying on an insurance business, banks, trust companies, savings and loan associations, investment companies, and other persons carrying on a banking business, administrators, executors, guardians, conservators, trustees, and other fiduciaries and other persons authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also securities which may be deposited with and may be received by public officers, state departments and agencies, and political subdivisions for any purpose for which the deposit of bonds or other obligations of this state is authorized.

Sec. 17. [41C.11] [CONFLICTS OF INTEREST.]

If a member or employee of the authority has an interest, either direct or indirect, in a contract to which the authority is or is to be a party or in a mortgage lender requesting a loan from or offering to sell mortgage or secured loans to the authority, the interest must be disclosed to the authority in writing and must be set forth in the minutes of the authority. The member or employee having the interest may not participate in action by the authority with respect to that contract or mortgage lender.

The total base level of appropriations and complement currently assigned to the department of finance for purposes of administering the rural finance authority, under chapter 41B, is transferred to the department of agriculture. This transfer is effective July 1, 1991.

Sec. 18. [41C.12] [APPLICATION AND ORIGINATION FEE; FUND CREATED.]

(a) There is created in the general fund a rural finance authority administrative fund. Proceeds from the application and origination fees assessed by the authority under paragraph (b) must be deposited in the dedicated

fund. Beginning July 1, 1993, money in the fund is appropriated as needed to the director of the Minnesota rural finance authority for administrative costs of the agricultural development bond beginning farmer and agricultural business enterprise loan program.

(b) The authority may impose a reasonable application and origination fee for each loan issued under the beginning farmer and agricultural business enterprise loan program. The fee must be deposited in the rural finance authority administrative fund created in paragraph (a).

Sec. 19. [AGRICULTURAL DEVELOPMENT BONDS.]

Subdivision 1. [1991 UNIFIED POOL RESERVATION.] Notwithstanding Minnesota Statutes, section 474A.091, for calendar year 1991, \$5,000,000 must be reserved upon creation of the unified pool for use by the Minnesota rural finance authority for the agricultural development bond beginning farmer and agricultural business enterprise loan program. This reservation remains in effect until the last Monday in November.

Subd. 2. [1992 MANUFACTURING POOL RESERVATION.] Notwithstanding Minnesota Statutes, section 474A.03, for calendar year 1992, \$10,000,000 must be reserved from the manufacturing pool for use by the Minnesota rural finance authority for the agricultural development bond beginning farmer and agricultural business enterprise loan program.

Subd. 3. [MINNESOTA RURAL FINANCE AUTHORITY.] For purposes of this section and Minnesota Statutes, chapter 474A, the Minnesota rural finance authority is an entitlement issuer. The Minnesota rural finance authority is not required to submit an application deposit or any additional deposit required under Minnesota Statutes, chapter 474A, for the reservations required under subdivisions 1 and 2.

Subd. 4. [FINAL ALLOCATION.] Any bonding authority remaining unissued by the Minnesota rural finance authority after the last Monday in December is allocated to the department of finance for reallocation for qualified bonds eligible to be carried forward under federal tax law.

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 19 are effective the day after final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "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;"

Page 1, line 4, after "sections" insert "41B.025, subdivisions 1, 3, and 6; 41B.03, subdivision 3; 41B.036; 41B.211;"

Page 1, line 11, after the semicolon, insert "proposing coding for new law as Minnesota Statutes, chapter 41C;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1179, 856, 1164 and 579 were read the second time.

MOTIONS AND RESOLUTIONS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 837: A bill for an act relating to natural resources; amending certain provisions concerning mineral exploration, exploratory boring, and data acquired in connection therewith; amending Minnesota Statutes 1990, sections 13.793, subdivision 2; 1031.601, subdivision 4; and 1031.605, subdivision 4.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1034: A bill for an act relating to civil actions; increasing penalties for retaliation by employers under the child abuse and vulnerable adults reporting acts; amending Minnesota Statutes 1990, sections 626.556, subdivision 4a; and 626.557, subdivision 17.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 813: A bill for an act relating to pensions and retirement; adding members to the board of the Minneapolis police relief association; amending Laws 1949, chapter 406, sections 4, subdivisions 2 and 3; and 6, subdivision 3, as amended; Laws 1953, chapter 127, section 1, by adding a subdivision; and Laws 1965, chapter 493, section 3, as amended.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 899: A bill for an act relating to torts; providing immunity against tort liability for claims arising out of the use of highways that provide access to timber; amending Minnesota Statutes 1990, sections 3.736, subdivision 3; and 466.03, by adding a subdivision.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1208: A bill for an act relating to game and fish; extending the date by which fish houses and dark houses must be removed from certain state waters; amending Minnesota Statutes 1990, section 97C.355, subdivision 7.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 268: A bill for an act relating to human rights; lengthening the statute of limitations for human rights act violations; amending Minnesota Statutes 1990, sections 363.06, subdivision 3; and 363.116.

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 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Neuville voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 691: A bill for an act relating to probate; authorizing the court to set aside certain transactions made prior to establishment of a guardianship or conservatorship; amending Minnesota Statutes 1990, section 525.56, by adding a subdivision.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, J.B.	Mondale	Renneke
Beckman	Finn	Johnston	Morse	Riveness
Belanger	Flynn	Kroening	Neuville	Sams
Benson, J.E.	Frederickson, D.J.	Larson	Olson	Samuelson
Bernhagen	Frederickson, D.R.	Lessard	Pappas	Spear
Bertram	Halberg	Luther	Pariseau	Storm
Chmielewski	Hottinger	Marty	Piper	Stumpf
Cohen	Hughes	McGowan	Price	Traub
Dahl	Johnson, D.E.	Mehrkins	Ranum	Vickerman
Day	Johnson, D.J.	Metzen	Reichgott	Waldorf

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 822: A bill for an act relating to the environment; responsible person for removal and remediation of hazardous waste; providing that the state, an agency of the state, or a political subdivision that acquires property through eminent domain or through negotiated purchase following the filing of eminent domain petition, or any person acquiring from the condemning authority, is not liable as a responsible person solely because of the acquisition; clarifying the status of mortgagees and contract for deed vendors as responsible persons; amending Minnesota Statutes 1990, section 115B.03, by adding subdivisions.

Mr. Knaak moved to amend S.F. No. 822 as follows:

Page 1, line 22, after the period, insert "*Before conveying or developing the property, the state, agency, or political subdivision shall take any removal or remedial actions on the property that the agency determines are necessary to protect the public health or welfare or the environment.*"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 822 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

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

subdivision.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Mr. Chmielewski moved to amend H.F. No. 1006, as amended pursuant to Rule 49, adopted by the Senate April 17, 1991, as follows:

(The text of the amended House File is identical to S.F. No. 754.)

Page 1, line 13, before the period, insert "*or for another public purpose*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1006 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 762: A bill for an act relating to health; modifying restrictions on disclosing birth record of a child born to an unmarried woman; allowing

the woman to designate whether data will be confidential; amending Minnesota Statutes 1990, section 144.225, subdivisions 2 and 4.

Ms. Pappas moved to amend S.F. No. 762 as follows:

Page 2, line 3, delete the second "or" and before the period, insert "*, or under paragraph (b)*"

Page 2, after line 4, insert:

"(b) Unless the child is adopted, data pertaining to the birth of a child that are not accessible to the public become public data if 100 years have elapsed since the birth of the child who is the subject of the data, or as provided under section 13.10, whichever occurs first."

Page 2, line 5, delete "(b)" and insert "(c)"

Page 2, after line 20, insert:

"Sec. 3. [APPLICATION TO EXISTING DATA.]

(a) Section 1, paragraph (a), is effective August 1, 1991, and applies to data pertaining to births that occur on or after that date. The mother of a child who was born before August 1, 1991, and who was not adopted, may file an affidavit with the state registrar designating that data pertaining to the birth that were not accessible to the public under Minnesota Statutes 1990, section 144.225, subdivision 2, become public data.

(b) Section 1, paragraph (b), is effective August 1, 1991, and applies to data pertaining to births that occur before, on, or after the effective date."

The motion prevailed. So the amendment was adopted.

Mr. Belanger moved to amend S.F. No. 762 as follows:

Page 1, line 13, after "child" insert "*to a woman who was not married to the child's father when the child was conceived nor when the child was born*"

Page 1, line 14, delete "public" and insert "confidential"

Page 1, line 25, delete "confidential" and insert "public" and delete "as defined in section"

Page 1, line 26, delete "13.02, subdivision 3"

Page 2, line 3, delete "*If the data are*"

Page 2, line 4, delete everything before the period

Amend the title as follows:

Page 1, line 2, delete "modifying" and insert "changing"

Page 1, line 4, delete "allowing the woman to designate"

Page 1, line 5, delete "whether data will be confidential;"

The motion prevailed. So the amendment was adopted.

S.F. No. 762 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 375: A bill for an act relating to marriage; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1990, section 517.04.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Mrs. Pariseau moved to amend S.F. No. 331 as follows:

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 1990, section 473.155, subdivision 3, is amended to read:

Subd. 3. [SEARCH AREA.] By January 1, 1992, the council, in consultation with the airports commission, shall designate a search area for a major new airport. *Before designating a final search area, the council shall complete a study comparing the feasibility and cost of expanding the current airport with relocating and developing a new airport site.*

Sec. 3. Minnesota Statutes 1990, section 473.1551, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATE SEARCH AREAS PROTECTION.] (a) The provisions of this subdivision apply within areas designated by the metropolitan council as candidates for selection as a search area for a new major airport under section 473.155, subdivision 3. *The However, these provisions shall not apply until the council has completed the feasibility and cost study required in section 473.155, subdivision 3. Thereafter these provisions will apply until the council has selected a search area under section 473.155, subdivision 3.*

(b) All land within the candidate search areas not zoned for other use is zoned for use exclusively for agricultural purposes, except that a prior nonconforming use established with reference to any lot or parcel of land may be continued.

(c) A local government unit in the metropolitan area may not permit a change in zoning, a zoning variance, or a conditional use, including planned unit developments, that the local unit or the metropolitan council determines is inconsistent with the comprehensive plan for the local government unit adopted in accordance with sections 473.175 and 473.851 to 473.871, or any other authority. Before approving an application or proposal for a change in zoning, zoning variance, or conditional use, the local government unit shall submit the application or proposal to the metropolitan council for review and approval or disapproval. The council may disapprove the application or proposal only if the council determines that it is inconsistent with the comprehensive plan of the local unit.

(d) The council shall give notice to the metropolitan airports commission of all submittals under paragraph (c). The commission may comment to the council on any submittal.

(e) The council shall approve or disapprove a submittal within 90 days following receipt by the council, unless a time extension is mutually agreed to by the council and the submitting unit. The commission has 45 days after notification to comment. The council and the commission shall establish administrative procedures for expedited disposition of proposals or applications that do not warrant metropolitan review.

(f) If a candidate search area includes land within a local unit of government outside of the metropolitan area, the metropolitan council and the local unit may enter into an agreement for the joint exercise of powers necessary to determine whether a proposed change in zoning, zoning variance, or conditional use will be compatible with the development and operation of a major airport.

Sec. 4. Minnesota Statutes 1990, section 473.1551, subdivision 2, is amended to read:

Subd. 2. [SEARCH AREA PROTECTION.] (a) *The provisions of this subdivision shall not apply until the council has completed the feasibility and cost study required under section 473.155, subdivision 3. Thereafter the provisions of this subdivision will apply within the search area for a new major airport selected by the council under section 473.155, subdivision 3. The provisions, and will continue to apply until one year after the report to the legislature on long-range airport development required by section 473.618.*

(b) Land zoned by subdivision 1, paragraph (b), continues to be zoned exclusively for agricultural purposes, unless a change is authorized under paragraphs (c) and (d).

(c) A local government unit in the metropolitan area may not permit a change in zoning, a zoning variance, or a conditional use, including planned unit developments, that the local unit determines is inconsistent either with the local unit's criteria for approving changes in land use or with the comprehensive plan of the local unit adopted in accordance with sections 473.175 and 473.851 to 473.871. The local unit may deny an application or proposal for a change in zoning, zoning variance, or conditional use under this paragraph without review by the metropolitan council. Before making a final decision to approve an application or proposal, the local unit shall submit it to the metropolitan council for review and approval or disapproval as provided in paragraph (d).

(d) The metropolitan council may disapprove an application or proposal submitted under paragraph (c) only if the council determines that it is inconsistent with the comprehensive plan of the local government unit adopted under sections 473.175 and 473.851 to 473.871, a metropolitan system plan as defined by section 473.852, subdivision 8, or the development and operation of a new major airport in the search area. A local government unit in the metropolitan area may not permit a change in zoning, a zoning variance, or a conditional use, including planned unit developments, that the metropolitan council has disapproved.

(e) A governmental agency or unit may not construct a public building or facility, including transportation, sewer, and park facilities, within the search area until it has submitted the plan for the building or facility to the metropolitan council for review and comment.

(f) The council shall give notice to the metropolitan airports commission of all submittals under this subdivision. The commission may comment to the council on any submittal.

(g) The council shall approve or disapprove a submittal within 90 days following receipt by the council, unless a time extension is mutually agreed to by the council and the submitting government agency or unit. The commission has 45 days after notification to comment. The council and the commission shall establish administrative procedures for expedited disposition of proposals or applications that do not warrant metropolitan review.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to airports; requiring that local governments report airport development; requiring metropolitan council to conduct feasibility study on expanding present major metropolitan airport before designating final search area for a new major airport; amending Minnesota Statutes 1990, sections 473.155, subdivision 3; and 473.1551, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 360."

Mr. Merriam questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 331 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Gustafson voted in the negative.

So the bill passed and its title was agreed to.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Executive and Official Communications, Messages From the House and Reports of Committees.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

April 29, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as requested by law:

ATTORNEY POSITION, BOARD ON JUDICIAL STANDARDS

Peter Hustad Watson, 1925 Fox Street, Wayzata, Hennepin County, Minnesota, has been appointed by me, effective April 30, 1991, for a term expiring on the first Monday in January, 1995.

PUBLIC MEMBER, BOARD ON JUDICIAL STANDARDS

Harriette Burkhalter, 5 West St. Albans Road, Hopkins, Hennepin County, Minnesota, has been appointed by me, effective April 30, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Judiciary.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 132:

H.F. No. 132: A bill for an act relating to energy; improving energy efficiency by prohibiting incandescent lighting in certain exit signs; requiring amendments to building codes and standards to increase energy efficiency; requiring state agencies to use funds allocated for utility expenditures to buy nonincandescent bulbs; amending Minnesota Statutes 1990, sections 16B.61, subdivision 3; and 299F.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Dawkins, Murphy and Hartle have been appointed as such committee on the part of the House.

House File No. 132 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Marty moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 132, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 244:

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.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Murphy, Lieder and Waltman have been appointed as such committee on the part of the House.

House File No. 244 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 244, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 809:

H.F. No. 809: A bill for an act relating to counties; fixing various fees for documents; amending Minnesota Statutes 1990, sections 357.18, subdivision 1; 508.82; and 508A.82.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Olson, E.; Schreiber and Dauner have been appointed as such committee on the part of the House.

House File No. 809 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Hottinger moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 809, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 137:

H.F. No. 137: A bill for an act relating to elections; authorizing a party

state executive committee to fill certain vacancies and make certain decisions; changing time for examination by judges of certain return envelopes; changing the form of an affidavit; clarifying procedures for nominating certain candidates by petition; providing for withdrawal from the general election ballot; clarifying procedures for filling certain vacancies; providing for counting write-in votes for a candidate team; amending Minnesota Statutes 1990, sections 202A.12, subdivision 3; 203B.12, subdivision 2; 203B.21, subdivision 3; 204B.12; 204B.13; 204B.41; and 204C.22, by adding a subdivision.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Scheid, Gutknecht and Osthoff have been appointed as such committee on the part of the House.

House File No. 137 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 137, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1179:

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

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Orfield, Garcia and Leppik have been appointed as such committee on the part of the House.

House File No. 1179 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Mondale moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1179, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the

Senate amendments to House File No. 633:

H.F. No. 633: A bill for an act relating to watercraft; regulating the use and operation of personal watercraft; amending Minnesota Statutes 1990, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kinkel, McGuire and Goodno have been appointed as such committee on the part of the House.

House File No. 633 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 633, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1086:

H.F. No. 1086: A bill for an act relating to the financing and operation of government in Minnesota; establishing a homestead credit trust fund; allowing the imposition of certain local taxes and fees; modifying the administration, computation, collection, and enforcement of taxes and assessments; imposing taxes; changing tax classes, rates, bases, credits, exemptions, withholding, and payments; modifying levy limits and aids to local governments; updating references to the Internal Revenue Code; modifying tax increment financing laws; changing definitions; changing certain bonding provisions; providing for suspension of mandate requirements; providing for certain fund transfers; changing provisions for light rail transit; changing certain eminent domain powers; making technical corrections and clarifications; enacting provisions relating to certain cities, counties, watershed districts, and independent school districts; requiring studies; imposing a fee; imposing a surtax; changing certain provisions relating to certain ambulance and emergency services personnel plans; prescribing penalties; appropriating money; amending Minnesota Statutes 1990, sections 13.51, subdivision 2; 14.03, subdivision 3; 18.022, subdivision 2; 43A.316, subdivision 9; 60A.19, subdivision 8; 69.011, subdivisions 1 and 3; 69.021, subdivisions 4, 6, 7, 8, and 9; 69.54; 84.82, by adding a subdivision; 115B.24, subdivision 2; 116.07, subdivision 4h; 124A.03, subdivision 2, and by adding a subdivision; 138.17, subdivision 1a; 171.06, by adding a subdivision; 268.161, subdivision 1; 270.067, subdivisions 1 and 2; 270.11, subdivision 6; 270.12, subdivision 2, and by adding a subdivision; 270.274, subdivision 1; 270.60; 270.66, subdivision 3; 270.68, subdivision 1; 270.69, subdivisions 2, 8, 9, and by adding a subdivision; 270.70, subdivision 10; 270.75, subdivision 4; 270A.03, subdivision 7;

270B.09; 272.02, subdivision 4; 272.025, subdivision 1; 272.31; 272.479; 272.482; 272.483; 272.485; 272.486; 272.67, subdivision 6; 273.11, subdivision 1, and by adding subdivisions; 273.111, subdivision 6; 273.112, subdivisions 1, 2, 3, and 4; 273.12; 273.124, subdivisions 1, 7, 13, and 14; 273.13, subdivisions 22, 23, 24, 25, 31, 32, and by adding a subdivision; 273.1398, subdivisions 6 and 7; 273.1399, subdivisions 1 and 3; 275.065, subdivisions 1a, 3, 5a, and 6; 275.08, subdivision 1b; 275.125, by adding a subdivision; 275.50, subdivisions 5, 5a, and 5b; 275.51, subdivisions 3f, 3h, and 3j; 275.54, subdivision 3; 276.04, subdivision 2; 276.041; 277.01; 278.01; 279.01, subdivisions 1 and 2; 279.03, subdivision 1a; 279.06; 281.17; 282.01, subdivision 1; 287.22; 289A.01; 289A.02, by adding a subdivision; 289A.08, by adding a subdivision; 289A.11, subdivision 1; 289A.12, by adding a subdivision; 289A.18, subdivisions 1, 2, and 4; 289A.19, subdivisions 1 and 2; 289A.20, subdivisions 1, 2, 4, and by adding a subdivision; 289A.25, subdivision 10; 289A.26, subdivisions 1, 6, and by adding a subdivision; 289A.30, subdivision 1; 289A.31, subdivision 1; 289A.35; 289A.37, subdivision 1; 289A.38, subdivisions 9, 10, and 12; 289A.42, subdivisions 1 and 2; 289A.50, subdivision 1; 289A.56, subdivision 2; 289A.60, subdivisions 2, 4, 12, 15, and by adding a subdivision; 290.01, subdivisions 19, 19a, 19b, and 19d; 290.014, subdivisions 2, 3, 4, and 5; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 21, 22, 23, and by adding subdivisions; 290.067, subdivisions 1 and 2a; 290.068, subdivisions 1, 2, and 5; 290.0802, subdivisions 1 and 2; 290.091, subdivisions 1 and 2; 290.0921, subdivision 8; 290.0922, subdivision 1, and by adding a subdivision; 290.17, subdivisions 1, 2, and 5; 290.191, subdivisions 6, 8, and 11; 290.35, subdivision 3; 290.431; 290.611, subdivision 1; 290.92, subdivisions 1, 4b, 4c, 12, 26, 27, and by adding a subdivision; 290.923, by adding a subdivision; 290.9727, subdivisions 1, 3, and by adding subdivisions; 290A.03, subdivisions 3 and 7; 290A.04, by adding a subdivision; 290A.05; 290A.091; 295.01, subdivision 10; 295.34, subdivision 1; 296.026, subdivisions 2, 7, and by adding a subdivision; 296.14, subdivision 1; 297.01, subdivision 7; 297.03, subdivisions 1, 2, 4, and 6; 297.07, subdivision 5; 297.08, subdivision 1; 297.11, subdivision 1, and by adding subdivisions; 297.35, subdivision 1; 297.43, by adding a subdivision; 297A.01, subdivisions 3, 8, 10, 15, and by adding a subdivision; 297A.02, subdivisions 1, 2, 3, and by adding subdivisions; 297A.14, by adding a subdivision; 297A.15, by adding a subdivision; 297A.21, subdivisions 1 and 4; 297A.211, subdivision 2; 297A.24; 297A.25, subdivisions 1, 10, 11, 12, and by adding a subdivision; 297A.255, subdivision 5; 297A.257, subdivisions 2 and 2a; 297A.259; 297A.44, subdivision 1, and by adding a subdivision; 297B.02, by adding a subdivision; 297B.09, by adding a subdivision; 297C.03, subdivisions 1 and 6; 297C.04; 297C.10, by adding a subdivision; 297D.01, subdivision 3; 297D.02; 297D.04; 297D.05; 297D.07; 297D.09, subdivisions 1 and 1a; 297D.11; 297D.12, subdivision 1; 297D.13, subdivisions 1 and 3; 297D.14; 298.01, subdivisions 3, 4, and by adding subdivisions; 298.015, subdivision 1; 298.16; 298.21; 298.27; 325D.32, subdivision 10, and by adding a subdivision; 325D.415; 336.9-411; 349.212, subdivision 4; 353D.01; 353D.02; 353D.03; 353D.05; 353D.06; 357.18, subdivision 2; 375.192, subdivision 2; 386.46; 398A.04, subdivision 8; 414.031, subdivision 6; 414.0325, subdivision 4; 414.033, subdivision 7; 414.06, subdivision 4; 414.061, subdivision 3; 430.102, subdivisions 3 and 4; 462C.03, subdivision 10; 469.012, subdivision 8; 469.176, subdivision 1; 469.1763, subdivisions 1, 2, 3, 4, and by adding a subdivision; 469.177, subdivisions 1 and 8; 469.1771, subdivisions 2 and 4; 469.179, by adding a subdivision; 469.190, subdivision

7; 473.3994, by adding a subdivision; 473.843, subdivision 3; 473F.01; 473F.02, subdivisions 3, 8, 12, and 13; 473F.05; 473F.06; 473F.07; 473F.08, subdivisions 2, 5, and 6; 473F.09; 473F.13, subdivision 1; 477A.011, subdivisions 27, as amended, and 28, as amended; 477A.012, subdivision 6, as added, and by adding a subdivision; 477A.013, subdivision 8, as added; 477A.0135, as added; 477A.014, subdivisions 1, as amended, 4, and by adding subdivisions; 477A.015; 477A.03, subdivision 1; 508.25; 508A.25; 515A.1-105, subdivision 1; Laws 1974, chapter 285, section 4, as amended; Laws 1980, chapter 511, section 1, subdivision 2; Laws 1986, chapter 462, section 31; Laws 1987, chapter 268, article 11, section 12; Laws 1989, First Special Session chapter 1, article 14, section 16; Laws 1990, chapter 604, article 2, section 22; article 3, section 46, subdivision 1; and article 6, section 11; proposing coding for new law in Minnesota Statutes, chapters 16A; 117; 268; 270; 272; 273; 275; 276; 277; 290; 295; 296; 297; 297A; 325D; 353D; 373; 451; and 471; repealing Minnesota Statutes 1990, sections 272.487; 272.50; 272.51; 272.52; 272.53; 273.137; 273.1398; 277.02; 277.05; 277.06; 277.07; 277.08; 277.09; 277.10; 277.11; 277.12; 277.13; 289A.19, subdivision 6; 290.068, subdivision 6; 290.069, subdivisions 2a, 4a, and 4b; 290.17, subdivision 7; 290.191, subdivision 7; 290.48, subdivisions 5 and 8; 296.028; 297A.257, subdivisions 1, 2b, and 3; 297A.39, subdivision 9; 298.05; 298.06; 298.07; 298.08; 298.09; 298.10; 298.11; 298.12; 298.13; 298.14; 298.15; 298.19; 298.20; 473F.02, subdivisions 9, 11, 16, 17, 18, 19, and 20; 473F.12; 473F.13, subdivisions 2 and 3; 477A.011; 477A.012; 477A.013; 477A.014; 477A.015; 477A.016; 477A.017; and 477A.03; Laws 1986, chapter 399, article 1, section 5; and Laws 1989, chapter 277, article 4, section 2.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Ogren; Long; Olson, E.; Rest and Jacobs have been appointed as such committee on the part of the House.

House File No. 1086 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1086, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 700:

H.F. No. 700: A bill for an act relating to education; providing for general education revenue; transportation; special programs; community service programs; facilities and equipment; other aids and levies; miscellaneous education related programs; library programs; education agency services; art education programs; maximum effort school loan programs; authorizing bonding; appropriating money; amending Minnesota Statutes 1990, sections

120.08, subdivision 3; 120.101, subdivisions 5, 9, and by adding a subdivision; 120.17, subdivisions 3b and 7a; 120.181; 121.11, subdivision 12; 121.148, subdivision 1; 121.15, subdivisions 7 and 9; 121.155; 121.585, subdivision 3; 121.611, subdivision 2; 121.88, subdivisions 9 and 10; 121.882, subdivisions 2, 6, and by adding a subdivision; 121.904, subdivisions 4a and 4e; 121.912, by adding a subdivision; 122.22, subdivisions 7a and 9; 122.23, subdivisions 2 and 3; 122.242, subdivision 9; 122.531, by adding subdivisions; 122.535, subdivision 6; 123.33, subdivision 1; 123.34, subdivision 9; 123.35, subdivisions 8, 17, and by adding a subdivision; 123.3514, subdivisions 3, 4, 4c, and by adding a subdivision; 123.38, subdivision 2b; 123.702; 123.951; 124.155, subdivision 2; 124.17, subdivisions 1 and 1b; 124.175; 124.19, subdivisions 1, 7, and by adding a subdivision; 124.195, subdivisions 9, 11, and 12; 124.223, subdivisions 1 and 8; 124.225, subdivisions 1, 3a, 7a, 7b, 7d, 8a, 8k, 10, and by adding a subdivision; 124.26, subdivisions 1c and 2; 124.261; 124.2711, subdivisions 1 and 3; 124.2721, subdivisions 1, 2, and 3; 124.2725, subdivisions 6 and 13; 124.273, subdivision 1b; 124.311, subdivision 4; 124.32, subdivisions 1b and 10; 124.332, subdivisions 1 and 2; 124.431, by adding a subdivision; 124.573, subdivisions 2b and 3a; 124.574, subdivision 2b; 124.575, subdivisions 1, 2, 3, and 4; 124.646; 124.83, subdivision 4; 124.86, subdivision 2; 124A.03; 124A.04; 124A.22, subdivisions 2, 4, 5, 8, 9, and by adding subdivisions; 124A.23, subdivisions 1, 4, and 5; 124A.24; 124A.26, subdivision 1; 124A.29, subdivision 1; 124A.30; 124C.03, subdivision 2; 125.12, subdivisions 3, 6b, and by adding subdivisions; 125.17, subdivision 2, and by adding subdivisions; 125.185, subdivisions 4 and 4a; 125.231; 126.22, subdivisions 2 and 4; 126.23; 126.266, subdivision 2; 126.661, subdivision 5, and by adding a subdivision; 126.663, subdivision 2; 126.666, subdivision 2, and by adding subdivisions; 126.67, subdivision 2b; 126.70, subdivisions 1, 2, and 2a; 127.29, by adding a subdivision; 128A.05, subdivision 3; 129C.10; 136D.27, subdivisions 1, 2, and 3; 136D.72, subdivision 1; 136D.74, subdivisions 2, 2a, and 2b; 136D.76, subdivision 2; 136D.87, subdivisions 1, 2, and 3; 141.25, subdivision 8; 141.26, subdivision 5; 145.926; 148.191, subdivision 2; 171.29, subdivision 2; 245A.03, subdivision 2; 260.015, subdivision 19; 268.08, subdivision 6; 273.1398, subdivision 6; 275.06; 275.125, subdivisions 4, 5, 5b, 5c, 8b, 8e, and 11d, and by adding a subdivision; 298.28, subdivision 4; Laws 1989, chapter 329, article 6, section 53, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 120; 121; 123; 124; 125; 134; 373; 473; repealing Minnesota Statutes 1990, sections 3.865; 3.866; 120.011; 121.111; 122.531, subdivision 5; 123.351, subdivision 10; 123.706; 123.707; 123.744; 124.225, subdivisions 3, 4b, 7c, 8b, 8i, 8j; 124.252; 124.575; 124C.01, subdivision 2; 124C.41, subdivisions 6 and 7; 126.70, subdivisions 2 and 2a; 275.125, subdivision 8c; and Laws 1988, chapter 703, article 1, section 23, as amended; Laws 1989, chapter 293, section 82; Laws 1989, chapter 329, articles 4, section 40; 9, section 30; and 12, section 8; Laws 1990, chapter 562, article 6, section 36.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Nelson, K.; Bauerly; Kelso; Schafer and McEachern have been appointed as such committee on the part of the House.

House File No. 700 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1991

Mr. Dicklich moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 700, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

S.F. No. 942: A bill for an act relating to education; establishing a scholarship program; providing for funding through special collegiate license plates; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 135A and 168.

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

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

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

S.F. No. 112: A bill for an act relating to retirement; imposing an additional fee on classified drivers licenses; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, sections 171.06, by adding a subdivision; 353D.01, subdivision 2, and by adding subdivisions; 353D.02; 353D.03; 353D.05; and 353D.06; proposing coding for new law in Minnesota Statutes, chapter 353D.

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

Page 1, line 20, delete "2" and insert "3"

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 1990, section 171.26, is amended to read:

171.26 [MONEY CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.]

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in *section 171.06, subdivision 2b, and section 171.29, subdivision 2.*"

Page 1, line 27, delete "10 and 11" and insert "11 and 12"

Page 2, lines 8 and 25, delete "8" and insert "9"

Page 3, line 30, delete "8" and insert "9"

Page 4, line 34, delete "8" and insert "9"

Page 6, line 28, delete "8" and insert "9"

Page 8, lines 25 and 30, delete "8" and insert "9"

Page 9, lines 1 and 8, delete "8" and insert "9"

Page 10, line 7, delete "8" and insert "9"

Page 10, lines 24 and 26, delete "12" and insert "13"

Page 10, line 25, delete "7 and 11" and insert "8 and 12" and delete "8" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "171.26;"

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

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. 1517: A bill for an act relating to taxation; authorizing the department of trade and economic development to issue obligations to finance construction of aircraft maintenance and repair facilities; providing tax credits for job creation; providing an exemption from sales tax for certain equipment and materials; authorizing establishment of tax increment financing districts in the cities of Duluth and Hibbing; authorizing the metropolitan airports commission to operate outside the metropolitan area; amending Minnesota Statutes 1990, sections 290.06, by adding a subdivision; and 473.608, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116J and 297A.

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

Delete everything after the enacting clause and insert:

"Section 1. [116R.01] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 1 to 15.

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

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

Sec. 2. [116R.02] [BOND ISSUE; SALE AUTHORIZATION.]

Subdivision 1. [USE OF PROCEEDS.] The commissioner of finance, upon the request of the commissioner of trade and economic development, shall issue and sell revenue bonds in one or more series or issues for the purposes provided in this section in the aggregate principal amount of up to \$350,000,000.

Subd. 2. [LOAN, LEASE, AND REVENUE AGREEMENTS.] The commissioner may make loans or enter into lease agreements or other revenue agreements for the facilities described in subdivisions 5 and 6. The commissioner may provide for servicing of the loans and agreements, the times they are payable and the amounts of payments, the amount of the loans and agreements, their security, and other terms, conditions, and provisions necessary or convenient in connection with them and may enter into all necessary contracts and security instruments in connection with them. The commissioner shall obtain the best available security for the loans or lease agreements. The facilities described in subdivisions 5 and 6 may be pledged as collateral for the loan.

Subd. 3. [APPLICATIONS.] An applicant may file a written application with the commissioner of trade and economic development, to be considered by the commissioner of trade and economic development, for a loan or lease agreement or other revenue agreement for the aircraft facilities described in subdivisions 5 and 6. In general, an application must provide information similar to that required by an investment banking or other financial institution considering a project for debt financing. Except for federal and state securities disclosure requirements, the following data submitted in connection with the application is nonpublic data: business plans, financial statements, customer lists, and market and feasibility studies paid for with nonpublic money.

Subd. 4. [NATURE OF OBLIGATIONS; REPAYMENT; SECURITY.] (a) Bonds issued under sections 1 to 15 are not subject to section 16B.06. As described in sections 1 to 15, the full faith and credit and taxing powers of the state and St. Louis county may be pledged for the payment of these bonds. To provide the money appropriated in this act, the commissioner of finance, upon the occurrence of the deficiency addressed in section 13, subdivision 3, shall sell and issue bonds of the state in an amount not to exceed \$125,000,000 for the facility described in subdivision 5, and in an amount not to exceed \$50,000,000 for the facility described in subdivision 6 in the manner, on the terms, and with the effect prescribed by this act and sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. St. Louis county may issue general obligation bonds for the purposes described in this subdivision. The general obligation bonds issued by St. Louis county and the pledge of St. Louis county are not subject to any net debt limitation. A levy of taxes for the St. Louis county general obligation bonds is not subject to any levy limitations and may be issued without an election.

(b) Of the bonds issued to finance the facility described in subdivision 5, bonds in the principal amount of \$125,000,000 must be secured by the general obligation of the state or the pledge of any other revenues, property, guaranties, or other credit, and \$12,600,000 must be secured by the general obligation of St. Louis county.

(c) Of the bonds issued to finance the facility described in subdivision 6, bonds in the principal amount of \$50,000,000 must be secured by the general obligation of the state or the pledge of any other revenues, property, guaranties, or other credit, and \$15,000,000 must be secured by the general obligation of St. Louis county.

(d) If a deficiency occurs as provided in section 13, the state shall issue all of the general obligation bonds required to be issued under this subdivision by the state before St. Louis county is required to issue general

obligation bonds under this subdivision.

Subd. 5. [USE OF PROCEEDS; AIRCRAFT MAINTENANCE FACILITY.] *The proceeds of the bonds issued in a principal amount not to exceed \$250,000,000 must be used to finance the construction of a heavy maintenance facility for aircraft to be located at the Duluth international airport and any costs of issuance, reserves, credit enhancement, or an initial period of interest payments related to the bonds or the facility. The facility must be owned by the metropolitan airports commission and leased to and operated by an airline company for use as a heavy maintenance base. In the event of a default under the loan, lease agreement, or other revenue agreement, the facility may be leased to another person for operation as a revenue-producing enterprise, subject to the approval of the commissioner.*

Subd. 6. [USE OF PROCEEDS; AIRCRAFT ENGINE REPAIR FACILITY.] *The proceeds of the bonds issued in a principal amount not to exceed \$100,000,000 must be used to finance an aircraft engine repair facility in the city of Hibbing and any costs of issuance, reserves, credit enhancement, or an initial period of interest payments related to the bonds or the facility. The facility must be publicly owned, but may be leased, with or without a purchase option exercisable at any price, to any person for the primary purpose of repairing aircraft engines or components.*

Subd. 7. [ENVIRONMENTAL ASSESSMENT.] *Notwithstanding any other law or rule, no environmental impact statement must be completed prior to the approval of an application and the issuance of a conditional commitment for the loan, or the taking of any other action permitted by sections 1 to 15, including the issuance of bonds, which is considered necessary or desirable by the commissioner to prepare for a final commitment and to make it effective. Environmental review, to the extent required by law, shall be made in conjunction with the issuance by state agencies of environmental permits for the project. Permits may be applied for prior to the issuance of a conditional commitment. Action shall be taken as expeditiously as possible on environmental review and all permits required.*

Sec. 3. [116R.03] [GENERAL POWERS.]

For the purpose of exercising the specific powers authorized under sections 1 to 15 and effectuating the other purposes of sections 1 to 15, the commissioner may:

- (1) acquire, hold, and dispose of real or personal property;*
- (2) 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 1 to 15;*
- (3) acquire real property, or an interest therein, by purchase or foreclosure, where the acquisition is necessary or appropriate;*
- (4) enter into agreements with lenders, borrowers, or the issuers of securities for the purpose of regulating the development and management of any facility financed in whole or in part by the proceeds of bonds or loans;*
- (5) enter into agreements with other appropriate federal, state, or local governmental units; and*
- (6) 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 the commissioner considers necessary or desirable, to assist in the exercise of any of the powers authorized under sections 1 to 15 and to carry out the objectives of sections 1 to 15 and may pay for the services from bond proceeds or otherwise available department money.

Sec. 4. [116R.04] [REVENUE BONDS; PURPOSES, TERMS, APPROVAL.]

Subdivision 1. [BONDS.] The commissioner from time to time may issue negotiable bonds in one or more series or issues in a principal amount which, in the opinion of the commissioner of trade and economic development, is necessary to provide sufficient funds for achieving the purposes of sections 1 to 15, including the construction of a heavy maintenance facility for aircraft to be located at the Duluth international airport, the financing of an aircraft engine repair facility in the city of Hibbing, the payment of interest on bonds of the commissioner, the establishment of reserves to secure the bonds, and the payment of all other expenditures of the commissioner incident to and necessary or convenient to carry out the purposes and powers of sections 1 to 15. The bonds may be issued as bonds or notes or in any other form authorized by law.

Subd. 2. [REFUNDING OF BONDS.] The commissioner from time to time may issue bonds for the purpose of refunding any bonds then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the redemption date next succeeding the date of delivery of those refunding bonds. The proceeds of any refunding bonds may, in the discretion of the commissioner, be applied to the purchase or payment at maturity of the bonds to be refunded, or to the redemption of such outstanding bonds on the redemption date next succeeding the date of delivery of such refunding bonds and may, pending such application, be placed in escrow to be applied to such purchase, retirement, or redemption. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations that are permitted investments under section 11A.24, maturing at a time or times appropriate to ensure the prompt payment of the principal of and interest and redemption premiums, if any, on the bonds to be refunded. The income earned or realized on any such investment may also be applied to the payment of the bonds to be refunded. After the terms of the escrow have been fully satisfied, any balance of such proceeds and any investment income may be returned to the general fund for use in any lawful manner. All refunding bonds issued under the provisions of this subdivision must be issued and secured in the manner provided by resolution of the commissioner.

Subd. 3. [KIND OF BONDS.] All bonds issued under this section must be issued in the form and manner provided in section 16A.672.

Subd. 4. [COMPLIANCE WITH FEDERAL LAW.] The commissioner may covenant and agree with the holders of the bonds issued under this section that the state will comply, insofar as possible, with the provisions of the United States Internal Revenue Code now or hereafter enacted that are applicable to the bonds and that establish conditions under which the interest to be paid on the bonds will not be includable in gross income for federal tax purposes.

Subd. 5. [TAXABILITY OF INTEREST.] Interest on the bonds authorized by this section may be issued without regard to whether the interest to be paid on them is includable in gross income for federal tax purposes.

Sec. 5. [116R.05] [REVENUE BONDS; RESOLUTIONS AUTHORIZING, ADDITIONAL TERMS, SALE.]

The bonds must be authorized by a resolution or resolutions of the commissioner, bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States, at such place or places within or without the state, and be subject to such terms of redemption or purchase prior to maturity as the resolutions or certificates may provide. If, for any reason, whether existing at the date of issue of any bonds or at the date of making or purchasing any loan or securities from the proceeds or after that date, the interest on any bonds is or becomes subject to federal income taxation, this shall not impair or affect the validity or the provisions made for the security of the bonds. The commissioner may make covenants and take or cause to be taken actions which are necessary or desirable and possible to comply with conditions established by federal law or regulations for the exemption of interest on the obligations. The commissioner may refrain from compliance with those conditions if in the commissioner's judgment this would serve the purposes and policies set forth in sections 1 to 15 with respect to any particular issue of bonds, unless this would violate covenants made by the commissioner. The bonds may be sold at public or private sale at a price or prices determined by the commissioner. The underwriting discount, spread, or commission paid or allowed to the underwriters of the bonds, however, must be an amount not in excess of the amount determined by the commissioner to be reasonable in the light of the risk assumed and the expenses of issuance, if any, required to be paid by the underwriters.

Sec. 6. [116R.06] [REVENUE BONDS; OPTIONAL RESOLUTION AND CONTRACT PROVISIONS.]

Any resolution authorizing any bonds or any issue of bonds may contain provisions, which must be a part of the contract with the holders of the bonds, as to the matters referred to in this section.

(a) It may pledge or create a lien on money or property and any money held in trust or otherwise by others to secure the payment of the bonds or of any series or issue of bonds, subject to any agreements with bondholders which exist.

(b) It may provide for the custody, collection, securing, investment, and payment of money.

(c) It may set aside reserves or sinking funds and provide for their regulation and disposition and may create other special funds into which money may be deposited.

(d) It may limit the loans and securities to which the proceeds of sale of bonds may be applied and may pledge repayments thereon to secure the payment of the notes or bonds or of any series or issue of notes or bonds.

(e) It may limit the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds.

(f) It may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent to the amendment or abrogation,

and the manner in which that consent may be given.

(g) *It may vest in a trustee or trustees property, rights, powers, and duties in trust determined by the commissioner, which may include any or all of the rights, powers, and duties of the bondholders, or may limit the rights, powers, and duties of the trustee.*

(h) *It may define the acts or omissions to act which constitute a default in the obligations and duties of the commissioner and may provide for the rights and remedies of the holders of bonds in the event of a default, and provide any other matters of like or different character, consistent with the general laws of the state and other provisions of sections 1 to 15, which in any way affect the security or protection of the bonds and the rights of the bondholders.*

Sec. 7. [116R.07] [PLEDGES.]

Any pledge made by the commissioner is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner is immediately subject to the lien of the pledge without any physical delivery of the property or money or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner, whether or not those parties have notice of the lien or pledge. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

Sec. 8. [116R.08] [REVENUE BONDS; NONLIABILITY OF INDIVIDUALS.]

The commissioner and the commissioner's staff and any person executing the bonds are not personally liable on the bonds or subject to any personal liability or accountability by reason of their issuance.

Sec. 9. [116R.09] [REVENUE BONDS; PURCHASE AND CANCELLATION.]

The commissioner, subject to agreements with bondholders which may then exist, has power out of any funds available for the purpose to purchase bonds of the commissioner at a price not exceeding (a) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (b) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Sec. 10. [116R.10] [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.]

The state pledges and agrees with the holders of any bonds issued under sections 1 to 15, that the state will not limit or alter the rights vested in the commissioner to fulfill the terms of any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner may include this pledge and agreement of the state in any agreement with the holders of bonds issued under sections 1 to 15.

Sec. 11. [116R.11] [AIRCRAFT FACILITIES FUND.]

The commissioner shall establish an aircraft facilities fund. The commissioner may establish whatever accounts might be necessary to carry out sections 1 to 15. The state treasurer or any trustee appointed by the commissioner under sections 1 to 15 shall maintain permanently on official books and records debt service accounts separate from all other funds and accounts, to record all receipts and disbursements of money for principal and interest payments on bonds. No later than the due date of each principal and interest payment on the bonds, the commissioner shall withdraw from the proceeds of the bonds, or from revenues on hand and available for the purpose, and shall deposit in the debt service accounts the amount, if any, required in the account by the resolution or resolutions of the commissioner.

Sec. 12. [116R.12] [POWERS AND DUTIES OF TRUSTEE.]

Subdivision 1. [GENERAL.] The trustee, if any, designated in any indenture or resolution securing an issue of bonds may, and upon written request of the holders of 25 percent in principal amount of the notes or bonds then outstanding shall, in the trustee's own name, subject to the provisions of the indenture or resolution:

(1) enforce all rights of the bondholders, including the right to require the commissioner to collect fees, charges, interest, and payments on leases, loans, or interests therein held by the commissioner and eligible securities purchased by it adequate to carry out any agreement as to, or pledge of, those fees, charges, and payments, and to require the commissioner to carry out any other agreements with the holders of the notes or bonds and to perform the duties required under sections 1 to 15;

(2) bring suit upon the bonds;

(3) require the commissioner to account as if it were the trustee of any express trust for the holders of the bonds;

(4) enjoin any acts or things which may be unlawful or in violation of the rights of holders of the bonds; or

(5) declare all the bonds due and payable, and if all defaults are made good, then, with the consent of the holders of 25 percent of the principal amount of the bonds then outstanding, the trustee may annul the declaration and consequences.

Subd. 2. [ADDITIONAL POWERS.] In addition to the powers in subdivision 1, the trustee has all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

Subd. 3. [VENUE; NOTICE.] The venue of any action or proceedings brought by a trustee is in Ramsey county. Before declaring the principal of bonds due and payable, the trustee shall first give 30 days' notice in writing to the commissioner.

Sec. 13. [116R.13] [REVENUE BOND ACCOUNT; REPORTS.]

Subdivision 1. [AUTHORITY.] The commissioner may create and establish a special account or accounts for the security of one or more or all series of its bonds, which accounts are known as debt service reserve accounts. The commissioner may pay into each debt service reserve account:

(1) any money appropriated by the state only for the purposes of that account;

(2) any money transferred from the security fund for the purposes of that account;

(3) any proceeds of sale of bonds to the extent provided in the resolution or indenture authorizing their issuance;

(4) any money directed to be transferred by the commissioner to that debt service reserve account; and

(5) any other money made available to the commissioner only for the purpose of that account from any other source.

Subd. 2. [USE OF MONEY.] *The money held in or credited to each debt service reserve account, except as provided in this section, must be used solely for the payment of the principal of bonds of the commissioner as the bonds mature, the purchase of the bonds, the payment of interest on the bonds, or the payment of any premium required when the bonds or notes are redeemed before maturity; provided, that money in a debt service reserve account may not be withdrawn at any time in an amount which would reduce the amount of the account to less than the amount which the commissioner determines to be reasonably necessary for the purposes of the account, except for the purpose of paying principal or interest due on bonds secured by the account, for the payment of which other money is not available.*

Subd. 3. [GENERAL OBLIGATION BONDS.] *If the amount in any debt service reserve account falls below the minimum required in a resolution or resolutions of the commissioner, the commissioner shall issue general obligation bonds in accordance with section 16A.641 except as otherwise provided in this section unless provision is made for restoring the deficiency from other sources. The bonds may be sold at public or private sale at a price or prices determined by the commissioner. The underwriting discount, spread, or commission paid or allowed to the underwriters of the bonds, however, must be an amount not in excess of the amount determined by the commissioner to be reasonable in light of the risk assumed and the expense of issuance, if any, required to be paid by the underwriters.*

Subd. 4. [LIMITATION.] *If the commissioner creates a debt service reserve account for the security of any series of bonds, the commissioner may not issue any additional bonds which are similarly secured if the amount of any of the debt service reserve accounts at the time of issuance does not equal or exceed the minimum amount, if any, required by the resolution creating that account, unless the commissioner deposits in each account at the time of issuance, from the proceeds of the bonds or otherwise, an amount which, together with the amount then in the account, will not be less than the minimum amount required.*

Subd. 5. [EXCESS MONEY.] *To the extent consistent with the resolutions and indentures securing outstanding bonds, the commissioner may, at the close of any fiscal year, transfer to any other account from any debt service reserve account, any excess in that account over the amount considered by the commissioner to be reasonably necessary for the purpose of the account. Any excess must be transferred first to the security account to the extent of any prior withdrawals from the security account which have not previously been restored to the security account.*

Subd. 6. [CONSTRUCTION.] *Nothing in this section may be construed to limit the right of the commissioner to create and establish by resolution or indenture other accounts or security in addition to debt service reserve accounts which are necessary or desirable in connection with any bonds or*

programs.

Sec. 14. [116R.15] [CONSTRUCTION.]

Sections 1 to 15 are necessary for the welfare of the state of Minnesota and its inhabitants; therefore, they shall be liberally construed to effect their purpose.

Sec. 15. [116R.16] [SEVERABILITY; ACTIONS.]

Each of the provisions of sections 1 to 15, and each application thereof to particular circumstances, is severable. If any provision or application is found to be unconstitutional and void, it is the intention that the remaining provisions and applications shall be valid and enforceable to the full extent possible under section 645.20.

Sec. 16. Minnesota Statutes 1990, section 290.06, is amended by adding a subdivision to read:

Subd. 24. [CREDIT FOR JOB CREATION.] A corporation that leases and operates a heavy maintenance base for aircraft that is owned by the state of Minnesota or one of its political subdivisions, or an engine repair facility described in section 2, subdivision 6, or both, may take a credit against the tax due under this chapter. For the first taxable year when the facility has been in operation for at least three consecutive months, the credit is equal to \$5,000 multiplied by the number of persons employed by the corporation on a full-time basis at the facility on the last day of the taxable year, not to exceed the number of persons employed by the corporation on a full-time basis at the facility on the date 90 days before the last day of the taxable year. For each of the succeeding four taxable years, the credit is equal to \$5,000 multiplied by the number of persons employed by the corporation on a full-time basis at the facility on the last day of the taxable year, not to exceed the number of persons employed by the corporation on a full-time basis at the facility on the date 90 days before the last day of the taxable year. If the credit provided under this subdivision exceeds the tax liability of the corporation for the taxable year, the excess amount of the credit may be carried over to each of the ten taxable years succeeding the taxable year. The entire amount of the credit must be carried to the earliest taxable year to which the amount may be carried. The unused portion of the credit must be carried to the following taxable year. No credit may be carried to a taxable year more than ten years after the taxable year in which the credit was earned.

Sec. 17. [297A.2571] [AIRCRAFT FACILITY MATERIALS; EXEMPTIONS.]

Materials, equipment, and supplies used or consumed in constructing, or incorporated into the construction of, a heavy maintenance facility for aircraft that is to be owned by the state of Minnesota or one of its political subdivisions and leased by an airline company, or an aircraft engine repair facility described in section 2, subdivision 6, are exempt from the taxes imposed under this chapter and from any sales and use tax imposed by a local unit of government, notwithstanding any ordinance or city charter provision. Except for equipment owned or leased by a contractor, all machinery, equipment, tools, accessories, appliances, contrivances, furniture, fixtures, and all tangible personal property of any other nature or description necessary to the construction and equipping of that facility in order to provide those services is also exempt.

Sec. 18. Minnesota Statutes 1990, section 473.608, subdivision 1, is amended to read:

Subdivision 1. The corporation, subject to the conditions and limitations prescribed by law, shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and perform the duties prescribed by sections 473.601 to 473.679, including but not limited to those hereinafter specified. These powers, except as limited by section 473.622, may be exercised at any place within 35 miles of the city hall of either Minneapolis or St. Paul, and in the metropolitan area, *and in the city of Duluth for the purpose of owning and leasing the facility described in section 2, subdivision 5.*

Sec. 19. [CITY OF DULUTH; TAX INCREMENT FINANCING DISTRICT.]

Subdivision 1. [AUTHORIZATION.] The city of Duluth may create a tax increment financing district, as provided in this subdivision, on property located at the Duluth international airport. Except as provided otherwise in this section, the provisions of Minnesota Statutes, sections 469.174 to 469.179, shall apply to the district. The district shall consist of parcels on which the facility described in section 2, subdivision 5, is proposed to be located. The city or any of its authorities or agencies listed in section 469.174, subdivision 2, may be the "authority" for purposes of sections 469.174 to 469.179. The authority or agency being utilized for this tax increment financing district shall be expanded by two members. The additional two members shall be appointed by the St. Louis county board for terms as designated by the county board.

Subd. 2. [CHARACTERISTICS OF THE DISTRICT.] (a) The district shall be a redevelopment district as defined in Minnesota Statutes, section 469.174, subdivision 10, except that the durational limit under Minnesota Statutes, section 469.176, subdivision 1, paragraph (e), shall be extended to 30 years.

(b) Notwithstanding section 469.176, subdivision 4c, the revenue derived from tax increments from this district must be used to pay debt service on obligations issued under section 2, subdivision 4, paragraph (b), in a principal amount not to exceed \$47,600,000.

(c) The provisions of Minnesota Statutes, section 273.1399, do not apply to the district.

Sec. 20. [CITY OF HIBBING; TAX INCREMENT FINANCING DISTRICT.]

Subdivision 1. [AUTHORIZATION.] (a) The city of Hibbing may create a tax increment financing district, as provided in this subdivision, on property located in the city of Hibbing. Except as provided otherwise in this section, the provisions of Minnesota Statutes, sections 469.174 to 469.179, shall apply to the district. The district shall consist of parcels on which the facility described in section 2, subdivision 6, is proposed to be located and with the approval of the St. Louis county board, any other adjoining areas into which expansion of the facility or development caused by the facility may be expected to occur. The city or any of its authorities or agencies listed in Minnesota Statutes, section 469.174, subdivision 2, may be the "authority" for purposes of sections 469.174 to 469.179. The authority or agency being utilized for this tax increment financing district shall be expanded by two members. The additional two members shall be appointed

by the St. Louis county board for terms as designated by the county board.

(b) With the consent of the governing bodies of St. Louis county and the city of Chisholm and without an election, either or both St. Louis county and the city of Chisholm may treat an obligation or any portion thereof, of the city of Hibbing issued under Minnesota Statutes, section 469.178, subdivision 2, as a general obligation of St. Louis county or the city of Chisholm, by pledging their full faith and credit and taxing power. The obligations, the pledge of St. Louis county, and the pledge of the city of Chisholm are not subject to any net debt limitation. A levy of taxes for the obligations is not subject to any levy limitations. The obligations may be sold at public or private sale.

Subd. 2. [CHARACTERISTICS OF THE DISTRICT.] (a) The district shall be a redevelopment district as defined in Minnesota Statutes, section 469.174, subdivision 10, except that the durational limit under Minnesota Statutes, section 469.176, subdivision 1, paragraph (e), shall be extended to 30 years.

(b) Notwithstanding section 469.176, subdivision 4c, the revenue derived from tax increments from this district and the proceeds of obligations secured by or payable from the tax increments, after reduction for costs of issuance, reserves, and capitalized interest, must be used to pay debt service on obligations issued for the purpose provided in section 2, subdivision 6.

(c) The provisions of Minnesota Statutes, section 273.1399, do not apply to the district.

Sec. 21. [PURPOSE.]

The purpose of sections 1 to 15 is to foster long-term economic growth and job creation by financing an aircraft maintenance facility and an aircraft engine repair facility. State bonds are authorized to be issued and the proceeds of their sale are appropriated under the authority of article XI, section 5, clauses (a) and (g), of the Minnesota Constitution. In authorizing the financing of the aircraft facilities, the legislature is acting in all respects for the benefit of the people of the state of Minnesota to serve the public purpose of fostering economic development within the state.

Sec. 22. [EFFECTIVE DATE.]

Section 16 is effective for taxable years beginning after December 31, 1991."

Amend the title as follows:

Page 1, line 14, delete "chapters 116J and 297A" and insert "chapter 297A; proposing coding for new law as Minnesota Statutes, chapter 116R"

And when so amended 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. DeCramer from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 28, 1991:

**DEPARTMENT OF TRANSPORTATION
COMMISSIONER**

John H. Riley

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

Mr. Luther moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. DeCramer from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 7, 1991:

TRANSPORTATION REGULATION BOARD

Richard Helgeson

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

Mr. Luther moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. DeCramer from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for January 14, 1991:

TRANSPORTATION REGULATION BOARD

Lorraine Mayasich

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

Mr. Luther moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. DeCramer from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 4, 1991:

**DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER**

Ralph Church

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

Mr. Luther moved that the foregoing committee report be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

S.F. No. 931: A bill for an act relating to waste management; requiring counties to prepare and amend solid waste management plans; requiring counties and solid waste facilities to develop and implement problem materials management plans; prohibiting issuance and renewal of certain permit if plans are not developed and implemented; amending Minnesota Statutes 1990, sections 115A.03, subdivision 24a; 115A.46, subdivisions 1 and 2; 115A.956; 115A.96, subdivision 6; 116.07, subdivisions 4j and 4k; 473.149, subdivision 1; and 473.803, subdivision 1.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1371: A bill for an act relating to agriculture; extending the right of first refusal on foreclosed farm land to ten years; amending Minnesota Statutes 1990, section 500.24, subdivision 6.

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 57 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Frederickson, D.J. and Morse voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1039: A bill for an act relating to public employees; regulating insurance benefits; amending Minnesota Statutes 1990, sections 43A.04, by adding a subdivision; 43A.13, by adding a subdivision; and 43A.316, subdivision 8.

Mr. Morse moved to amend H.F. No. 1039, as amended pursuant to Rule 49, adopted by the Senate May 1, 1991, as follows:

(The text of the amended House File is identical to S.F. No. 798.)

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1990, section 15.46, is amended to read:

15.46 [PREVENTIVE HEALTH SERVICES FOR STATE EMPLOYEES.]

The commissioner of the department of employee relations may establish and operate a program of preventive health services for state employees, and shall provide ~~such~~ the staff, equipment, and facilities ~~as are necessary therefor to do so~~. The commissioner shall develop these services in accordance with the accepted practices of and standards for occupational preventive health services in the state of Minnesota. Specific services ~~shall~~ *must* be directed to the work environment and to the health of the employee in relation to the job. The commissioner shall cooperate with the department of health as well as other private and public community agencies providing health, safety, employment, and welfare services. *A county may establish and operate a program of preventive health and employee recognition services for county employees and may provide necessary staff, equipment, and facilities and may expend funds necessary to achieve the objectives of the program."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1039 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1396: A bill for an act relating to local government; allowing Pine county to transfer money from the county welfare fund to the general fund to support a hospital.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 601: A bill for an act relating to commerce; providing a definition of "signed" for purposes of credit agreements; amending Minnesota Statutes 1990, section 513.33, subdivision 1.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 979: A bill for an act relating to crimes; providing that it is a misdemeanor to sell a toxic substance containing butane to a minor; moving certain misdemeanor provisions to the criminal code; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1990, sections 145.38; 145.385; and 145.39.

Ms. Pappas moved to amend S.F. No. 979 as follows:

Page 1, line 19, delete "*any compound containing*" and after "*butane*" insert "*or a butane lighter*"

Page 2, line 11, after the headnote, insert "(a)"

Page 2, line 17, after "*butane*" insert "*or butane lighters*"

Page 2, line 20, after "*butane*" insert "*or butane lighters,*"

Page 2, after line 22, insert:

"(b) A business establishment may omit from the required notice references to any toxic substance that is not offered for sale by that business establishment."

The motion prevailed. So the amendment was adopted.

S.F. No. 979 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg and Day voted in the negative.

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

SPECIAL ORDER

S.F. No. 1224: A bill for an act relating to retirement; state unclassified employees retirement program; permitting plan participants who move to unclassified positions not covered by the plan to elect to participate in the plan; amending Minnesota Statutes 1990, section 352D.02, by adding a subdivision.

Mr. Waldorf moved to amend S.F. No. 1224 as follows:

Page 1, line 15, delete "*a permanent*" and insert "*an unlimited*"

Page 2, line 5, delete "*a permanent*" and insert "*an unlimited*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1224 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn voted in the negative.

So the bill, as amended, was passed and its title was agreed to:

SPECIAL ORDER

H.F. No. 1310: A bill for an act relating to crimes; creating the gross misdemeanor offense of assaulting a public employee who is engaged in mandated duties; amending Minnesota Statutes 1990, section 609.2231, by adding a subdivision.

Ms. Ranum moved to amend H.F. No. 1310 as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 609.2231, is amended by adding a subdivision to read:

Subd. 5. [PUBLIC EMPLOYEES WITH MANDATED DUTIES.] A person is guilty of a gross misdemeanor who:

(1) assaults an employee of the state or a political subdivision while the employee is engaged in the performance of a duty mandated by law, court order, or political subdivision policy or rule;

(2) knows that the victim is a public employee engaged in the performance of official public duties; and

(3) inflicts demonstrable bodily harm."

The motion prevailed. So the amendment was adopted.

H.F. No. 1310 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 204: A bill for an act relating to consumer protection; providing for the regulation of credit service organizations; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 332.

Mr. Marty moved to amend S.F. No. 204 as follows:

Page 2, lines 7 and 8, delete "*or the Federal Savings and Loan Insurance Corporation,*"

The motion prevailed. So the amendment was adopted.

S.F. No. 204 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 946: A bill for an act relating to elections; changing the prohibition on school events on election day; amending Minnesota Statutes 1990, section 204C.03, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1178: A bill for an act relating to elections; allowing school meetings on certain election days; amending Minnesota Statutes 1990, section 204C.03, 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1053: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 3C.04, subdivision 3; 14.47, subdivision 5; 15.39, subdivision 2; 15.45, subdivision 1; 16B.06, subdivision 2a; 16B.19, subdivision 2b; 16B.21, subdivision 1; 16B.405, subdivision 2; 18B.05, subdivision 1; 27.138, subdivision 4; 41A.066, subdivision 1; 60A.13, subdivision 3a; 60B.25; 62E.19, subdivision 1; 84B.09; 86B.415, subdivision 1; 89.37, subdivision 4; 97A.101, subdivision 2; 103A.405; 103B.211, subdivision 4; 103F.215, subdivision 1; 103G.545, subdivision 2; 115A.06, subdivision 4; 115B.25, subdivision 4; 115B.26, subdivisions 1 and 4; 115B.30, subdivision 1; 115B.31; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115C.08, subdivision 5; 115D.02; 116.733; 116J.68, subdivision 2; 121.88, subdivision 5; 123.702, subdivision 2; 124.195, subdivision 9; 124.225, subdivision 8l; 124.245, subdivision 6; 124A.036, subdivision 5; 125.032, subdivision 2; 126.036; 126.071, subdivision 1; 127.19; 136.82, subdivision 1; 144.49, subdivision 8; 144.804, subdivision 1; 144.8097, subdivision 2; 144A.29, subdivisions 2 and 3; 147.01, subdivision 1; 148.03; 148.52; 148.90, subdivision 3; 150A.02, subdivision 1; 151.03; 152.022, subdivision 1; 152.023, subdivision 2; 153.02; 154.22; 156.01; 161.17, subdivision 2; 168.325, subdivision 3; 222.63, subdivision 4; 237.161, subdivision 1; 256.035, subdivision 8; 256B.059, subdivision 4; 268.38, subdivision 12; 270.42; 273.1392; 273.1398, subdivision 5a; 275.065, subdivision 1; 275.50, subdivision 5; 290A.04, subdivision 2h; 297A.25, subdivision 8; 298.17; 299A.24, subdivision 1; 299A.41, subdivision 1; 299F.361, subdivision 1; 299F.451, subdivision 1; 299F.72, subdivision 1; 317A.021, subdivision 7; 325E.045, subdivision 1; 326.04; 341.01; 354A.094, subdivision 7; 356.215, subdivision 4d; 356.216; 384.14; 386.63, subdivision 1; 400.03, subdivision 1; 423.806, subdivision 1; 446A.10, subdivision 2; 469.129,

subdivision 1; 473.844, subdivision 1; 473.845, subdivision 1; 508.36; 529.16; 551.05, subdivision 1; 571.75, subdivision 2; 571.81, subdivision 2; 604.06; 609.531, subdivision 1; 609.892, subdivision 1; Laws 1990, chapter 562, article 8, section 38; chapter 602, article 2, section 10; and chapter 606, article 4, section 1, subdivisions 2 and 6; reenacting Minnesota Statutes 1988, section 169.126, subdivision 2, as amended; repealing Minnesota Statutes 1990, sections 103B.211, subdivision 5; 103I.005, subdivision 18; 117.31; 124.47; 171.015, subdivision 4; 299F.362, subdivision 8; 474A.081, subdivisions 1, 2, and 4; 593.40, subdivision 6; and 626A.21.

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 55 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Vickerman and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 788: A bill for an act relating to privacy; prohibiting release of health records without patient consent; imposing civil liability; amending Minnesota Statutes 1990, section 144.335, by adding a subdivision.

Mr. Merriam moved to amend S.F. No. 788 as follows:

Page 1, line 16, after the period, insert "A patient's consent to the release of data on the date and type of immunizations administered to the patient is effective until the patient directs otherwise, if the consent was executed before August 1, 1991."

The motion prevailed. So the amendment was adopted.

S.F. No. 788 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn and Mr. Riveness voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Luther moved that House Concurrent Resolution No. 1 be taken from the table. The motion prevailed.

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

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

A plan presented to the Senate or House of Representatives for redistricting seats in the United States House of Representatives must adhere to the following standards:

- (1) There must be eight districts, each entitled to elect a single member.
- (2) The districts must be as nearly equal in population as practicable.
- (3) The districts must be composed of convenient contiguous territory. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.
- (4) The districts must be numbered in a regular series, beginning with congressional district 1 in the southeast corner of the state and ending with district 8 in the northeast corner of the state.
- (5) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority population makes it possible, the districts must increase the probability that members of the minority will be elected.
- (6) A county, city, or town must not be divided into more than one district except as necessary to meet equal-population requirements or to form districts that are composed of convenient contiguous territory.
- (7) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.
- (8) The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Legislative Coordinating Commission's Subcommittee on Redistricting.

The Subcommittee on Redistricting will notify the President of the Senate and the Speaker of the House of Representatives when the necessary 1990 census data has been received from the United States Census Bureau, loaded into the Subcommittee's computerized redistricting system, and verified as

ready for use in redistricting. A redistricting plan will not be considered for adoption by the Senate or House of Representatives until the notice has been given.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate for the proceedings on House Concurrent Resolution Nos. 1 and 2. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Storm moved to amend House Concurrent Resolution No. 1, the unofficial engrossment, as follows:

Page 1, line 13, after "of" insert "compact"

Page 2, line 3, after "of" insert "compact"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Brataas	Johnson, D.E.	Larson	Olson
Benson, D.D.	Day	Johnston	McGowan	Pariseau
Benson, J.E.	Frederickson, D.R.	Knaak	Mehrkens	Renneke
Bernhagen	Halberg	Laidig	Neuville	Storm

Those who voted in the negative were:

Beckman	Flynn	Langseth	Piper	Solon
Bertram	Frank	Lessard	Pogemiller	Spear
Cohen	Frederickson, D.J.	Luther	Price	Stumpf
Dahl	Hottinger	Marty	Ranum	Traub
Davis	Hughes	Merriam	Reichgott	Vickerman
DeCramer	Johnson, D.J.	Mondale	Riveness	Waldorf
Dicklich	Johnson, J.B.	Morse	Sams	
Finn	Kroening	Pappas	Samuelson	

The motion did not prevail. So the amendment was not adopted.

Mr. Luther moved the adoption of House Concurrent Resolution No. 1.

The question was taken on the adoption of the foregoing resolution.

The roll was called, and there were yeas 38 and nays 17, as follows:

Those who voted in the affirmative were:

Beckman	Finn	Johnson, J.B.	Morse	Sams
Berg	Flynn	Kroening	Pappas	Samuelson
Bertram	Frank	Langseth	Piper	Solon
Cohen	Frederickson, D.J.	Lessard	Pogemiller	Spear
Dahl	Frederickson, D.R.	Luther	Price	Traub
Davis	Hottinger	Marty	Ranum	Vickerman
DeCramer	Hughes	Merriam	Reichgott	
Dicklich	Johnson, D.J.	Mondale	Riveness	

Those who voted in the negative were:

Belanger	Brataas	Johnston	Mehrkens	Storm
Benson, D.D.	Day	Knaak	Neuville	
Benson, J.E.	Halberg	Larson	Olson	
Bernhagen	Johnson, D.E.	McGowan	Renneke	

The motion prevailed. So the resolution was adopted.

Mr. Luther moved that House Concurrent Resolution No. 2 be taken from the table. The motion prevailed.

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

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

A plan presented to the Senate or House of Representatives for redistricting seats in the Senate and House of Representatives must adhere to the following standards:

(1) The Senate must be composed of 67 members. The House of Representatives must be composed of 134 members.

(2) Each district is entitled to elect a single member.

(3) A representative district may not be divided in the formation of a senate district.

(4) The districts must be substantially equal in population. The population of a district must not deviate from the ideal by more than two percent, plus or minus.

(5) The districts must be composed of convenient contiguous territory. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district.

(6) The districts must be numbered in a regular series, beginning with House district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the seven-county metropolitan area until the southeast corner has been reached; then to the seven-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

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

(8) A county, city, or town should not be divided into more than one district except as necessary to meet equal-population requirements or to form districts that are composed of convenient contiguous territory.

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

(10) The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Legislative Coordinating Commission's Subcommittee on Redistricting.

The Subcommittee on Redistricting will notify the President of the Senate and the Speaker of the House of Representatives when the necessary 1990 census data has been received from the United States Census Bureau, loaded into the Subcommittee's computerized redistricting system, and verified as ready for use in redistricting. A redistricting plan will not be considered for adoption by the Senate or House of Representatives until the notice has been given.

Mr. Storm moved to amend House Concurrent Resolution No. 2, the unofficial engrossment, as follows:

Page 1, line 17, after "of" insert "compact"

Page 2, line 10, after "of" insert "compact"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Brataas	Johnson, D.E.	Larson	Pariseau
Benson, D.D.	Day	Johnston	McGowan	Pogemiller
Benson, J.E.	Frank	Knaak	Mehrkens	Renneke
Berg	Frederickson, D.R.	Laidig	Neuville	Storm
Bernhagen	Halberg	Langseth	Olson	Stumpf

Those who voted in the negative were:

Beckman	Finn	Kroening	Pappas	Sams
Bertram	Flynn	Luther	Piper	Solon
Cohen	Frederickson, D.J.	Marty	Price	Spear
Dahl	Hottinger	Merriam	Ranum	Traub
Davis	Hughes	Mondale	Reichgott	Vickerman
DeCramer	Johnson, J.B.	Morse	Riveness	Waldorf

The motion did not prevail. So the amendment was not adopted.

Mr. Johnson, D.E. moved to amend House Concurrent Resolution No. 2, the unofficial engrossment, as follows:

Page 1, line 9, delete "67" and insert "45"

Page 1, line 10, delete "134" and insert "135"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 39, as follows:

Those who voted in the affirmative were:

Benson, J.E.	Day	Johnston	McGowan	Reichgott
Brataas	Frank	Knaak	Metzen	Renneke
Chmielewski	Halberg	Laidig	Neuville	Storm
Cohen	Johnson, D.E.	Larson	Pariseau	

Those who voted in the negative were:

Beckman	DeCramer	Johnson, J.B.	Morse	Sams
Belanger	Dicklich	Kroening	Olson	Samuelson
Berg	Finn	Langseth	Pappas	Spear
Berglin	Flynn	Luther	Piper	Stumpf
Bernhagen	Frederickson, D.J.	Marty	Pogemiller	Traub
Bertram	Frederickson, D.R.	Mehrkens	Price	Vickerman
Dahl	Hottinger	Merriam	Ranum	Waldorf
Davis	Hughes	Mondale	Riveness	

The motion did not prevail. So the amendment was not adopted.

Mr. Luther moved the adoption of House Concurrent Resolution No. 2.

The question was taken on the adoption of the foregoing resolution.

The roll was called, and there were yeas 44 and nays 13, as follows:

Those who voted in the affirmative were:

Beckman	Dicklich	Johnson, J.B.	Morse	Riveness
Berg	Finn	Kroening	Neuville	Sams
Berglin	Flynn	Langseth	Pappas	Samuelson
Bertram	Frank	Larson	Piper	Solon
Chmielewski	Frederickson, D.J.	Luther	Pogemiller	Spear
Cohen	Frederickson, D.R.	Marty	Price	Stumpf
Dahl	Hottinger	Merriam	Ranum	Traub
Davis	Hughes	Metzen	Reichgott	Vickerman
DeCramer	Johnson, D.E.	Mondale	Renneke	

Those who voted in the negative were:

Belanger	Brataas	Johnston	McGowan	Storm
Benson, J.E.	Day	Knaak	Mehrkens	
Bernhagen	Halberg	Laidig	Olson	

The motion prevailed. So the resolution was adopted.

RECESS

Mr. Luther moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1179: Mr. Mondale, Mses. Ranum and Johnston.

H.F. No. 326: Messrs. Hughes, Pogemiller and Johnson, D.E.

S.F. No. 187: Mr. Spear, Ms. Berglin and Mr. Belanger.

S.F. No. 1533: Messrs. Morse; Davis; Merriam; Frederickson, D.R. and Laidig.

S.F. No. 1535: Messrs. Stumpf, Waldorf, Ms. Piper, Mr. Dicklich and Mrs. Brataas.

H.F. No. 137: Messrs. Luther, Mondale and Laidig.

H.F. No. 244: Mr. Luther, Mses. Flynn and Olson.

H.F. No. 633: Messrs. Lessard, Finn and Ms. Olson.

H.F. No. 132: Messrs. Marty, Finn and Mrs. Benson, J.E.

H.F. No. 809: Mr. Hottinger, Mrs. Adkins and Mr. Neuville.

H.F. No. 700: Messrs. Dicklich, Dahl, DeCramer, Mses. Olson and Pappas.

Mr. Luther moved that the foregoing appointments be approved. The motion prevailed.

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

S.F. No. 834: A bill for an act relating to eminent domain; providing for exercise of eminent domain power over properties owned by railroads; proposing coding for new law in Minnesota Statutes, chapter 117.

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

Page 1, line 17, delete "*or threatened*"

Page 1, line 18, delete "*release*"

Page 1, line 19, delete "*or threatened release*"

Page 2, line 1, delete "*capable of being*" and insert "*legally, physically, and economically able to be*"

Page 2, delete lines 6 and 7

Page 2, line 8, delete everything before the period

And when so amended the bill do pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Bernhagen moved that the name of Mr. Beckman be added as a co-author to S.F. No. 308. The motion prevailed.

Mr. Spear moved that S.F. No. 1024, No. 72 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Luther moved that H.F. No. 53 be taken from the table. The motion prevailed.

H.F. No. 53: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; providing for certain rights-of-way; requiring studies and reports; fixing and limiting accounts and fees; amending Minnesota Statutes 1990, sections 10A.02, by adding a subdivision; 12.14; 15A.081, subdivision 1; 16A.662, subdivisions 2, 4, and 5; 41A.09, subdivision 3; 60A.14, subdivision 1; 60A.17, subdivision 1d; 72B.04, subdivision 7; 80C.04, subdivision 1; 80C.07; 80C.08, subdivision 1; 82.22, subdivisions 1, 5, 10, and 11; 115C.09, by adding a subdivision; 129D.04, by adding subdivisions; 129D.05; 138.91; 138.94; 162.02, subdivision 12; 168C.04; 171.06, subdivision 2a; 171.26; 182.651, by adding subdivisions; 182.661, subdivisions 1, 2, 2a, 3, 3a, and by adding subdivisions; 182.664, subdivisions 3 and 5; 182.666, subdivisions 1, 2, 3, 4, 5, and 5a; 182.669, subdivision 1; 184.28, subdivision 2; 184.29; 184A.09; 239.78; 240.02, subdivisions 2 and 3; 240.06, subdivision 8; 240.155; 240.28; 297B.09, subdivision 1; 299F.57, subdivision 1a; 299F.641, subdivision 2; 299K.07; 299K.09, subdivision 2; 336.9-413; 349.12, subdivision 10; 349.151, subdivision 2; 349A.01, subdivisions 5 and 9; 349A.02, subdivision 1; 349A.03, subdivision 1; 349A.10, subdivision 5; and 626.861, subdivisions 1 and 4; Laws 1989, chapter 269, sections 11, subdivision 7; and 31; repealing Minnesota Statutes 1990, sections 182.664, subdivision 2; 240.01, subdivision 15; 349.12, subdivision 12; 349A.01, subdivisions 3, 4, and 6; and 349B.01; and Laws 1989, chapter 322, section 7.

SUSPENSION OF RULES

Mr. Luther moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 53 and that the rules of the Senate be so far suspended as to give

H.F. No. 53 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 53 was read the second time.

Mr. Langseth moved to amend H.F. No. 53 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 53, and insert the language after the enacting clause, and the title, of S.F. No. 1530, the first engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 53 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 6, as follows:

Those who voted in the affirmative were:

Beckman	Davis	Johnson, D.J.	Merriam	Reichgott
Benson, D.D.	DeCramer	Johnson, J.B.	Metzen	Renneke
Benson, J.E.	Finn	Knaak	Mondale	Riveness
Berg	Flynn	Kroening	Morse	Sams
Bernhagen	Frank	Laidig	Neuville	Spear
Bertram	Frederickson, D.J.	Langseth	Pappas	Storm
Brataas	Frederickson, D.R.	Larson	Piper	Traub
Chmielewski	Halberg	Luther	Pogemiller	Vickerman
Cohen	Hughes	McGowan	Price	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ranum	

Those who voted in the negative were:

Belanger	Hottinger	Johnston	Olson	Pariseau
Berglin				

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

RECESS

Mr. Luther moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1086: Messrs. Johnson, D.J.; Frederickson, D.J.; Pogemiller; Ms. Reichgott and Mr. Price.

Mr. Luther moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today. Ms. Berglin was excused from the Session of today from 8:30 to 10:00 a.m. Mr. Davis was excused from the Session of today from 8:30 to 9:50 a.m. Mr. Gustafson was excused from the Session of today from 8:30 to 9:35 a.m. Mr. Knaak was excused

from the Session of today from 8:30 to 9:45 a.m. Mr. Frank was excused from the Session of today from 9:15 to 10:30 a.m. Mr. Moe, R.D. was excused from the Session of today at 9:30 a.m. Mr. Novak was excused from the Session of today at 10:45 a.m. Ms. Piper was excused from the Session of today from 10:45 to 11:30 a.m. Mr. Dicklich was excused from the Session of today from 11:00 a.m. to 12:30 p.m. Mr. DeCramer was excused from the Session of today from 12:00 to 12:50 p.m. Mr. Langseth was excused from the Session of today from 12:00 to 12:45 p.m. Messrs. Chmielewski and Metzen were excused from the Session of today from 12:45 to 1:45 p.m. Mr. Lessard was excused from the Session of today at 1:15 p.m. Mr. Johnson, D.J. was excused from the Session of today at 1:25 p.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 12:30 p.m., Monday, May 6, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate