

## SEVENTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 9, 1992

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

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Simon Fensom.

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

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

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

The President declared a quorum present.

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 20, 1992

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:

#### MINNESOTA POLLUTION CONTROL AGENCY

William A. Urseth, 2028 Kenwood Parkway, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective February 25, 1992, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Environment and Natural Resources.)

Warmest regards,  
Arne H. Carlson, Governor

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House accedes to the request of the Senate for the return of Senate File No. 720 for further consideration.

S.F. No. 720: A bill for an act relating to housing and economic development; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; modifying provisions relating to tenant remedy actions, retaliatory eviction proceedings, and receivership proceedings; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; requiring counseling for reverse mortgage loans; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; authorizing certain economic development activities within the city of St. Paul; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; appropriating money; amending Minnesota Statutes 1990, sections 47.58, by adding a subdivision; 268.39; 273.1399, subdivision 1; 462A.03, subdivisions 10, 13, and 16; 462A.05, subdivision 20, and by adding a subdivision; 462A.08, subdivision 2; 462A.21, subdivisions 4k, 12a, and 14; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.002, subdivision 24; 469.011, subdivision 4; 469.012, subdivisions 1 and 3; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02; 504.18, subdivision 1; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.29, subdivisions 2 and 4; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1988, chapter 594, section 6; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29.

Senate File No. 720, together with the Conference Committee Report, is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 5, 1992

Mr. Moe, R.D. moved that S.F. No. 720 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1862 and 1889.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1992

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1862: A bill for an act relating to the city of Minneapolis; extending authority to guarantee certain loans; amending Laws 1988, chapter 594, section 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1721, now on General Orders.

H.F. No. 1889: A bill for an act relating to employment; modifying provisions related to access to employee personnel records; amending Minnesota Statutes 1990, sections 181.961, subdivision 2; and 181.962, subdivision 1.

Referred to the Committee on Judiciary.

### REPORTS OF COMMITTEES

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

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

S.F. No. 1801: A bill for an act relating to commerce; motor vehicle sale and distribution; regulating payments upon franchise termination, cancellation, or nonrenewal; amending Minnesota Statutes 1990, section 80E.09, subdivision 1.

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

Page 1, line 22, after "facilities" insert "*as an ongoing new motor vehicle dealership*"

Page 2, line 12, after "nonrenewal" insert "*. Any amount due under this paragraph is reduced to the extent the dealership makes other use of the property, sells, leases or subleases the property, or secures release from a lease. If the dealer rejects reduction of facility rental value compensation as described in this paragraph, the manufacturer is entitled to use of the premises for the period for which compensation is to be provided or the dealer may elect to receive no compensation*"

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

adopted.

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

S.F. No. 1942: A bill for an act relating to human services; establishing a grant program for crime prevention services for Asian youth; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 1, line 11, after the period, insert "*The commissioners of human services, education, and public safety shall work together to coordinate grant activities.*"

Page 2, after line 8, insert:

"*Subd. 4. [USE OF GRANT MONEY TO MATCH FEDERAL FUNDS.] Grant money awarded under this section may be used to satisfy any state or local match requirement that must be satisfied in order to receive federal funds.*"

Renumber the subdivisions in sequence

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

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

S.F. No. 1016: A bill for an act relating to human services; authorizing a grant program to establish two pilot children's safety centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256F.

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

Page 1, line 14, delete "*documented*" and insert "*a*"

Page 1, line 20, after "*divorced*" insert "*and for parents with children in foster homes*"

Page 2, line 2, after "*classes*" insert "*, and must offer support groups*"

Page 2, line 3, before "*parents*" insert "*custodial*"

Page 2, line 15, delete "*1993*" and insert "*1994*"

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

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

S.F. No. 1638: A bill for an act relating to counties; permitting county offices to be filled by special election; amending Minnesota Statutes 1990, sections 375.08; and 375.101, subdivision 1.

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

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

S.F. No. 1773: A bill for an act relating to cities; permitting the appointment of citizen budget advisory committees; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Page 1, line 10, after "city" insert "*or a county board*"

Page 1, lines 12, 14, 20, 23, and 24, after "city" insert "*and county*"

Page 1, line 16, after "city's" insert "*and county's*"

Page 1, line 17, after "council" insert "*and county board*"

Page 2, line 3, after "City" insert "*and county*"

Page 2, line 14, after "city" insert "*or county*"

Amend the title as follows:

Page 1, line 2, after "cities" insert "*and counties*"

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

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

S.F. No. 1729: A bill for an act relating to financial institutions; authorizing a banking institution that is a trustee to invest in certain investment companies and investment trusts; amending Minnesota Statutes 1990, sections 48.01, subdivision 1; 48.38, subdivision 6; 48.84; and 501B.10, subdivision 6.

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

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 1990, section 48.01, subdivision 2, is amended to read:

Subd. 2. [BANKING INSTITUTION.] The term "banking institution" means any bank, trust company, bank and trust company, or mutual savings bank which is now or may hereafter be organized under the laws of this state. *For purposes of sections 48.38, 48.84, and 501B.10, subdivision 6, and to the extent permitted by federal law, "banking institution" includes any national banking association or affiliate exercising trust powers in this state.*"

Page 2, line 23, after the period, insert "*This paragraph does not alter the degree of care and judgment required of trustees by section 501B.10, subdivision 1.*"

Page 3, line 15, after the period, insert "*This paragraph does not alter the degree of care and judgment required of trustees by section 501B.10, subdivision 1.*"

Page 5, line 1, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivision 1" and insert "subdivisions 1 and 2"

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

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

S.F. No. 429: A bill for an act relating to health; amending the clean indoor air act; amending Minnesota Statutes 1990, sections 144.413, subdivision 2, and by adding subdivisions; 144.414, subdivisions 1 and 3; 144.415; 144.416; and 144.417, subdivisions 1 and 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 144.413, is amended by adding a subdivision to read:

*Subd. 1a. [EMPLOYER.] "Employer" means a person, partnership, corporation, or nonprofit entity that employs one or more persons. It includes political subdivisions of the state.*

Sec. 2. Minnesota Statutes 1990, section 144.413, is amended by adding a subdivision to read:

*Subd. 1b. [PLACE OF WORK.] "Place of work" means an indoor area under the control of an employer where services are performed for the employer.*

Sec. 3. Minnesota Statutes 1990, section 144.413, subdivision 2, is amended to read:

*Subd. 2. [PUBLIC PLACE.] "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers and common areas of apartments and condominiums.*

Sec. 4. Minnesota Statutes 1990, section 144.413, is amended by adding a subdivision to read:

*Subd. 3a. [RESTAURANT.] "Restaurant" has the meaning given in section 157.01, except that "restaurant" does not include a bar as provided under section 144.415.*

Sec. 5. Minnesota Statutes 1990, section 144.414, subdivision 3, is amended to read:

*Subd. 3. [HEALTH CARE FACILITIES AND CLINICS.] (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a nursing home, boarding care facility, or licensed residential facility, except as allowed in this subdivision.*

*(b) Smoking by patients in a chemical dependency treatment program or*

mental health program may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.

(e) ~~Smoking by a patient may be allowed if authorized in writing by the patient's attending physician.~~

Sec. 6. Minnesota Statutes 1990, section 144.414, is amended by adding a subdivision to read:

*Subd. 4. [STATE CAPITOL.] Smoking is prohibited in the state capitol building.*

Sec. 7. Minnesota Statutes 1990, section 144.417, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417, ~~except as provided for in section 144.414.~~

The state commissioner of health may, upon request, waive the provisions of sections 144.411 to 144.417 if the commissioner determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.

Sec. 8. Minnesota Statutes 1990, section 144.417, subdivision 2, is amended to read:

Subd. 2. [PENALTIES.] ~~Any~~ A person who violates ~~section~~ sections 144.414 to 144.417 is guilty of a petty misdemeanor."

Amend the title as follows:

Page 1, line 5, delete "subdivisions 1 and 3; 144.415; 144.416" and insert "subdivision 3, and by adding a subdivision"

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

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

S.F. No. 2227: A bill for an act relating to landlords and tenants; changing the interest rate required on a rental deposit; amending Minnesota Statutes 1990, section 504.20, subdivision 2.

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

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

S.F. No. 1766: A bill for an act relating to Hubbard county; authorizing the private sale of certain land which was exchanged for tax-forfeited land.

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

Delete everything after the enacting clause and insert:

"Section 1. [PRIVATE SALE OF EXCHANGED LAND; HUBBARD

## COUNTY.]

(a) *Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Hubbard county may convey by private sale, under the remaining provisions of Minnesota Statutes, chapter 282, the land described in paragraph (c).*

(b) *The land may be conveyed by private sale to Thomas Dent of Lake George, Minnesota. The conveyance must be in a form approved by the attorney general.*

(c) *The land that may be conveyed was previously exchanged for tax-forfeited land and is described as:*

*That part of Government Lot 4 of section 16, Township 143 North, Range 34 West of the 5th Principal Meridian, Hubbard County Minnesota, described as follows:*

*Beginning at the Northeast corner of said Government Lot 4 as established by MN DOT survey; thence West along the North line of Government Lot 4 on an assumed bearing of North 89 degrees 35 minutes 56 seconds West a distance of 274.73 feet to an iron pipe which is also the point of beginning; thence continuing West along the North line of Government Lot 4 the same bearing of North 89 degrees 35 minutes 56 seconds West a distance of 148.21 feet to an iron pipe which is also the easterly right of way line of U.S. Highway 71; thence South 54 degrees 08 minutes 03 seconds West along said right of way line a distance of 49.69 feet to an iron pipe; thence South 33 degrees 43 minutes 58 seconds East a distance of 110.83 feet to an iron pipe; thence North 63 degrees 54 minutes 10 seconds East a distance of 82.17 feet to an iron pipe; thence North 32 degrees 17 minutes 10 seconds East a distance of 99.47 feet to the point of beginning. Above described tract contains 0.32 acres.*

(d) *Mr. Dent is the purchaser under a contract for deed of an adjoining tract containing a house and garage that encroach upon the tract to be sold.*

**Sec. 2. [LAKE WINNIBOGOSHISH FISH HATCHERY; SALE TO THE UNITED STATES OF AMERICA, IN TRUST FOR THE MINNESOTA CHIPPEWA TRIBE.]**

(a) *Notwithstanding Minnesota Statutes, sections 92.45 and 94.09 to 94.16, the commissioner of natural resources may sell, at private sale, land and related improvements located in Cass county and described in this section to the United States of America, in trust for the Minnesota Chippewa Tribe, for use for fish propagation purposes.*

(b) *The conveyance must be in a form approved by the attorney general. The consideration may be for less than the appraised value of the land and improvements thereon, as determined by the commissioner of natural resources. The proceeds from the sale must be credited to the game and fish fund. The state shall reserve minerals and mineral rights in the conveyance. A conservation easement need not be retained under Minnesota Statutes, section 103F.535.*

(c) *The land, including related improvements, which may be conveyed is land that the state acquired by eminent domain in 1949 for fish-rearing ponds, fish hatchery, and related purposes, and that included the former channel of the Mississippi river. The land and related improvements are no longer used or needed for these purposes. The land is located in Cass county,*



in Sections 25 and 36 of Township 146 North, Range 27 West, and is described as:

(1) that portion of Section 25, that was formerly the bed of the Mississippi river, described as follows:

*Beginning at meander corner No. 12 at the intersection of the government meander line on the right bank of the Mississippi river and the South line of said Section 25; thence northwesterly along said government meander line on the right bank of the Mississippi river to the intersection with a line running parallel to and 150 feet southerly of the center line of State Aid Road No. 9; thence northeasterly along last described line to the right bank of the Mississippi river as reconstructed and improved; thence in a southeasterly direction along the right bank of the Mississippi river as reconstructed and improved, to the intersection with the South line of Section 25; thence West along the South line of Section 25 to the point of beginning; containing 15.52 acres, more or less; and*

(2) that portion of Section 36 that was the former bed of the Mississippi river, more fully described as follows:

*Beginning at the meander corner on the North line of Section 36 and right bank of the Mississippi river; thence easterly along said section line to the right bank of the Mississippi river, as reconstructed and improved; thence in a southeasterly direction along the right bank of the said Mississippi river as reconstructed and improved, to the intersection with a line which is 2,000 feet South and parallel to the North line of Section 36; thence westerly along last described line to the intersection with the meander line of the right bank of the Mississippi river; thence westerly and northerly along the meander line of the right bank of the Mississippi river to point of beginning; containing 68.02 acres, more or less.*

### Sec. 3. [SALE OF LEASED LAND TO HUBBARD COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 84.027, subdivision 10, and 94.09 to 94.16, if the commissioner of natural resources declares the land described in paragraph (c) to be surplus land under Minnesota Statutes, section 84.027, subdivision 10, the commissioner shall convey the land described in paragraph (c) to Hubbard county for no consideration, except that the county must agree to allow the state to use the property, at no charge, in a manner not inconsistent with the county's use under paragraph (d).

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

(c) The land that may be conveyed is located in Hubbard county and is described as:

*All that tract or parcel of land lying and commencing at the Quarter Section corner between Section 8 and Section 9 in Township 143 North, Range 33 West, thence run due West along the east and west quarter section line in said Section 8 a distance of 660 feet, thence South at right angles 330 feet, thence East at right angles 660 feet to the east line of said Section 8, thence North at right angles 330 feet along said east line of said Section 8 to the place of beginning at the Northeast corner of the NE 1/4 or the SE 1/4 of said Section 8, containing 5 acres, more or less.*

(d) The land is a five-acre parcel that was purchased by the state in 1934

*for use as a fire tower site. The county has leased the land since 1981 as a site for radio antennae and related equipment that are used for law enforcement and other public purposes and has erected fencing and a building to house the equipment.*

Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to state lands; authorizing the private sale of certain land which was exchanged for tax-forfeited land; authorizing the commissioner of natural resources to sell certain land and related improvements located in Cass county to the United States of America; requiring the commissioner of natural resources to convey certain land to Hubbard county."

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

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

S.F. No. 1872: A bill for an act relating to the city of West Saint Paul; providing for delayed property tax assessment of improvements to certain residential property.

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

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

S.F. No. 2066: A bill for an act relating to economic development; authorizing the commissioner of trade and economic development to certify designated cities; providing tax credits for job creation; providing an exemption from sales tax for certain equipment and materials; authorizing the establishment of business opportunity districts; requiring regional development commissions to establish permit information centers; amending Minnesota Statutes 1990, section 116C.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116C; proposing coding for new law as Minnesota Statutes, chapter 116S.

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

Delete everything after the enacting clause and insert:

"CHAPTER 116S

DESIGNATED COUNTIES

Section 1. [116S.01] [DESIGNATED COUNTIES.]

*The commissioner of trade and economic development shall certify counties which are designated counties. A county is a designated county if the county has had a decline in population from 1980 to 1990, as determined by the 1990 federal decennial census.*

*For purposes of sections 1 to 3, "designated county" means a county designated by the commissioner of trade and economic development as*

*provided under this section and a city of the second class that is designated as an economically depressed area by the United States Department of Commerce.*

**Sec. 2. [116S.02] [CREDIT FOR JOB CREATION.]**

*(a) A business with operations located in a designated county may take a credit against the tax due under chapter 290 for five taxable years. For purposes of this section, "business" means a business entity organized for profit, including a sole proprietorship, partnership, or corporation.*

*(b) The credit is equal to \$2,500 multiplied by the number of persons paid an annual wage of at least \$15,000 and employed by the business within the designated county on a full-time basis on the last day of the taxable year, not to exceed the number of persons paid an annual wage of at least \$15,000 and employed by the business on a full-time basis within the designated county on the date 90 days before the last day of the taxable year.*

*(c) For the first taxable year in which the credit is allowed, the credit must not exceed 80 percent of the wages paid to or incurred for persons paid an annual wage of at least \$15,000 and employed by the taxpayer in the designated county during the taxable year. For the succeeding four taxable years, the credit must not exceed 20 percent of the wages paid to or incurred for persons paid an annual wage of at least \$15,000 and employed by the taxpayer in the designated county during the taxable year. For purposes of this subdivision, "wages" has the meaning given under section 3121(b) of the Internal Revenue Code of 1986, as amended through December 31, 1991, except the limitation to the contribution and benefit base does not apply.*

*(d) If the credit provided under this subdivision exceeds the tax liability of the business 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.*

*(e) The credit authorized under this section is increased to \$5,000 if the business utilizes fiber optics in its operations in the designated county.*

**Sec. 3. [116S.03] [RESEARCH AND DEVELOPMENT CREDIT.]**

*(a) A business with operations located in a designated county may take a credit of \$2,500 against the tax due under chapter 290 for up to five taxable years if the business spends at least ten percent of its revenue for research and development activities for each of the taxable years that the credit is taken. For purposes of this section, "business" means a business entity organized for profit, including a sole proprietorship, partnership, or corporation.*

*(b) The carryforward provisions authorized in section 2, paragraph (d), apply to the research and development credit.*

**Sec. 4. [116S.04] [SALES TAX EXEMPTION.]**

*Materials, equipment, and supplies used or consumed in constructing or*

*incorporated into the construction of a new manufacturing facility or expansion of an existing one in a designated county are exempt from the taxes imposed under chapter 297A. Except for equipment owned or leased by a contractor, all machinery, equipment, and tools necessary to the construction, expansion, or equipping of the facility are also exempt.*

**Sec. 5. [116S.05] [BUSINESS OPPORTUNITY DISTRICTS.]**

*Subdivision 1. [AUTHORIZATION.] A city located in a designated county or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce may create business opportunity districts within which the powers of tax increment financing as provided in sections 469.174 to 469.179 may be exercised. Except as otherwise provided in this section, the provisions of sections 469.174 to 469.179 apply to the districts. For purposes of this section, "city" has the meaning given for "authority" in section 469.174, subdivision 2.*

*Subd. 2. [REDEVELOPMENT DISTRICT.] For the purposes of exercising tax increment financing powers under this section, "redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the city finds by resolution that one of the following conditions, reasonably distributed throughout the district, exists:*

*(1) parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or other improvements and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance; or*

*(2) at least 25 percent of the area of the district is tax-forfeited land.*

*Subd. 3. [EXEMPTION.] Section 273.1399 does not apply to a district created under this section.*

**Sec. 6. [APPLICATION AND EFFECTIVE DATE.]**

*Section 2 is effective for taxable years beginning after December 31, 1992, and only applies to new jobs created after December 31, 1992."*

Delete the title and insert:

*"A bill for an act relating to economic development; authorizing the commissioner of trade and economic development to certify designated counties; providing tax credits for job creation and research and development activities; providing an exemption from sales tax for certain equipment and materials; authorizing the establishment of business opportunity districts; proposing coding for new law as Minnesota Statutes, chapter 116S."*

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

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

S.F. No. 1828: A bill for an act relating to local planning and zoning; providing for the administration of land use controls; defining authority of local government units; providing for procedures and records; providing penalties; amending Minnesota Statutes 1990, section 473.858, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 465A; repealing Minnesota Statutes 1990, sections 366.10; 366.11; 366.12;

366.13; 366.14; 366.15; 366.16; 366.17; 366.18; 366.181; 394.21; 394.22; 394.23; 394.24; 394.25; 394.26; 394.27; 394.28; 394.29; 394.30; 394.301; 394.312; 394.32; 394.33; 394.34; 394.35; 394.36; 394.361; 394.362; 394.37; 462.351; 462.352; 462.353; 462.354; 462.355; 462.356; 462.357; 462.358; 462.3585; 462.359; 462.3595; 462.3597; 462.36; 462.361; 462.362; 462.363; and 462.364.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 83.26, subdivision 2, is amended to read:

Subd. 2. [GENERALLY; TRANSACTIONS.] Unless the method of offer or sale is adopted for the purpose of evasion of sections 83.20 to 83.42, 83.43 and 83.44, the following transactions are exempt from sections 83.23, 83.24, 83.25, 83.28, 83.29, and 83.30:

(a) the offer or sale of an interest in subdivided land by an owner, other than the subdivider, acting as principal in a single or isolated transaction;

(b) the offer or sale of all of the subdivided lands within a subdivision in a single transaction to any person;

(c) the offer or sale of subdivided land pursuant to an order of competent jurisdiction, other than a court of bankruptcy;

(d) the offer or sale of subdivided land consisting of not more than ten separate lots, units, parcels, or interests in the aggregate;

(e) the offer or sale of subdivided lands which have been registered under section 83.23, subdivision 2, if there are no more than ten separate lots, units, parcels, or interests remaining to be sold and no material change has occurred in the information on file with the commissioner;

(f) the offer and sale of subdivided land located within the corporate limits of a ~~municipality as defined in section 462.352, subdivision 2, statutory city, home rule charter city, or town which~~ *municipality statutory city, home rule charter city, or town* has adopted subdivision regulations as defined in section ~~462.352~~ *465A.01, subdivision 22*, except those lands described in section 83.20, subdivision 13;

(g) the offer and sale of apartments or condominiums as defined in chapters 515 and 515A;

(h) the offer and sale of subdivided lands used primarily for agricultural purposes provided each parcel is at least ten acres in size;

(i) the offer or sale of improved lots if:

(1) the subdivider has filed with the commissioner, no later than ten business days prior to the date of the first sale, a written notice of its intention to offer or sell improved lots, which notice shall be accompanied by a fee of \$50, together with a copy of the public offering statement accepted by the situs state and the standard purchase agreement which documents are required to be supplied by the subdivider to the purchaser; and

(2) the subdivider deposits all downpayments in an escrow account until all obligations of the subdivider to the purchaser, which are pursuant to the

terms of the purchase agreement to be performed prior to the closing, have been performed. The subdivider shall provide the purchaser with a purchase receipt for the downpayment paid, a copy of the escrow agreement and the name, address, and telephone number of the escrow agent. The escrow agent shall be a bank located in Minnesota. All downpayments shall be deposited in the escrow account within two business days after receipt.

The commissioner may by rule or order suspend, revoke, or further condition the exemptions contained in clauses (f), (g), (h), and (i) or may require such further information as may be necessary for the protection of purchasers.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 2. Minnesota Statutes 1990, section 327C.01, subdivision 7a, is amended to read:

Subd. 7a. [PLANNING AGENCY.] "Planning agency" means the planning commission or the planning department of a ~~municipality~~ *local government unit* as defined in section 462.352; ~~the planning and zoning commission of a town as defined in section 366.17; or the planning commission of a county, as defined in section 394.30~~ *465A.01, subdivision 11, or if the municipality local government unit does not have a planning agency, the governing body of the municipality local government unit.*

Sec. 3. Minnesota Statutes 1990, section 375.51, subdivision 1, is amended to read:

Subdivision 1. [ENACTMENT.] In any instance in which a county board is authorized by law to enact ordinances, the ordinances shall be adopted in the manner prescribed in this section except as otherwise provided by law. A public hearing shall be held before the enactment of any ordinance adopting or amending a ~~comprehensive plan as defined in section 465A.01, subdivision 5, or official control controls as defined in section 394.22~~ *465A.01, subdivision 14.* Every county ordinance shall be enacted by a majority vote of all the members of the county board unless a larger number is required by law. It shall be signed by the chair of the board and attested by the clerk of the board. The ordinance shall be published as provided in this section. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of . . . . . county ordains:".

Sec. 4. Minnesota Statutes 1990, section 414.0325, subdivision 5, is amended to read:

Subd. 5. [PLANNING IN THE AREA DESIGNATED FOR ORDERLY ANNEXATION.] A joint resolution may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this section, in the manner prescribed by Minnesota Statutes 1976, section 471.59, subdivisions 2 to 8, inclusive.

(a) A board established pursuant to a joint resolution shall have all of the powers contained in ~~sections 462.351 to 462.364~~ *chapter 465A*, and shall have the authority to adopt and enforce the uniform fire code promulgated

pursuant to section 299F.011.

(b) The joint resolution may provide that joint planning and land use controls shall apply to any or all parts of the area designated for orderly annexation as well as to any adjacent unincorporated or incorporated area, provided that the area to be included shall be described in the joint resolution.

(c) If the joint resolution does not provide for joint planning and land use control, the following procedures shall govern:

If the county and townships agree to exclude the area from their zoning and subdivision ordinances, the municipality may extend its zoning and subdivision regulations to include the entire orderly annexation area as provided in ~~section 462.357, subdivision 1, and section 462.358, subdivision 1.~~

If the county and township do not agree to such extraterritorial zoning and subdivision regulation by the municipality, zoning and subdivision regulation within the orderly annexation area shall be controlled by a three-member committee with one member appointed from each of the municipal, town, and county governing bodies. This committee shall serve as the "governing body" and "board of ~~appeals and adjustments~~ *adjustment*", for purposes of ~~sections 462.357 and 462.358 chapter 465A,~~ within the orderly annexation area. The committee shall have all of the powers contained in ~~sections 462.351 to 462.364 chapter 465A,~~ and shall have the authority to adopt and enforce the uniform fire code promulgated pursuant to section 299F.011."

Page 2, line 9, delete "465A.02" and insert "465A.01"

Page 4, line 11, delete "20" and insert "23"

Page 4, lines 26, 30, and 31, delete "17" and insert "20"

Page 5, line 20, delete "17" and insert "20"

Page 6, line 3, delete "465A.03" and insert "465A.02"

Page 6, line 30, delete "465A.04" and insert "465A.03"

Page 7, line 2, delete "465A.05" and insert "465A.04"

Page 8, line 14, delete "9" and insert "12"

Page 9, line 3, delete "21" and insert "24"

Page 9, line 4, delete "465A.06" and insert "465A.05"

Page 10, line 19, delete "21" and insert "24"

Page 12, line 7, delete "465A.07" and insert "465A.06"

Page 12, line 21, delete "8" and insert "11"

Page 12, line 32, delete "465A.08" and insert "465A.07"

Page 13, line 7, delete "5" and insert "8"

Page 13, line 24, delete "465A.09" and insert "465A.08"

Page 14, lines 13 and 33, delete "21" and insert "24"

Page 16, line 4, delete "12" and insert "15"

Page 16, line 11, delete "465A.10" and insert "465A.09"

Page 17, line 17, delete "465A.11" and insert "465A.10"

Page 17, line 34, delete "21" and insert "24"

Page 18, line 7, delete "465A.12" and insert "465A.11"

Page 18, line 30, delete "465A.13" and insert "465A.12"

Page 19, line 21, delete "465A.14" and insert "465A.13"

Page 21, line 29, delete "465A.15" and insert "465A.14"

Page 22, line 28, delete "21" and insert "24"

Page 23, line 18, delete "465A.16" and insert "465A.15"

Page 23, line 34, delete "21" and insert "24"

Page 23, line 35, delete "465A.17" and insert "465A.16"

Page 25, line 18, delete everything after "DEDICATION."

Page 25, delete lines 19 to 32 and insert "*The regulations may require that a reasonable part of any proposed subdivision must be dedicated to the public or kept for public use as streets; roads; sewers; electric, gas, and water facilities; storm water drainage and holding areas; ponds, conservation areas, wetlands, and similar utilities and improvements.*"

*In addition, the regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as trails, playgrounds, parks, open space, recreational, or common areas and facilities. The local government unit must reasonably determine that as a result of approval of the subdivision it is necessary to dedicate or preserve that part of land for the purposes stated in this paragraph. For part or all of the part required to be dedicated or preserved for such purposes, the local government unit may choose to*"

Page 25, line 33, after "cash" insert ", based on a reasonable fee schedule or per site basis,"

Page 25, line 34, delete "or based on a reasonable fee schedule" and insert "at the time of final approval. The fee schedule must be"

Page 26, line 33, delete "21" and insert "24"

Page 31, line 8, delete "465A.18" and insert "465A.17"

Page 33, lines 19 and 27, delete "21" and insert "24"

Page 34, line 11, delete "465A.19" and insert "465A.18"

Page 34, line 36, delete "465A.20" and insert "465A.19"

Page 35, line 18, delete "21" and insert "24"

Page 36, line 24, delete "21" and insert "24"

Page 36, line 35, delete "465A.21" and insert "465A.20"

Page 38, line 26, delete "465A.22" and insert "465A.21"

Page 39, line 20, delete "465A.23" and insert "465A.22"

Page 39, lines 23 and 24, delete "1 to 22" and insert "5 to 25"

Page 39, line 29, delete "465A.24" and insert "465A.23"

Page 40, line 11, delete "465A.25" and insert "465A.24"

Page 40, line 18, after "sections" insert "473.175 and"

Page 40, line 21, delete "9" and insert "12"



Page 40, line 22, delete "465A.26" and insert "465A.25"

Page 40, lines 31 and 32, delete "1 to 26" and insert "5 to 29"

Page 41, lines 2 and 6, delete "465A.11" and insert "465A.10"

Page 41, after line 10, insert:

"Sec. 32. Minnesota Statutes 1990, section 473.192, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, "metropolitan area" has the meaning given it in section 473.121, subdivision 2. "Aviation policy plan" means the plan adopted by the metropolitan council pursuant to section 473.145. "Municipality" ~~has the meaning provided by section 462.352, subdivision 2~~ means any city, including a city operating under a home rule charter, and any town.

Sec. 33. Minnesota Statutes 1990, section 473.852, subdivision 3, is amended to read:

Subd. 3. "Applicable planning statute" means ~~sections 394.21 to 394.37 for counties and sections 462.351 to 462.364 for cities and towns~~ chapter 465A.

Sec. 34. Minnesota Statutes 1990, section 473.863, subdivision 4, is amended to read:

Subd. 4. Capital improvement programs of school districts adopted ~~prior before the districts are subject to the requirements of programs adopted pursuant to sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871~~ shall remain in force and effect until amended, repealed, or superseded by programs adopted pursuant to sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871. Existing school district programs may be amended as appropriate and new programs prepared and adopted prior to the submission to the council of programs required by sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871. Existing programs may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871.

Sec. 35. [REVISOR'S INSTRUCTION.]

*In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete each reference in column B and insert the reference in column C. The references in column C may be changed by the revisor to the section of Minnesota Statutes in which the bill sections are compiled.*

Column A	Column B	Column C
17.81, subd. 3	394.21 to 394.37 462.351 to 462.364 366.10 to 366.19	chapter 465A
40A.02, subd. 15	394.22, subd. 6	465A.01, subd. 14
40A.04, subd. 2	394.32	465A.11
103B.211, subd. 1	366.10 to 366.19 394.21 to 394.37 462.351 to 462.364	chapter 465A
103B.235, subd. 1	462.351 to 462.364	chapter 465A
103F.121, subd. 3	394.26 or 462.357	465A.20
103F.121, subd. 3	394.37 or 462.362	465A.22
103F.215, subd. 2	394.26	465A.20
103F.215, subd. 3	394.37	465A.22

103F.221, subd. 2	462.357	465A.20
103F.221, subd. 2	462.362	465A.22
103F.373, subd. 2	394.27, subd. 9	465A.05, subd. 9
103F.389, subd. 2	394.27, subd. 9	465A.05, subd. 9
103F.405, subd. 1	366.10 to 366.19	chapter 465A
	394.21 to 394.37	
	462.351 to 462.365	
115.03, subd. 4	462.351 to 462.364	chapter 465A
145A.05, subd. 3	394.21 to 394.37	chapter 465A
145A.05, subd. 6	394.21 to 394.37	chapter 465A
272.162, subd. 1	462.36, subd. 1	465A.21
272.162, subd. 1	462.352, subd. 12	465A.01, subd. 21
299J.05	366.10 to 366.19	chapter 465A
	394.21 to 394.37	
	462.351 to 462.365	
383D.61	394.23	465A.02
383D.63	394.30, subd. 1	465A.04
383D.63	394.21 to 394.37	chapter 465A
473.167, subd. 2	394.361 or 462.359	465A.19
473.167, subd. 2a	394.361 or 462.359	465A.19
473.851	462.355, subd. 4	465A.10
473.854	462.355, subd. 4	465A.10
473.856	462.355, subd. 4	465A.10
473.858, subd. 1	462.355, subd. 4	465A.10
473.858, subd. 4	462.355, subd. 4	465A.10
473.859, subd. 1	462.355, subd. 4	465A.10
473.861, subd. 2	462.351 to 462.364	chapter 465A
473.862, subd. 3	462.351 to 462.364	chapter 465A
473.867, subd. 1	462.355, subd. 4	465A.10
473.869	462.355, subd. 4	465A.10
473.871	462.355, subd. 4	465A.10
473.872	462.355, subd. 4	465A.10
473H.02, subd. 4	394.21 to 394.37	chapter 465A
	462.351 to 462.364	
	366.10 to 366.19"	

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "instructions to the revisor of statutes;"

Page 1, line 6, delete "section" and insert "sections 83.26, subdivision 2; 327C.01, subdivision 7a; 375.51, subdivision 1; 414.0325, subdivision 5; 473.192, subdivision 2; 473.852, subdivision 3;"

Page 1, line 7, after the semicolon, insert "and 473.863, subdivision 4;"

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

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

S.F. No. 1821: A bill for an act relating to children; establishing a general preference for adoption by relatives; amending Minnesota Statutes 1990, section 259.28, subdivision 2.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 256.87, subdivision 5, is amended to read:

Subd. 5. [CHILD NOT RECEIVING ASSISTANCE.] A ~~parent~~ *person* having custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parent *or parents*. Upon an order to show cause *or a petition* and a motion served on the absent parent *or parents*, the court shall order child support payments from the absent parent *or parents* under chapter 518.

Sec. 2. Minnesota Statutes 1990, section 257.071, subdivision 1, is amended to read:

Subdivision 1. [PLACEMENT; PLAN.] *(a) If a social service agency has good cause to believe that a child may be in need of temporary placement, the agency shall inform the child and the child's parents or guardian of the placement prevention and family reunification services available under section 256F.07.*

*(b) If a child is placed in a residential facility by court order, the social service agency shall determine the child's medical history and contact the health care professionals who have been responsible for the child's care to determine the treatment plans necessary for inclusion in the child's case plan.*

*(c) A case plan shall be prepared within 30 days after any child is placed in a residential facility by court order or by the voluntary release of the child by the parent or parents.*

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the residential facility placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the residential facility placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

(1) The specific reasons for the placement of the child in a residential facility, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home;

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the residential facility;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the residential facility;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the residential facility during the period the child is in the residential facility;

(6) The date on which the child is expected to be returned to the home of the parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; ~~and~~

(8) Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260-; *and*

*(9) When the child is likely to remain in foster care until she or he is emancipated or discharged to independent living or when otherwise appropriate, for a child age 16 or older, the case plan must also include a written description of the programs and services which will help the child prepare for the transition from foster care to independent living.*

The parent or parents and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or the child's legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan.

Sec. 3. Minnesota Statutes 1990, section 257.071, is amended by adding a subdivision to read:

*Subd. 2a. [PERMANENCE.] A child placed in a foster family home may not be removed to another foster family home in the absence of good cause unless the new placement is an adoptive home or the home of a relative or the child has been in the foster family home for less than six months.*

Sec. 4. Minnesota Statutes 1990, section 257.072, subdivision 7, is amended to read:

Subd. 7. [DUTIES OF CHILD-PLACING AGENCIES.] Each authorized child-placing agency must:

(1) develop and follow procedures for implementing the order of preference prescribed by section 260.181, subdivision 3, *and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923;*

*(a) In implementing the order of preference, an authorized child-placing agency may contact relatives of the child for the purpose of locating a suitable placement, notwithstanding any law that might classify certain data the agency might have to disclose as private, confidential, or nonpublic data. The agency shall disclose only data that is necessary to facilitate implementing the preference. If a parent makes an explicit request that the relative preference not be followed, the agency shall bring the matter to the attention of the court to determine whether the parent's request is consistent*

*with the best interests of the child; and*

*(b) In implementing the order of preference, the authorized child-placing agency shall develop written standards for determining the suitability of proposed placements. The standards need not meet all requirements for foster care licensing, but must ensure that the safety, health, and welfare of the child is safeguarded. In the case of an Indian child, the standards to be applied must be the prevailing social and cultural standards of the Indian child's community, and the agency shall defer to tribal judgment as to suitability of a particular home when the tribe has intervened pursuant to the Indian Child Welfare Act;*

(2) have a written plan for recruiting minority adoptive and foster families. The plan must include (a) strategies for using existing resources in minority communities, (b) use of minority outreach staff wherever possible, (c) use of minority foster homes for placements after birth and before adoption, and (d) other techniques as appropriate;

(3) have a written plan for training adoptive and foster families of minority children;

(4) if located in an area with a significant minority population, have a written plan for employing minority social workers in adoption and foster care. The plan must include staffing goals and objectives; ~~and~~

(5) ensure that adoption and foster care workers attend training offered or approved by the department of human services regarding cultural diversity and the needs of special needs children; *and*

*(6) develop and implement procedures for implementing the requirements of the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.*

Sec. 5. Minnesota Statutes 1990, section 257.072, subdivision 8, is amended to read:

Subd. 8. [REPORTING REQUIREMENTS.] Each authorized child-placing agency shall provide to the commissioner of human services all data needed by the commissioner for the report required by section 257.0725, *including data on the number of children of minority racial or ethnic heritage receiving services, data on the number of adoption and foster care workers attending training regarding cultural diversity and the needs of special needs children, and data on the training provider.* The agency shall provide the data within 60 days of the end of the six-month period for which the data is applicable.

Sec. 6. Minnesota Statutes 1990, section 257.0725, is amended to read:  
257.0725 [SEMIANNUAL REPORT.]

The commissioner of human services shall publish a semiannual report on children in out-of-home placement. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in placement, reason for most recent placement, race of family with whom placed, number of families from the child's own culture in the placement pool during the period for which data is provided, and other demographic information deemed appropriate on all children in out-of-home placement. *The report shall also include the number of qualified minority professional staff working in the agency, the number*

*of staff who have received the training required in section 257.072, subdivision 7, and data on the training provider. The commissioner shall provide the required data for children who entered placement during the previous quarter and for children who are in placement at the end of the quarter. Out-of-home placement includes placement in any facility by an authorized child-placing agency. By December 1, 1989, and by December 1 of each successive year, the commissioner shall publish a report covering the first six months of the calendar year. By June 1, 1990, and by June 1 of each successive year, the commissioner shall publish a report covering the last six months of the calendar year.*

Sec. 7. Minnesota Statutes 1990, section 257.59, subdivision 1, is amended to read:

Subdivision 1. [COURT JURISDICTION.] Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to 257.74. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support. *The action may also be joined with an action under section 260.131 by a local social service agency if action under this section is brought by an individual seeking to establish paternity.*

Sec. 8. Minnesota Statutes 1990, section 259.255, is amended to read:  
259.255 [PROTECTION OF HERITAGE OR BACKGROUND.]

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 9. Minnesota Statutes 1990, section 259.28, subdivision 2, is amended to read:

Subd. 2. [PROTECTION OF HERITAGE OR BACKGROUND.] The

policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

~~In the adoption of a child of minority racial or minority ethnic heritage.~~ In reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 10. Minnesota Statutes 1990, section 259.455, is amended to read:  
259.455 [FAMILY RECRUITMENT.]

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same ~~minority~~ racial or ~~minority~~ ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 11. Minnesota Statutes 1990, section 260.012, is amended to read:

260.012 [DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS; NOTICE TO PARTIES OF PLACEMENT PREFERENCE; DETERMINATION OF CHILD'S RACE AND ETHNICITY; COMPLIANCE WITH PLACEMENT PREFERENCES AT ALL STAGES OF NONDELINQUENCY PROCEEDINGS.]

(a) If a child in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts including culturally appropriate services by the social service agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, consistent with the best interests, safety, and protection of the child. In the case of an Indian child, in proceedings under sections 260.172, 260.191, and 260.221 the juvenile court must make findings and conclusions consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901 et seq., as to the

provision of active efforts. If a child is under the court's delinquency jurisdiction, it shall be the duty of the court to ensure that reasonable efforts are made to reunite the child with the child's family at the earliest possible time, consistent with the best interests of the child and the safety of the public.

(b) "Reasonable efforts" means the exercise of due diligence by the responsible social service agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family; or upon removal, services to eliminate the need for removal and reunite the family. Services may include those listed under section 256F.07, subdivision 3, and other appropriate services available in the community. The social service agency has the burden of demonstrating that it has made reasonable efforts.

(c) The juvenile court, in proceedings under sections 260.172, 260.191, and 260.221 shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

- (1) relevant to the safety and protection of the child;
- (2) adequate to meet the needs of the child and family;
- (3) culturally appropriate;
- (4) available and accessible;
- (5) consistent and timely; and
- (6) realistic under the circumstances.

(d) This section does not prevent out-of-home placement for treatment of a child with a mental disability when the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program.

*(e) In proceedings under section 260.172, 260.191, 260.192, or 260.221, the court shall notify the parents and the child, if the child is at least 12 years old, of the placement preference in section 260.181, subdivision 3, and that the placement preference will be followed unless the parent or the child, if the child is at least 12 years old, explicitly requests that it not be followed and the court finds that request consistent with the best interests of the child.*

*(f) If the federal Indian Child Welfare Act applies, the court shall also notify the parents of the placement preference stated in the federal Indian Child Welfare Act, that the preference will be followed, and that, where appropriate, the court shall consider the preference of the Indian child or parent.*

*(g) For purposes of ensuring compliance with section 260.181 in proceedings under section 260.172, 260.191, 260.192, or 260.221, the court shall ask the parent for information regarding the child's race or ethnicity. If a parent is not present for the proceedings, the court may order the responsible social service agency to conduct an inquiry of the child's relatives and community members for the purpose of identifying for the court the child's race or ethnicity. When the court has sufficient information upon which to make a finding, the court shall make a written finding as to the*



*child's race and ethnicity. That finding shall identify the child's primary racial or ethnic community, but may also reflect the child's racial or ethnic diversity as appropriate. The requirements of this section are in addition to the court's duty to determine tribal affiliation under section 257.354, subdivision 2.*

*(h) A child placed under section 257.071, 260.172, 260.191, 260.192, or 260.221, or who has a guardian appointed under section 260.242, must be placed according to the preference stated in section 260.181, subdivision 3, or, if applicable, the federal Indian Child Welfare Act. The court shall review the efforts of the responsible social service agency to place the child according to the preference in section 260.181, subdivision 3, and shall make findings regarding the sufficiency of those efforts at each stage of the court proceedings. If the court finds it in the best interests of the child, the court may also order the responsible social service agency to disclose necessary information to or make necessary inquiry of any person or agency that might be helpful in facilitating a placement according to the preference stated in section 260.181 or the federal Indian Child Welfare Act.*

Sec. 12. Minnesota Statutes 1990, section 260.015, is amended by adding a subdivision to read:

*Subd. 11a. [ADJUDICATED PARENT.] "Adjudicated parent" means:*

*(1) a person who has had paternity established under the parentage act, sections 257.51 to 257.74; or*

*(2) a person who was party to a proceeding under chapter 518 if the decree of dissolution of marriage found the child to be the issue of the marriage.*

Sec. 13. Minnesota Statutes 1990, section 260.181, subdivision 3, is amended to read:

**Subd. 3. [PROTECTION OF RACIAL OR ETHNIC HERITAGE, OR RELIGIOUS AFFILIATION BACKGROUND.]** The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's ~~minority~~ racial or ~~minority~~ ethnic heritage when such a guardian is not immediately available. For purposes of this subdivision, "relative" includes members of a child's extended family and important friends with whom the child has resided or had significant contact *and persons with whom the family or child has a significant relationship or who belong to kinship groups as defined by the child's family or racial and ethnic community. "Relative" does not include a nonrelative foster parent.*

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court

shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets the genetic parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets the parent's religious preference.

Sec. 14. Minnesota Statutes 1990, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

(i) a child placing agency; ~~or~~

(ii) the county welfare board;

*(iii) a previously noncustodial mother or man presumed to be the biological father under section 257.55, provided that an award of custody to a previously noncustodial mother or presumed father is temporary, is subject to review on a regular basis, and expires after one year, and provided that this disposition can only be made if the petition under section 260.131 was filed by the county welfare board; or*

*(iv) a previously noncustodial adjudicated parent on a permanent basis upon filing of a petition or motion under section 518.156, subdivision 1, paragraph (a), clause (2), but only if the petition under section 260.131 was filed by the county welfare board.*

*(A) In making an award of custody under item (iv), the court shall consider all relevant factors set forth in section 518.17. An award of custody under item (iv) has the same meaning as a custody order under section 518.17, subdivision 2.*

*(B) If there has been a previous award of permanent custody, the court must apply the standards in section 518.18 and all the procedural requirements of section 518.18 must be met. For purposes of item (iv), an award of custody pursuant to item (iii) is not a previous award of permanent custody, but an adjudication of paternity prior to the commencement of proceedings under section 260.131 must be considered an award of permanent custody.*

*(C) An award of legal custody under item (iv) is the equivalent of an award under chapter 518. In making an award of legal custody to a previously noncustodial adjudicated parent, the court must make detailed findings on each of the factors in sections 257.025 and 518.17 and explain how its findings on the factors led to its conclusions and the determination of the best interests of the child.*

*(D) Any order issued under this section must provide for ongoing visitation*

*between parent and child, if any, and set any conditions the court deems reasonable regarding visitation. Any order under item (iv) under section 518.156 may be modified only under section 518.18.*

*(E) At the request of the proposed custodian the court shall make an order requiring that the cost of the child's care be covered by an order for child support payable by the child's parent and established pursuant to section 518.551, subdivision 5.*

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3, *or, if applicable, the federal Indian Child Welfare Act, except that the preference does not apply in a determination as to custody between parents;*

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order

payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 15. Minnesota Statutes 1990, section 260.191, subdivision 1a, is amended to read:

Subd. 1a. [WRITTEN FINDINGS.] Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered;

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case;

(c) ~~In the case of a child of minority racial or minority ethnic heritage,~~ How the court's disposition complies with the requirements of section 260.181, subdivision 3, *relating to protection of heritage or background*; and

(d) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal.

If the court finds that the social services agency's preventive or reunification efforts have not been reasonable but that further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

Sec. 16. Minnesota Statutes 1990, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may, upon petition, terminate all rights of a parent to a child *or may order any other long-term disposition provided for in section 260.235* in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under

court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; or

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(8) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 17. Minnesota Statutes 1990, section 260.235, is amended to read:

260.235 ~~[DISPOSITION]~~ **DISPOSITIONS ; PARENTAL RIGHTS NOT TERMINATED.**

*Subdivision 1. [CHILD IN NEED OF PROTECTION OR SERVICES OR NEGLECTED AND IN FOSTER CARE.]* If, after a hearing, the court does not terminate parental rights but determines that the child is in need

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

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

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 1609, which the committee recommends be re-referred to the Committee on Economic Development and Housing.

Mr. Finn moved that S.F. No. 1609 be referred to the Committee on Economic Development and Housing.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Beckman	Davis	Hughes	Metzen	Sams
Belanger	Dicklich	Johnson, D.J.	Novak	Samuelson
Benson, J.E.	Finn	Johnson, J.B.	Olson	Solon
Berglin	Frederickson, D.J.	Kroening	Pappas	Spear
Bertram	Gustafson	Laidig	Pariseau	Stumpf
Brataas	Halberg	Langseth	Piper	Terwilliger
Chmielewski	Hottinger	Lessard	Riveness	Traub

Those who voted in the negative were:

Adkins	Day	Johnston	McGowan	Neuville
Benson, D.D.	DeCramer	Kelly	Mehrkens	Ranum
Berg	Flynn	Knaak	Merriam	Reichgott
Bernhagen	Frank	Larson	Moe, R.D.	Renneke
Cohen	Frederickson, D.R.	Luther	Mondale	Vickerman
Dahl	Johnson, D.E.	Marty	Morse	Waldorf

The motion prevailed.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Solon introduced—

S.F. No. 1665: A bill for an act relating to retirement; state patrol retirement plan; eliminating an age-related limit on service credit; amending Minnesota Statutes 1990, section 352B.01, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 1666: A bill for an act relating to local government; amending various laws relating to contracts and conflicts of interest; amending Minnesota Statutes 1990, sections 412.311; 412.691; 471.345, subdivisions 3, 4, and by adding a subdivision; and 471.88, subdivision 5; repealing Minnesota Statutes 1990, section 471.88, subdivision 8.

Referred to the Committee on Local Government.

Messrs. Sams and Chmielewski introduced—

S.F. No. 1667: A bill for an act relating to lawful gambling; specifying that certain expenditures for recreational snowmobiling are lawful purposes; amending Minnesota Statutes 1991 Supplement, section 349.12, subdivision 25.

Referred to the Committee on Gaming Regulation.

Mr. Samuelson introduced—

S.F. No. 1668: A bill for an act relating to local government; authorizing mail balloting for certain municipalities; amending Minnesota Statutes 1990, section 204B.45, subdivisions 1 and 2.

Referred to the Committee on Elections and Ethics.

Messrs. Finn, Morse and Lessard introduced—

S.F. No. 1669: A bill for an act relating to watercraft; allowing towing of persons with personal watercraft equipped with rearview mirrors; amending Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Messrs. Dicklich and Lessard introduced—

S.F. No. 1670: A bill for an act relating to education; restoring aid authorization and aid for late activity buses; amending Minnesota Statutes 1991 Supplement, sections 124.223, subdivision 1; 124.225, subdivision 1; and Laws 1991, chapter 265, article 2, section 19, subdivision 2.

Referred to the Committee on Education.

Mr. Luther introduced—

S.F. No. 1671: A bill for an act relating to statutes; providing for the numbering of session law chapters; amending Minnesota Statutes 1990, section 3C.04, subdivision 5.

Referred to the Committee on Judiciary.



further deduction of eight percent of all money in all pools; provided, however, that in the event that wagering on simulcasts and telerace simulcasts outside of the racing season exceeds \$125 million in any calendar year, the amount set aside for purses by this formula is increased to 30 percent on amounts between \$125,000,000 and \$150,000,000 wagered; 40 percent on amounts between \$150,000,000 and \$175,000,000 wagered; and 50 percent on amounts in excess of \$175,000,000 wagered. In lieu of the eight percent deduction, a deduction as agreed to between the licensee and the horsepersons' organization representing the majority of horsepersons racing at the licensee's class A facility during the preceding 12 months, is allowed after December 31, 2004.

The commission may by rule provide for the administration and enforcement of this subdivision. The deductions for payment to the sending out-of-state racetrack must be actual, except that when there exists any overlap of ownership, control, or interest between the sending out-of-state racetrack and the receiving licensee, the deduction must not be greater than three percent unless agreed to between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed racing the majority of races during the existing racing meeting or, if outside of the racing season, during the most recent racing meeting.

In lieu of the amount the licensee must pay to the commission for deposit in the Minnesota breeders fund under section 240.15, subdivision 1, the licensee shall pay 5-1/2 percent of the takeout from all pari-mutuel pools generated by wagering at the licensee's facility on full racing card simulcasts and full racing card telerace simulcasts of races not conducted in this state.

(b) From the money set aside for purses, the licensee shall pay to the horseperson's organization representing the majority of the horsepersons racing the breed involved and contracting with the licensee with respect to purses and the conduct of the racing meetings and providing representation, benevolent programs, benefits, and services for horsepersons and their on-track employees, an amount, sufficient to perform these services, as may be determined by agreement by the licensee and the horseperson's organization. The amount paid may be deducted only from the money set aside for purses to be paid in races for the breed represented by the horseperson's organization. With respect to racing meetings where more than one breed is racing, the licensee may contract independently with the horseperson's organization representing each breed racing.

(c) Notwithstanding sections 325D.49 to 325D.66, a horseperson's organization representing the majority of the horsepersons racing a breed at a meeting, and the members thereof, may agree to withhold horses during a meeting.

(d) Money set aside for purses from wagering, during the racing season, on simulcasts and telerace simulcasts must be used for purses for live races conducted at the licensee's class A facility during the same racing season, over and above the 8.4 percent purse requirement or any higher requirement to which the parties agree, for races conducted in this state. Money set aside for purses from wagering, outside of the racing season, on simulcasts and telerace simulcasts must be for purses for live races conducted at the licensee's class A facility during the next racing season, over and above the 8.4 percent purse requirement or any higher requirement to which the parties agree, for races conducted in this state.

(e) Money set aside for purses from wagering on simulcasts and telerace

simulcasts must be used for purses for live races involving the same breed involved in the simulcast or telereace simulcast except that money set aside for purses and payments to the breeders fund from wagering on full racing card simulcasts and full racing card telereace simulcasts of races not conducted in this state, occurring during a live mixed meet, must be allotted to the purses and breeders fund for each breed participating in the mixed meet in the same proportion that the number of live races run by each breed bears to the total number of live races conducted during the period of the mixed meet.

(f) The allocation of money set aside for purses to particular racing meets may be adjusted, relative to overpayments and underpayments, by contract between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed involved at the licensee's facility.

(g) Subject to the provisions of this chapter, money set aside from pari-mutuel pools for purses must be for the breed involved in the race that generated the pool, except that if the breed involved in the race generating the pari-mutuel pool is not racing in the current racing meeting, or has not raced within the preceding 12 months at the licensee's class A facility, money set aside for purses ~~must~~ *may* be distributed proportionately to those breeds that have run during the preceding 12 months *or paid to the commission and used for purses or to promote racing for the breed involved in the race generating the pari-mutuel pool, or both, in a manner prescribed by the commission.*

Sec. 2. Minnesota Statutes 1991 Supplement, section 240.13, subdivision 6, is amended to read:

Subd. 6. [SIMULCASTING.] The commission may permit an authorized licensee to conduct simulcasting or telereace simulcasting at the licensee's facility on any day authorized by the commission. All simulcasts and telereace simulcasts must comply with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 to 3007. In addition to telereacing programs featuring live racing conducted at the licensee's class A facility, the class E licensee may conduct not more than seven telereacing programs per week during the racing season, unless additional telereace simulcasting is authorized by the director and approved by the horsepersons' organization representing the majority of horsepersons racing the breed racing the majority of races at the licensee's class A facility during the preceding 12 months. The commission may not authorize any day for simulcasting at a class A facility during the racing season, and a licensee may not be allowed to transmit out-of-state telecasts of races the licensee conducts, unless the licensee has obtained the approval of the horsepersons' organization representing the majority of the horsepersons racing the breed involved at the licensed racetrack during the preceding 12 months. The licensee may pay fees and costs to an entity transmitting a telecast of a race to the licensee for purposes of conducting pari-mutuel wagering on the race. The licensee may deduct fees and costs related to the receipt of televised transmissions from a pari-mutuel pool on the televised race, provided that one-half of any amount recouped in this manner must be added to the amounts required to be set aside for purses.

With the approval of the commission and subject to the provisions of this subdivision, a licensee may transmit telecasts of races it conducts, for wagering purposes, to locations outside the state, and the commission may allow this to be done on a commingled pool basis.

Except as otherwise provided in this section, simulcasting and telerece simulcasting may be conducted on a separate pool basis or, with the approval of the commission, on a commingled pool basis. All provisions of law governing pari-mutuel betting apply to simulcasting and telerece simulcasting except as otherwise provided in this subdivision or in the commission's rules. If pools are commingled, wagering at the licensed facility must be on equipment electronically linked with the equipment at the licensee's class A facility or with the sending racetrack via the totalizator computer at the licensee's class A facility. Subject to the approval of the commission, the types of betting, takeout, and distribution of winnings on commingled pari-mutuel pools are those in effect at the sending racetrack. Breakage for pari-mutuel pools on a televised race must be calculated in accordance with the law or rules governing the sending racetrack for these pools, and must be distributed in a manner agreed to between the licensee and the sending racetrack. Notwithstanding subdivision 7 and section 240.15, subdivision 5, the commission may approve procedures governing the definition and disposition of unclaimed tickets that are consistent with the law and rules governing unclaimed tickets at the sending racetrack. For the purposes of this section, "sending racetrack" is either the racetrack outside of this state where the horse race is conducted or, with the consent of the racetrack, an alternative facility that serves as the racetrack for the purpose of commingling pools.

If there is more than one class B licensee conducting racing within the seven-county metropolitan area, simulcasting and telerece simulcasting may be conducted only on races run by a breed that ran at the licensee's class A facility within the 12 months preceding the event. ~~That portion of the takeout allocated for purses from pari-mutuel pools generated by wagering on standardbreds must be set aside and must be paid to the racing commission and used for purses as otherwise provided by this section or to promote standardbred racing or both, in a manner prescribed by the commission. In the event that a licensee conducts live standardbred racing, pools generated by live, simulcast, or telerece simulcasting at the licensee's facilities on standardbred racing are subject to the purse set-aside requirements otherwise provided by law.~~

Contractual agreements between licensees and horsepersons' organizations entered into before June 5, 1991, regarding money to be set aside for purses from pools generated by simulcasts at a class A facility, are controlling regarding purse requirements through the end of the 1992 racing season.

Sec. 3. Minnesota Statutes 1990, section 240.14, subdivision 3, is amended to read:

Subd. 3. [COUNTY FAIR RACING DAYS.] The commission may assign to a class D licensee the following racing days:

(1) those racing days, not to exceed ten racing days, that coincide with the days on which the licensee's county fair is running; and

(2) additional racing days, ~~not to exceed ten racing days, immediately before or after the days on which the licensee's county fair is running.~~

~~In no event shall the number of racing days assigned by the commission exceed 20 days.~~

~~The commission may not assign any days before July 1, 1989, as racing days to a class D licensee.~~

Sec. 4. Minnesota Statutes 1991 Supplement, section 240.15, subdivision 6, is amended to read:

Subd. 6. [DISPOSITION OF PROCEEDS.] The commission shall distribute all money received under this section, and all money received from license fees and fines it collects, as follows: all money designated for deposit in the Minnesota breeders fund must be paid into that fund for distribution under section 240.18 except that all money generated by full racing card simulcasts, or full racing card telerace simulcasts of races not conducted in this state, must be distributed as provided in section 240.18, ~~clause (2), paragraphs (a), (b), and (c) subdivisions 2, paragraph (d), clauses (1), (2), and (3); and 3.~~ Revenue from an admissions tax imposed under subdivision 1 must be paid to the local unit of government at whose request it was imposed, at times and in a manner the commission determines. All other revenues received under this section by the commission, and all license fees, fines, and other revenue it receives, must be paid to the state treasurer for deposit in the general fund.

Sec. 5. Minnesota Statutes 1991 Supplement, section 240.18, is amended by adding a subdivision to read:

*Subd. 3a. [OTHER CATEGORIES.] Available money apportioned to breeds other than breeds contained in subdivisions 2 and 3 shall be distributed as financial incentives to encourage horse racing and horse breeding for such breeds.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to horse racing; authorizing distribution from the breeders' fund for other breeds; removing limitations on fair racing days; amending Minnesota Statutes 1990, section 240.14, subdivision 3; Minnesota Statutes 1991 Supplement, sections 240.13, subdivisions 5 and 6; 240.15, subdivision 6; and 240.18, by adding a subdivision."

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

Mr. Frank from the Committee on Metropolitan Affairs, to which was referred

S.F. No. 1770: A bill for an act relating to metropolitan government; providing a name for the transportation accessibility advisory committee; amending Minnesota Statutes 1990, section 473.386, subdivisions 2 and 3.

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

Mr. Frank from the Committee on Metropolitan Affairs, to which was referred

S.F. No. 1931: A bill for an act relating to metropolitan government; providing funds for the operation and maintenance of metropolitan area regional parks; appropriating money.

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

Page 1, line 7, delete "\$3,000,000" and insert "\$ . . . . ."

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

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

S.F. No. 1909: A bill for an act relating to the treatment of juvenile offenders; establishing pilot projects for mental health and chemical dependency screening and treatment of juveniles in detention; appropriating money; amending Minnesota Statutes 1990, section 260.185, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260.

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

Page 1, line 14, delete "*special*" and insert "*four*" and after "*programs*" insert "*in counties*"

Page 1, line 19, delete "*are authorized to*" and insert "*shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans,*"

Page 2, line 10, before "*professional*" insert "*mental health or chemical dependency*" and before the semicolon, insert ". *If the youth is of a minority race or minority ethnic heritage, the mental health or chemical dependency professional must be skilled in and knowledgeable about the youth's racial and ethnic heritage, or must consult with a special mental health or chemical dependency consultant who has such knowledge so that the assessment is relevant, culturally specific, and sensitive to the youth's cultural needs*"

Page 2, line 31, after "*council*" insert "*established under section 245.4873, subdivision 3*"

Page 2, line 32, after "*council*" insert "*established under section 245.4875, subdivision 5*"

Page 3, line 6, delete the first "*and*" and insert a comma and after "*addressed*" insert ", *and treated*"

Page 3, line 32, after "*shall*" insert ", *in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans,*"

Page 4, line 7, delete "*attendance*" and insert "*performance*"

Page 4, line 21, delete "*impact of program on costs and*" and insert "*cost savings of the program and the impact on*"

Page 6, delete line 36

Page 7, delete lines 1 to 3

Page 7, line 4, delete "*3*" and insert "*2*"

Page 7, line 7, delete "*employment*" and insert "*intervention*"

Page 7, line 8, delete "*268.29*" and insert "*268.30*"

Page 7, line 9, delete "*4*" and insert "*3*"

Page 7, line 10, after "*to*" insert "*pay for out-of-home placement or to*"

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

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

S.F. No. 512: A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.201, 18.211 to 18.315, and 18.321 to 18.323.

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

Delete everything after the enacting clause and insert:

“Section 1. [18.75] [PURPOSE.]

*It is the policy of the legislature that residents of the state be protected from the injurious effects of noxious weeds on public health, the environment, public roads, crops, livestock, and other property. Sections 2 to 14 contain procedures for controlling and eradicating noxious weeds on all lands within the state.*

Sec. 2. [18.76] [CITATION.]

*Sections 2 to 14 may be cited as the “Minnesota noxious weed law.”*

Sec. 3. [18.77] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The definitions in this section apply to sections 2 to 14.*

*Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of agriculture or the authorized agents of the commissioner.*

*Subd. 3. [CONTROL.] “Control” means to destroy the aboveground growth of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.*

*Subd. 4. [ERADICATE.] “Eradicate” means to destroy the aboveground growth and the roots of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.*

*Subd. 5. [GROWING CROP.] “Growing crop” means an agricultural, horticultural, or forest crop that has been planted or regularly maintained and intended for harvest.*

*Subd. 6. [LAND.] “Land” means a parcel or tract of real estate including wetlands and public waters but not including buildings unless they are a place of business and open to the general public.*

*Subd. 7. [MUNICIPALITY.] “Municipality” means a home rule charter or statutory city or a township.*

*Subd. 8. [NOXIOUS WEED.] “Noxious weed” means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.*

*Subd. 9. [OCCUPANT.] “Occupant” means a person who uses land as a principal residence or who leases land or both.*

*Subd. 10. [PERMANENT PASTURE, HAY MEADOW, WOODLOT, AND OTHER NONCROP AREA.] "Permanent pasture, hay meadow, woodlot, and other noncrop area" means an area of predominantly native or seeded perennial plants that can be used for grazing or hay purposes but is not harvested on a regular basis and is not considered to be a growing crop.*

*Subd. 11. [PERSON.] "Person" means an individual, partnership, corporation, society, association, firm, public agency, or an agent for one of those entities.*

*Subd. 12. [PROPAGATING PARTS.] "Propagating parts" means plant parts, including seeds, that are capable of producing new plants.*

**Sec. 4. [18.78] [CONTROL OR ERADICATION OF NOXIOUS WEEDS.]**

*Subdivision 1. [GENERALLY.] Except as provided in section 11, a person owning land, a person occupying land, or a person responsible for the maintenance of public land shall control or eradicate all noxious weeds on the land at a time and in a manner ordered by the commissioner, the county agricultural inspector, or a local weed inspector.*

*Subd. 2. [CONTROL OF PURPLE LOOSESTRIPE.] An owner of non-federal lands underlying public waters or wetlands designated under section 103G.201 is not required to control or eradicate purple loosestrife below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 103G.201, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner of natural resources may enter upon public waters and wetlands designated under section 103G.201 and, after providing notification to the occupant or owner of the land, may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife. The commissioner, after consultation with the commissioner of agriculture, shall, by June 1 of each year, compile a priority list of purple loosestrife infestations to be controlled in designated public waters. The commissioner of agriculture must distribute the list to county agricultural inspectors, local weed inspectors, and their appointed agents. The commissioner of natural resources shall control listed purple loosestrife infestations in priority order within the limits of appropriations provided for that purpose. This procedure shall be the exclusive means for control of purple loosestrife on designated public waters by the commissioner of natural resources and shall supersede the other provisions for control of noxious weeds set forth elsewhere in chapter 18. The responsibility of the commissioner of natural resources to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife under sections 4 to 14. State officers, employees, agents, and contractors of the commissioner of natural resources are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.*

Sec. 5. [18.79] [DUTIES OF THE COMMISSIONER.]

*Subdivision 1. [ENFORCEMENT.] The commissioner of agriculture shall administer and enforce sections 2 to 14.*

*Subd. 2. [AUTHORIZED AGENTS.] The commissioner shall authorize department of agriculture personnel and may authorize, in writing, county agricultural inspectors to act as agents in the administration and enforcement of sections 2 to 14.*

*Subd. 3. [ENTRY UPON LAND.] To administer and enforce sections 2 to 14, the commissioner, authorized agents of the commissioner, county agricultural inspectors, and local weed inspectors may enter upon land without consent of the owner and without being subject to an action for trespass or any damages.*

*Subd. 4. [RULES.] The commissioner may make necessary rules for the proper enforcement of sections 2 to 14. The commissioner may designate the plants that are noxious by commissioner's order. The commissioner's orders under this subdivision are not subject to chapter 14.*

*Subd. 5. [ORDER FOR CONTROL OR ERADICATION OF NOXIOUS WEEDS.] The commissioner, a county agricultural inspector, or a local weed inspector may order the control or eradication of noxious weeds on any land within the state.*

*Subd. 6. [EDUCATIONAL PROGRAMS FOR CONTROL OR ERADICATION OF NOXIOUS WEEDS.] The commissioner shall conduct education programs considered necessary for weed inspectors in the enforcement of the noxious weed law. The director of the Minnesota extension service may conduct educational programs for the general public that will aid compliance with the noxious weed law.*

*Subd. 7. [MEETINGS AND REPORTS.] The commissioner shall designate by rule the reports that are required to be made and the meetings that must be attended by weed inspectors.*

*Subd. 8. [PRESCRIBED FORMS.] The commissioner shall prescribe the forms to be used by weed inspectors in the enforcement of sections 2 to 14.*

*Subd. 9. [INJUNCTION.] If the commissioner applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate sections 2 to 14, the injunction may be issued without requiring a bond.*

*Subd. 10. [PROSECUTION.] On finding that a person has violated sections 2 to 14, the commissioner may start court proceedings in the locality in which the violation occurred. The county attorney may prosecute actions under sections 2 to 14 within his or her jurisdiction.*

*Subd. 11. [QUARANTINE.] The commissioner may establish a noxious weed quarantine according to section 11 and may hire additional employees and purchase the necessary equipment, supplies, or services to properly carry out the eradication of noxious weeds on quarantined land.*

Sec. 6. [18.80] [INSPECTORS; EXPENSES.]

*Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] The county board shall appoint one or more county agricultural inspectors that meet the qualifications prescribed by rule. The appointment must be for a period of time which is sufficient to accomplish the duties assigned to this position.*



*A notice of the appointment must be delivered to the commissioner within ten days of the appointment and it must establish the initial number of hours to be worked annually.*

*Subd. 2. [LOCAL WEED INSPECTORS.] The supervisors of each town board and the mayor of each city shall act as local weed inspectors within their respective municipalities.*

*Subd. 3. [ASSISTANT WEED INSPECTORS.] A municipality may appoint one or more assistants to act on behalf of the appointing authority as a weed inspector for the municipality. The appointed assistant or assistants have the power, authority, and responsibility of the town board members or the city mayor in the capacity of weed inspector.*

**Sec. 7. [18.81] [DUTIES OF INSPECTORS.]**

*Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] It is the duty of county agricultural inspectors:*

*(1) to see that sections 2 to 14 and rules adopted under those sections are carried out within their jurisdiction;*

*(2) to see that sections 21.80 to 21.92 and rules adopted under those sections are carried out within their jurisdiction;*

*(3) to see that sections 21.71 to 21.78 and rules adopted under those sections are carried out within their jurisdiction;*

*(4) to participate in the control programs for feed, fertilizer, pesticide, and insect pests when requested, in writing, to do so by the commissioner;*

*(5) to participate in other agricultural programs under the control of the commissioner when requested to do so, subject to veto by the county board;*

*(6) to administer the distribution of funds allocated by the county board to the county agricultural inspector for noxious weed control and eradication within the county;*

*(7) to submit reports and attend meetings that the commissioner requires; and*

*(8) to publish a general weed notice of the legal duty to control noxious weeds in one or more legal newspapers of general circulation throughout the county.*

*Subd. 2. [LOCAL WEED INSPECTORS.] Local weed inspectors shall:*

*(1) examine all lands, including highways, roads, alleys, and public ground in the territory over which their jurisdiction extends to ascertain if section 4 and related rules have been complied with;*

*(2) see that the control or eradication of noxious weeds is carried out in accordance with section 9 and related rules;*

*(3) issue permits in accordance with section 8 and related rules for the transportation of materials or equipment infested with noxious weed propagating parts; and*

*(4) submit reports and attend meetings that the commissioner requires.*

*Subd. 3. [NONPERFORMANCE BY INSPECTORS; REIMBURSEMENT FOR EXPENSES.] (a) If local weed inspectors neglect or fail to do their duty as prescribed in this section, the commissioner shall issue a notice to the inspector providing instructions on how and when to do their duty.*

*If, after the time allowed in the notice, the local weed inspector has not complied as directed, the county agricultural inspector may perform the duty for the local weed inspector. A claim for the expense of doing the local weed inspector's duty is a legal charge against the municipality in which the inspector has jurisdiction. The county agricultural inspector doing the work may file an itemized statement of costs with the clerk of the municipality in which the work was performed. The municipality shall immediately issue proper warrants to the county for the work performed. If the municipality fails to issue the warrants, the county auditor may include the amount contained in the itemized statement of costs as part of the next annual tax levy in the municipality and withhold that amount from the municipality in making its next apportionment.*

*(b) If a county agricultural inspector fails to perform the duties as prescribed in this section, the commissioner shall issue a notice to the inspector providing instructions on how and when to do that duty.*

*(c) The commissioner shall by rule establish procedures to carry out the enforcement actions for nonperformance required by this subdivision.*

**Sec. 8. [18.82] [TRANSPORTATION OF NOXIOUS WEED PROPAGATING PARTS IN INFESTED MATERIAL OR EQUIPMENT.]**

*Subdivision 1. [PERMITS.] Except as provided in section 21.74, if a person wants to transport along a public highway materials or equipment containing the propagating parts of weeds designated as noxious by the commissioner, the person must secure a written permit for transportation of the material or equipment from a local weed inspector or county agricultural inspector. Inspectors may issue permits to persons residing or operating within their jurisdiction. If the noxious weed propagating parts are removed from materials and equipment or devitalized before being transported, a permit is not needed.*

*Subd. 2. [CONDITIONS OF PERMIT ISSUANCE.] The following conditions must be met before a permit under subdivision 1 may be issued:*

*(1) any material or equipment containing noxious weed propagating parts that is about to be transported along a public highway must be in a container that is sufficiently tight and closed or otherwise covered to prevent the blowing or scattering of the material along the highway or on other lands or water; and*

*(2) the destination for unloading and the use of the material or equipment containing noxious weed propagating parts must be stated on the permit along with the method that will be used to destroy the viability of the propagating parts and thereby prevent their being dumped or scattered upon land or water.*

*Subd. 3. [DURATION OF PERMIT; REVOCATION.] A permit under subdivision 1 is valid for up to one year after the date it is issued unless otherwise specified by the weed inspector issuing the permit. The permit may be revoked if a county agricultural inspector or local weed inspector determines that the applicant has not complied with this section.*

**Sec. 9. [18.83] [CONTROLLING OR ERADICATING NOXIOUS WEEDS; NOTICES; EXPENSES.]**

*Subdivision 1. [GENERAL WEED NOTICE.] A general notice for noxious weed control or eradication must be published on or before May 15 of each year and at other times the commissioner directs. Failure of the county*

*agricultural weed inspector to publish the general notice does not relieve a person from the necessity of full compliance with sections 2 to 14 and related rules. The published notice is legal and sufficient notice when an individual notice cannot be served.*

*Subd. 2. [INDIVIDUAL NOTICE.] A weed inspector may find it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the published general notice. In these special or individual instances, involving one or a limited number of persons, the weed inspector having jurisdiction shall serve individual notices in writing upon the person who owns the land and the person who occupies the land, or the person responsible for or charged with the maintenance of public land, giving specific instructions on when and how named noxious weeds are to be controlled or eradicated. Individual notices provided for in this section must be served in the same manner as a summons in a civil action in the district court or by certified mail. Service on a person living temporarily or permanently outside of the weed inspector's jurisdiction may be made by sending the notice by certified mail to the last known address of the person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.*

*Subd. 3. [APPEAL OF INDIVIDUAL NOTICE; APPEAL COMMITTEE.] (1) A recipient of an individual notice may appeal, in writing, the order for control or eradication of noxious weeds. This appeal must be filed with a member of the appeal committee in the county where the land is located within two working days of the time the notice is received. The committee must inspect the land specified in the notice and report back to the recipient and the inspector who issued the notice within five working days, either agreeing, disagreeing, or revising the order. The decision may be appealed in district court. If the committee agrees or revises the order, the control or eradication specified in the order, as approved or revised by the committee, may be carried out.*

*(2) The county board of commissioners shall appoint members of the appeal committee. The membership must include a county commissioner or municipal official and a landowner residing in the county. The expenses of the members may be reimbursed by the county upon submission of an itemized statement to the county auditor.*

*Subd. 4. [CONTROL OR ERADICATION BY INSPECTOR.] If a person does not comply with an individual notice served on the person or an individual notice cannot be served, the weed inspector having jurisdiction shall have the noxious weeds controlled or eradicated within the time and in the manner the weed inspector designates.*

*Subd. 5. [CONTROL OR ERADICATION BY INSPECTOR IN GROWING CROP.] A weed inspector may consider it necessary to control or eradicate noxious weeds along with all or a part of a growing crop to prevent the maturation and spread of noxious weeds within the inspector's jurisdiction. If this situation exists, the weed inspector may have the noxious weeds controlled or eradicated together with the crop after the appeal committee has reviewed the matter as outlined in subdivision 3 and reported back agreement with the order.*

*Subd. 6. [AUTHORIZATION FOR PERSON HIRED TO ENTER UPON LAND.] The weed inspector may hire a person to control or eradicate noxious weeds if the person who owns the land, the person who occupies the land, or the person responsible for the maintenance of public land has failed to*

*comply with an individual notice or with the published general notice when an individual notice cannot be served. The person hired must have authorization, in writing, from the weed inspector to enter upon the land.*

**Subd. 7. [EXPENSES; REIMBURSEMENTS.]** *A claim for the expense of controlling or eradicating noxious weeds, which may include the costs of serving notices, is a legal charge against the county in which the land is located. The officers having the work done must file with the county auditor a verified and itemized statement of cost for all services rendered on each separate tract or lot of land. The county auditor shall immediately issue proper warrants to the persons named on the statement as having rendered services. To reimburse the county for its expenditure in this regard, the county auditor shall certify the total amount due and, unless an appeal is made in accordance with section 10, enter it on the tax roll as a tax upon the land and it must be collected as other real estate taxes are collected.*

*If public land is involved, the amount due must be paid from funds provided for maintenance of the land or from the general revenue or operating fund of the agency responsible for the land. Each claim for control or eradication of noxious weeds on public lands must first be approved by the commissioner of agriculture.*

**Sec. 10. [18.84] [LIABILITY; APPEALS.]**

**Subdivision 1. [COUNTIES AND MUNICIPALITIES.]** *Counties and municipalities are not liable for damages from the noxious weed control program for actions conducted in accordance with sections 2 to 14.*

**Subd. 2. [APPEAL TO COUNTY BOARD.]** *A person who is ordered to control noxious weeds under sections 2 to 14 and is charged for noxious weed control may appeal the cost of noxious weed control to the county board of the county where the noxious weed control measures were undertaken within 30 days after being charged. The county board shall determine the amount and approve the charge and filing of a lien against the property if it determines that the owner, or occupant if other than the owner, responsible for controlling noxious weeds did not comply with the order of the inspector.*

**Subd. 3. [COURT APPEAL OF COSTS; PETITION.]** *(a) A landowner who has appealed the cost of noxious weed control measures under subdivision 2 may petition for judicial review. The petition must be filed within 30 days after the conclusion of the hearing before the county board. The petition must be filed with the court administrator in the county in which the land where the noxious weed control measures were undertaken is located, together with proof of service of a copy of the petition on the commissioner and the county auditor. No responsive pleadings may be required of the commissioner or the county, and no court fees may be charged for the appearance of the commissioner or the county in this matter.*

*(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner of agriculture and respective county as respondents. The petition must include the petitioner's name, the legal description of the land involved, a copy of the notice to control noxious weeds, and the date or dates on which appealed control measures were undertaken.*

*(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of noxious weed control measures.*

*Subd. 4. [HEARING.] (a) A hearing under subdivisions 3 to 5 must be held at the earliest practicable date, and in no event later than 90 days following the filing of the petition of objection. The hearing must be before a district judge in the county in which the land where the noxious weed control measures were undertaken is located, and must be conducted in accordance with the district court rules of civil procedure.*

*(b) The court shall either order that a lien representing part or all of the costs for noxious weed control measures be imposed against the land or that the landowner be relieved of responsibility for payment of noxious weed control measures undertaken.*

*Subd. 5. [FURTHER APPEAL.] A party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.*

**Sec. 11. [18.85] [NOXIOUS WEED QUARANTINE.]**

*Subdivision 1. [NEED FOR QUARANTINE.] If there is an infestation of noxious weeds beyond the ability of the person who owns or occupies the land to eradicate it, the commissioner may, upon request of the person who owns the land or on the commissioner's own initiative, take necessary steps to prevent the further spread of the weed. To this end, the commissioner may quarantine a tract of land that is infested and put into operation the necessary means for the eradication of the weed; provided that the county and municipality in which the land is located must approve of the quarantine before it can be initiated.*

*Subd. 2. [NOTICE OF QUARANTINE.] The commissioner, upon entering a tract of land for the purpose of this section, shall notify in writing the persons who own or occupy the land of the entry and quarantine. If the necessary means of eradication have been completed, the commissioner shall notify, in writing, the persons who own or occupy the land that the quarantine effort is complete.*

*Subd. 3. [EXPENSES.] The expenses for eradication of noxious weeds on quarantined land must be paid by the commissioner from the funds provided for this purpose.*

*Counties, municipalities, and owners or occupants must reimburse the commissioner before January 1 of each year. The county shall pay 20 percent of the expenses, the municipality shall pay ten percent, and the owner or occupant shall pay ten percent.*

**Sec. 12. [18.86] [UNLAWFUL ACTS.]**

*No person may:*

*(1) hinder or obstruct in any way the commissioner, the commissioner's authorized agents, county agricultural inspectors, or local weed inspectors in the performance of their duties as provided in sections 2 to 14 or related rules;*

*(2) neglect, fail, or refuse to comply with section 8 or related rules in the transportation and use of material or equipment infested with noxious weed propagating parts;*

*(3) sell material containing noxious weed propagating parts to a person who does not have a permit to transport that material or to a person who does not have a screenings permit issued in accordance with section 21.74; or*

*(4) neglect, fail, or refuse to comply with a general notice or an individual notice to control or eradicate noxious weeds.*

Sec. 13. [18.87] [PENALTY.]

*A violation of section 12 or a rule adopted under that section is a misdemeanor. County agricultural inspectors, local weed inspectors, or their appointed assistants are not subject to the penalties of this section for failure, neglect, or refusal to perform duties imposed on them by sections 2 to 14.*

Sec. 14. [18.88] [NOXIOUS WEED PROGRAM FUNDING.]

*Subdivision 1. [COUNTY.] The county board shall pay, from the general revenue or other fund for the county, the expenses for the county agricultural inspector position, for noxious weed control or eradication on all land owned by the county or on land that the county is responsible for the maintenance of, for the expenses of the appeal committee, and for necessary expenses as required for quarantines within the county.*

*Subd. 2. [MUNICIPALITY.] The municipality shall pay, from the general revenue or other fund for the municipality, the necessary expenses of the local weed inspector in the performance of duties required for quarantines within the municipality, and for noxious weed control or eradication on land owned by the municipality or on land for which the municipality is responsible for its maintenance.*

Sec. 15. [REPEALER.]

*Minnesota Statutes 1990, sections 18.171; 18.181; 18.182; 18.189; 18.192; 18.201; 18.211; 18.221; 18.231; 18.241; 18.251; 18.261; 18.271; 18.272; 18.281; 18.291; 18.301; 18.311; 18.312; 18.315; 18.321; 18.322; and 18.323; and Minnesota Statutes 1991 Supplement, section 18.191, are repealed.*

Sec. 16. [EFFECTIVE DATE.]

*Sections 1 to 15 are effective January 1, 1993."*

Delete the title and insert:

*"A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.189; 18.192; 18.201; 18.211 to 18.315; and 18.321 to 18.323; Minnesota Statutes 1991 Supplement, section 18.191."*

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

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

S.F. Nos. 2047, 2114, 2134 and 2174 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 2047 to the Committee on Environment and Natural Resources.

S.F. No. 2114 to the Committee on Finance.

S.F. No. 2134 to the Committee on Judiciary.

S.F. No. 2174 to the Committee on Taxes and Tax Laws.

Report adopted.

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

S.F. No. 1323: A bill for an act relating to metropolitan government; providing for the appointments and terms of the metropolitan council; assigning duties relating to transit; providing for a part-time chair of the regional transit board; clarifying the districts of the regional transit board; requiring metropolitan agencies to file budgets with the legislature; providing for senate confirmation for the chairs of certain metropolitan agencies; requiring metropolitan council approval of certain regional transit board activity; requiring studies; amending Minnesota Statutes 1990, sections 15A.081, subdivisions 1 and 7; 473.123, subdivisions 2a, 3, and 4; 473.303, subdivision 3; 473.373, subdivisions 4a and 5; 473.375, subdivisions 8, 14, and 15; 473.38, subdivision 2, and by adding a subdivision; 473.404, subdivisions 2 and 6; 473.553, subdivision 3; and 473.604, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473.

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

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

S.F. No. 1750: A bill for an act proposing an amendment to the Minnesota Constitution, article XIV; dedicating and allocating motor vehicle excise tax proceeds to highway and transit purposes; creating Minnesota mobility trust fund and surface transportation fund; increasing gasoline tax; making technical changes; amending Minnesota Statutes 1990, sections 174.32; and 296.02, subdivision 1b; Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 174; and 297B; repealing Minnesota Statutes 1991 Supplement, sections 161.041; and 297B.09.

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

Delete everything after the enacting clause and insert:

#### "ARTICLE I

##### Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

*An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIV, section 12, will read:*

*Sec. 12. The Minnesota mobility trust fund is created. The proceeds of the tax levied on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, that is required to be registered under the laws of this state must be credited to the Minnesota mobility trust fund and apportioned to the surface transportation fund and the transit assistance fund according to the following schedule:*

*(1) for the fiscal biennium ending June 30, 1995, 40 percent to the Minnesota mobility trust fund for apportionment as follows: 60 percent to the surface transportation fund and 40 percent to the transit assistance fund;*

(2) for the fiscal biennium ending June 30, 1997, 70 percent to the Minnesota mobility trust fund for apportionment as follows: 75 percent to the surface transportation fund and 25 percent to the transit assistance fund; and

(3) after June 30, 1997, 100 percent to the Minnesota mobility trust fund for apportionment as follows: not less than 25 percent to the transit assistance fund and the remainder to the surface transportation fund.

**Sec. 2. [SUBMISSION TO VOTERS.]**

*The proposed amendment must be submitted to the people at the 1992 general election. The question submitted shall be:*

*"Shall the Minnesota Constitution be amended to dedicate proceeds of the motor vehicle excise tax, over a five-year period, to the Minnesota mobility trust fund with at least 25 percent apportioned to the transit assistance fund and the remainder apportioned to the surface transportation fund?"*

*Yes . . . . .*  
*No . . . . .*

*Election procedures shall be as provided by law.*

**Sec. 3. Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 3, is amended to read:**

**Subd. 3. [ESTIMATES; REDUCTION OF PAYMENTS.]** (a) At the beginning of each fiscal year the commissioner, in consultation with the commissioner of revenue, shall estimate for the fiscal year:

(1) the amount of revenues to be deposited in the trust fund under ~~sections~~ ~~section 297A.44 and 297B.09~~ and other law; and

(2) the payments authorized by law to be made out of the trust.

If the estimated payments exceed the estimated receipts of the trust fund, the appropriations from the trust to each program are proportionately reduced, unless otherwise provided by law.

If the estimated receipts of the trust fund exceed the estimated payments by \$1,000,000 or more, the appropriation from the trust fund to each intergovernmental aid program is increased proportionately. The aid paid to each local government under the program is increased proportionately unless otherwise provided by law.

(b) If as a result of changes in economic conditions or if information becomes available that indicates changes either in receipts or payments from the trust fund, the commissioner may at other times estimate the amount of receipts or payments and reduce or restore the appropriations under paragraph (a).

**Sec. 4. Minnesota Statutes 1990, section 160.02, subdivision 7, is amended to read:**

**Subd. 7. [ROAD OR HIGHWAY.]** "Road" or "highway" is a corridor designed primarily for the efficient transportation of people and goods and includes, unless otherwise specified, the several kinds of highways as defined in this section, including roads designated as minimum-maintenance roads, and also cartways, together with all bridges or other structures thereon which form a part of the same.



Sec. 5. Minnesota Statutes 1990, section 160.02, is amended by adding a subdivision to read:

*Subd. 16. [CITY.] Notwithstanding section 410.015, "city" includes both statutory and home rule charter cities.*

Sec. 6. [161.087] [HIGHWAY PURPOSES.]

*(a) Revenues derived from the taxes imposed under chapters 168 and 296 and deposited in the highway user tax distribution fund may be used for highway projects, including public transit projects in highway corridors, that are designed to:*

*(1) maximize federal matching funds available under the federal Intermodal Surface Transportation Efficiency Act of 1991;*

*(2) contribute to attaining the congestion mitigation and ambient air quality standards of the federal Clean Air Act;*

*(3) relieve congestion and expedite travel;*

*(4) conserve energy; and*

*(5) reduce highway damage and other costs of highway use.*

*The uses in clauses (1) to (5) are deemed to be for highway purposes.*

*(b) "Public transit" means transit facilities available to the general public and includes the real property, equipment, and improvements used, constructed, operated, or maintained to provide transit facilities.*

Sec. 7. Minnesota Statutes 1990, section 162.02, subdivision 8, is amended to read:

*Subd. 8. [APPROVAL BY CITY.] No portion of the county state-aid highway system lying within the corporate limits of any city shall be constructed, reconstructed, or improved nor the grade thereof changed ~~without the prior approval of the plans by the governing body of such city and the approval shall be in the manner and form required by the commissioner unless~~ (1) the action has been approved by the city council of the city in which the portion lies, in the manner and form prescribed by the commissioner, or (2) the action has been authorized by the commissioner as provided in subdivision 8a.*

Sec. 8. Minnesota Statutes 1990, section 162.02, is amended by adding a subdivision to read:

*Subd. 8a. [REVIEW COMMITTEE.] (a) If a county proposes to abandon, change, revoke, construct, reconstruct, improve, or change the grade of a portion of a county state-aid highway lying within a city, and the city has refused to approve the action as provided in subdivision 8 or 10, the county may refer the dispute to the commissioner for resolution. A county may not refer a dispute for resolution under this section until one year from the date the action was submitted to the city council for approval. On receiving a request for dispute resolution, the commissioner shall establish a review committee consisting of the following five members:*

*(1) one county commissioner and one county engineer, both appointed by the commissioner from the membership of the county state-aid advisory committee established in subdivision 2;*

*(2) one city council member and one city engineer, both appointed by the commissioner from the membership of the municipal state-aid rules advisory*

*committee established in section 162.09, subdivision 2; and*

*(3) the department of transportation state-aid engineer or the state-aid engineer's designee.*

*(b) Within 30 days of its establishment and after notice to the affected city and county and to the commissioner, the review committee shall hold at least one public hearing on the disputed action. At the completion of its hearings, the review committee shall make a recommendation to the commissioner. Within ten days of receiving the review committee's recommendation, the commissioner shall issue an order (1) authorizing the action, (2) authorizing the action as modified by the commissioner, or (3) refusing to authorize the action. A county may not proceed with an action referred to the commissioner under this subdivision except in accordance with the commissioner's order.*

Sec. 9. Minnesota Statutes 1990, section 162.02, subdivision 10, is amended to read:

Subd. 10. [ABANDONMENT OR REVOCATION.] County state-aid highways may be abandoned, changed, or revoked by joint action of the county board and the commissioner. If a county state-aid highway is established or located within the limits of a city, it shall not be abandoned, changed, or revoked without the concurrence of the governing body of such city; provided, that ~~any county state-aid highway established or located within a city may be abandoned, or revoked without concurrence if the city refuses or neglects for a period of one year after submittal to approve plans for the construction of such highway which plans conform to the construction standards provided in the commissioner's rules a county may refer a city's refusal to approve of an abandonment, change, or revocation to the commissioner for resolution as provided in subdivision 8a.~~

Sec. 10. Minnesota Statutes 1990, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ten percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ten percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to 30 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total ~~miles existing~~ lane-miles of approved county state-aid highways bears to the total ~~miles existing~~ lane-miles of approved statewide county state-aid highways.

(4) An amount equal to 50 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive

of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.

Sec. 11. Minnesota Statutes 1990, section 162.07, subdivision 5, is amended to read:

Subd. 5. [SCREENING BOARD.] On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage in *lane-miles* of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of ~~nine county engineers. The board shall be so selected that each one county engineer appointed shall be from a different from each state highway construction district and one county engineer as a permanent representative from each urban county, as defined in section 162.07, subdivision 4.~~ No county engineer appointed to represent a state highway construction district shall be appointed so as to serve consecutively for more than two years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's *lane* mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the *lane* mileage of each system and the money needs of each county shall be made by the commissioner.

Sec. 12. Minnesota Statutes 1990, section 162.07, subdivision 6, is amended to read:

Subd. 6. [ESTIMATES TO BE MADE IF INFORMATION NOT PROVIDED.] In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the *lane* mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted.

Sec. 13. Minnesota Statutes 1990, section 162.09, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] There is created a municipal state-aid street system within cities having a population of 5,000 or more. The extent of the municipal state-aid street system shall not exceed ~~2,500~~ 3,000 miles, plus the mileage of all trunk highways reverted or turned back to the jurisdiction of cities pursuant to law on and after July 1, 1965. The system shall be established, located, constructed, reconstructed, improved, and maintained as public highways within such cities under rules, not inconsistent with this section, made and promulgated by the commissioner as hereinafter provided.

Sec. 14. Minnesota Statutes 1990, section 162.09, subdivision 4, is amended to read:

Subd. 4. ~~[FEDERAL CENSUS TO BE CONCLUSIVE POPULATION DETERMINATION.]~~ (a) In determining whether any city has a population of 5,000 or more, the ~~last federal census population established by the most recent federal census~~, by a special census conducted under contract with the United States Bureau of the Census, by a population estimate made by the metropolitan council, or by a population estimate of the state demographer made pursuant to section 4A.02, whichever is the most recent as to the stated date of the count or estimate for the preceding calendar year, shall be conclusive.

(b) A city that has previously been classified as having a population of 5,000 or more for the purposes of chapter 162 and whose population decreases by less than 15 percent from the census figure that last qualified the city for inclusion shall ~~receive the following percentages of its 1981 apportionment for the years indicated: 1982, 66 percent and 1983, for the two years following the last year the city qualified for inclusion, receive the following percentages of its last apportionment: in the first year, 66 percent and in the second year, 33 percent.~~ Thereafter the city shall not receive any apportionment from the municipal state-aid street fund unless its population is determined to be 5,000 or over by a federal census in paragraph (a). ~~The governing body of the city may contract with the United States Bureau of the Census to take one special census before January 1, 1986. A certified copy of the results of the census shall be filed with the appropriate state authorities by the city. The result of the census shall be the population of the city for the purposes of any law providing that population is a required qualification for distribution of highway aids under chapter 162. The special census shall remain in effect until the 1990 federal census is completed and filed. The expense of taking the special census shall be paid by the city.~~

(c) If an entire area not heretofore incorporated as a city is incorporated as such during the interval between federal censuses, its population shall be determined by its incorporation census. The incorporation census shall be determinative of the population of the city only until the next federal census.

Sec. 15. Minnesota Statutes 1990, section 162.13, subdivision 3, is amended to read:

Subd. 3. [SCREENING COMMITTEE.] On or before September 1 of each year, the engineer of each city having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board of city engineers. The board shall be composed of *two engineers from the state highway construction district in the metropolitan area, as defined in section 473.121, subdivision 2*, one engineer from each state highway construction district *outside the metropolitan area*, and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city shall be made by the commissioner. In the event that any city shall fail to submit the information provided for herein, the commissioner shall estimate the

money needs of the city. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city until the information is submitted.

Sec. 16. Minnesota Statutes 1990, section 162.155, is amended to read:  
162.155 [RULES.]

The commissioner shall adopt rules, ~~no later than January 1, 1980,~~ in accordance with ~~sections 15.041 to 15.052, chapter 14~~ setting forth the criteria to be considered by the commissioner in evaluating requests for variances under sections 162.02, subdivision 3a and 162.09, subdivision 3a. The rules shall include, but are not limited to, economic, engineering and safety guidelines. ~~The engineering standards adopted pursuant to section 162.07, subdivision 2, or 162.13, subdivision 2, shall be adopted pursuant to the requirements of chapter 15 by July 1, 1980.~~

Sec. 17. Minnesota Statutes 1990, section 174.03, is amended by adding a subdivision to read:

*Subd. 9. [METROPOLITAN PROJECT PRIORITY.] The commissioner and the metropolitan planning organization established by section 473.123, shall give priority to projects in highway corridors in the metropolitan area defined in section 473.121, subdivision 2, that are for the highway purposes under section 6, and that maximize the following goals of the state transportation system: a reasonable travel time for commuters; increased high-occupancy vehicle use; and increased public transit use in the urban areas by giving highest priority to the transportation modes projected to move the greatest number of people.*

Sec. 18. Minnesota Statutes 1990, section 174.23, is amended by adding a subdivision to read:

*Subd. 9. [STATE TRANSIT SYSTEM AND PLAN.] By January 1, 1996, the commissioner shall provide a comprehensive, coordinated public transit system serving every county of the state. By January 1, 1993, the commissioner shall submit a plan to the legislature to implement coordinated state-wide public transit service.*

Sec. 19. Minnesota Statutes 1990, section 174.32, subdivision 2, is amended to read:

*Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] (a) The transit assistance fund receives money ~~distributed under section 297B.09 from the Minnesota mobility trust fund as provided in the Minnesota Constitution, article 14, section 12.~~ Eighty percent of the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. Except as otherwise provided in this subdivision, the regional transit board created by section 473.373 is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account. Money placed in the metropolitan account is available for distribution to regional railroad authorities established under chapter 398A in the metropolitan area, by the commissioner of transportation as provided in paragraph (b).*

*(b) The commissioner shall request applications from all eligible regional railroad authorities. The commissioner shall establish a reasonable deadline for submittal of applications. The commissioner may not distribute more*

than 60 percent of the available funds to a single recipient. Before distributing money to any regional railroad authority, the commissioner shall submit the applications to the regional transit board for approval. The commissioner may distribute funds only with the approval of the board. Before approving any application for funds for construction, the board shall report to the legislature on the use and planned distribution of construction funds.

Sec. 20. [174.60] [MINNESOTA MOBILITY TRUST FUND.]

*Subdivision 1. [COMPOSITION.] The Minnesota mobility trust fund shall consist of the proceeds of the motor vehicle excise tax as provided in the Minnesota Constitution, article 14, section 12; money received from the federal government or any other public or private source; and any other money otherwise allotted, appropriated, or legislated to the fund.*

*Subd. 2. [INVESTMENT OF THE MINNESOTA MOBILITY TRUST FUND.] Upon the request of the commissioner, money in the Minnesota mobility trust fund shall be invested by the state board of investment in those securities authorized for that purpose in section 11A.21. All interest and profits from the investments shall be credited to the Minnesota mobility trust fund. The state treasurer shall be the custodian of all securities purchased under this section.*

Sec. 21. [174.65] [SURFACE TRANSPORTATION FUND.]

*Subdivision 1. [ESTABLISHMENT.] The surface transportation fund is created in the state treasury consisting of money from the Minnesota mobility trust fund as provided in the Minnesota Constitution, article 14, section 12.*

*Subd. 2. [USES OF FUND.] Money in the surface transportation fund may be expended by appropriation for:*

*(1) activities of the commissioner of public safety relating to (i) driver licensing, (ii) motor vehicle registration and licensing, (iii) the accident reporting system, and (iv) the state patrol;*

*(2) activities of the commissioner of transportation relating to oversize and overweight permits, including the cost of necessary highway maintenance and preservation related to granting those permits;*

*(3) activities of the commissioner of transportation related to junkyard screening and control of outdoor advertising devices;*

*(4) activities of the transportation regulation board related to motor carrier regulation;*

*(5) repayment of money borrowed for new buildings, and improvements to existing buildings, of the department of transportation;*

*(6) railroad grade crossing protection studies, grade crossing inventories, and grade crossing public education;*

*(7) activities of the transportation study board;*

*(8) improvements and maintenance of trunk highways;*

*(9) improvements and maintenance of county state-aid highways;*

*(10) improvements and maintenance of municipal state-aid streets;*

(11) construction and reconstruction of key bridges on the state transportation system;

(12) programs to improve highway safety;

(13) planning and engineering design for transit services and facilities;

(14) capital assistance to purchase or refurbish transit vehicles, and other capital expenditures necessary to transit service; and

(15) other assistance for public transit services that furthers the purposes of section 174.21.

*Subd. 3. [DISTRIBUTION.] The amount remaining in the surface transportation fund after the legislature has made appropriations for the purposes in subdivision 2, clauses (1) to (7), must be allocated on the basis of the population of each state highway construction district, as determined by the last federal decennial census. Of the money allocated within a district, 38 percent shall be available for eligible projects proposed by counties and cities having a population greater than 5,000 in the district.*

Sec. 22. Minnesota Statutes 1990, section 296.02, subdivision 1b, is amended to read:

*Subd. 1b. [RATES IMPOSED.] The gasoline excise tax is imposed at the following rate:*

*For the period on and after May 1, 1988 1992, gasoline is taxed at the rate of 20 25 cents per gallon.*

Sec. 23. [297B.095] [ALLOCATION OF REVENUE.]

*Subdivision 1. [GENERAL FUND AND MINNESOTA MOBILITY TRUST FUND SHARE.] Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund or to the Minnesota mobility trust fund as provided in this section. Money credited to the Minnesota mobility trust fund must be transferred from the Minnesota mobility trust fund on July 15 and February 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.*

*Subd. 2. [DISTRIBUTION.] (a) Forty percent of the money collected and received under this chapter after June 30, 1993, and before July 1, 1995, must be credited to the Minnesota mobility trust fund and transferred to the surface transportation fund and transit assistance for apportionment as follows: 60 percent must be transferred to the surface transportation fund and 40 percent must be transferred to the transit assistance fund.*

*(b) Seventy percent of the money collected and received under this chapter after June 30, 1995, and before July 1, 1997, must be credited to the Minnesota mobility trust fund and transferred to the surface transportation fund and the transit assistance fund for apportionment as follows: 75 percent must be transferred to the surface transportation fund for the same purposes as other money in that fund and 25 percent must be transferred to the transit assistance fund.*

*(c) One hundred percent of the money collected and received under this chapter after July 1, 1997, must be credited to the Minnesota mobility trust fund for apportionment as follows: at least 25 percent must be transferred to the transit assistance fund and the remainder to the surface transportation fund.*

**Sec. 24. [INSTRUCTION TO REVISOR.]**

*The revisor of statutes is directed to change the references to "section 297B.09" and "section 297B.09, subdivision 1," in Minnesota Statutes, sections 168.27, subdivision 16, 174.32, subdivision 2, 297B.031, and 297B.035, subdivision 2, to "section 297B.095."*

**Sec. 25. [NONSEVERABILITY.]**

*Sections 6 and 22 are not severable. If any provision of section 6 or 22 is held invalid, sections 6 and 22 are without effect.*

**Sec. 26. [REPEALER.]**

*Minnesota Statutes 1991 Supplement, sections 161.041 and 297B.09, are repealed.*

**Sec. 27. [EFFECTIVE DATE.]**

*Sections 3, 19 to 21, 23, 24, and 26 are effective on the date the constitutional amendment proposed in section 1 is adopted by the people of Minnesota. Section 22 is effective May 1, 1992.*

**ARTICLE 2**

**Section 1. [ISSUANCE OF STATE TRANSPORTATION BONDS.]**

*On the request of the commissioner of transportation, the commissioner of finance shall issue and sell Minnesota state transportation bonds for the purposes provided in Minnesota Statutes, section 174.51, subdivision 1, in the aggregate principal amount of \$60,000,000 in the manner and on the conditions prescribed in Minnesota Statutes, section 174.51, and in article XI of the Minnesota Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes, section 174.51, subdivision 5, must be deposited in the Minnesota state transportation fund for expenditure in accordance with section 2 and with Minnesota Statutes, section 174.50.*

**Sec. 2. [APPROPRIATION AND DISTRIBUTION OF PROCEEDS.]**

*Subdivision 1. [APPROPRIATION.] \$60,000,000, or as much of that sum as the commissioner of transportation determines is needed, is appropriated from the Minnesota state transportation fund to the commissioner of transportation. The commissioner shall spend this sum as grants to political subdivisions for the construction and reconstruction of key bridges on the state transportation system. This appropriation is available until spent.*

*Subd. 2. [ALLOCATION.] The commissioner shall not spend more than \$30,000,000 of this appropriation in any fiscal year. Total grants in any fiscal year may not exceed the following limits:*

*(1) to counties, \$16,100,000;*

*(2) to cities, \$6,500,000; and*

*(3) to towns, \$7,400,000.*

*Subd. 3. [USES.] Political subdivisions may use grants made under this section for purposes of construction and reconstruction of bridges,*



including:

(1) matching federal-aid grants for the construction or reconstruction of key bridges;

(2) paying the costs of abandoning an existing bridge that is deficient and in need of replacement, but where no replacement will be made;

(3) paying the costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than the replacement of the existing bridge; and

(4) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a.

### ARTICLE 3

#### Section 1. [ISSUANCE OF STATE TRANSPORTATION BONDS.]

*On the request of the commissioner of transportation, the commissioner of finance shall issue and sell Minnesota state transportation bonds for the purposes provided in Minnesota Statutes, section 174.51, subdivision 1, in the aggregate principal amount of \$37,553,000 in the manner and on the conditions prescribed in Minnesota Statutes, section 174.51, and in article XI of the Minnesota Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes, section 174.51, subdivision 5, must be deposited in the Minnesota state transportation fund for expenditure in accordance with section 2 and with Minnesota Statutes, section 174.50.*

#### Sec. 2. [APPROPRIATION AND DISTRIBUTION OF PROCEEDS.]

*Subdivision 1. [APPROPRIATION.] \$37,553,000, or as much of that sum as the commissioner of transportation determines is needed, is appropriated from the Minnesota state transportation fund to the commissioner of transportation. The commissioner shall spend this sum to take advantage of federal aid appropriated for special projects in the federal Intermodal Surface Transportation Efficiency Act of 1991 and the Fiscal Year 1992 Department of Transportation and Related Agencies Act. This appropriation is available until spent.*

*Subd. 2. [ALLOCATION.] The commissioner shall allocate this appropriation as follows:*

*(1) for construction and reconstruction of Forest highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, \$3,701,000;*

*(2) 77th Street reconstruction project, Richfield, \$6,600,000;*

*(3) Mankato south route improvements, Mankato, \$2,500,000;*

*(4) trunk highway 37 and Hughes road, \$125,000;*

*(5) Nicollet county state-aid highway 41 for roadway stabilization and rockfall control, North Mankato, \$750,000;*

*(6) Bloomington ferry bridge replacement, Shakopee, \$23,690,000; and*

*(7) University of Minnesota Humphrey Institute, \$188,000."*

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution,

article XIV; dedicating and allocating motor vehicle excise tax proceeds to highway and transit purposes; providing for resolution of local disapproval of certain county state-aid highway actions; providing that part of county state-aid highway fund be apportioned on basis of lane-miles; changing composition of county state-aid screening board; increasing municipal state-aid system mileage; revising the basis for determining population; changing composition of municipal screening board; amending the definition of highway and defining highway purpose; giving priority to certain metropolitan highway projects; requiring a statewide transit plan and system; creating Minnesota mobility trust fund and surface transportation fund; increasing gasoline tax; making technical changes; amending Minnesota Statutes 1990, sections 160.02, subdivision 7, and by adding a subdivision; 162.02, subdivisions 8 and 10, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; 162.09, subdivisions 1 and 4; 162.13, subdivision 3; 162.155; 174.03, by adding a subdivision; 174.23, by adding a subdivision; 174.32, subdivision 2; and 296.02, subdivision 1b; Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 161; 174; and 297B; repealing Minnesota Statutes 1991 Supplement, sections 161.041; and 297B.09."

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

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

S.F. No. 1950: A bill for an act relating to tax increment financing; establishing a special environmental treatment area; establishing tax increment financing districts; providing certain contaminant remediation and development powers; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Delete everything after the enacting clause and insert:

"Section 1. [FINDINGS; PURPOSE.]

*The legislature finds that historical uses of properties within or adjacent to certain geographic areas within Minnesota communities have contributed to the known or suspected contamination of the areas, that the known or suspected contamination of these geographic areas is significant and widespread, that the welfare of the state requires environmentally sound remediation of contaminated sites, that certain of the contaminated geographic areas can be made suitable for development if contaminants are removed but that the areas cannot be developed for any purpose unless remediation is undertaken or ensured, and that the remediation and development of the contaminated geographic areas are public purposes in the interests of environmental quality, contamination management and disposal, and economic development, for which the expenditure of public funds and the exercise of the powers provided in sections 2 to 10 are authorized and in the public interest.*

*It is not the intent of sections 2 to 10 to reduce, alter, or modify the liability under Minnesota or federal environmental law of a responsible person as defined in Minnesota Statutes, section 115B.03.*

Sec. 2. [469.301] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] As used in sections 2 to 10, the terms defined in this section have the meanings given them.*

*Subd. 2. [ADDITIONAL TAX INCREMENT.] "Additional tax increment" means the tax increment received by the city which is derived from any reduction of the original net tax capacity of property within the area under section 5, paragraph (e).*

*Subd. 3. [AGENCY.] "Agency" means the Minnesota pollution control agency.*

*Subd. 4. [AREA.] "Area" means a special environmental treatment area established under section 3.*

*Subd. 5. [CITY.] "City" means an "authority" as defined in section 469.174, subdivision 2, a "municipality" as defined in section 469.174, subdivision 6, a county, or a housing and redevelopment authority, port authority, economic development authority, or a similar authority created under a special law.*

*Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of the agency.*

*Subd. 7. [CONTAMINATION.] "Contamination" means the presence or possible presence on, within, or otherwise affecting the area, or properties adjacent to the area if suspected of being a contributing source of contamination of the area, of:*

*(1) a substance defined as a "hazardous substance" or "toxic substance" in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, United States Code, title 42, section 9061, et seq.;*

*(2) a substance defined as a "hazardous substance," "hazardous waste," or "pollutant or contaminant" in section 115B.02; or*

*(3) another substance or contaminant whose removal or remediation is necessary to the development of the area.*

*Subd. 8. [DISTRICT.] "District" means a tax increment financing district established within an area as authorized by sections 2 to 10.*

*Subd. 9. [ELIGIBLE COSTS.] "Eligible costs" means the costs eligible for payment from tax increments as provided in section 7.*

*Subd. 10. [ELIGIBLE PERSON.] "Eligible person" means a person who did not own, use, occupy, or contribute to the contamination in, or provide financing with respect to, a contaminated parcel before the date of inclusion in an area of the eligible site which includes the contaminated parcel.*

*Subd. 11. [ELIGIBLE SITE.] "Eligible site" means one or more parcels which satisfy the criteria stated in section 3, subdivision 4.*

*Subd. 12. [PLAN.] "Plan" or "area plan" means the plan required by section 3, as from time to time amended.*

*Subd. 13. [REMEDIATION.] "Remediation" means activity constituting "removal," "remedy," "remedial action," or "response" as those terms are defined in section 115B.02; environmental audits; pollution tests; demolition*

*undertaken in connection with remediation; soil removal, correction, disposal, or compaction undertaken in connection with remediation; preparation and implementation of environmental response plans; administrative, legal, including litigation, and professional fees; and other activities reasonably related to the prevention or amelioration of contamination.*

*Subd. 14. [TAX INCREMENT.] "Tax increment" means the portion of property taxes derived from taxable property in a district that is allocated under the plan for payment of eligible costs, and the proceeds of tax increment bonds or other obligations payable in whole or in part from tax increments.*

*Subd. 15. [TAX INCREMENT BONDS.] "Tax increment bonds" means bonds or other obligations issued under section 8.*

*Subd. 16. [TAX INCREMENT FINANCING ACT.] "Tax increment financing act" means sections 469.174 to 469.179.*

**Sec. 3. [469.302] [ESTABLISHMENT OF SPECIAL ENVIRONMENTAL TREATMENT AREA.]**

*Subdivision 1. [ESTABLISHMENT OF AN AREA.] A city may establish an area only in compliance with the requirements of this section.*

*Subd. 2. [GEOGRAPHIC DESCRIPTION.] (a) A city establishing an area shall select eligible sites within its jurisdictional boundaries. Each eligible site must consist of parcels that contain contamination, or the inclusion of which is permitted by subdivision 4, paragraph (b). For the purposes of selection of eligible sites, the city may by resolution authorize testing of a parcel within the city to assess the presence of contamination or to discover facts relevant to whether the parcel should be included in the geographic area described in a plan to remediate present contamination or prevent future contamination, except that:*

*(1) the testing must not unreasonably interfere with the current activity occurring on a parcel being tested;*

*(2) at least ten days before the testing, the city shall provide written notice of the testing to the owner of record of the parcel, each other person with an interest in the parcel whose interest appears in the public land records of the county, and each other person occupying or using the parcel if the city has actual knowledge of the occupancy or use; and*

*(3) the city shall pay the cost of the testing and the cost of repair or restoration of any property destroyed or damaged by the testing, provided that the city may recover the cost of the testing and other costs from a person who is a responsible person with respect to the parcel tested, if otherwise permitted by law.*

*(b) A city may request the agency to supervise or provide oversight or provide technical expertise in connection with testing, and the agency may, but is not obligated to, comply with the request. The agency may exercise its powers under section 115B.17, subdivision 14, in connection with the testing. The agency shall, at its request, be reimbursed for its expenses including staff oversight from any funds available to pay eligible costs.*

*(c) The area must consist of all or some of the eligible sites identified. An area or an eligible site need not consist of contiguous parcels, but the parcels comprising an eligible site in addition to those which contain contamination may be included only as permitted by subdivision 4, paragraph*

(b). *The city shall prepare or cause to be prepared a map showing all of the parcels to be included in the area. The area must also satisfy the requirements of subdivision 5.*

*Subd. 3. [AREA PLAN.] The city shall prepare a plan for the area that includes the geographic description and map prepared under subdivision 2. The plan must describe the proposed activities within the area to:*

*(1) remediate existing contamination in accordance with the development action response plan required by subdivision 6;*

*(2) prevent future contamination; and*

*(3) cause development to occur within the area.*

*The plan must further estimate the source, amount, and uses of all tax increments and other funds to be used to pay for the activities described in the area plan. The plan must contain the findings required by subdivisions 4 and 5 and must provide sufficient detail to show the basis for the findings. The plan must include a tax increment financing plan under section 469.175, subdivision 1, for each district to be established under the plan, except that a tax increment financing plan may be for more than one district. The plan must describe the specific kinds of development expected to occur, and the increases in tax capacity expected to result from the development.*

*Subd. 4. [ELIGIBLE SITES.] (a) Each eligible site, or parcel included in an eligible site, as appropriate, must meet the requirements of paragraphs (b) to (e).*

*(b) The parcel must contain contamination, or be necessary for inclusion in the eligible site in order to prevent future contamination or remediate present contamination, or be necessary for inclusion in the eligible site in order to form a development site no larger than that necessary for development to occur on the site.*

*(c) For each parcel containing contamination, the city shall consider the seriousness of the contamination present in the parcel, the threat posed to the public health by the contamination, and the deterrent effect of the contamination on development of the eligible site which includes the contaminated parcel. The city shall submit a report describing the extent and magnitude of the contamination to the commissioner for approval.*

*(d) The city shall determine that the contamination present in the eligible site is unlikely to be remediated within five to ten years, or that development of the site is unlikely to occur within five to ten years even if remediation occurs because there is no indemnification against potential environmental liability, unless the city forms the area. In making this determination, the city shall consider the availability of funding for remediation from state and federal agencies and the availability and adequacy of the resources of responsible persons to remediate contamination.*

*(e) The city shall estimate the likelihood of development of the eligible site if the contamination is remediated and shall determine that development of the eligible site is likely to occur if the area is formed and the actions taken as proposed in the plan for the area.*

*Subd. 5. [AREA CRITERIA.] (a) In addition to the criteria for eligible sites stated in subdivision 4, each area must meet the requirements of paragraphs (b) and (c).*

(b) *The city must determine that either:*

*(1) the estimated costs of remediating present contamination or preventing future contamination within the area are no less than \$20,000 per acre for each contaminated parcel; or*

*(2) the fair market value of the contaminated parcels to be included within the area have suffered a decline in fair market value of not less than 35 percent in the preceding three years.*

*(c) The city must determine that establishment of the area, the environmental remediation and prevention activities described in the plan and, if applicable, the establishment of a guaranty or indemnification fund, are necessary to:*

*(1) allow development to occur on the parcels included in the area because of the reluctance of private parties to assume the risk of the cost of remediation of the contaminated parcels in the area; or*

*(2) cause the fair market value of the contaminated parcels included in the area to rise to the approximate fair market value of similar property available for development in the county and adjacent counties.*

**Subd. 6. [DEVELOPMENT ACTION RESPONSE PLAN.]** *The city may not establish an area or approve the plan for the area until a development action response plan as defined in section 469.174, subdivision 17, for each contaminated parcel has been submitted to the agency and the commissioner has approved or modified the development action response plan. The commissioner shall review each development action response plan and approve, modify, or reject the recommended actions within 90 days after submission of the plan or revised plan, provided that the commissioner has previously approved an investigation report under subdivision 4, paragraph (c), for the parcel proposed for response action under the plan. Only one contaminated parcel may be included in each development action response plan.*

**Subd. 7. [PLAN REVIEW AND APPROVAL.]** *(a) The city may not give final approval to the plan until the review, hearing, and approval procedures of this subdivision have been satisfied. The governing body of the city, or city officials designated by the governing body to act in its place, shall conduct a public hearing on the plan. Notice of the public hearing must be published in a newspaper of general circulation within the city at least once and at least 14 days before the public hearing. A copy of the proposed plan must be made available for public inspection on and after the date of publication of the notice of hearing during normal business hours at the principal administrative offices of the city. At the hearing, the city shall receive comments on the plan from all those who desire to speak about it, and shall accept comments submitted in writing at or before the hearing. The city shall also afford others a reasonable opportunity to comment on the plan at the hearing.*

*(b) Following the hearing, and any revisions to the plan based on the comments received by the city, the city shall submit the plan to the county and each school district whose jurisdictional boundaries include any part of the area. The county and school district have 30 days in which to review the plan and provide their comments to the city.*

*(c) Following receipt of comments from the county and school district, or the expiration of the 30-day comment period, the city shall revise the proposed plan as the city determines appropriate, or as required by federal*

or state environmental protection laws. The city may then give final approval to the plan, and proceed with implementation of the plan.

*Subd. 8. [MODIFICATIONS.] Following final approval of the plan, the city may eliminate parcels from the area but may not enlarge the area except to add eligible sites. Each enlargement must be evidenced by a written amendment to the plan. The amendment to the plan must comply with the requirements of subdivisions 2 to 7 as though it were a new plan. A development action response plan may be modified only with the approval of the commissioner.*

*Subd. 9. [EXTRATERRITORIAL AREA.] An area may include parcels outside the geographic boundaries of the city only if the city and the adjacent city or township have entered into an agreement of the type described in section 471.59, authorizing the city to exercise the powers granted under sections 2 to 10, subject to the conditions or limitations provided in the agreement. Tax increments derived from the parcels outside the boundaries of the city must be paid to the city unless otherwise provided in the agreement.*

*Subd. 10. [REAL PROPERTY.] A city may acquire real property or interests in real property in connection with the activities authorized by sections 2 to 10, subject to the following limitations:*

*(1) the real property must be located within the area;*

*(2) nothing in any contract or instrument executed by the city may relieve a responsible person from liability for remediation costs, nor indemnify or hold harmless a responsible person from remediation costs; and*

*(3) the terms and conditions of disposition of real property by the city may be determined by the city, except that the price received by the city, either in a lump sum or in installments, must be the fair market value of the real property at the time of disposition.*

**Sec. 4. [469.303] [STATUS OF AREA; POWERS OF THE CITY; INDEMNIFICATION FUND.]**

*Subdivision 1. [STATUS OF AREA.] The area constitutes a "project" of the city within the meaning of section 469.174, subdivision 8; an "industrial development district" as described in section 469.058, subdivision 1; a "project" as described in section 469.002, subdivision 12; and a "development district" as described in section 469.125, subdivision 9. Section 273.1399 does not apply to a district formed under sections 2 to 10.*

*Subd. 2. [POWERS OF THE CITY.] With respect to development of the area, the city may exercise all powers granted under sections 2 to 10 and all powers of or relating to a port authority, a housing and redevelopment authority, and an economic development authority under chapter 469 or other law. The city may establish within the area and modify from time to time one or more tax increment financing districts as provided in the area plan and the tax increment financing act, except as supplemented or otherwise provided under sections 2 to 10, and expend tax increments derived from the districts on eligible costs. The powers conferred by sections 2 to 10 are in addition to the powers conferred by other law or charter. Insofar as the provisions of any other law or charter are inconsistent with sections 2 to 10, the provisions of sections 2 to 10 are controlling.*

*Subd. 3. [GUARANTY OR INDEMNIFICATION FUND.] In addition to the powers otherwise granted under sections 2 to 10, a city may establish*

and maintain a guaranty or indemnification fund with respect to any contaminated parcel, or more than one such parcel, included within the area. Funds held in the guaranty or indemnification fund must be available, upon terms and conditions determined by the city through agreement or resolution, to an eligible person to indemnify and hold harmless the eligible person from liability for remediation costs arising under any state or federal environmental law, regulation, ruling, order, or decision with respect to the contaminated parcel or parcels by reason of the person's use, occupancy, ownership, or financing associated with the contaminated parcel. The city may not indemnify or hold harmless an eligible person from liability for contamination of a parcel caused by the eligible person. Tax increments derived from a district established as authorized in sections 2 to 10 and any other funds available to the city may be deposited in or otherwise used to secure payments from the guaranty or indemnification fund. Tax increments derived from a district established as authorized by the tax increment financing act may also be deposited in the guaranty or indemnification fund, notwithstanding any contrary provision of the tax increment financing act. The city is liable under the guaranty or indemnification only to the extent of funds available to secure payments from the guaranty or indemnification fund. The maximum amount payable from the guaranty or indemnification fund with respect to any eligible site must not exceed 50 percent of the cost of remediation of the contamination present in the contaminated parcels in the eligible site at the time of final approval of the plan, which amount may be inflated each year according to an appropriate inflation index selected by the city. The guaranty or indemnification fund must be held or maintained in or with a financial institution or corporate fiduciary eligible for the deposit of public money or eligible to act as a trustee or fiduciary for bonds or other obligations issued under chapter 475. The guaranty or indemnification fund must be held and maintained for the period agreed to by the city, except that tax increments may be deposited in the fund only during the period permitted by sections 2 to 10. Upon termination of the period of guaranty or indemnification all unexpended money then held in the guaranty or indemnification fund must be considered excess tax increments and returned to the county auditor for redistribution. Investment earnings, net of investment losses, on money held in the guaranty or indemnification fund may, at the option of the city, be retained in the fund or disbursed to the city and applied to other eligible costs. Tax increments used or pledged to secure payments from the guaranty or indemnification fund may be irrevocably pledged for that purpose, and neither filing nor possession is required to perfect the security interest created by the pledge.

Sec. 5. [469.304] [LIMITATIONS.]

(a) A tax increment financing district established by a city under sections 2 to 10 is subject to the provisions of paragraphs (b) to (j).

(b) Request for certification of the district must be filed with the county auditor before December 1 of the year following the third year in which the city gives final approval to the plan. The city may by written notice to the county auditor elect to defer receipt of the first increment from a district until a year beginning not later than five years after the date of the request for certification. The election may be amended to provide an earlier year of payment of tax increment if the notice of the amendment is filed with the county auditor.

(c) A tax increment from an eligible site may not be paid to the city after January 1 of the year that is 25 years after the year of receipt of the first



tax increment from the eligible site.

(d) Section 469.1763 does not apply to the district. Tax increment must be expended or reserved for expenditure by the city only for eligible costs. Tax increment derived from a district may be applied to eligible costs incurred anywhere within the area.

(e) Concurrently with the original request for certification, or at any subsequent time during the life of a district within the area and established as provided in the plan, the city may elect in writing to the county auditor to reduce the original net tax capacity of an eligible site, selected by the city, by up to 100 percent. All additional tax increment derived from the reduction must be expended only for the costs of remediation of contaminated parcels within the eligible site, or to make deposits in a guaranty or indemnification fund. When the city has received sufficient amounts of additional tax increment to pay or to provide for payment of all present and future eligible costs, including remediation costs and required deposits in a guaranty or indemnification fund, whether or not the city's undertaking to pay the costs is contingent, the city shall within 60 days notify the county auditor of this occurrence and shall treat all additional tax increment which exceeds the requirements as excess tax increment. The city shall return the excess tax increment to the county auditor for redistribution, and the county auditor shall then increase the original net tax capacity of each district within the area then benefiting from the reduction made under this paragraph to the original net tax capacity that would at the time prevail had no reduction been made. The reduction of the original net tax capacity permitted by this paragraph may be made only upon findings by the city, supported by written reasons or facts, that:

(1) the eligible site contains significant contamination;

(2) the development of the district would not reasonably be expected to occur through private investment and tax increment otherwise available; and

(3) the reduction in the original net tax capacity is not greater than, and the period of receipt by the city of the increased tax increment arising from the reduction is not longer than, the amount and time necessary to provide the additional tax increment required for remediation of the eligible site as set forth in the plan and the development action response plan for the eligible site, or to make required deposits in a guaranty or indemnification fund.

(f) The city shall decertify a district upon receipt of sufficient tax increment from the district to pay, or to provide for the payment of, all of the eligible costs respecting the district. The city shall treat all tax increment that exceeds the requirements as excess tax increment. The city shall return the excess tax increment to the county auditor for redistribution.

(g) In establishing or modifying a district included in the area and established under the plan, section 469.175, subdivisions 1, clauses (1), (3), (4), and (7); 1a; 3; and 7, do not apply and the findings otherwise required by section 469.175, subdivision 3, are not required, except that the city shall make the finding, supported by the city with written reasons and supporting facts, that the action is reasonably required in the judgment of the city in furtherance of the development of the area.

(h) The following provisions of the tax increment financing act do not apply to a district formed under sections 2 to 10; sections 469.174, subdivisions 7, paragraphs (b) and (c); 16; and 17; 469.176, subdivisions 1,

paragraphs (d), (e), and (g); 3; 4e; 4h; 5; 6; and 7; and 469.1762.

(i) A housing and redevelopment authority, port authority, economic development authority, or county may not exercise the powers granted by this chapter except upon the prior approval, by resolution, of the governing body of the statutory or home rule city or cities or township or townships included in whole or in part within the area established under section 3.

(j) Nothing in sections 2 to 10 or the tax increment financing act may be construed to prevent or preclude a city from establishing one or more tax increment districts under the tax increment financing act for any purpose permitted thereby, and a district may include all or some of an area or a district or an eligible site established under sections 2 to 10. Notwithstanding the provisions of the tax increment financing act, the city may allocate tax increments derived from districts established under the tax increment financing act to eligible costs under sections 2 to 10. Nothing in sections 2 to 10 or the tax increment financing act may be construed to prevent or preclude a city from establishing one or more tax increment districts under sections 2 to 10 for any purpose permitted in those sections, and any district established may include all or some of a district or project established under the tax increment financing act. Tax increments derived from a district established under sections 2 to 10 may be applied only to eligible costs, but if a district established under sections 2 to 10 and a district established under the tax increment financing act overlap, the city may allocate the tax increments derived from the overlapping area in any reasonable manner.

#### Sec. 6. [469.305] [INTER-GOVERNMENTAL COOPERATION AND ASSISTANCE.]

The city, the agency, the attorney general, a city as defined in section 2, subdivision 5, and an agency of the state or the University of Minnesota may cooperate with one another and take individual or collective actions considered necessary or desirable to assist development and remediation within the area, including without limitation the preparation and execution of development action response plans, the rendering of legal and technical advice and other assistance, and the transfer of any of its properties within the area to the city or to other entities in furtherance of the development of the area. All properties so transferred by a state agency or the University of Minnesota shall, whenever included within a district within the area and established pursuant to the plan and notwithstanding any other provision of the tax increment financing act, have an original net tax capacity of zero.

#### Sec. 7. [469.306] [ELIGIBLE COSTS.]

For the purposes of sections 2 to 10, eligible costs mean all of the following:

(1) the cost to pay, or reimburse any person for the payment of, remediation costs;

(2) the cost of funding a guaranty or indemnification fund created as permitted by section 4, subdivision 3, and payments from the fund, and the cost of paying the premiums on environmental liability insurance obtained by the city or by any other person with respect to real property within the area;

(3) the cost of paying the principal of and interest on bonds or other obligations of the city and associated costs or the cost of paying the interest

*on other bonds or other obligations or establishing and maintaining a reserve fund for the other bonds or other obligations, all as permitted by section 8;*

*(4) the cost of issuing bonds or other obligations payable from tax increments derived from an area and customary associated financing costs, including discount, capitalized interest, and interest on the obligations;*

*(5) the costs of acquisition of real property within the area;*

*(6) if necessary for remediation of contamination or prevention of future contamination, the cost of public infrastructure extensions and installations including water, sanitary and storm sewer, ponding and drainage improvements, including improvements located outside the boundaries of the area;*

*(7) staff oversight costs of the agency and reasonable administrative costs of the city or other government units;*

*(8) the costs of other activities and improvements authorized by sections 2 to 10; and*

*(9) costs reasonably related to clauses (1) to (8).*

*All eligible costs are costs of a project for which tax increments and other public funds may be expended.*

*All costs are payable from tax increments.*

Sec. 8. [469.307] [FINANCING.]

*To finance eligible costs, the city may issue bonds or other obligations, payable in whole or in part from tax increments derived from districts created in accordance with section 469.178, and the use of tax increments to pay the principal of and interest on the bonds and other costs associated with the bonds is an eligible cost. The city may apply tax increments to pay all or part of the interest on bonds or other obligations issued by public or private entities to finance eligible costs incurred with respect to parcels within the area, or to establish or maintain reserve funds in connection with the bonds or other obligations.*

Sec. 9. [469.308] [RELATIONSHIP TO TAX INCREMENT FINANCING ACT.]

*Subdivision 1. [IN GENERAL.] To the extent that any provision of the tax increment financing act conflicts or is otherwise inconsistent with a provision of sections 2 to 10, the provisions of sections 2 to 10 apply. Nothing in sections 2 to 10 limits or prevents the exercise by the city of any power or authority it may have, and the city may, without limitation, in connection with the exercise of any power respecting development or the establishment of a tax increment financing district, elect not to use the authority granted in sections 2 to 10 and instead proceed under and subject to all of the terms of the other applicable law, including all provisions of sections 469.174 to 469.179 with respect to a tax increment financing district.*

*Subd. 2. [GUARANTY OR INDEMNIFICATION FUND.] Notwithstanding any provision of the tax increment financing act to the contrary, an authority as defined in the tax increment financing act may amend the tax increment financing plan with respect to any district to permit the deposit of tax increments derived from the district, or the proceeds of bonds or other obligations payable from the tax increments, in a guaranty or indemnification fund created under this chapter if the amendment is approved on or*

*before a date that is at least five years before the latest termination date of the district permitted by the tax increment financing act.*

Sec. 10. [469.309] [RESPONSIBLE PERSONS.]

*Subdivision 1. [NO INDEMNITY.] The city may not agree to indemnify or hold harmless a person other than an eligible person as defined in section 2, subdivision 10, from any losses, costs, or damages arising from the application of chapter 115B or other state or federal environmental law.*

*Subd. 2. [RECOVERY FROM RESPONSIBLE PERSONS.] Nothing in sections 2 to 10 may be construed to limit the authority of the city, the agency, the attorney general, and other appropriate state and federal environmental regulatory agencies or persons authorized to enforce state and federal environmental laws to enforce the provisions of state and federal environmental laws against responsible persons. All amounts recovered by the city from responsible persons, net of the costs of recovery, and all amounts otherwise received by the city representing all or a portion of amounts recovered from responsible persons, with respect to parcels included in the area must be deposited by the city.*

*Subd. 3. [AMOUNTS RECOVERED.] All amounts deposited with the city, as provided in subdivision 2, are considered tax increment derived from a district formed under sections 2 to 10 and must be:*

- (1) applied to the payment of the costs of recovery;*
- (2) applied to the payment of eligible costs; or*
- (3) returned to the county auditor for redistribution.*

Sec. 11. [EFFECTIVE DATE.]

*Sections 1 to 10 are effective the day following final enactment."*

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

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

S.F. No. 2146: A bill for an act relating to once-through cooling systems; providing grants for retrofitting and conversion; amending Minnesota Statutes 1990, section 103G.271, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 103G.271, subdivision 6.

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

Page 3, line 19, reinstate the stricken "1993," and delete "1992,"

Page 4, line 3, delete "1992" and insert "1993"

Page 4, line 4, after the period, insert "Priority must be given to nonprofit organizations and school districts."

Page 4, line 5, delete "shall" and insert "may"

Page 4, line 6, delete "The"

Page 4, delete lines 7 to 11

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

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

S.F. No. 2011: A bill for an act relating to races and exhibitions on water or ice; eliminating the appeal to the commissioner of natural resources from a sheriff's decision; amending Minnesota Statutes 1990, section 86B.121.

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

Page 1, after line 6, insert:

"Section 1. [86B.106] [BARRING VEHICLES FROM UNSAFE ICE.]

*(a) Whenever ice conditions on a body of water deteriorate to such an extent that there is substantial danger to persons using motorized vehicles, including snowmobiles and all-terrain vehicles, the sheriff of the county where the body of water is located may prohibit or restrict the use of motorized vehicles on all or a portion of the body of water. If the body of water is located in more than one county, all counties involved must coordinate any prohibitions or restrictions that are imposed. A county sheriff acting under this section shall, as soon as practicable, post all common access sites and publicize the prohibitions or restrictions. The commissioner must be notified immediately and may review and suspend any restrictions imposed. Restrictions may be lifted as soon as conditions warrant.*

*(b) A person may not operate a motorized vehicle in violation of a prohibition or restriction imposed under this section."*

Page 1, line 23, delete "This act" and insert "Section 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "races and exhibitions on water or ice" and insert "waters; granting sheriffs power to bar vehicles from unsafe ice"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 86B"

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

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

S.F. No. 2102: A bill for an act relating to water; requiring maintenance of a statewide nitrate data base; establishing a nitrate data advisory task force; modifying requirements relating to sealing of wells; establishing a well sealing account; requiring a report on environmental consulting services; appropriating money; amending Minnesota Statutes 1990, sections 103I.301, subdivision 4; 103I.315; and 103I.341, subdivisions 1 and 5; Minnesota Statutes 1991 Supplement, sections 16B.92, by adding a subdivision; and 103I.301, subdivisions 1 and 6; proposing coding for new law in Minnesota Statutes, chapters 103A and 103I.

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

Page 1, line 29, delete "agency" and insert "entity that receives direct state appropriations in the current fiscal year"

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1991 Supplement, section 103I.235, is amended to read:

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well *disclosure* certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515A.

(f) For an area owned in common under chapter 515 or 515A the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of \$10 for receipt of a completed well disclosure certificate for filing. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health \$7.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) ~~No new well disclosure certificate is required on property unless under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status or numbers and number of wells on the property has have not changed from since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.~~

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision."

Page 2, line 15, strike "contractor or"

Page 2, line 16, strike the old language and delete the new language and insert "*or boring sealed by a registered or licensed person*"

Page 2, line 17, delete "*person*" and insert "*to*" and delete "*a*" and insert "*the well or*"

Page 2, delete section 5

Page 4, line 14, delete "APPROPRIATION" and insert "EXPENDITURES" and after "(a)" insert "*Subject to appropriation by law,*"

Page 4, line 15, delete "*is appropriated to*" and insert "*may be used by*"

Page 4, line 17, delete "*appropriated*"

Page 4, line 35, delete "*and*"

Page 5, line 1, delete the period and insert " *; and*

(7) *a representative of the land management information center.*"

Page 5, line 4, delete "*, and the*" and insert a period

Page 5, delete lines 5 and 6

Page 5, line 7, delete "*establish*" and insert "*recommend to the environmental quality board*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "to" insert "well disclosure certificates and"

Page 1, line 11, before "and" insert "103I.235;"

Page 1, line 12, delete "subdivisions 1 and 6" and insert "subdivision 1"

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

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

S.F. No. 2249: A bill for an act relating to health; specifying timelines for the disposal of cremated remains; modifying standards for county payment of funeral expenses; amending Minnesota Statutes 1991 Supplement, sections 256.935, subdivision 1; and 261.035; proposing coding for new law in Minnesota Statutes, chapter 149.

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

Page 3, lines 1 and 7, delete "*or*" and insert "*and*"

Page 3, line 4, strike "*or*" and before "*final*" insert "*and*"

Page 3, line 10, delete "*The*"



Page 3, delete lines 11 and 12 and insert "*If the wishes of the decedent are not known and the county has no information about the existence of or location of any next of kin, the county may determine the method of final disposition.*"

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

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

S.F. No. 2247: A bill for an act relating to human services; limiting the powers and duties of public guardian or conservator to the commissioner; amending Minnesota Statutes 1990, section 252A.111, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC GUARDIANSHIP; REPORT.]

*The commissioner of human services shall not adopt rules requiring that the county worker or department that performs public guardianship or conservatorship duties on behalf of a person with mental retardation or a related condition cannot be the same worker or county department that provides case management services, unless the state provides sufficient new state funding to cover the additional county costs of complying with the rules. The commissioner shall recommend alternatives to the legislature by January 1, 1993.*"

Delete the title and insert:

"A bill for an act relating to human services; prohibiting the commissioner from adopting rules requiring counties to separate their public guardianship function from their case management function, unless state funding is provided to cover county costs; requiring a report."

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

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

S.F. No. 1701: A bill for an act relating to human services; defining certain terms; providing for certain child care funding; appropriating money; amending Minnesota Statutes 1990, sections 256H.01, subdivision 9, and by adding a subdivision; and 256H.10, subdivision 1; Minnesota Statutes 1991 Supplement, sections 256H.03, subdivisions 4 and 6; and 256H.05, subdivision 1b, and by adding a subdivision.

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

Page 4, line 24, delete "APPROPRIATION" and insert "TRANSFER"

Amend the title as follows:

Page 1, line 4, delete "appropriating" and insert "transferring"

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

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

S.F. No. 1994: A bill for an act relating to human services; authorizing an exception to the moratorium on new negotiated rate facilities for a specialized housing program for chronic inebriates; amending Minnesota Statutes 1991 Supplement, section 256I.04, subdivision 3.

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

Page 2, after line 11, insert:

“Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective July 1, 1993.”*

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

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

S.F. No. 2186: A bill for an act relating to human services; providing for appointment of a member to the child abuse prevention advisory council by the commissioner of human services; providing for an American Indian child welfare advisory council; amending Minnesota Statutes 1990, section 257.3579; Minnesota Statutes 1991 Supplement, section 299A.23, subdivision 2.

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

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

S.F. No. 2246: A bill for an act relating to human services; defining commitment; expanding when a neuroleptic medication may be administered; providing informed consent of a competent person for informal admission; changing treatment alternatives; providing for patient commitment to the commissioner; expanding initial commitment period; defining when the commissioner must designate the regional center or treatment facility to take the committed person; transferring cost of care for committed persons awaiting placement or transfer designation to the state; establishing county financial responsibility for persons temporarily confined; granting continuance of the commitment; clarifying duration of continued commitment; amending Minnesota Statutes 1990, sections 253B.02, by adding a subdivision; 253B.04, subdivision 1; 253B.09; 253B.10, subdivision 1; 253B.11, subdivision 2, and by adding a subdivision; 253B.12, subdivision 5; and 253B.13, subdivisions 1 and 3; Minnesota Statutes 1991 Supplement, section 253B.03, subdivision 6c.

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

Pages 2 to 4, delete sections 2 and 3

Page 4, lines 27 and 28, reinstate the stricken language

Page 4, delete line 29 and insert “direct the ~~entry~~ filing of an appropriate

~~judgment~~ order. Where commitment"

Page 4, lines 30 and 31, delete the new language

Page 5, lines 14 to 16, delete the new language

Page 5, line 34, delete the new language

Pages 7 and 8, delete sections 8 to 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 3 and 4

Page 1, line 5, delete everything before "changing"

Page 1, lines 7 and 8, delete "expanding initial commitment period;"

Page 1, line 15, delete everything before "amending"

Page 1, line 17, delete "253B.04, subdivision 1;"

Page 1, delete lines 19 to 21 and insert "subdivision."

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

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

S.F. No. 1782: A bill for an act relating to human services; clarifying and expanding restrictions on giving away assets or income to gain eligibility for medical assistance; requiring an institutionalized spouse on medical assistance to use available income and assets for health care and personal needs; permitting medical assistance liens against real property; prohibiting trust clauses that make trust assets unavailable to a beneficiary if the beneficiary becomes eligible for medical assistance; amending Minnesota Statutes 1990, sections 256B.059, subdivision 5; 256B.0595, subdivision 1; 256B.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 501B.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 256B.059, subdivision 5, is amended to read:

Subd. 5. [ASSET AVAILABILITY.] (a) At the time of application for medical assistance benefits, assets considered available to the institutionalized spouse shall be the total value of all assets in which either spouse has an ownership interest, reduced by the greater of:

(1) \$12,000; or

(2) the lesser of the spousal share or \$60,000; or

(3) the amount required by court order to be paid to the community spouse. If the community spouse asset allowance has been increased under subdivision 4, then the assets considered available to the institutionalized spouse under this subdivision shall be further reduced by the value of additional amounts allowed under subdivision 4.

(b) An institutionalized spouse may be found eligible for medical assistance even though assets in excess of the allowable amount are found to be available under paragraph (a) if the assets are owned jointly or individually by the community spouse, and the institutionalized spouse cannot use those assets to pay for the cost of care without the consent of the community spouse, and if: (i) the institutionalized spouse assigns to the commissioner the right to support from the community spouse under section 256B.14, subdivision 2; (ii) the institutionalized spouse lacks the ability to execute an assignment due to a physical or mental impairment; or (iii) the denial of eligibility would cause an imminent threat to the institutionalized spouse's health and well-being.

(c) After the month in which the institutionalized spouse is determined eligible for medical assistance, during the continuous period of institutionalization, no assets of the community spouse are considered available to the institutionalized spouse, unless the institutionalized spouse has been found eligible under clause (b).

*(d) Assets determined to be available to the institutionalized spouse under this section must be used for the health care or personal needs of the institutionalized spouse.*

(e) For purposes of this section, assets do not include assets excluded under section 256B.056, without regard to the limitations on total value in that section.

Sec. 2. Minnesota Statutes 1990, section 256B.0595, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED TRANSFERS.] (a) If a person or the person's spouse has given away, sold, or disposed of, for less than fair market value, any asset or interest therein, except assets other than the homestead that are excluded under section 256B.056, subdivision 3, within 30 months before or any time after the date of institutionalization if the person has been determined eligible for medical assistance, or within 30 months before or any time after the date of the first approved application for medical assistance if the person has not yet been determined eligible for medical assistance, the person is ineligible for long-term care services for the period of time determined under subdivision 2.

*(b) This section applies to transfers, for less than fair market value, of income or assets that are considered income in the month received, such as inheritances, court settlements, and retroactive benefit payments.*

*(c) This section applies to payments for care or personal services provided by a relative, unless the compensation was stipulated in a notarized, written agreement which was in existence when the service was performed, the care or services directly benefited the person, and the payments made represented reasonable compensation for the care or services provided. A notarized written agreement is not required if payment for the services was made within 60 days after the service was provided.*

*(d) This section applies to the portion of any asset or interest that a person or a person's spouse transfers to an irrevocable trust, annuity, or other instrument, that exceeds the value of the benefit likely to be returned to the person or spouse during his or her lifetime, based on his or her estimated life expectancy using the life expectancy tables employed by the supplemental security income program to determine the value of an agreement for services for life. The commissioner may adopt rules reducing life expectancies based*

*on the need for long-term care.*

(e) For purposes of this section, long-term care services include nursing facility services, and home and community-based services provided pursuant to section 256B.491. For purposes of this subdivision and subdivisions 2, 3, and 4, "institutionalized person" includes a person who is an inpatient in a nursing facility, or who is receiving home and community-based services under section 256B.491.

Sec. 3. Minnesota Statutes 1990, section 256B.15, is amended by adding a subdivision to read:

*Subd. 5. [MEDICAL ASSISTANCE LIENS.] The state or county medical assistance agency may file a lien against real property owned by a recipient who was institutionalized when medical assistance services were rendered, or against real property owned by the recipient's surviving spouse, to the same extent that a claim against the estate is allowed under subdivision 1, paragraph (b), and subdivisions 2 to 4. A medical assistance lien may be filed against real property even if the real property is not included in the recipient's or surviving spouse's estate. If the recipient is discharged and returns home, the lien is dissolved. A lien filed under this subdivision must be treated as a judgment lien.*

Sec. 4. [501B.90] [EXCULPATORY CLAUSES LINKED TO PUBLIC ASSISTANCE ELIGIBILITY PROHIBITED.]

*A provision in a trust created after July 1, 1992, purporting to make assets or income unavailable to a beneficiary who is the grantor or the grantor's spouse if the beneficiary applies for or is determined eligible for public assistance or a public health care program is unenforceable.*

Sec. 5. [MEDICAL ASSISTANCE RULES.]

*The commissioner shall make recommendations to the legislature by December 1, 1992, on federal or state action that can be taken to ensure that the medical assistance program is a payor of last resort for persons who are beneficiaries of trusts that generally provide assistance for personal needs, living expenses, and health care.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1 and 3 to 5 are effective July 1, 1992. Section 2 is effective July 1, 1992, and applies to transfers or payments made on or after that date."*

Delete the title and insert:

*"A bill for an act relating to human services; clarifying and expanding restrictions on giving away assets or income to gain eligibility for medical assistance; requiring an institutionalized spouse on medical assistance to use available income and assets for health care and personal needs; permitting medical assistance liens against real property; prohibiting trust clauses that make trust assets unavailable to a beneficiary if the beneficiary becomes eligible for medical assistance; requiring a report; amending Minnesota Statutes 1990, sections 256B.059, subdivision 5; 256B.0595, subdivision 1; 256B.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 501B."*

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred the following appointment as reported in the Journal for February 24, 1992:

MINNESOTA PUBLIC FACILITIES AUTHORITY

Donna Holstine

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

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

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

S.F. No. 1946: A bill for an act relating to juveniles; establishing a youth employment and education pilot program; appropriating money for the pilot program and for family-based services under the family preservation act.

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

Page 3, line 17, delete "outstate" and insert "greater"

Page 3, delete section 2

Page 3, line 33, delete "3" and insert "2"

Amend the title as follows:

Page 1, line 4, delete everything after "program" and insert a period

Page 1, delete line 5

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

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

S.F. No. 2322: A bill for an act relating to veterans; establishing a grant program to enhance the operations of county veterans service offices; establishing an education program for county veterans service officers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Page 2, line 33, delete the period and insert "*, determined in the following manner:*

(i) if the county's veteran population is less than 1,000, the county's grant share shall be \$2,000;

(ii) if the county's veteran population is 1,000 or more but less than 3,000, the county's grant share shall be \$4,000;

(iii) if the county's veteran population is 3,000 or more but less than 10,000, the county's grant share shall be \$6,000; or

(iv) if the county's veteran population is 10,000 or more, the county's grant share shall be \$8,000.

*If in any year the appropriation for this program is less than the sum of all county grant shares as specified in this subdivision, then the county shares shall be reduced proportionately.*

*In any year, after a period of time to be determined by the commissioner, any amounts remaining from undistributed county grant shares may be reallocated to the other counties which have submitted qualifying applications.*

*The veteran population of each county shall be determined by the figure supplied by the United States Department of Veterans Affairs, as adopted by the commissioner."*

Page 2, delete lines 34 to 36

Page 3, delete lines 1 to 5

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

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

H.F. No. 1652: A resolution memorializing the Postmaster General to issue a postal stamp in commemoration of Wanda Gag, American Author and Illustrator.

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

## **SECOND READING OF SENATE BILLS**

S.F. Nos. 1801, 1638, 1773, 1729, 429, 2227, 1766, 2159, 1770, 512, 2011 and 2247 were read the second time.

## **SECOND READING OF HOUSE BILLS**

H.F. No. 1652 was read the second time.

## **MOTIONS AND RESOLUTIONS**

Mr. Merriam moved that the names of Messrs. Bertram and Frank be added as co-authors to S.F. No. 738. The motion prevailed.

Ms. Pappas moved that the name of Ms. Johnston be added as a co-author to S.F. No. 1156. The motion prevailed.

Mr. Laidig moved that the name of Mr. Davis be added as a co-author to S.F. No. 1778. The motion prevailed.

Mr. Bertram moved that the name of Mr. Finn be added as a co-author to S.F. No. 2011. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Benson, D.D. be added as a co-author to S.F. No. 2137. The motion prevailed.

Mr. Benson, D.D. moved that the name of Ms. Olson be added as a co-author to S.F. No. 2261. The motion prevailed.

Mr. Chmielewski moved that the names of Ms. Piper, Messrs. Samuelson and Hottinger be added as co-authors to S.F. No. 2296. The motion prevailed.

Mr. Lessard moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 2313. The motion prevailed.

Mr. Bertram moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 2321. The motion prevailed.

Mr. Johnson, D.J. moved that his name be stricken as a co-author to S.F. No. 2339. The motion prevailed.

Ms. Johnson, J.B. moved that the names of Messrs. Dicklich and Neuville be added as co-authors to S.F. No. 2392. The motion prevailed.

Ms. Pappas moved that S.F. No. 2338 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Commerce. The motion prevailed.

Mr. Renneke moved that S.F. No. 2341 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Calendar.

### CALENDAR

S.F. No. 797: A bill for an act relating to traffic regulations; authorizing the use of studded tires by mail carriers; amending Minnesota Statutes 1990, section 169.72, 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 47 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Mondale	Riveness
Beckman	DeCramer	Johnson, J.B.	Morse	Sams
Benson, D.D.	Dicklich	Kelly	Neuville	Samuelson
Benson, J.E.	Finn	Laidig	Novak	Spear
Berg	Frederickson, D.J.	Langseth	Olson	Stumpf
Bernhagen	Frederickson, D.R.	Larson	Pappas	Traub
Bertram	Gustafson	Lessard	Pariseau	Vickerman
Brataas	Hottinger	Mehrkens	Piper	
Chmielewski	Hughes	Metzen	Price	
Dahl	Johnson, D.E.	Moe, R.D.	Renneke	

Those who voted in the negative were:

Belanger	Flynn	Knaak	Merriam	Terwilliger
Berglin	Frank	Luther	Pogemiller	Waldorf
Cohen	Halberg	Marty	Ranum	
Day	Johnston	McGowan	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1716: A bill for an act relating to Olmsted county; permitting the appointment of the recorder; authorizing the abolishment and reorganization of the office.

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 38 and nays 26, as follows:



Those who voted in the affirmative were:

Adkins	Flynn	Johnson, D.J.	Metzen	Ranum
Belanger	Frank	Kelly	Mondale	Reichgott
Bertram	Frederickson, D.J.	Knaak	Neuville	Samuelson
Brataas	Gustafson	Langseth	Olson	Spear
Chmielewski	Halberg	Larson	Pappas	Terwilliger
Cohen	Hottinger	Luther	Pariseau	Traub
Dahl	Hughes	Marty	Pogemiller	
Dicklich	Johnson, D.E.	McGowan	Price	

Those who voted in the negative were:

Beckman	Day	Laidig	Novak	Vickerman
Benson, D.D.	DeCramer	Lessard	Piper	Waldorf
Benson, J.E.	Finn	Mehrkens	Renneke	
Berg	Frederickson, D.R.	Merriam	Riveness	
Bernhagen	Johnson, J.B.	Moe, R.D.	Sams	
Davis	Johnston	Morse	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 1608: A bill for an act relating to occupational health and safety; requiring a study of video display terminal operators health risks.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

## GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 1669, 1908, 1633, 1854 and 1681, which the committee recommends to pass.

S.F. No. 1689, which the committee recommends to pass with the following amendment offered by Mr. Metzen:

Page 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1990, section 60A.177, subdivision 3, is amended to read:

Subd. 3. [BOARD OF REVIEW.] A three-member board of review shall be selected from a list of ten agents and ten insurer representatives compiled by the commissioner. One member shall be selected by the agent; ~~and one by the insurer; and one by the commissioner.~~ *The third member shall be mutually agreed upon by both parties. If the parties do not agree upon a third member, the commissioner shall request the American Arbitration Association to provide the commissioner with three names of potential members. If the American Arbitration Association declines to provide the names, the commissioner of the bureau of mediation services shall provide the names. The agent member and the insurer member shall each strike one person from the list. The remaining person shall be selected as the third member of the review board. The insurer and the agent shall each pay one-half of the fee charged by the third member.* The board member selected by the agent may not be a relative of the agent. The board members selected by the agent and insurer may not be presently or formerly associated with an insurer represented by the agent. An insurer is immune from civil liability to the agent for disclosures made at the hearing. This immunity does not extend to disclosures made in bad faith or with knowledge of their falseness."

The motion prevailed. So the amendment was adopted.

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Johnson, D.E. introduced—

S.F. No. 2408: A bill for an act relating to occupations and professions; elevators and boilers; providing that boilers used for mint oil extraction are considered to be used for agricultural or horticultural purposes; amending Minnesota Statutes 1991 Supplement, section 183.56.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Cohen; Frederickson, D.R.; Ms. Ranum and Mr. Pogemiller introduced—

S.F. No. 2409: A bill for an act relating to state government; creating a state board of pension investment; prescribing its powers and duties; transferring authority from the state board of investment; appropriating money; amending Minnesota Statutes 1990, sections 10A.01, subdivision 18; 11A.01; 11A.02, subdivisions 2 and 4; 11A.04; 11A.08, subdivisions 1 and 2; 11A.09; 11A.13, subdivision 1; 11A.14, subdivisions 5 and 13;

79.251, subdivision 7; 352.05; 353.05; 356.218, subdivision 1; 356A.01, subdivision 23; 356A.02, subdivision 1; 356A.11, subdivision 1; 422A.06, subdivision 8; and 490.123, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 11B; repealing Minnesota Statutes 1990, section 11A.14, subdivisions 6, 7, and 8.

Referred to the Committee on Governmental Operations.

Mr. Cohen introduced—

S.F. No. 2410: A bill for an act relating to elections; changing provisions for absentee voting by persons overseas; amending Minnesota Statutes 1990, sections 203B.16, by adding a subdivision; and 204B.35, subdivision 4; Minnesota Statutes 1991 Supplement, section 203B.21, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 203B.

Referred to the Committee on Elections and Ethics.

Mr. Samuelson introduced—

S.F. No. 2411: A bill for an act relating to human services; providing for pilot projects to demonstrate the use of intergovernmental contracts between state and counties to fund, administer, and regulate delivery of community social service programs; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Waldorf, Kelly, Cohen and Ms. Pappas introduced—

S.F. No. 2412: A bill for an act relating to retirement; St. Paul police relief association; authorizing retirees and surviving spouses to participate in relief association board elections; amending Laws 1955, chapter 151, section 1, subdivision 3, as amended.

Referred to the Committee on Governmental Operations.

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

S.F. No. 2413: A bill for an act relating to corporations; regulating registrations of domestic corporations with the secretary of state; amending Minnesota Statutes 1990, section 302A.821, as amended.

Referred to the Committee on Judiciary.

Mr. Benson, D.D. introduced—

S.F. No. 2414: A bill for an act relating to education; allowing independent school district Nos. 228 and 238 to cooperate and combine.

Referred to the Committee on Education.

Mr. Knaak introduced—

S.F. No. 2415: A bill for an act proposing an amendment to the Minnesota Constitution, article XIV, section 8; allowing money from the municipal state-aid street fund to be used for town roads.

Referred to the Committee on Transportation.

Mr. Frederickson, D.R. introduced—

S.F. No. 2416: A bill for an act relating to human services; providing for medical assistance coverage of personal care services provided outside the home when authorized by the responsible party; amending Minnesota Statutes 1991 Supplement, section 256B.0625, subdivision 19a.

Referred to the Committee on Health and Human Services.

Ms. Johnston, Messrs. Belanger, Terwilliger, Sams and Halberg introduced—

S.F. No. 2417: A bill for an act relating to crimes; increasing penalties for repeated harassment crimes; amending Minnesota Statutes 1990, section 609.747, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Pogemiller, Cohen, Kelly, Ms. Pappas and Mr. Waldorf introduced—

S.F. No. 2418: A bill for an act relating to retirement; St. Paul police relief association; validating a change in the date on which personal and benefit payments are made.

Referred to the Committee on Governmental Operations.

Messrs. Sams, Bertram, Larson and Frederickson, D.R. introduced—

S.F. No. 2419: A bill for an act relating to agriculture; changing limits on certain loans by the rural finance authority; amending Minnesota Statutes 1990, sections 41B.03, subdivision 1; 41B.039, subdivision 2; and 41B.042, subdivision 4.

Referred to the Committee on Agriculture and Rural Development.

Mr. Cohen introduced—

S.F. No. 2420: A bill for an act relating to human services; including persons living in a nursing home for continuing the care of attendants to ventilator-dependent recipients upon admission to a hospital; amending Minnesota Statutes 1991 Supplement, section 256B.64.

Referred to the Committee on Health and Human Services.

Mr. Lessard introduced—

S.F. No. 2421: A bill for an act relating to natural resources; extending the term of certain timber permits.

Referred to the Committee on Environment and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 2422: A bill for an act relating to economic development; establishing the affirmative enterprise program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Mr. Neuville, Mrs. Benson, J.E. and Ms. Johnston introduced—

S.F. No. 2423: A bill for an act relating to children; limiting parental rights of certain persons who commit criminal sexual conduct; proposing coding for new law in Minnesota Statutes, chapter 260.

Referred to the Committee on Judiciary.

Mr. Neuville introduced—

S.F. No. 2424: A bill for an act relating to education; requiring the conveyance of certain land from the state of Minnesota to independent school district No. 656, Faribault; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Neuville introduced—

S.F. No. 2425: A bill for an act relating to retirement; Faribault fire consolidation account; providing a full postretirement adjustment in certain instances.

Referred to the Committee on Governmental Operations.

Ms. Johnston and Mr. Hottinger introduced—

S.F. No. 2426: A bill for an act relating to wild animals; clarifying the prohibition on taking wild animals from a motor vehicle; amending Minnesota Statutes 1990, section 97B.055, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Waldorf, Pogemiller, Morse, Stumpf and Renneke introduced—

S.F. No. 2427: A bill for an act relating to retirement; teacher retirement plans; state deferred compensation program; recodifying state deferred compensation program; providing state deferred compensation program coverage for extracurricular teaching activity compensation; amending Minnesota Statutes 1990, sections 352.031, subdivision 2; 353D.12, subdivision 4; 354.05, by adding subdivisions; 354.07, by adding a subdivision; 354.42, subdivisions 2, 3, 5, and by adding a subdivision; 354.44, subdivision 6; 354A.011, by adding subdivisions; 354A.021, by adding a subdivision; 354A.12, subdivisions 1, 2, and by adding a subdivision; 354A.31, subdivision 4; 356.24; and 518.54, subdivision 11; Minnesota Statutes 1991 Supplement, sections 354.46, subdivision 1; and 354A.12, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 352E; repealing Minnesota Statutes 1990, sections 352.96; and 352.97.

Referred to the Committee on Governmental Operations.

Ms. Johnson, J.B.; Mrs. Adkins and Mr. Marty introduced—

S.F. No. 2428: A bill for an act relating to energy; requiring the use of energy-efficient lighting for highways, streets, and parking lots; establishing minimum energy efficiency standards for lamps, motors, showerheads, faucets, and replacement commercial heating, ventilating, and air conditioning equipment; requiring that all new residential combustion appliances be unable to spill combustion gases into homes regardless of the airtightness

or operating condition of the home; requiring continuing education in energy efficiency standards in building codes for licensed building contractors, remodelers, and specialty contractors; authorizing rulemaking; amending Minnesota Statutes 1990, section 216C.19, subdivision 1, and by adding subdivisions; and Minnesota Statutes 1991 Supplement, section 326.87, subdivision 1.

Referred to the Committee on Energy and Public Utilities.

Messrs. Davis, Sams, Morse, Renneke and Bertram introduced—

S.F. No. 2429: A bill for an act relating to agriculture; establishing a dairy expansion and stabilization loan guarantee program; amending Minnesota Statutes 1990, section 41B.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams, Lessard and Morse introduced—

S.F. No. 2430: A bill for an act relating to the environment; providing that the pollution control agency adopt rules with respect to competence and fees of underground tank installers; amending Minnesota Statutes 1990, section 116.491, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Ms. Flynn, Messrs. Price, Belanger and Finn introduced—

S.F. No. 2431: A bill for an act relating to family day care licensing; providing incentives for counties; amending Minnesota Statutes 1990, section 245A.16, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Berg, Lessard and Morse introduced—

S.F. No. 2432: A bill for an act relating to agriculture; regulating aquatic farming; protecting certain wildlife populations; imposing civil penalties; amending Minnesota Statutes 1990, sections 97C.203; 97C.211, subdivision 1; 97C.301, by adding a subdivision; 97C.345, subdivision 4; 97C.391; 97C.505, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1990, section 97C.209.

Referred to the Committee on Agriculture and Rural Development.

Mr. Samuelson introduced—

S.F. No. 2433: A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1990, section 168.125, subdivision 1.

Referred to the Committee on Transportation.

Mr. Kroening introduced—

S.F. No. 2434: A bill for an act relating to retirement; providing continued coverage in the Minnesota state retirement system for certain employees; amending Minnesota Statutes 1990, sections 352.01, subdivision 2a; and

352.04, subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Morse, Stumpf and Renneke introduced—

S.F. No. 2435: A bill for an act relating to retirement; inclusion of technical college teachers in the law governing individual retirement accounts; amending Minnesota Statutes 1990, sections 354.05, subdivision 2a; 354B.01, subdivision 1, and by adding subdivisions; 354B.015; 354B.02; 354B.03, subdivisions 1 and 3; 354B.05; and 356.24; proposing coding for new law in Minnesota Statutes, chapter 354B.

Referred to the Committee on Governmental Operations.

Mses. Traub, Reichgott and Mr. Mondale introduced—

S.F. No. 2436: A bill for an act relating to education; repealing the requirement of proficiency in American sign language for licensure for teaching hearing impaired students; repealing Minnesota Statutes 1991 Supplement, section 125.189.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 2437: A bill for an act relating to commerce; motor vehicle lienholders; requiring notice to certain secured creditors before the vehicle is sold; amending Minnesota Statutes 1990, section 514.20.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2438: A bill for an act relating to the environment; providing that motor vehicles no more than two years old are exempt from emissions testing requirements; amending Minnesota Statutes 1990, section 116.61, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Metzen introduced—

S.F. No. 2439: A bill for an act relating to human services; establishing a pilot project for downsizing intermediate care facilities for persons with mental retardation in Dakota county; appropriating money.

Referred to the Committee on Health and Human Services.

Mr. Metzen introduced—

S.F. No. 2440: A bill for an act relating to lawful gambling; regulating the destruction of pull-tabs removed from play; proposing coding for new law in Minnesota Statutes, chapter 349.

Referred to the Committee on Gaming Regulation.

Mr. Metzen introduced—

S.F. No. 2441: A bill for an act relating to housing; increasing the debt ceiling of the Minnesota housing finance agency; amending Minnesota Statutes 1990, section 462A.22, subdivision 1.

Referred to the Committee on Economic Development and Housing.

Messrs. Finn; Johnson, D.J.; Dicklich; Bernhagen and Renneke introduced—

S.F. No. 2442: A bill for an act relating to municipal utilities; providing for the assessment of certain costs; proposing coding for new law in Minnesota Statutes, chapter 414.

Referred to the Committee on Energy and Public Utilities.

Mrs. Pariseau and Ms. Olson introduced—

S.F. No. 2443: A bill for an act relating to motor vehicles; environment; providing for biennial inspections for motor vehicle emissions; providing for delayed testing for new motor vehicles; providing that the emissions testing program expires under certain conditions; amending Minnesota Statutes 1990, sections 116.61, subdivision 1; 116.62, subdivision 4; and 116.64, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Mr. Bernhagen introduced—

S.F. No. 2444: A bill for an act relating to local government; city of Hutchinson; providing for the adoption by the city of a special service district.

Referred to the Committee on Local Government.

Messrs. Mehrkens and Neuville introduced—

S.F. No. 2445: A bill for an act relating to outdoor recreation; permitting operation of a certain commercial activity by a nonprofit trail association in Goodhue county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Kelly, Cohen and Ms. Pappas introduced—

S.F. No. 2446: A resolution memorializing the President and Congress to expedite the naturalization of aliens who served with special guerrilla units in Laos.

Referred to the Committee on Veterans and General Legislation.

Messrs. Solon, Luther, Belanger, Samuelson and Larson introduced—

S.F. No. 2447: A bill for an act relating to commerce; regulating data collection, enforcement powers, premium finance agreements, temporary capital stock of mutual life companies, surplus lines insurance, conversion privileges, coverages, rehabilitations and liquidations, the comprehensive health insurance plan, and claims practices; requiring insurers to notify all



covered persons of cancellations of group coverage; regulating continuation privileges and automobile premium surcharges; regulating unfair or deceptive practices; regulating insurance agent licensing and education; carrying out the intent of the legislature to make uniform the statutory service of process provisions under the jurisdiction of the department of commerce; making various technical changes; amending Minnesota Statutes 1990, sections 45.012; 45.027, by adding subdivisions; 45.028, subdivision 1; 48.185, subdivision 7; 59A.08, subdivisions 1 and 4; 59A.11, subdivisions 2 and 3; 59A.12, subdivision 1; 60A.02, subdivision 7, and by adding a subdivision; 60A.03, subdivision 2; 60A.07, subdivisions 1 and 10; 60A.12, subdivision 4; 60A.1701, subdivisions 3 and 7; 60A.19, subdivision 4; 60A.201, subdivisions 1 and 4; 60A.203; 60A.206, subdivision 3; 60A.21, subdivision 2; 60B.03, by adding a subdivision; 60B.15; 60B.17, subdivision 1; 62A.10, subdivision 1; 62A.21, subdivision 2b; 62A.30, subdivision 1; 62A.41, subdivision 4; 62A.48, subdivision 8; 62A.54; 62C.17, subdivision 5; 62D.22, subdivision 8; 62E.02, subdivision 23; 62E.11, subdivision 9; 62E.14, by adding a subdivision; 62E.15, subdivision 4, and by adding subdivisions; 62E.16; 62H.01; 64B.33; 64B.35, subdivision 2; 65B.133, subdivision 4; 70A.11, subdivision 1; 71A.02, subdivision 3; 72A.07; 72A.125, subdivision 2; 72A.201, subdivision 3; 72A.22, subdivision 5; 72A.37, subdivision 2; 72A.43, subdivision 2; 72B.02, by adding a subdivision; 72B.03, subdivision 2; 72B.04, subdivision 6; 80A.27, subdivisions 7 and 8; 80C.20; 82.31, subdivision 3; 82A.22, subdivisions 1 and 2; 83.39, subdivisions 1 and 2; 270B.07, subdivision 1; and 543.08; Minnesota Statutes 1991 Supplement, sections 45.027, subdivisions 1, 2, 5, 6, and 7; 60A.13, subdivision 3a; 60D.15, subdivision 4; 60D.17, subdivision 4; 72A.061, subdivision 1; 72A.201, subdivision 8; and 82B.15, subdivision 3; Laws 1991, chapter 233, section 111; proposing coding for new law in Minnesota Statutes, chapters 60A; and 62I; proposing coding for new law as Minnesota Statutes, chapter 60K; repealing Minnesota Statutes 1990, sections 60A.05; 60A.051; 60A.17, subdivisions 1, 1a, 1b, 1c, 2c, 2d, 3, 5, 5b, 6, 6b, 6c, 6d, 7a, 8, 8a, 9a, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21; 62A.01, subdivision 4; 62A.29; 65B.70; and 72A.13, subdivision 3; and Minnesota Statutes 1991 Supplement, section 60A.17, subdivision 1d.

Referred to the Committee on Commerce.

Mr. DeCramer introduced—

S.F. No. 2448: A bill for an act relating to human services; modifying cost reporting procedures and note adjustments for certain nursing facilities; amending Minnesota Statutes 1990, section 256B.431, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Finn, Dicklich, Lessard, Stumpf and Moe, R.D. introduced—

S.F. No. 2449: A bill for an act relating to capital improvements; authorizing bonds and appropriating money for the Bemidji technical college construction project.

Referred to the Committee on Education.

Messrs. Chmielewski and Solon introduced—

S.F. No. 2450: A bill for an act relating to telecommunications; appropriating money to facilitate public sector regional telecommunications systems statewide, to create a public sector telecommunications clearinghouse, and to continue STARS telecommunications master planning development, including matching funds for pilot project development, in the Northeast and Southeast regions.

Referred to the Committee on Governmental Operations.

Mr. Metzen, Mrs. Pariseau and Ms. Johnston introduced—

S.F. No. 2451: A bill for an act relating to Dakota county; providing financing for planning activities for the international airport or other transportation; authorizing a regional railroad authority to transfer light rail money.

Referred to the Committee on Transportation.

Mr. Metzen, Mrs. Pariseau and Ms. Johnston introduced—

S.F. No. 2452: A bill for an act relating to Dakota county; appropriating money for planning activities for the potential relocation of the international airport.

Referred to the Committee on Transportation.

Ms. Pappas, Mrs. Adkins, Ms. Reichgott and Berglin introduced—

S.F. No. 2453: A bill for an act relating to health; requiring a program to promote the long-term development of children and to prevent abuse; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mses. Piper, Ranum and Mrs. Brataas introduced—

S.F. No. 2454: A bill for an act relating to health; requiring a program to promote the long-term development of children and to prevent abuse; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mses. Olson; Johnston; Flynn; Johnson, J.B. and Mr. Sams introduced—

S.F. No. 2455: A bill for an act relating to health; requiring a program to promote the long-term development of children and to prevent abuse; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mrs. Pariseau, Messrs. Metzen and Neuville introduced—

S.F. No. 2456: A bill for an act relating to manufactured homes; enacting the manufactured home owners bill of rights; providing penalties; amending

Minnesota Statutes 1990, sections 327.16, subdivision 3; 327C.01, subdivision 1, and by adding a subdivision; 327C.02, subdivision 1, and by adding subdivisions; 327C.04, subdivision 3; 327C.05, subdivisions 1, 2, and by adding subdivisions; and 327C.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 327C; repealing Minnesota Statutes 1990, sections 327C.02, subdivisions 2a, 3, 4, and 5; 327C.03; 327C.06; 327C.07, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8; 327C.08; 327C.09; 327C.10; 327C.11; 327C.12; 327C.13; 327C.14; and 327C.15; and Minnesota Statutes 1991 Supplement, section 327C.06.

Referred to the Committee on Economic Development and Housing.

Mr. Dicklich introduced—

S.F. No. 2457: A bill for an act relating to aquaculture; requiring an environmental impact statement before certain aquaculture permits may be issued; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

Mr. Samuelson, Mses. Flynn, Berglin, Piper and Mr. Renneke introduced—

S.F. No. 2458: A bill for an act relating to human services; regulating medical assistance payments for the services of occupational and physical therapy assistants.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 2459: A bill for an act relating to drivers' licenses; establishing a presumption of consent to making an anatomical gift; amending Minnesota Statutes 1991 Supplement, sections 171.06, subdivision 3; and 171.07, subdivision 5.

Referred to the Committee on Transportation.

Mrs. Pariseau, Ms. Traub and Mrs. Benson, J.E. introduced—

S.F. No. 2460: A bill for an act relating to health; requiring a program to promote the long-term development of children and to prevent abuse; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Messrs. Bertram and Finn introduced—

S.F. No. 2461: A bill for an act relating to partition fences; providing for apportionment of cost of a partition fence; amending Minnesota Statutes 1990, sections 344.03, subdivision 1; and 344.06.

Referred to the Committee on Local Government.

Mr. Spear and Ms. Ranum introduced—

S.F. No. 2462: A bill for an act relating to insurance; requiring an arbitration ruling before termination of no-fault economic loss benefits; amending Minnesota Statutes 1990, section 65B.54, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Luther and Solon introduced—

S.F. No. 2463: A bill for an act relating to insurance; solvency; making various technical corrections; amending Minnesota Statutes 1990, sections 60A.03, subdivision 6; and 60A.10, subdivision 4; Minnesota Statutes 1991 Supplement, sections 60A.092, subdivision 3; 60A.11, subdivisions 13 and 20; 60A.112; 60A.12, subdivision 10; 60A.124; and 60D.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60C; repealing Minnesota Statutes 1991 Supplement, section 72A.206.

Referred to the Committee on Commerce.

Ms. Reichgott, Messrs. Vickerman, Merriam, Laidig and Frederickson, D.R. introduced—

S.F. No. 2464: A bill for an act relating to game and fish; appropriating money for the stocking of Atlantic salmon in inland lakes.

Referred to the Committee on Environment and Natural Resources.

Messrs. Finn, Sams, Mses. Berglin, Piper and Mr. Chmielewski introduced—

S.F. No. 2465: A bill for an act relating to taxation; increasing the tax rate for distilled wine and spirits; authorizing deposits into the chemical dependency treatment fund; amending Minnesota Statutes 1990, sections 254B.02, subdivision 1; 297C.02; and 297C.08.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 2466: A bill for an act relating to education; authorizing a special levy for independent school district No. 361, International Falls.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2467: A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

Referred to the Committee on Governmental Operations.

Mses. Reichgott, Berglin, Messrs. Knaak, Luther and Finn introduced—

S.F. No. 2468: A bill for an act relating to human rights; defining certain terms; clarifying certain discriminatory practices; amending Minnesota Statutes 1990, sections 363.01, subdivision 35, and by adding subdivisions; 363.02, subdivision 1; 363.03, subdivisions 1, 2, 3, 4, and 10.

Referred to the Committee on Judiciary.

Messrs. Stumpf; Moe, R.D.; Lessard and Finn introduced—

S.F. No. 2469: A bill for an act relating to natural resources; allowing the use of snowmobiles on certain conservation lands unless prohibited by rule of the commissioner of natural resources; amending Minnesota Statutes 1990, section 84A.55, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Mr. Johnson, D.E. and Ms. Johnston introduced—

S.F. No. 2470: A bill for an act relating to motor vehicles; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1990, section 168.125, subdivision 1.

Referred to the Committee on Transportation.

Mr. Hottinger introduced—

S.F. No. 2471: A bill for an act relating to capital improvements; providing for emergency capital expenses at Mankato State University; authorizing sale of state bonds; appropriating money.

Referred to the Committee on Education.

Messrs. Metzen, Solon and Morse introduced—

S.F. No. 2472: A bill for an act relating to economic development; authorizing excursion boat gambling; establishing an excursion boat gambling board; imposing penalties; appropriating money; amending Minnesota Statutes 1990, section 299L.02, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 349C.

Referred to the Committee on Economic Development and Housing.

Messrs. Morse, Price, Davis, DeCramer and Neuville introduced—

S.F. No. 2473: A bill for an act relating to the department of health; establishing a service connection fee for certain public water supply users; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. DeCramer; Frederickson, D.J.; Vickerman and Frederickson, D.R. introduced—

S.F. No. 2474: A bill for an act relating to capital improvements; appropriating money for the southern Minnesota rivers basin area II program; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Messrs. Beckman, Solon, Mehrkens, Belanger and Stumpf introduced—

S.F. No. 2475: A bill for an act relating to commerce; changing the penalty for selling tobacco to a child; adding a penalty for the purchase of or an

attempt to purchase tobacco by a child; amending Minnesota Statutes 1990, section 609.685, subdivisions 1a and 3.

Referred to the Committee on Commerce.

Mr. Samuelson introduced—

S.F. No. 2476: A bill for an act relating to human services; transferring certain mental health grant funds to the community social services block grant; authorizing counties to consolidate funds for mental health services; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.73; and 256E.12, subdivisions 1, 2, and 3; Minnesota Statutes 1991 Supplement, section 256E.12, subdivision 4.

Referred to the Committee on Health and Human Services.

Mr. Stumpf introduced—

S.F. No. 2477: A bill for an act relating to education; authorizing an additional adjustment to the debt redemption fund for a maximum effort capital loan recipient; amending Laws 1991, chapter 265, article 5, section 23.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 2478: A bill for an act relating to education; approving a maximum effort school loan program capital loan.

Referred to the Committee on Education.

Messrs. Stumpf, Finn, Lessard and Novak introduced—

S.F. No. 2479: A bill for an act relating to snowmobiles; exempting testing activities from applicable speed limits under certain conditions; amending Minnesota Statutes 1990, section 84.87, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 2480: A bill for an act relating to education; setting a minimum levy for interactive television costs; amending Minnesota Statutes 1991 Supplement, section 275.125, subdivision 11g.

Referred to the Committee on Education.

Ms. Pappas and Mr. Dahl introduced—

S.F. No. 2481: A bill for an act relating to education; amending the post-secondary enrollment options act; reenacting and amending Minnesota Statutes 1990, section 123.3514, subdivisions 6 and 6b, as amended; amending Minnesota Statutes 1991 Supplement, sections 123.3514, subdivision 4; and 135A.03, subdivision 3a; Laws 1991, chapter 265, article 9, section 75; proposing coding for new law in Minnesota Statutes, chapters 123; and 135A.

Referred to the Committee on Education.

Messrs. Dahl, Renneke and Riveness introduced—

S.F. No. 2482: A bill for an act relating to watershed districts; providing for their administrative fund levy.

Referred to the Committee on Environment and Natural Resources.

Mr. Solon introduced—

S.F. No. 2483: A bill for an act relating to alcoholic beverages; authorizing the sale of liqueur-filled candy in confectionery stores; amending Minnesota Statutes 1990, section 31.121.

Referred to the Committee on Commerce.

Mr. Novak introduced—

S.F. No. 2484: A bill for an act relating to pipelines; regulating liquefied natural gas facilities; amending Minnesota Statutes 1990, sections 299J.02, subdivisions 12, 13, and by adding subdivisions; 299J.04; 299J.07, subdivision 1; 299J.10; 299J.12, subdivisions 2 and 3; and 299J.15.

Referred to the Committee on Transportation.

Messrs. DeCramer; Moe, R.D.; Chmielewski and Morse introduced—

S.F. No. 2485: A bill for an act relating to telecommunications; establishing a grant and loan program to assist political subdivisions of the state and other public entities to participate in regional or statewide telecommunications systems; authorizing the issuance and sale of state bonds for the program; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Sams introduced—

S.F. No. 2486: A bill for an act relating to licensure board powers; amending the examination procedure for licensing optometrists; amending Minnesota Statutes 1990, section 148.57, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Spear and Berg introduced—

S.F. No. 2487: A bill for an act relating to crimes; expanding RICO racketeering law to include gambling crimes; authorizing the division of gambling enforcement to seize and forfeit property under the criminal forfeiture law; prescribing penalties; amending Minnesota Statutes 1990, section 609.76, subdivision 2; Minnesota Statutes 1991 Supplement, sections 609.531, subdivision 1; 609.76, subdivision 1; and 609.902, subdivision 4.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced—

S.F. No. 2488: A bill for an act relating to human services; repealing the work readiness program; establishing a work assistance program; transferring money to the commissioner of jobs and training; amending Minnesota

Statutes 1990, sections 256D.05, by adding subdivisions; 268.86, subdivisions 2 and 8; 268.871, subdivision 1; and 268.88; Minnesota Statutes 1991 Supplement, section 256D.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1990, sections 256D.051, subdivisions 3b, 6b, 7, 9, 10, 13, 14, and 15; 256D.052, subdivisions 1 and 2; Minnesota Statutes 1991 Supplement, sections 256D.051, subdivisions 1, 1a, 2, 3, 3a, 6, and 8; 256D.052, subdivisions 3 and 4; 256D.101, subdivisions 1 and 3; and 256D.111, subdivision 5.

Referred to the Committee on Health and Human Services.

Mr. Kelly introduced—

S.F. No. 2489: A bill for an act relating to housing; creating a regional housing revitalization program; imposing a deed tax on certain real property transfers within the metropolitan area; appropriating money; amending Minnesota Statutes 1990, sections 287.21, subdivisions 1 and 2; 287.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Economic Development and Housing.

Mr. Laidig introduced—

S.F. No. 2490: A bill for an act relating to municipalities; requiring municipalities to defend certain board action on zoning ordinances; amending Minnesota Statutes 1990, section 462.357, subdivision 2.

Referred to the Committee on Local Government.

Mr. Stumpf introduced—

S.F. No. 2491: A bill for an act relating to traffic regulations; authorizing television screens in police vehicles; amending Minnesota Statutes 1990, section 169.471, subdivision 1.

Referred to the Committee on Transportation.

Mr. Kelly introduced—

S.F. No. 2492: A bill for an act relating to crime; limiting the use of certain conditions of probation or pretrial release for persons convicted or accused of certain crimes; amending Minnesota Statutes 1990, section 609.135, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Judiciary.

Mr. Renneke introduced—

S.F. No. 2493: A bill for an act relating to education; transferring the Waseca campus to the state board of technical colleges; specifying conditions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Referred to the Committee on Education.



Ms. Reichgott, Messrs. Cohen, Finn, Knaak and Spear introduced—

S.F. No. 2494: A bill for an act relating to probate; establishing a durable health care power of attorney; proposing coding for new law as Minnesota Statutes, chapter 145C.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Johnson, D.J. and Frederickson, D.J. introduced—

S.F. No. 2495: A bill for an act relating to taxation; making technical and administrative changes and corrections; amending Minnesota Statutes 1990, sections 60A.19, subdivision 6; 270.075, subdivision 1; 270A.05; 270A.07, subdivisions 1 and 2; 270A.11; 270B.01, subdivision 8; 273.135, subdivision 2; 274.20, subdivisions 1 and 2; 278.01, subdivision 2; 289A.50, subdivision 5; 290.05, subdivision 4; 290.091, subdivision 6; 290A.03, subdivision 8; 290A.19; 297A.15, subdivisions 5 and 6; 469.177, subdivision 1a; 473.446, subdivision 1; 473H.10, subdivision 3; 541.07; Minnesota Statutes 1991 Supplement, sections 124A.23, subdivision 1; 270A.04, subdivision 2; 270A.08, subdivision 2; 273.13, subdivisions 22 and 25, as amended; 273.1398, subdivision 7; 273.1399; 275.065, subdivision 5a; 275.125, subdivision 5; 279.03, subdivision 1a; 281.17; 289A.20, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 8; 290.0922, subdivision 1; 290.92, subdivision 23; 375.192, subdivision 2; 423A.02, subdivision 1a; Laws 1991, chapter 291, articles 1, section 65; and 7, section 27; proposing coding for new law in Minnesota Statutes, chapters 13 and 289A; repealing Minnesota Statutes 1990, section 289A.12, subdivision 1; 290.48, subdivision 7; 297.32, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnson, J.B. introduced—

S.F. No. 2496: A bill for an act relating to housing; modifying provisions of rehabilitation loans, lease-purchase housing, and urban and rural homesteading; limiting use of emergency rules; modifying limitations on the use of bond proceeds; modifying provisions of publicly-owned transitional housing program; modifying provisions for neighborhood land trusts; amending Minnesota Statutes 1990, sections 462A.05, subdivision 14a; 462A.06, subdivision 11; and 462A.202, subdivision 2; Minnesota Statutes 1991 Supplement, sections 462A.05, subdivision 36; 462A.073, subdivision 2; and 462A.30, subdivisions 6 and 9; repealing Minnesota Statutes 1990, section 462A.057, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, and 10; and Laws 1991, chapter 292, article 9, section 35.

Referred to the Committee on Economic Development and Housing.

Ms. Johnson, J.B. introduced—

S.F. No. 2497: A bill for an act relating to commerce; defining the responsibilities of ski area operators and skiers; defining the rights and liabilities between skiers and between a skier and a ski area operator; proposing coding for new law as Minnesota Statutes, chapter 86C.

Referred to the Committee on Environment and Natural Resources.

Mr. Luther introduced—

S.F. No. 2498: A bill for an act relating to insurance; no-fault auto; requiring mandatory arbitration of uninsured and underinsured motorist claims; amending Minnesota Statutes 1990, section 65B.49, subdivision 3a.

Referred to the Committee on Commerce.

Messrs. Davis; Merriam; Lessard; Frederickson, D.R. and Chmielewski introduced—

S.F. No. 2499: A bill for an act relating to economic development; authorizing the establishment of the Mille Lacs preservation and development board; providing for the designation of enterprise zones; proposing coding for new law in Minnesota Statutes, chapter 103F.

Referred to the Committee on Environment and Natural Resources.

Ms. Ranum, Messrs. Finn and Neuville introduced—

S.F. No. 2500: A bill for an act relating to crimes; restricting the use of electronic monitoring devices to protect the safety of victims of domestic abuse; requiring the commissioner of corrections to establish standards for devices and for monitoring agencies; limiting the use of electronic monitoring devices for persons convicted of violent crimes; appropriating money; amending Minnesota Statutes 1990, sections 609.02, by adding a subdivision; 609.135, subdivision 1, and by adding a subdivision; and 629.72, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 611A and 629.

Referred to the Committee on Judiciary.

Messrs. Benson, D.D. and Stumpf introduced—

S.F. No. 2501: A bill for an act relating to education; allowing certain fund transfers for school districts that are reorganizing; amending Minnesota Statutes 1991 Supplement, sections 121.912, subdivision 6; and 121.915.

Referred to the Committee on Education.

Mr. Kroening introduced—

S.F. No. 2502: A bill for an act relating to the city of Minneapolis; eliminating community resource funding for way to grow program; repealing Minnesota Statutes 1990, section 466A.06, subdivision 2.

Referred to the Committee on Economic Development and Housing.

Mr. Marty introduced—

S.F. No. 2503: A bill for an act relating to telecommunications; authorizing the telecommunications access for communication-impaired persons' board to advance money to contractors under certain conditions; prescribing the terms and compensation of board members; amending Minnesota Statutes 1990, sections 237.51, subdivision 3; and 237.52, subdivision 5.

Referred to the Committee on Energy and Public Utilities.

Messrs. Gustafson; Benson, D.D.; Langseth; Mrs. Brataas and Mr. Stumpf introduced—

S.F. No. 2504: A bill for an act relating to workers' compensation; regulating benefits, providers, dispute resolution, and insurance; appropriating money; imposing penalties; amending Minnesota Statutes 1990, sections 15A.083, subdivision 7; 79.095; 79.251, by adding subdivisions; 79.252, subdivisions 1 and 3; 79.55, subdivision 2; 79.56, by adding a subdivision; 79.58, subdivision 2; 79.61, subdivision 1; 175.007; 176.011, subdivisions 3, 11a, 18, 27, and by adding a subdivision; 176.021, subdivision 3; 176.041, subdivision 1a; 176.061, subdivision 10, and by adding a subdivision; 176.081, subdivisions 1, 2, and 3; 176.101, subdivisions 1, 2, 4, 5, 6, 8, and by adding subdivisions; 176.102, subdivisions 1, 2, 4, 6, 9, and 11; 176.103, subdivisions 2, 3, and by adding a subdivision; 176.105, subdivisions 1 and 4; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 18, 20, and 21; 176.135, subdivisions 1, 5, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.179; 176.181, subdivision 3, and by adding a subdivision; 176.183; 176.215, by adding a subdivision; 176.221, subdivision 6a; 176.261; 176.305, subdivision 1; 176.351, subdivision 2a; 176.421, subdivision 7; 176.442; 176.461; 176.645, subdivisions 1 and 2; 176.66, subdivision 11; 176.82; 176.83, subdivision 5, and by adding a subdivision; 176A.03, by adding a subdivision; 221.141, subdivision 1; 268.08, subdivision 3; 353.33, subdivision 5; 480A.06, subdivisions 3 and 4; 609.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 79; and 176; repealing Minnesota Statutes 1990, sections 79.54; 79.57; 79.58, subdivision 1; 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; 176.106; 176.111, subdivision 8a; 176.131; 176.132; 176.135, subdivision 3; and 176.136, subdivision 5.

Referred to the Committee on Employment.

Messrs. Waldorf, Merriam and Chmielewski introduced—

S.F. No. 2505: A bill for an act relating to state government; ratifying labor agreements; providing for classification changes for certain employees; requiring a report to the legislature; amending Minnesota Statutes 1990, section 21.85, subdivision 2; Minnesota Statutes 1991 Supplement, sections 43A.08, subdivisions 1 and 1a; and 349A.02, subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Solon, Ms. Pappas, Messrs. Dicklich and Kelly introduced—

S.F. No. 2506: A bill for an act relating to education; authorizing an equalized aid and levy for school districts with low fund balances; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F. No. 2507: A bill for an act relating to the city of St. Paul; requiring the commissioner of transportation to conduct an environmental impact

study for Ayd Mill Road; appropriating money.

Referred to the Committee on Transportation.

Messrs. Kroening and Waldorf introduced—

S.F. No. 2508: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Referred to the Committee on Governmental Operations.

Mr. Gustafson, Mrs. Benson, J.E. and Mr. Novak introduced—

S.F. No. 2509: A bill for an act relating to motor fuels; weights and measures; regulating octane and oxygenated fuels; amending Minnesota Statutes 1990, sections 41A.09, subdivision 2, and by adding a subdivision; 239.06; 239.75; 239.79; 239.80; 296.01, subdivisions 1, 2, 3, 4, 4a, 4b, 15, 24, and by adding subdivisions; 296.02, subdivisions 1, 2, and 7; Minnesota Statutes 1991 Supplement, section 239.05, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 239; repealing Minnesota Statutes 1990, sections 239.75, subdivisions 3 and 4; 239.76, as amended; 239.79, subdivisions 1 and 2; 296.01, subdivision 2a; and 325E.09.

Referred to the Committee on Energy and Public Utilities.

Ms. Flynn, Messrs. DeCramer and Novak introduced—

S.F. No. 2510: A bill for an act relating to transportation; providing for final design and construction of light rail transit by the commissioner of transportation; amending Minnesota Statutes 1990, sections 174.32, subdivisions 2 and 3; 222.50, subdivision 7; 398A.04, by adding a subdivision; 473.167, subdivision 1; 473.384, subdivision 2; 473.399, subdivisions 1 and 3; 473.3994, subdivisions 2, 3, 4, 5, and 7; 473.3996; and 473.4051; Minnesota Statutes 1991 Supplement, sections 117.57, subdivision 3; 398A.04, subdivision 8; and 473.3997; Laws 1991, chapter 291, article 4, section 20; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1990, section 473.3994, subdivision 6; Minnesota Statutes 1991 Supplement, section 473.3998.

Referred to the Committee on Metropolitan Affairs.

Mr. Davis introduced—

S.F. No. 2511: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land in Mille Lacs county.

Referred to the Committee on Environment and Natural Resources.

Mr. Morse introduced—

S.F. No. 2512: A bill for an act relating to crime; prohibiting soliciting children to enter a motor vehicle; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Mr. Frederickson, D.J. introduced—

S.F. No. 2513: A bill for an act relating to taxes; providing for purchase of certain tax-forfeited lands; amending Minnesota Statutes 1990, sections 282.012; and 282.241.

Referred to the Committee on Environment and Natural Resources.

Mr. Frederickson, D.J. introduced—

S.F. No. 2514: A bill for an act relating to the Yellow Medicine county hospital district; providing for hospital board membership and elections; amending Laws 1963, chapter 276, sections 2, subdivision 2, and by adding subdivisions; and 4.

Referred to the Committee on Local Government.

Mr. Frederickson, D.J. introduced—

S.F. No. 2515: A bill for an act relating to crime; authorizing collection of fines from inmates' wages; providing that a parent of a victim of harassment who is a minor may seek a restraining order in district court; amending Minnesota Statutes 1990, sections 241.26, subdivision 5; and 609.748, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Frederickson, D.J. introduced—

S.F. No. 2516: A bill for an act relating to human services; requiring the commissioner of human services to set uniform payment rates for alternative care services; amending Minnesota Statutes 1991 Supplement, section 256B.0913, subdivision 14.

Referred to the Committee on Health and Human Services.

Mr. Frederickson, D.J. introduced—

S.F. No. 2517: A bill for an act relating to agriculture; changing maximum annual ethanol producer payments in certain years; transferring certain money for an ethanol producers handbook; amending Minnesota Statutes 1991 Supplement, section 41A.09, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

Mr. Frederickson, D.J. introduced—

S.F. No. 2518: A bill for an act relating to education; establishing the technical and occupational education foundation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Referred to the Committee on Education.

Messrs. Frederickson, D.J. and Lessard introduced—

S.F. No. 2519: A bill for an act proposing an amendment to the Minnesota Constitution, article X, by adding a section; dedicating part of the sales tax to property tax relief; amending Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mehrkens and Vickerman introduced—

S.F. No. 2520: A bill for an act relating to motor vehicles; allowing registrar to recover the cost of manufacturing and issuing motor vehicle license plates and stickers; crediting fees from the sale of license plates to the highway user tax distribution fund; amending Minnesota Statutes 1990, sections 168.012, by adding a subdivision; 168.042, by adding a subdivision; 168.12, subdivisions 2 and 5; 168.128, by adding a subdivision; and 168.29; Minnesota Statutes 1991 Supplement, section 168.041, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Mehrkens and Vickerman introduced—

S.F. No. 2521: A bill for an act relating to motor fuels; authorizing commissioner of public safety to make and administer interstate fuel tax agreements; imposing decal fee on interstate motor carriers; amending Minnesota Statutes 1990, section 168.187, subdivisions 17 and 26; proposing coding for new law in Minnesota Statutes, chapter 296; repealing Minnesota Statutes 1990, section 296.17, subdivision 9a.

Referred to the Committee on Transportation.

Ms. Berglin introduced—

S.F. No. 2522: A bill for an act relating to the department of jobs and training; appropriating money to supplement certain programs.

Referred to the Committee on Health and Human Services.

Mses. Piper, Berglin and Mr. Benson, D.D. introduced—

S.F. No. 2523: A bill for an act relating to human services; providing for HIV minimum standards; providing for HIV training in chemical dependency treatment programs; expanding exclusion from licensure; providing for integration of residential programs; delegating authority to enforce uniform fire code; setting adult foster care license capacity; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; 245A.07, subdivisions 2 and 3; 245A.11; and 299F011, subdivision 4a; Minnesota Statutes 1991 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivision 3; and 245A.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1990, sections 245A.11, subdivision 5; 245A.14, subdivision 5; and 245A.17.

Referred to the Committee on Health and Human Services.

Mr. Hottinger introduced—

S.F. No. 2524: A bill for an act relating to insurance; Medicare supplement; making various changes in state law required by the federal government; regulating coverages and practices; amending Minnesota Statutes 1990, sections 62A.31, by adding subdivisions; 62A.315; 62A.36, subdivision 1; 62A.38; 62A.39; 62A.42; 62A.44; and 62E.07; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; 62A.316; and 62E.12; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce.

Mr. Benson, D.D.; Ms. Piper, Messrs. Vickerman and Terwilliger introduced—

S.F. No. 2525: A bill for an act relating to human services; requiring the commissioner to seek federal approval to modify the community-based services waiver program for disabled individuals to allow alternative approaches for attributing income and assets to each spouse when only one spouse is potentially eligible for medical assistance.

Referred to the Committee on Health and Human Services.

Messrs. Davis and Chmielewski introduced—

S.F. No. 2526: A bill for an act relating to taxation; allowing Kanabec county to levy a property tax for the county historical society.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 2527: A bill for an act relating to state lands; authorizing exchange of real property.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau introduced—

S.F. No. 2528: A bill for an act relating to elections; allowing a school district to designate voting hours; amending Minnesota Statutes 1990, section 205A.09.

Referred to the Committee on Elections and Ethics.

Mr. Chmielewski introduced—

S.F. No. 2529: A bill for an act relating to labor; requiring arbitration in certain circumstances; establishing procedures; providing penalties; amending Minnesota Statutes 1990, sections 179.06, by adding a subdivision; and 179A.16, subdivision 3, and by adding a subdivision.

Referred to the Committee on Employment.

Mr. Dicklich introduced—

S.F. No. 2530: A bill for an act relating to the city of Virginia; authorizing annual increases in survivor benefits payable by the Virginia firefighters relief association.

Referred to the Committee on Governmental Operations.

Mr. Dicklich introduced—

S.F. No. 2531: A bill for an act relating to retirement; providing for the calculation of pension increases for the Virginia police relief association.

Referred to the Committee on Governmental Operations.

Messrs. Morse, Renneke and Stumpf introduced—

S.F. No. 2532: A bill for an act relating to retirement; the public employees retirement association; making changes in eligibility and conditions of eligibility for receipt of disability benefits; amending Minnesota Statutes 1990, sections 353.03, subdivisions 3 and 3a; and 353.33, subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Benson, D.D. introduced—

S.F. No. 2533: A bill for an act relating to human services; establishing a project to enhance the recovery of overpaid benefits; creating administrative fraud disqualification hearings as an optional method for resolving AFDC and food stamp fraud cases; creating a task force to consider and evaluate mechanisms which would allow the administrative determination of overpayments and their docketing as judgments; defining in-kind income in the AFDC and GA programs; authorizing disqualification from the AFDC and food stamp programs based on administrative fraud hearings; creating and authorizing the use of commissioner's subpoenas in investigations involving public assistance programs; establishing the offense defined as assistance transaction card fraud; establishing a pilot project to examine options designed to enhance the recovery of overpayments in assistance programs; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 256.019; 256.12, by adding a subdivision; 256D.02, subdivision 8; and 256D.35, subdivision 11; Minnesota Statutes 1991 Supplement, section 256.98, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Mr. Benson, D.D. introduced—

S.F. No. 2534: A bill for an act relating to human services; revising conditions covered under Minnesota family investment plan; expanding persons considered when determining family income; delaying the date of implementation for field trials of Minnesota family investment plan; amending Minnesota Statutes 1991 Supplement, sections 256.031, subdivision 3; 256.033, subdivisions 1, 2, 3, and 5; 256.034, subdivision 3; 256.035, subdivision 1; and 256.0361, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Benson, D.D. introduced—

S.F. No. 2535: A bill for an act relating to the jobs and training department; establishing a self-start program; providing employment-related services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Health and Human Services.

Mr. Benson, D.D. introduced—

S.F. No. 2536: A bill for an act relating to the department of jobs and training; modifying provisions concerning dislocated worker fund disbursements; amending Minnesota Statutes 1991 Supplement, section 268.022, subdivision 2.



Referred to the Committee on Health and Human Services.

Mr. Benson, D.D. introduced—

S.F. No. 2537: A bill for an act relating to the jobs and training department; modifying Head Start program provisions; appropriating money; repealing Minnesota Statutes 1991 Supplement, section 268.914, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Benson, D.D. and Renneke introduced—

S.F. No. 2538: A bill for an act relating to nursing homes; regulating payments for nursing homes under receivership agreements; making various technical amendments; amending Minnesota Statutes 1990, sections 245A.13, subdivision 4; 256B.431, subdivision 4; 256B.432, by adding a subdivision; 256B.48, subdivisions 3, 4, and by adding a subdivision; 256B.495, subdivisions 1, 2, and by adding a subdivision; 256B.50, subdivisions 1b and 2; 256I.01; 256I.02; 256I.03, subdivisions 2 and 3; 256I.04, as amended; 256I.05, subdivisions 1, 3, 6, 8, and 9; and 256I.06; Minnesota Statutes 1991 Supplement, sections 252.46, subdivision 3; 256B.49, subdivision 4; and 256I.05, subdivisions 1a, 1b, 2, and 10; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1990, section 256I.05, subdivision 7; Minnesota Statutes 1991 Supplement, section 256I.05, subdivision 7a.

Referred to the Committee on Health and Human Services.

Messrs. Benson, D.D.; Terwilliger and Renneke introduced—

S.F. No. 2539: A bill for an act relating to human services; pertaining to costs of care and reimbursement under medical assistance; changing payment rates for physician services; allowing contracts with preferred provider programs; allowing reimbursement for wheelchairs and wheelchair accessories for ICF/MR recipients; allowing electronic claim submission for medical providers; altering conditions for medical assistance, general assistance medical care, and children's health plan programs; amending Minnesota Statutes 1990, sections 256.9655; 256.969, by adding a subdivision; 256.9695, subdivision 3; 256B.02, by adding subdivisions; 256B.03 by adding a subdivision; 256B.035; 256B.056, subdivisions 1a, 2, 3, 4, and by adding a subdivision; 256B.057, by adding a subdivision; 256B.059, subdivision 2; 256B.0595, subdivision 1; 256B.0625, by adding a subdivision; 256B.063; 256B.064, by adding a subdivision; 256B.14, subdivision 2; 256B.15, subdivisions 1, and 2; 256B.36; 256B.433, subdivisions 1, 2, and 3; 256D.02, by adding subdivisions; and 256D.03, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 254B.04, subdivision 1; 256.9685, subdivision 1; 256.969, subdivisions 1 and 2; 256B.0625, subdivision 13; 256B.064, subdivision 2; 256D.03, subdivision 3; Laws 1991, chapter 292, article 4, section 77, subdivisions 1 and 14; repealing Minnesota Statutes 1990, section 256B.056, subdivision 3a; Minnesota Statutes 1991 Supplement, sections 256.9657; 256B.74, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; and Laws 1991, chapter 292, article 4, section 79, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Benson, D.D. and Renneke introduced—

S.F. No. 2540: A bill for an act relating to human services; home care; expanding duties of interagency long-term planning committee; clarifying definitions; regulating personal care services, funding for alternative care services, and private nursing services; providing for reimbursement for nursing facilities; providing for case assessments; expanding persons responsible for conducting preadmission screening; expanding funding for services for nonmedical assistance recipients; establishing a statewide caregiver support and respite care project; establishing traumatic brain injury case management; changing conditions under the SAIL project; adjusting the rate for home- and community-based waived services; amending Minnesota Statutes 1990, section 256B.0625, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 144A.31, subdivision 2a; 256.9751, subdivisions 1 and 6; 256B.0625, subdivision 19a; 256B.0627, subdivisions 1, 4, and 5; 256B.0911, subdivisions 3, 7, 8, and by adding a subdivision; 256B.0913, subdivisions 4, 5, 8, 11, 12, and 14; 256B.0915, subdivision 3, and by adding subdivisions; 256B.0917, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and by adding a subdivision; 256B.093, subdivisions 1, 2, and 3; and 256B.49, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 256B; and 256I.

Referred to the Committee on Health and Human Services.

Mr. Benson, D.D.; Ms. Berglin, Mr. Renneke and Ms. Piper introduced—

S.F. No. 2541: A bill for an act relating to human services; changing the required dates for certain residential day and support services plans; excluding certain providers of respite care services from licensing requirements; providing for alternative services for persons with mental retardation; providing grants to businesses that employ persons with mental retardation; providing medical assistance coverage for certain services; changing the distribution of certain case management grants to counties; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; 252.291, subdivision 3; 256B.0625, by adding a subdivision; 256B.092, by adding a subdivision; 256B.501, by adding subdivisions; and 256E.14; Minnesota Statutes 1991 Supplement, sections 245A.03, subdivision 2; 252.28, subdivision 1; 252.50, subdivision 2; 256B.092, subdivision 4; and 256I.05, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health and Human Services.

Mr. Frederickson, D.R. introduced—

S.F. No. 2542: A bill for an act relating to financing of government in this state; altering certain appropriations for the biennium ending June 30, 1993, with certain conditions; providing for transfer or cancellation of certain money in the state treasury; appropriating money; amending Minnesota Statutes 1990, sections 3.736, subdivision 8; 10A.03, by adding a subdivision; 10A.14, by adding a subdivision; 10A.31, subdivision 4; 16A.48, subdivision 1; 16B.85, subdivision 5; 17.03, by adding a subdivision; 18B.26, subdivision 3; 43A.30, subdivisions 4 and 5; 60A.15, subdivision 1; 69.031, subdivision 5; 85A.04, subdivision 1; 89.035; 89.37, by adding a subdivision; 116J.9673, subdivision 4; 121.935, by adding a

subdivision; 123.58, by adding a subdivision; 136A.121, by adding a subdivision; 144.123, subdivision 2; 176.104, subdivision 2, and by adding subdivisions; 176.129, subdivisions 1 and 11; 176.183, subdivision 1; 182.666, subdivision 7; 237.701, subdivision 1; 270.063; 270.71; 289A.26, subdivisions 3, 4, 7, and 9; 290A.03, subdivisions 11 and 13; 290A.19; 297.13, subdivision 1; 299F.21, subdivision 1; 340A.301, subdivision 6; 340A.302, subdivision 3; 340A.315, subdivision 1; 340A.317, subdivision 2; 340A.408, subdivision 4; 345.32; 345.33; 345.34; 345.35; 345.36; 345.37; 345.38; 345.39; 345.42, subdivision 3; 352.04, subdivisions 2 and 3; 352.92, subdivision 2; 353.27, subdivision 13; 353.65, subdivisions 2, 3, and 7; 356.65, subdivision 1; 363.071, by adding a subdivision; 363.14, subdivision 3; 466.06; 477A.015; 477A.11, subdivision 4; 477A.12; 477A.14; and 490.123, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 16A.15, subdivision 6; 16A.45, subdivision 1; 16A.723, subdivision 2; 43A.316, subdivision 9; 89.37, subdivision 4; 121.904, subdivisions 4a and 4e; 124.195, subdivision 2; 124.479; 135A.03, subdivisions 1a and 3a; 148.91, subdivision 3; 182.666, subdivision 2; 289A.20, subdivision 4; 289A.26, subdivisions 1 and 6; 290A.04, subdivision 2h; 340A.311; 340A.316; and 340A.504, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 124; 178; and 290; repealing Minnesota Statutes 1990, sections 3.737; 3.7371; 41A.051; 84A.51, subdivisions 3 and 4; 84B.11; 85.012, subdivision 27a; 89.036; 179.81; 179.82; 179.83; 179.84; 179.85; 270.185; and 290A.03, subdivisions 12a and 14.

Referred to the Committee on Education.

Messrs. Luther; Johnson, D.J. and Hughes introduced—

S.F. No. 2543: A bill for an act relating to political campaign reform; eliminating political committee transfers and political party and PAC contributions; increasing the political contribution tax refund; providing that data on aggregate contributions received are public data; permitting corporate contributions to a nonprofit corporation formed to hold a national political party convention in Minnesota; requiring county attorneys to be licensed attorneys; requiring filing of certain forms, reports, and statements before receiving a public subsidy; extending validity of advisory opinions; ratifying certain payments; correcting certain references; defining certain terms; changing certain reporting and filing requirements; clarifying language; changing eligibility for public subsidies; authorizing release of certain information; changing certain duties of the ethical practices board; changing requirements for making ballot question expenditures; imposing civil penalties; changing distribution of public campaign subsidies; amending Minnesota Statutes 1990, sections 10A.01, subdivision 3; 10A.02, subdivision 11; 10A.09, subdivision 6a; 10A.12, subdivision 1; 10A.20, subdivision 6; 10A.22, subdivision 7; 10A.24, subdivision 1; 10A.242, by adding a subdivision; 10A.31, subdivisions 5, 6, 7, 8, and 9; 10A.323; 10A.34; 204C.32, subdivision 2; 204C.33, subdivision 3; 211B.15, by adding a subdivision; and 383B.053, subdivision 1; Minnesota Statutes 1991 Supplement, sections 10A.02, subdivision 12; 10A.20, subdivision 3; 290.06, subdivision 23; and 388.01; proposing coding for new law in Minnesota Statutes, chapters 10A; and 211A.

Referred to the Committee on Elections and Ethics.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Novak moved that S.F. No. 2155 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Renneke moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Day be added as chief author to S.F. No. 2493. The motion prevailed.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, March 10, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate