

EIGHTY-FIRST DAY

St. Paul, Minnesota, Friday, March 20, 1992

The Senate met at 12:45 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Cohen; DeCramer; Dicklich; Moe, R.D. and Ms. Berglin were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

July 10, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate

for confirmation as requested by law:

MINNESOTA POLLUTION CONTROL AGENCY

Edward A. Garvey, 33 Summit Court, St. Paul, Ramsey County, Minnesota, has been appointed by me, effective June 30, 1991, for a term expiring on the first Monday in January, 1995.

Sandra J. Holm, HC 87 Box 5460, Merrifield, Crow Wing County, Minnesota, has been appointed by me, effective June 30, 1991, for a term expiring on the first Monday in January, 1995.

Russell B. Kirby, Jr., 13270 Fourth Street North, Stillwater, Washington County, Minnesota, has been appointed by me, effective June 30, 1991, for a term expiring on the first Monday in January, 1995.

William A. Urseth, 2028 Kenwood Parkway, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective June 30, 1991, for a term expiring on the first Monday in January, 1992.

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

July 13, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

HARMFUL SUBSTANCE COMPENSATION BOARD

Beth A. Baker, 13297 Cardinal Creek Road, Eden Prairie, Hennepin County, Minnesota, has been appointed by me, effective June 29, 1991, for a term expiring on the first Monday in January, 1997.

Mara R. Thompson, 3520 West 32nd Street, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective June 29, 1991, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Judiciary.)

July 16, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

Manuel Capiz, Jr., 6825 Cloman Avenue East, Inver Grove Heights, Dakota County, Minnesota, has been appointed by me, effective June 29, 1991,

for a term expiring on the first Monday in January, 1995.

Philip C. Brunelle, 4211 Glencrest Road, Golden Valley, Hennepin County, Minnesota, has been appointed by me, effective June 29, 1991, for a term expiring on the first Monday in January, 1995.

Sheila Livingston, 2530 Vale Crest Road, Golden Valley, Hennepin County, Minnesota, has been appointed by me, effective June 29, 1991, for a term expiring on the first Monday in January, 1995.

Jean W. Greener, 1018 West Minnehaha Parkway, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective June 29, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Education.)

July 16, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

CHAIR, BOARD OF WATER AND SOIL RESOURCES

D. James Nielsen, 1815 Meadowwoods Trail, Long Lake, Hennepin County, Minnesota, has been appointed by me, effective June 28, 1991, for a term expiring on the first Monday in January, 1995.

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

September 7, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

MINNESOTA RACING COMMISSION

Richard L. Pemberton, 701 West Cavour, Fergus Falls, Otter Tail County, Minnesota, has been appointed by me, effective September 10, 1991, for a term expiring on June 30, 1997.

Stephen A. Lawrence, Box 166, Frontenac, Goodhue County, Minnesota, has been appointed by me, effective September 10, 1991, for a term expiring on June 30, 1997.

Mark J. Custer, 809 Sixth Avenue, Howard Lake, Wright County, Minnesota, has been appointed by me, effective September 10, 1991, for a term expiring

on June 30, 1995.

Cynthia Schuneman Piper, 2505 Willow Drive, Hamel, Hennepin County, Minnesota, has been appointed by me, effective September 10, 1991, for a term expiring on June 30, 1997.

(Referred to the Committee on Gaming Regulation.)

September 19, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

MINNESOTA RURAL FINANCE AUTHORITY

Christopher J. Skaalen, 235 West Center Street, Harmony, Fillmore County, Minnesota, has been appointed by me, effective September 23, 1991, for a term expiring on the first Monday in January, 1993.

Marlene H. Malstrom, South Melissa Drive, Route 5, Box 344, Detroit Lakes, Becker County, Minnesota, has been appointed by me, effective September 23, 1991, for a term expiring on the first Monday in January, 1994.

Curtis C. Pietz, R.R. 3, Box 79, Lakefield, Jackson County, Minnesota, has been appointed by me, effective September 23, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Agriculture and Rural Development.)

January 2, 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:

STATE BOARD FOR COMMUNITY COLLEGES

Margaret Dolan, 5357 Chowen Avenue South, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective January 7, 1992, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Education.)

February 14, 1992

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

BOARD OF THE ARTS

M. Judith Schmidt, 305 South Jefferson, Houston, Houston County, Minnesota, has been appointed by me, effective February 19, 1992, for a term expiring on the first Monday in January, 1996.

Dolly Fiterman, 4637 East Lake Harriet Parkway, Minneapolis, Hennepin County, Minnesota, has been appointed by me, effective February 19, 1992, for a term expiring on the first Monday in January, 1996.

Teresa K. Parker, Route 1, Box 253, Henning, Otter Tail County, Minnesota, has been appointed by me, effective February 19, 1992, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Veterans and General Legislation.)

February 19, 1992

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

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

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Elaine R. Mathiason, 6308 Waterman, Edina, Hennepin County, Minnesota, has been appointed by me, effective February 24, 1992, for a term expiring on the first Monday in January, 1996.

Dennis E. McNeil, 436 West Luverne Street, Luverne, Rock County, Minnesota, has been appointed by me, effective February 24, 1992, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Veterans and General Legislation.)

February 19, 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 WORLD TRADE CENTER CORPORATION
BOARD OF DIRECTORS**

Paul J. Gam, 1672 Chatham Avenue, Arden Hills, Ramsey County, Minnesota, has been appointed by me, effective February 24, 1992, for a term

expiring on the first Monday in January, 1998.

(Referred to the Committee on Economic Development and Housing.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 2210: A bill for an act relating to Ramsey county; providing for the certification of eligibles for county positions; amending Minnesota Statutes 1990, section 383A.291, by adding a subdivision.

Senate File No. 2210 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1992

Mr. Luther moved that S.F. No. 2210 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2451. The motion prevailed.

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

S.F. No. 2482: A bill for an act relating to watershed districts; providing for their administrative fund levy.

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

Page 1, line 6, before "*The*" insert "*(a)*"

Page 1, line 15, delete "*103D.901*" and insert "*103D.915*"

Page 1, after line 15, insert:

"(b) The Wild Rice watershed district may levy, for taxes payable in 1993, 1994, 1995, 1996, and 1997, an ad valorem tax not to exceed \$200,000 on property within the district for the administrative fund. The additional \$75,000 above the amount authorized in Minnesota Statutes, section 103D.905, subdivision 3, must be used for costs incurred in connection with cost-sharing projects with the United States Army Corps of Engineers. The board of managers shall make the levy for the administrative fund in accordance with Minnesota Statutes, section 103D.915."

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

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

S.F. No. 1916: A bill for an act relating to retirement; the Minnesota state retirement system; public employees retirement association; and teachers retirement association; increasing the interest rate on the repayment of refunds and similar transactions; amending Minnesota Statutes 1990, sections 3A.03, subdivision 2; 352.01, subdivision 11; 352.04, subdivision 8; 352.23; 352.27; 352.271; 352B.11, subdivision 4; 352C.051, subdivision 3; 352C.09, subdivision 2; 352D.05, subdivision 4; 352D.11, subdivision 2; 352D.12; 353.28, subdivision 5; 353.35; 353.36, subdivision 2; 354.41, subdivision 9; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; and 490.124, subdivision 12; Minnesota Statutes 1991 Supplement, sections 353.01, subdivision 16; 353.27, subdivisions 12, 12a, and 12b; and 354.094, subdivision 1.

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

Page 1, line 28, strike the second "the" and insert "*an annual*"

Page 2, line 6, strike "the" and insert "*an annual*"

Page 4, line 22, strike "the" and insert "*an annual*"

Page 6, line 8, strike "and" and insert "*of refunds must be paid with interest at six percent compounded annually.*"

Page 6, lines 9 and 27, before "8.5" insert "*an annual rate of*"

Page 7, lines 16 and 31, strike "the" and insert "*an annual*"

Page 8, lines 5, 23, and 36, before "8.5" insert "*an annual rate of*"

Page 9, line 6, strike "the" and insert "*an annual*"

Page 9, line 24, strike "a" and insert "*an annual*"

Page 9, line 35, before "8.5" insert "*an annual rate of*"

Page 10, line 6, before "8.5" insert "*an annual rate of*"

Page 10, line 21, strike "the" and insert "*an annual*"

Page 10, line 29, before "8.5" insert "*an annual rate of*"

Page 11, line 33, strike "the" and insert "*an annual*"

Page 12, line 19, before "8.5" insert "*an annual rate of*"

Page 13, lines 21 and 32, strike "the" and insert "*an annual*"

Page 14, lines 1 and 24, strike "the" and insert "*an annual*"

Page 15, line 2, delete "*the*" and insert "*an annual*"

Page 15, line 9, strike "the" and insert "*an annual*"

Page 15, line 16, strike "a" and insert "*an annual*"

Page 15, lines 29 and 32, before "8.5" insert "*an annual rate of*"

Page 16, line 25, strike "the" and insert "*an annual*"

Page 17, line 28, before "8.5" insert "*interest at an annual rate of*" and strike "interest"

Page 18, line 13, strike the second "the" and insert "*an annual*"

Page 18, line 20, before "8.5" insert "*interest at an annual rate of*" and strike "interest"

Page 19, line 20, strike "the" and insert "*an annual*" and strike "per" and delete "year" and insert "*compounded annually*"

Page 20, line 11, before "8.5" insert "*interest at an annual rate of*" and strike "interest"

Page 20, line 21, strike "the" and insert "*an annual*"

Page 21, line 15, strike "the" and insert "*an annual*"

Page 22, line 12, strike "the" and insert "*an annual*"

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

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

S.F. No. 1139: A bill for an act relating to retirement; major and statewide retirement plans; crediting service and salary when back pay is awarded in the event of a wrongful discharge; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Delete everything after the enacting clause and insert:

"Section 1. [356.50] [SERVICE AND SALARY CREDIT FROM BACK PAY AWARDS IN THE EVENT OF WRONGFUL DISCHARGE.]

(a) *A person who is wrongfully discharged from public employment that gave rise to coverage by a public employee pension plan listed in section 356.30, subdivision 3, is entitled to obtain allowable service credit from the applicable public employee pension plan for the applicable period caused by the wrongful discharge. A person is wrongfully discharged for purposes of this section if:*

(1) *the person has been determined by a court of competent jurisdiction or an arbitrator in binding arbitration to have been wrongfully discharged from public employment;*

(2) *the person received an award of back pay with respect to that discharge; and*

(3) *the award does not include any amount for any lost or interrupted public pension plan coverage.*

(b) *To obtain the public pension plan allowable service credit, the person shall pay the required member contribution amount. The required member contribution amount is the member contribution rate or rates in effect for the pension plan during the period of service covered by the back pay award, applied to the unpaid gross salary amounts of the back pay award including unemployment compensation, workers' compensation or wages from other sources which reduced the back award. No contributions shall be made under this clause for compensation covered by a public pension plan listed in section 356.30, subdivision 3, for employment during the removal period. The person shall pay the required member contribution amount within 60 days of the date of receipt of the back pay award, within 60 days of the*

effective date of this section, or within 60 days of a billing from the retirement fund, whichever is later.

(c) The public employer who wrongfully discharged the public employee must pay an employer contribution on the back pay award. The employer contribution must be based on the employer contribution rate or rates in effect for the pension plan during the period of service covered by the back pay award, applied to the salary amount on which the member contribution amount was determined under paragraph (b). Interest on both the required member and employer contribution amount must be paid by the employer at the annual compound rate of 8.5 percent per year, expressed monthly, between the date the contribution amount would have been paid to the date of actual payment. The employer payment must be made within 30 days of the payment under paragraph (b).

Sec. 2. [REPEALER.]

Minnesota Statutes 1991 Supplement, section 353.27, subdivision 5a, is repealed.

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 1991 Supplement, section 353.27, subdivision 5a"

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

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

S.F. No. 2156: A bill for an act relating to telecommunications; allowing STARS system services to be resold or subleased to certain nonprofit organizations; amending Minnesota Statutes 1990, section 16B.465, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [TELECOMMUNICATIONS STUDY.]

The commissioner of administration shall study the issues associated with providing nonprofit organizations access to the statewide telecommunications access and routing system. The study must:

(1) assess the need for and the public policy issues associated with the expansion of the system's authority to serve nonprofit organizations, including, but not limited to, health care, social service, and educational organizations;

(2) identify issues of private-to-public information transactions and the barriers placed on both the public sector and the private sector if the system is unable to provide the necessary services; and

(3) take into consideration opinions and interests of the organizations and industries affected by a change in law to allow the system to provide

telecommunications to certain nonpublic entities.

The commissioner shall submit the results of the study and any recommendations to the legislature by January 15, 1993.

Sec. 2. [APPROPRIATION.]

\$25,000 is appropriated from the general fund to the commissioner of administration to conduct the study required by section 1."

Delete the title and insert:

"A bill for an act relating to telecommunications; requiring the commissioner of administration to study issues related to expansion of the statewide telecommunications routing system to serve certain nonprofit organizations; appropriating money."

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

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

S.F. No. 1780: A bill for an act relating to retirement; St. Paul fire department relief association; authorizing the payment of benefits to surviving former spouses of certain members.

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

Page 1, line 7, before "AUTHORIZATION" insert "ST. PAUL FIRE DEPARTMENT RELIEF ASSOCIATION;"

Page 1, line 9, before "*St. Paul*" insert "*deceased former*"

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

Page 1, line 14, before "*Minnesota*" insert "*any provision of*"

Page 1, line 15, before "*or*" insert "*Laws 1955, chapter 375, section 25, as amended,*"

Page 1, line 16, after "*bylaws*" insert "*to the contrary*" and before "*St. Paul*" insert "*former spouse described in subdivision 1 is entitled, upon application, to surviving spouse benefits from the*" and delete "*shall*"

Page 1, line 17, delete "*pay benefits*"

Page 1, line 18, delete "*to the former spouse described in subdivision 1*"

Page 1, line 19, after "*payable*" insert "*to the surviving spouse*" and delete the comma and insert "*. The application must be filed*"

Page 1, line 20, before "*by*" insert "*and must be executed*"

Page 1, line 22, after "DATE" insert "; LOCAL APPROVAL"

Page 1, line 23, delete everything after "*effective*" and insert "*upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021, subdivision 3.*"

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

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

S.F. No. 2006: A bill for an act relating to criminal justice; creating a commission on criminal and juvenile justice information; creating a partnership council on criminal and juvenile justice information to advise and assist the commission; prescribing duties; requiring fingerprints and thumbprints of inmates, parolees, and probationers received from other states; allowing photographs to be taken of juveniles in custody; creating a criminal justice data practices study commission; creating an advisory task force on the juvenile justice system; establishing a probation standards task force; appropriating money; amending Minnesota Statutes 1990, sections 171.07, subdivision 1a; and 260.185, subdivision 1; Minnesota Statutes 1991 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 241; and 609; proposing coding for new law as Minnesota Statutes, chapter 13C.

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

Pages 1 to 4, delete sections 1 and 2

Page 10, delete section 8 and insert:

“Sec. 6. [DATA PRACTICES RECOMMENDATIONS.]

The commissioners of administration, public safety, human services, health, corrections, and education shall make recommendations regarding the exchange of data among law enforcement agencies, local social service agencies, schools, the courts, court service agencies, and correctional agencies. The commissioners shall develop their recommendations in consultation with local public social service agencies, police departments, sheriffs' offices, and court services departments. The commissioners shall review data practices laws and rules and shall determine whether there are changes in statute or rule required to enhance the functioning of the criminal justice system. The commissioners shall consider the impact of any proposed recommendations on individual privacy rights. The commissioners shall submit a written report to the governor and the legislature not later than February 1, 1993.”

Page 10, line 33, delete “CREATION;”

Page 11, delete lines 2 to 6 and insert:

“(2) two members of the house of representatives, one of whom must be a member of the minority party, appointed by the speaker and two members of the senate, one of whom must be a member of the minority party, appointed by the subcommittee on committees of the senate committee on rules and administration;”

Page 11, delete lines 10 to 13 and insert:

“(5) one county attorney who is responsible for juvenile court matters, appointed by the Minnesota county attorneys association;”

Page 11, delete lines 17 to 21 and insert:

*“(7) the commissioner of human services;
(8) the commissioner of corrections; and”*

Page 11, delete lines 24 to 27 and insert:

“Subd. 2. [SELECTION OF CHAIR.] The task force shall select a chair from among its membership other than the members appointed under subdivision 1, clause (2).”

Page 11, delete lines 31 and 32

Page 12, line 11, after the period, insert *“The task force expires upon submission of its report.”*

Renumber the subdivisions in sequence

Page 12, line 19, delete *“a chair”* and insert *“co-chairs”*

Page 12, line 20, after the period, insert *“One co-chair must be a probation officer or county official from a community corrections act county, and the other co-chair must be a member of the Minnesota association of county probation officers.”*

Pages 12 and 13, delete section 11 and insert:

“Sec. 9. [STUDY OF CRIMINAL AND JUVENILE JUSTICE INFORMATION.]

The chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator shall study and make recommendations to the governor and the legislature:

- (1) on a framework for integrated criminal justice information systems;*
- (2) on the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;*
- (3) to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;*
- (4) on an information system containing criminal justice information on felony-level juvenile offenders that is part of the integrated criminal justice information system framework;*
- (5) on an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;*
- (6) on comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;*
- (7) on continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;*
- (8) on a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems; and*
- (9) on the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems.*

The chair, the commissioners, and the administrator shall file a report with the governor and the legislature by January 15, 1993. The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems

operate accurately and efficiently. To assist them in developing their recommendations, the chair, the commissioners, and the administrator shall appoint a task force consisting of the members of the commission on criminal and juvenile justice information or their designees and the following additional members:

- (1) the director of the office of strategic and long-range planning;*
- (2) two sheriffs recommended by the Minnesota sheriffs association;*
- (3) two police chiefs recommended by the Minnesota chiefs of police association;*
- (4) two county attorneys recommended by the Minnesota county attorneys association;*
- (5) two city attorneys recommended by the Minnesota league of cities;*
- (6) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;*
- (7) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;*
- (8) two probation officers; and*
- (9) two citizens.*

The task force expires upon submission of the report by the chair, the commissioners, and the administrator."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "creating a commission" and insert "requiring recommendations"

Page 1, delete lines 4 and 5 and insert "task force to assist in developing the recommendations;"

Page 1, line 6, delete "prescribing duties;"

Page 1, line 9, delete "creating" and insert "requiring"

Page 1, line 10, delete "commission"

Page 1, line 13, delete "appropriating money;"

Page 1, line 17, delete the second semicolon and insert a period

Page 1, delete lines 18 and 19

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

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

S.F. No. 1230: A bill for an act relating to retirement; volunteer firefighters; qualifying service; computation and proration of service pensions; amending Minnesota Statutes 1990, sections 424A.001, subdivision 4; and 424A.02, subdivisions 1, 3, 6, and 7.

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

as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

VOLUNTEER FIRE BENEFIT CHANGES

Section 1. [69.032] [MAXIMUM FIRE STATE AID; ALLOCATION OF AID IN EXCESS OF MAXIMUM.]

(a) Notwithstanding any provision of section 69.031 to the contrary, no municipality associated with a volunteer firefighters relief association that pays a service pension other than a defined contribution service pension or independent nonprofit firefighting corporation may receive fire state aid in excess of the maximum set forth in paragraph (b).

(b) The maximum fire state aid is an amount equal to 200 percent of the amount that would be the minimum municipal obligation of the municipality or nonprofit firefighting corporation under the applicable provisions of sections 69.771 to 69.775, if the municipality or nonprofit firefighting corporation received no fire state aid, as reflected in the reporting provided to the state auditor under sections 69.011 and 69.051.

(c) The commissioner of revenue shall deduct the amount of the calculated fire state aid apportionment in excess of the maximum specified in paragraph (b) from the calculated apportionment to determine the amount of fire state aid payable to qualifying municipalities and independent nonprofit firefighting corporations. The remaining apportionment amount in excess of the maximum must be credited to the amount of fire insurance premium tax proceeds available for the next subsequent fire state aid apportionment.

Sec. 2. Minnesota Statutes 1990, section 424A.02, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] A relief association, when its articles of incorporation or bylaws so provide, may pay out of the assets of its special fund a service pension to each of its members who: (1) separates from active service with the fire department; (2) reaches age 50; (3) completes at least five years of active service as an active member of the municipal fire department to which the relief association is associated; (4) completes at least five years of active membership with the relief association before separation from active service; and (5) complies with any additional conditions as to age, service, and membership that are prescribed by the bylaws of the relief association. *A service pension computed under this section, if the bylaws or articles of incorporation of the relief association so provide, may be prorated monthly for fractional years of service.* The service pension may be paid whether or not the municipality or nonprofit firefighting corporation to which the relief association is associated qualifies for fire state aid under chapter 69. In the case of a member who has completed at least five years of active service as an active member of the fire department to which the relief association is associated on the date that the relief association is established and incorporated, the requirement that the member complete at least five years of active membership with the relief association before separation from active service may be waived by the board of trustees of the relief association if the member completes at least five years of inactive membership with the relief association before the payment of the service pension. During the period of inactive membership, the member is not entitled to receive disability benefit coverage, is not entitled to receive

additional service credit towards computation of a service pension, and is considered to have the status of a person entitled to a deferred service pension under subdivision 7.

No municipality or nonprofit firefighting corporation may delegate the power to take final action in setting a service pension or ancillary benefit amount or level to the board of trustees of the relief association or to approve in advance a service pension or ancillary benefit amount or level equal to the maximum amount or level that this chapter would allow rather than a specific dollar amount or level.

No relief association as defined in section 424A.001, subdivision 4, may pay a service pension or disability benefit to a former member of the relief association if that person has not separated from active service with the fire department to which the relief association is directly associated.

For the purposes of this chapter, "to separate from active service" means to cease to perform fire suppression duties and to cease to supervise fire suppression duties.

Sec. 3. Minnesota Statutes 1990, section 424A.02, subdivision 3, is amended to read:

Subd. 3. [FLEXIBLE SERVICE PENSION MAXIMUMS.] (a) On or before August 1 of each year as part of the certification of the financial requirements and minimum municipal obligation made pursuant to section 69.772, subdivision 4, or 69.773, subdivision 5, the secretary or some other official of the relief association designated in the bylaws of each relief association shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three-year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association, any amounts of municipal contributions to the relief association raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association calculated pursuant to sections 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any.

(b) The maximum service pension which the relief association ~~may~~ has authority to provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met ~~shall~~ must be determined using the applicable following table in paragraph (c) or (d), whichever applies.

(c) For a relief association where the governing bylaws provide for a monthly service pension to a retiring member, ~~if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then~~ the maximum monthly service pension amount per month for each year of service credited ~~which that~~ may be provided for in the bylaws ~~shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of calculation; or (2) is~~ the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

Minimum Average Amount of
Available Financing per
Firefighter

Maximum Service Pension
Amount Payable per Month
for Each Year of Service

\$. . .	\$.25
37	.50
75	1.00
112	1.50
149	2.00
186	2.50
224	3.00
261	3.50
298	4.00
336	4.50
373	5.00
447	6.00
522	7.00
597	8.00
671	9.00
746	10.00
820	11.00
895	12.00
969	13.00
1044	14.00
1119	15.00
1193	16.00
1268	17.00
1342	18.00
1417	19.00
1491	20.00
1566	21.00
1640	22.00
1678	22.50
1715	23.00
1790	24.00
1865	25.00
1940	26.00
2015	27.00
2090	28.00
2165	29.00
2240 or more	30.00
any amount more than 2240	30.00

(d) For a relief association in which the governing bylaws provide for a lump sum service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum lump sum service pension amount for each year of service credited which that may be provided for in the bylaws shall be the greater of: (1) the service pension amount provided for in the bylaws on the date of the calculation; or (2) is the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter for the applicable specified period:

Minimum Average Amount of Available Financing per Firefighter	Maximum Lump Sum Service Pension Amount Payable for Each Year of Service
---	--

(1) for service pensions payable before January 1, 1993:

\$. . .	\$ 10
10	20

14	30
20	40
24	50
28	60
38	80
48	100
58	120
68	140
76	160
86	180
96	200
116	240
134	280
154	320
172	360
192	400
212	440
230	480
250	520
268	560
288	600
308	640
326	680
346	720
364	760
384	800
432	900
480	1000
528	1100
576	1200
624	1300
672	1400
720	1500
768	1600
816	1700
864	1800
912	1900
960	2000
1008	2100
1056	2200
1104	2300
1152	2400
1200	2500
1248	2600
1296	2700
1344	2800
1392	2900
1440 <i>or more</i>	3000
<i>any amount more than 1440</i>	3000

(2) in addition to the service pension maximum under clause (1), for service pensions payable after December 31, 1992, and before January 1, 1994:

1486	3100
1534	3200

1558	3250
any amount more than 1558	3250

(3) in addition to the service pension maximum under clauses (1) and (2), for service pensions payable after December 31, 1993, and before January 1, 1995:

1582	3300
1630	3400
1678	3500
any amount more than 1678	3500

(4) in addition to the service pension maximum under clauses (1), (2), and (3), for service pensions payable after December 31, 1994, and before January 1, 1996:

1726	3600
1774	3700
1798	3750
any amount more than 1798	3750

(5) in addition to the service pension maximum under clauses (1), (2), (3), and (4), for service pensions payable after December 31, 1995:

1822	3800
1870	3900
1918	4000
any amount more than 1918	4000

(e) For a relief association in which the governing bylaws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension at the option of the retiring member, the maximum service pension amount shall for each pension payment type must be determined using the applicable table contained in this subdivision.

(f) If a relief association establishes a service pension in compliance with the applicable maximum contained in paragraph (c) or (d) and the minimum average amount of available financing per active covered firefighter is subsequently reduced by virtue of a reduction in fire state aid or by virtue of an increase in the number of active firefighters, the relief association may continue to provide the prior service pension amount specified in its bylaws, but may not increase the service pension amount until the minimum average amount of available financing per firefighter under the table in paragraph (c) or (d), whichever applies, permits.

(g) No relief association is authorized to provide a service pension in an amount greater than \$30 per month per year of service credit or \$3,000 lump sum per year of service credit before January 1, 1993, \$3,250 lump sum per year of service credit before January 1, 1994, \$3,500 lump sum per year of service credit before January 1, 1995, \$3,750 lump sum per year of service credit before January 1, 1996, and \$4,000 lump sum per year of service credit after December 31, 1995, even if the minimum average amount of available financing per firefighter for a relief association providing a monthly benefit service pension is greater than \$2,240, or for a relief association providing a lump sum service pension, is greater than \$1,440 before January 1, 1993, \$1,558 before January 1, 1994, \$1,678 before January 1, 1995, \$1,798 before January 1, 1996, or \$1,918 after December 31, 1995.

Sec. 4. Minnesota Statutes 1990, section 424A.02, is amended by adding

a subdivision to read:

Subd. 3a. [PENALTY FOR PAYING PENSION GREATER THAN APPLICABLE MAXIMUM.] (a) If a relief association pays a service pension greater than the maximum service pension associated with the applicable average amount of available financing per active covered firefighter under the table in subdivision 3, paragraph (c) or (d), whichever applies, the maximum service pension under subdivision 3, paragraph (f), or the applicable maximum service pension amount specified in subdivision 3, paragraph (g), whichever is less, the state auditor shall:

(1) disqualify the municipality or the nonprofit firefighting corporation associated with the relief association from receiving fire state aid by making the appropriate notification to the municipality and the commissioner of revenue, with the disqualification applicable for the next five apportionments and payments of fire state aid; and

(2) recover the amount of the overpaid service pension or pensions from any retired firefighter who received an overpayment.

(b) Fire state aid amounts from disqualified municipalities for the five-year period of disqualifications under paragraph (a), clause (1), cancel to the state general fund.

(c) The amount of any overpaid service pension recovered under paragraph (a), clause (2), cancels to the state general fund.

(d) The determination of the state auditor that a relief association has paid a service pension greater than the applicable maximum must be made on the basis of the information filed by the relief association and the municipality with the state auditor under sections 69.011, subdivision 2, and 69.051, subdivision 1 or 1a, whichever applies, and any other relevant information that comes to the attention of the state auditor. The determination of the state auditor is final. An aggrieved municipality, relief association, or person may appeal the determination under section 480A.06.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1994. Sections 2 to 4 are effective the day following final enactment.

ARTICLE 2

VOLUNTEER FIRE INVESTMENT PERFORMANCE REPORTING

Section 1. Minnesota Statutes 1990, section 11A.04, is amended to read:

11A.04 [DUTIES AND POWERS.]

The state board shall:

(1) Act as trustees for each fund for which it invests or manages money in accordance with the standard of care set forth in section 11A.09 if state assets are involved and in accordance with chapter 356A if pension assets are involved.

(2) Formulate policies and procedures deemed necessary and appropriate to carry out its functions. Procedures adopted by the board must allow fund beneficiaries and members of the public to become informed of proposed board actions. Procedures and policies of the board are not subject to the administrative procedure act.

(3) Employ an executive director as provided in section 11A.07.

- (4) Employ investment advisors and consultants as it deems necessary.
- (5) Prescribe policies concerning personal investments of all employees of the board to prevent conflicts of interest.
- (6) Maintain a record of its proceedings.
- (7) As it deems necessary, establish advisory committees subject to section 15.059 to assist the board in carrying out its duties.
- (8) Not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.
- (9) Direct the state treasurer to sell property other than money that has escheated to the state when the board determines that sale of the property is in the best interest of the state. Escheated property must be sold to the highest bidder in the manner and upon terms and conditions prescribed by the board.
- (10) Undertake any other activities necessary to implement the duties and powers set forth in this section.
- (11) Establish a formula or formulas to measure management performance and return on investment. *Except as provided by section 356.218*, public pension funds in the state shall utilize the formula or formulas developed by the state board.
- (12) Except as otherwise provided in article XI, section 8, of the constitution of the state of Minnesota, employ, at its discretion, qualified private firms to invest and manage the assets of funds over which the state board has investment management responsibility. There is annually appropriated to the state board, from the assets of the funds for which the state board utilizes a private investment manager, sums sufficient to pay the costs of employing private firms. Each year, by January 15, the board shall report to the governor and legislature on the cost and the investment performance of each investment manager employed by the board.
- (13) Adopt an investment policy statement that includes investment objectives, asset allocation, and the investment management structure for the retirement fund assets under its control. The statement may be revised at the discretion of the state board. The state board shall seek the advice of the council regarding its investment policy statement. Adoption of the statement is not subject to chapter 14.

Sec. 2. Minnesota Statutes 1990, section 356.218, subdivision 2, is amended to read:

Subd. 2. [COVERED PUBLIC PENSION PLANS.] The provisions of this section apply to any Minnesota public pension plan, including a local police or firefighters relief association governed by sections 69.77 or 69.771 to 69.775, that has assets with a book value of at least \$500,000 as of the end of the preceding plan year. *A volunteer firefighters relief association governed by sections 69.771 to 69.775, that has assets with a book value of at least \$500,000 but less than or equal to \$2,000,000 as of the end of the preceding plan year, shall utilize the formula identified in subdivision 3, paragraph (b), clause (1), or the formula described in subdivision 3, paragraph (b), clause (2), as the relief association elects. Other covered public pension plans shall utilize the formula identified in subdivision 3, paragraph (b), clause (1).*

Sec. 3. Minnesota Statutes 1990, section 356.218, subdivision 3, is

amended to read:

Subd. 3. [CONTENTS OF THE INVESTMENT PERFORMANCE REPORT.] (a) The investment performance report required by this section must contain the time-weighted total rate of return results for each quarter and annually for each significant asset class or type of investment and for the portfolio as a whole.

(b) The time-weighted rate of return results must be computed using market values and the *applicable procedure, as follows:*

(1) *the formula or formulas prescribed by the state board of investment under section 11A.04, clause (11); or*

(2) *by dividing the total investment gain or loss for the quarter by average assets for the quarter, where:*

(i) *the total investment gain or loss for the quarter is computed by subtracting the beginning market value for the quarter and the net contributions for the quarter from the ending market value for the quarter;*

(ii) *the measure of average assets to be used is the beginning market value for the quarter plus one-half the net contributions for the quarter; and*

(iii) *the resulting quarterly returns for each significant asset class and for the portfolio as a whole must be used to create annual time-weighted returns according to the same procedures for developing annual time-weighted returns from quarterly returns, as used in the formula specified by the state board of investment under section 11A.04, clause (11).*

(c) The person performing the calculations shall certify conformance to ~~that formula or those formulas~~ *the applicable procedure.*

(d) The investment performance report may also include any additional investment performance or investment related information that the chief administrative officer considers necessary to provide an adequate summary of the performance of the portfolio. The additional information must be clearly indicated as a supplement to the information required by this subdivision.

(e) The executive director of the legislative commission on pensions and retirement shall prescribe the forms on which the report must be submitted and may prescribe other directions for submitting the report.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1992.

ARTICLE 3

LOCAL VOLUNTEER FIRE RELIEF ASSOCIATION PROVISIONS

Section 1. Laws 1971, chapter 140, section 5, as amended by Laws 1973, chapter 30, section 5, is amended to read:

Sec. 5. [GOLDEN VALLEY VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION; FUNERAL BENEFIT COVERAGE.]

Subdivision 1. [BENEFIT AUTHORIZATION.] Notwithstanding any provision of law to the contrary, the bylaws of the ~~firemen's~~ volunteer firefighters relief association in the ~~village~~ city of Golden Valley may provide for a funeral benefit ~~not to exceed \$1,500~~ in case of death of a retired, disabled,

or active ~~fireman~~ firefighter. The amount of the funeral benefit payable on account of any deceased active, disabled, or retired firefighter may not exceed \$1,500.

Provided further, in the case of a member receiving an early retirement service pension or an early retirement service transfer pension *under section 1, subdivision 2 or 3*, and who ~~has been~~ had credit for a period as a member of the association for a period of not less than five years, the funeral benefit ~~shall be in the~~ is an amount of \$100 for each year of service exceeding five and with a maximum benefit of \$1,500.

Subd. 2. [ADDITIONAL FUNDING REQUIREMENT FOR FUNERAL BENEFIT COVERAGE.] In addition to the determination of the accrued liability of the relief association under Minnesota Statutes, section 69.772, subdivision 2, the officers of the relief association shall determine an additional accrued liability for the funeral benefit coverage under subdivision 1. The additional accrued liability is an amount equal to ten percent of the accrued liability determined under Minnesota Statutes, section 69.772, subdivision 2. In calculating the financial requirements of the relief association and the minimum obligation of the municipality under Minnesota Statutes, section 69.772, subdivision 3, the additional accrued liability for this benefit coverage must be added to the results determined under Minnesota Statutes, section 69.772, subdivisions 2 and 2a.

Sec. 2. [RATIFICATION OF PRIOR FUNERAL BENEFIT PAYMENTS.]

Any funeral benefit payment made between March 27, 1973, and the effective date of this section, that was in conformance with the bylaws of the Golden Valley volunteer firefighters relief association at the time of the payment, but that was in excess of the amount authorized under Laws 1973, chapter 30, section 5, before this amendment is hereby ratified.

Sec. 3. [EFFECTIVE DATE; LOCAL APPROVAL.]

Sections 1 and 2 are effective upon approval by the governing body of the city of Golden Valley and upon compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; volunteer firefighters relief associations; increasing service pension maximums; establishing a fire state aid maximum apportionment; providing penalties for noncompliance with service pension maximums; specifying duties for the state auditor; modifying certain investment performance calculations; modifying certain local volunteer firefighters relief association provisions; amending Minnesota Statutes 1990, sections 11A.04; 356.218, subdivisions 2 and 3; and 424A.02, subdivisions 1, 3, and by adding a subdivision; Laws 1971, chapter 140, section 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 69."

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

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

S.F. No. 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.

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

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

S.F. No. 1938: A bill for an act relating to landlords and tenants; providing for assignment to the county attorney of the landlord's right to evict for breach of the covenant not to sell drugs or permit their sale; clarifying the law on forfeiture of real estate interests related to contraband or controlled substance seizures; amending Minnesota Statutes 1990, sections 504.181, subdivision 2; and 609.5317, subdivision 1.

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

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

S.F. No. 2309: A bill for an act relating to probate; altering the definition of successors; amending Minnesota Statutes 1990, sections 353A.02, subdivision 21; 524.1-201; 524.3-303; and 524.3-308.

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

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

S.F. No. 738: A bill for an act relating to public safety; requiring registration and payment of an annual fee to transport hazardous materials; authorizing the commissioner of transportation to adopt rules; requiring the commissioner of public safety to implement a state hazardous materials incident response plan; creating the hazardous materials incident response account and distributing money to the account; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 221; 299A; and 299K.

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

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

S.F. No. 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.

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

Page 2, line 11, after "*purposes*" insert "*, provided that the owner or lessee complies with the inspection requirements contained in section 183.42*"

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

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

S.F. No. 2692: A bill for an act relating to energy; requiring energy providers to solicit contributions from customers for fuel funds that distribute emergency energy assistance to low-income households; establishing a statewide fuel fund in the department of jobs and training; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Delete everything after the enacting clause and insert:

“Section 1. [268.371] [EMERGENCY ENERGY ASSISTANCE; FUEL FUNDS.]

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

(a) “Commissioner” means the commissioner of the department of jobs and training.

(b) “Energy provider” means a person who provides heating fuel, including natural gas, electricity, fuel oil, propane, wood, or other form of heating fuel, to residences at retail.

(c) “Fuel fund” means a fund established by an energy provider, the state, or any other entity that collects and distributes funds for low-income emergency energy assistance and meets the minimum criteria, including income eligibility criteria, for receiving funds from the federal Low-Income Home Energy Assistance Program and the program’s Incentive Fund for Leveraging Non-Federal Resources.

Subd. 2. [ENERGY PROVIDERS; REQUIREMENT.] Each energy provider may solicit contributions from its energy customers for deposit in a fuel fund established by the energy provider, a fuel fund established by another energy provider or other entity, or the statewide fuel fund established in subdivision 3, for the purpose of providing emergency energy assistance to low-income households that qualify under the federal eligibility criteria of the federal Low-Income Home Energy Assistance Program. Solicitation of funds from customers may be made at least annually and may provide each customer an opportunity to contribute as part of payment of bills for provision of service or provide an alternate, convenient way for customers to contribute.

Subd. 3. [STATEWIDE FUEL FUND; APPROPRIATION.] The commissioner shall establish a statewide fuel fund. The commissioner may develop and implement a program to solicit funds, manage the funds, and distribute emergency energy assistance to low-income households, as defined in the federal Low-Income Home Energy Assistance Program, on a statewide basis. All funds remitted to the commissioner for deposit in the statewide fuel fund are appropriated to the commissioner for the purpose of developing and implementing the program. No more than ten percent of the funds received in the first two years of the program may be used for the administrative expenses of the commissioner to implement the program and no more than five percent of the funds received in any subsequent year may be used for administration of the program.

Subd. 4. [EMERGENCY ENERGY ASSISTANCE POLICY COUNCIL.]

The commissioner shall appoint a policy council to advise the commissioner on implementation of this section. At least one-third of the policy council must be composed of persons from households that are eligible for emergency energy assistance under the federal Low-Income Home Energy Assistance Program. The remaining two-thirds of the policy council must be composed of persons representing energy providers, customers, local energy assistance providers, existing fuel fund delivery agencies, and community action agencies. Members of the policy council may receive expenses, but no other compensation, as provided in section 15.059, subdivision 3. Appointment and removal of members is governed by section 15.059. The policy council expires on June 30, 1998."

Amend the title as follows:

Page 1, line 2, delete "requiring" and insert "providing that" and delete the second "to" and insert "may"

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

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

H.F. No. 2031: A bill for an act relating to taxation; property; providing for the valuation and assessment of vacant platted property; excluding certain unimproved land sales from sales ratio studies; amending Minnesota Statutes 1990, section 124.2131, subdivision 1; Minnesota Statutes 1991 Supplement, section 273.11, subdivision 1.

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

Page 2, line 30, before the period, insert "*, if (1) the statutory basis on which the property's taxable value as most recently assessed is less than market value as defined in section 273.11, or (2) the property has undergone significant physical change or a change of use since the most recent assessment*"

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

"Sec. 2. Minnesota Statutes 1991 Supplement, section 273.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as provided in subdivisions 6, 8, 9, ~~and~~ 11, ~~and~~ 12 or section 273.17, subdivision 1, all property shall be valued at its market value. The market value as determined pursuant to this section shall be stated such that any amount under \$100 is rounded up to \$100 and any amount exceeding \$100 shall be rounded to the nearest \$100. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall the assessor adopt as a criterion of value the price for which such property would sell at a forced sale, or in the aggregate with all the property in the town or district; but the assessor shall value each article or description of property by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. The assessor shall take into account the effect on the market value of property of environmental factors in the vicinity of the property. In assessing any tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements

thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, ~~the fact that such platted property is platted shall be taken into account.~~ ~~An individual lot of such platted property shall be assessed at its market value beginning with the first assessment following final approval of the plat assessed as provided in subdivision 12.~~ All property, or the use thereof, which is taxable under section 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 3. Minnesota Statutes 1990, section 273.11, is amended by adding a subdivision to read:

Subd. 12. [VALUATION OF VACANT PLATTED LAND.] All land platted on or after August 1, 1991, and not improved with a permanent structure, shall be assessed as provided in this subdivision. The assessor shall determine the market value of each individual lot based upon the highest and best use of the property as unplatted land. The assessor shall consider the sale price of the unplatted land or comparable sales of unplatted land in establishing the market value of the property. The land shall not be eligible for revaluation until:

- (1) construction has begun on the platted lot; or*
- (2) one year has passed after recording of the plat, whichever is shorter.*

Sec. 4. Minnesota Statutes 1991 Supplement, section 273.13, subdivision 33, is amended to read:

Subd. 33. [UNIMPROVED PROPERTY.] Real property that is not improved with a structure and that is not used as part of a *an agricultural, commercial, or industrial activity* must be classified and assessed according to its highest and best use permitted under the local zoning ordinance. If the ordinance permits more than one use, the land must be classified and assessed according to the highest and best use permitted under the ordinance. If no such ordinance exists, the assessor shall consider the most likely potential use of the vacant land based upon the use made of surrounding land or land in proximity to the vacant land.

Sec. 5. [VACANT LAND PLATTED BEFORE AUGUST 1, 1991.]

All land platted before August 1, 1991, and not improved with a structure shall be assessed as provided in this section. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the valuation of the land as if it were unplatted until the lot is improved with a permanent improvement all or part of which is located on the lot, or for a period of three years after final approval of the plat, whichever is shorter. When a lot is sold or construction begun, that lot shall be eligible for revaluation.

Sec. 6. [EFFECTIVE DATE.]

Sections 1, 2, and 5 are effective the day following final enactment. Sections 3 and 4 are effective for assessments in 1992 and thereafter."

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections" and after the semicolon, insert "and 273.11, by adding a subdivision;"

Page 1, line 7, delete "section" and insert "sections" and before the period, insert "; and 273.13, subdivision 33"

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 re-referred

S.F. No. 1648: A bill for an act relating to the agricultural economy; authorizing certain obligations to assist in the use of agricultural industrial facilities in the city of Detroit Lakes; appropriating money.

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

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

S.F. No. 430: A bill for an act relating to retirement; police state aid program; requiring payments equivalent to automobile insurance premium taxes by self-insurers; amending Minnesota Statutes 1991 Supplement, section 69.021, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

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

S.F. No. 2062: A bill for an act relating to railroads; providing for reimbursement of expenses for maintaining signals and other safety devices at crossings; requiring commissioner of transportation to identify areas where insufficient rail service is detrimental to efficient transportation; removing restrictions on grants for rail rehabilitation projects; appropriating money; amending Minnesota Statutes 1990, section 222.50, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 219.

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

Delete everything after the enacting clause and insert:

"Section 1. [BOND SALE AUTHORIZED.]

The commissioner of finance, on request of the governor, shall sell and issue bonds of the state in the amount of \$2,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be deposited in the special revenue fund and credited to the rail service improvement account established under Minnesota Statutes, section 222.49."

Delete the title and insert:

“A bill for an act relating to railroads; authorizing the issuance of \$2,000,000 in state bonds and crediting the proceeds to the rail service improvement account.”

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

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

S.F. No. 1778: A resolution memorializing Congress to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically, to refrain from mandating the passage of state laws requiring the use of motorcycle helmets, safety belts, and child restraint systems.

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

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

H.F. No. 1833: A bill for an act relating to traffic regulations; permitting certain cities to provide for volunteer enforcement of certain regulations; amending Minnesota Statutes 1990, section 169.346, by adding a subdivision.

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

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

H.F. No. 2397: 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.

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

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

S.F. No. 1881: A bill for an act relating to highways; 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; making technical changes; amending Minnesota Statutes 1990, sections 160.02, by adding a subdivision; 162.02, subdivisions 8, 10, and by adding a subdivision; 162.07, subdivisions 1, 5, and 6; and 162.155.

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

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

S.F. No. 2057: A bill for an act relating to motor carriers; making all persons who transport passengers for hire in intrastate commerce subject to rules of the commissioner of transportation on insurance and driver hours of service; amending Minnesota Statutes 1990, sections 221.031, by adding a subdivision; and 221.141, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 221.025.

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 re-referred

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.

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

Delete everything after the enacting clause and insert:

“Section 1. [DAKOTA COUNTY; TRANSPORTATION PLANNING.]

Notwithstanding any law to the contrary, the Dakota county regional railroad authority may transfer any available money of the authority, including money in capital accounts, to Dakota county to be expended to meet other transportation studies. The department of transportation may amend any contract with Dakota county providing funds for light rail transit purposes under Laws 1989, chapter 269, section 2, subdivision 3, to allow the county to use the funds for purposes consistent with this section.

Sec. 2. [EFFECTIVE DATE.]

This act takes effect on the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to Dakota county; providing financing for transportation planning activities; authorizing a regional railroad authority to transfer light rail money.”

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

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

S.F. No. 2321: A bill for an act relating to agriculture; modifying license fees for certain food handlers; amending Minnesota Statutes 1991 Supplement, section 28A.08.

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

Page 4, after line 23, insert:

"Sec. 2. Minnesota Statutes 1990, section 28A.15, subdivision 7, is amended to read:

Subd. 7. Persons whose principal business is not food handling but who sell only ice manufactured and prepackaged by another or such nonperishable items as bottled or canned soft drinks ~~and~~, prepackaged confections *or nuts* at retail, or persons who for their own convenience or the convenience of their employees have available for rehydration and consumption on the premises such nonperishable items as dehydrated coffee, soup, hot chocolate or other dehydrated food or beverage.

Sec. 3. Minnesota Statutes 1990, section 28A.15, subdivision 8, is amended to read:

Subd. 8. A licensed pharmacy selling only food additives, food supplements, canned or prepackaged infant formulae, ice manufactured and packaged by another, or such nonperishable food items as bottled or canned soft drinks and prepackaged confections *or nuts* at retail."

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1990, section 28A.15, subdivisions 7 and 8;"

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. 2640: A bill for an act relating to agriculture; providing assistance to legal challenges of certain aspects of the federal milk marketing order system; appropriating money.

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

Page 1, line 14, delete "*of other funds available*"

Page 1, line 15, delete everything before the period and insert "*the dairy industry unfair trade practices account established under Minnesota Statutes, section 32A.05, subdivision 4*"

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

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

H.F. No. 2744 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2744	2566		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the

Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1878: A bill for an act relating to workers' compensation; regulating insurance; regulating the assigned risk plan; creating a health and safety fund; providing for fraud prevention; requiring the department to assist employees; providing for accident prevention and injury reduction; eliminating subsequent injury registration and reimbursement; appropriating money; amending Minnesota Statutes 1990, sections 79.251, by adding subdivisions; 79.252, subdivisions 1 and 3; 176.102, subdivision 3a; 176.103, subdivision 3; 176.106, subdivision 6; 176.129, subdivision 10; 176.130, subdivisions 8 and 9; 176.138; 176.139, subdivision 2; 176.181, subdivisions 3 and 7; 176.182; 176.185, subdivision 5a; 176.194, subdivisions 4 and 5; 176.221, subdivisions 3 and 3a; 176.231, subdivision 10; 176.261; 176.84, subdivision 2; 176A.03, by adding a subdivision; and 182.666, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1990, section 176.131.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 18, 1992, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

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.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for March 18, 1992, be adopted; that committee recommendation being:

"the bill be amended 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 was referred under Rule 35, together with the committee report thereon,

S.F. No. 2694: A bill for an act relating to courts; authorizing issuance of bonds to finance the construction of centrally located suburban Ramsey county court facility; amending Minnesota Statutes 1990, sections 488A.18, subdivision 10; and 488A.185; proposing coding for new law in Minnesota Statutes, chapter 488A.

Reports the same back with the recommendation that the report from the Committee on Local Government, shown in the Journal for March 18, 1992,

be adopted; that committee recommendation being:

“the bill be amended 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 was referred under Joint Rule 2.03, together with the committee report thereon.

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.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for March 19, 1992, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1916, 1139, 1780, 1230, 2437, 1938, 2309, 2408, 430, 1778, 2057, 2430 and 2694 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2031, 1833, 2397 and 2744 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Metzen, Novak, Frank, Ms. Olson and Mr. Halberg introduced—

S.F. No. 2757: A bill for an act relating to taxation; property; providing for valuation of manufactured home parks; amending Minnesota Statutes 1990, sections 273.11, by adding a subdivision; and 273.124, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 276.04, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Mehrkens introduced—

S.F. No. 2758: A bill for an act relating to taxation; requiring the commissioner of revenue to send corrected notices of income tax refunds; proposing coding for new law in Minnesota Statutes, chapter 289A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Stumpf introduced—

S.F. No. 2759: A bill for an act relating to the city of Thief River Falls; permitting a local sales tax.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederickson, D.J. introduced—

S.F. No. 2760: A bill for an act relating to the city of Redwood Falls; requiring the commissioner of finance to refund an industrial revenue bond application fee; appropriating money.

Referred to the Committee on Finance.

Messrs. Pogemiller; Johnson, D.J.; Ms. Traub, Messrs. Morse and Riveness introduced—

S.F. No. 2761: A bill for an act relating to state government; providing that the attorney general may adopt procedures to collect state debts and obligations; establishing a revolving fund for collections; proposing coding for new law in Minnesota Statutes, chapter 8.

Referred to the Committee on Governmental Operations.

Messrs. Frederickson, D.J.; Berg; Vickerman and Bertram introduced—

S.F. No. 2762: A bill for an act relating to armories; providing for the transfer of closed armories to municipalities and counties; providing planning and construction grants for reusing transferred armories; releasing municipalities and counties that acquire armories from certain liabilities; appropriating money.

Referred to the Committee on Finance.

Messrs. Price, Morse, Novak, Bernhagen and Frederickson, D.J. introduced—

S.F. No. 2763: A bill for an act relating to taxation; property; authorizing counties to levy amounts for soil and water conservation district programs; amending Minnesota Statutes 1990, sections 103B.241; 103B.255, by adding a subdivision; and 103B.335; Minnesota Statutes 1991 Supplement, section 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pogemiller introduced—

S.F. No. 2764: A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain employee of independent school district No. 197.

Referred to the Committee on Governmental Operations.

Mr. Kelly introduced—

S.F. No. 2765: A bill for an act relating to taxation; property; providing a credit for certain property assessed at a value greater than its sale price; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 2:30 p. m., Monday, March 23, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate