

EIGHTY-NINTH DAY

St. Paul, Minnesota, Wednesday, April 1, 1992

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Larson 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	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.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1671, 2124, 2301, 1997 and 2001.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1992

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. 2637: A bill for an act relating to motor carriers; regulating courier services carriers; amending Minnesota Statutes 1990, section 221.011, subdivision 25.

Senate File No. 2637 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1992

CONCURRENCE AND REPASSAGE

Ms. Pappas moved that the Senate concur in the amendments by the House to S.F. No. 2637 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2637 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 1619: A bill for an act relating to crimes; expanding list of offenses that result in ineligibility for a pistol permit to include all felonies, domestic abuse, and malicious punishment of a child; amending Minnesota Statutes 1990, section 624.713, subdivision 1; and Minnesota Statutes 1991 Supplement, section 624.712, subdivision 5.

Senate File No. 1619 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1992

Mr. Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 1619, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1903:

H.F. No. 1903: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1990, section 124.495; Minnesota Statutes 1991 Supplement, section 124.479; proposing coding for new law in Minnesota Statutes, chapters 124; and 124C.

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

Simoneau, Rice, Carlson, Kelso and Anderson, R. have been appointed as such committee on the part of the House.

House File No. 1903 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 31, 1992

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1903, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2505, 2647, 2250, 2257, 1738, 1873, 1980, 2000, 2060, 2190, 2108, 2415, 2750, 2181, 2211 and 1910.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 31, 1992

FIRST READING OF HOUSE BILLS

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

H.F. No. 2505: A bill for an act relating to telephones; allowing telephone companies to offer caller identification service to its subscribers; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Judiciary.

H.F. No. 2647: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 11A.23, subdivision 2; 13.791; 82B.20, subdivision 2; 86B.115; 86B.601, subdivision 1; 88.45; 103I.112; 115A.63, subdivision 3; 115A.82; 116J.70, subdivision 2a; 176.1041, subdivision 1; 176.361, subdivision 2; 177.23, subdivision 7; 183.38, subdivision 1; 214.01, subdivision 2; 268A.09, subdivision 7; 290.10; 297A.15, subdivision 5; 298.402; 298.405, subdivision 1; 326.405; 326.43; 348.13; 352.116, subdivision 3b; 352B.10, subdivision 5; 352B.105; 356.24; 356.82; 466.131; 504.02; 514.53; 517.08, subdivision 1c; and 609.0331; Minnesota Statutes 1991 Supplement, sections 3.873, subdivision 6; 16B.122, subdivision 2; 60D.20, subdivision 1; 60G.01, subdivision 2; 116.072, subdivision 1; 116J.693, subdivision 2; 124.19, subdivision 1; 124.479; 169.983; 171.06, subdivision 3; 179A.10, subdivision 2; 256.969, subdivisions 2 and 3a; 256B.74, subdivision 2; 256H.03, subdivision 5; 272.01, subdivision 2; 272.02, subdivision 1; 275.50, subdivision 5; 340A.4055; 457A.01, subdivision 5; 473.845, subdivision 3; and 611A.02, subdivision 2; reenacting Minnesota Statutes 1991 Supplement, section 256B.431, subdivision 3f; repealing Minnesota Statutes 1990, section 326.01, subdivision 20; Laws 1989, chapter 282, article 2, section 188; Laws 1991, chapters 182, section 1; and 305, section 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2622, now on General Orders.

H.F. No. 2250: A bill for an act relating to public safety officer's survivor benefits; altering a definition; providing a claim filing limitation and data classification; amending Minnesota Statutes 1990, section 299A.41, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Finance.

H.F. No. 2257: 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 Rules and Administration for comparison with S.F. No. 2764, now on General Orders.

H.F. No. 1738: A bill for an act relating to family law; clarifying certain rights of grandparents to visitation; modifying the requirements for a person other than a parent who seeks child custody or visitation; amending Minnesota Statutes 1990, sections 257.022, subdivisions 2 and 2a; 518.156, subdivision 1; and 518.175, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1700, now on General Orders.

H.F. No. 1873: A bill for an act relating to public employment; requiring public employers to include certain former employees in the same insurance pool as active employees; amending Minnesota Statutes 1990, sections 43A.27, subdivision 3; and 471.61, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1731, now on General Orders.

H.F. No. 1980: A bill for an act relating to insurance; regulating accidental death benefits; regulating the structure and functions of the Minnesota automobile insurance plan; amending Minnesota Statutes 1990, sections 61A.011, by adding a subdivision; 65B.01; 65B.02, subdivisions 1, 4, and 7; 65B.03, subdivision 1; 65B.04, subdivisions 3 and 4; 65B.05; 65B.06; 65B.07, subdivision 4; 65B.08, subdivisions 1 and 2; 65B.09; 65B.10; and 65B.12, subdivision 1; repealing Minnesota Statutes 1990, sections 65B.04, subdivisions 1 and 2; and 65B.07, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1922, now on General Orders.

H.F. No. 2000: A bill for an act relating to probate; changing provisions relating to merger of trusts, certificates of trust, affidavits of trustees, and powers of attorney; amending Minnesota Statutes 1990, sections 508.62; 508A.62; 523.02; 523.03; 523.07; 523.08; 523.09; 523.11, subdivisions 1 and 2; 523.17; 523.18; 523.19; 523.21; 523.22; 523.23, subdivisions 1, 2, 3, and by adding subdivisions; 523.24, subdivisions 1, 7, 8, and 9; Minnesota Statutes 1991 Supplement, section 518.58, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 501B; and 523; repealing Minnesota Statutes 1990, section 523.25.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1859, now on General Orders.

H.F. No. 2060: A bill for an act relating to human services; exempting interpretive guidelines published by the commissioner of human services from the definition of rules; exempting intermediate care facilities for persons with mental retardation or related conditions from specific Minnesota Rules; authorizing the commissioner to make, adopt, and publish interpretive guidelines; directing the commissioner to revise Minnesota Rules, parts 9525.0215 to 9525.0355; directing the commissioner to submit a report; amending Minnesota Statutes 1991 Supplement, section 14.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1965.

H.F. No. 2190: A bill for an act relating to economic development; providing that Ramsey county may act as a housing and redevelopment authority for one year; amending Minnesota Statutes 1990, section 469.004, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2108: A bill for an act relating to agriculture; requiring vendors at certain events to sell food and beverages grown, produced, or prepared in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

H.F. No. 2415: A bill for an act relating to human services; prohibiting restrictions on the right to provide licensed day care; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Finance.

H.F. No. 2750: 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 Rules and Administration for comparison with S.F. No. 2468, now on General Orders.

H.F. No. 2181: A bill for an act relating to data practices; classifying government data; providing for access to and charges for patient's medical records; providing for the treatment of records of certain criminal convictions; altering the procedures of the pardon board and treatment of its records; providing criminal background checks of professional and volunteer child care providers; providing for subpoena powers of county attorneys; changing the time when an arrest warrant may be served; amending Minnesota Statutes 1990, sections 13.08, subdivision 1; 13.46, subdivision 7; 144.335, by adding subdivisions; 147.161, subdivision 3; 152.18, subdivision 1; 242.31; 270B.14, by adding a subdivision; 299C.11; 299C.13; 363.03, subdivision 1; 388.23, subdivision 1; 609.168; 626.14; and 638.02, subdivisions 2 and 4; Minnesota Statutes 1991 Supplement, sections 13.46, subdivision 2; 144.0525; 144.335, subdivisions 1 and 3a; 609.535, subdivision 6; 638.02, subdivision 3; 638.04; 638.05; and 638.06; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 299C; 357; and 638; proposing coding for new law as Minnesota Statutes, chapter 13C.

Referred to the Committee on Finance.

H.F. No. 2211: A bill for an act relating to crime; clarifying certain law enforcement powers; creating a permissive inference of possession with respect to a firearm in an automobile; making technical corrections to the eligibility criteria and transfer process applicable to permits to possess a pistol; amending Minnesota Statutes 1990, sections 169.98, subdivision 1a; 299D.06; 624.713, subdivision 1; 624.7131, subdivision 10; and 624.7132, subdivisions 4 and 8; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1847, now on General Orders.

H.F. No. 1910: A bill for an act relating to corporations; providing for the formation, organization, operation, taxation, management, and ownership of limited liability companies; prescribing the procedures for filing articles of organization; establishing the powers of a limited liability company; providing for the naming of a limited liability company; providing for the appointment of a resident agent for a limited liability company; establishing the relationship of the members of a limited liability company to each other and to third parties; permitting the merger of one or more limited liability companies with other domestic limited liability companies and domestic and foreign corporations; providing for the dissolution, winding up, and termination of a limited liability company; providing for foreign limited liability companies to do business in this state; defining certain terms; amending Minnesota Statutes 1990, sections 211B.15, subdivision 1; 290.01, by adding a subdivision; 302A.011, subdivision 19; 302A.115, subdivision 1; 302A.121, subdivision 2; 302A.601, by adding a subdivision; 308A.005, subdivision 6; 308A.121, subdivision 1; 317A.011, subdivision 16; 317A.115, subdivision 2; 319A.02, subdivision 5, and by adding a subdivision; 319A.03; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1a and 2; 319A.20; 322A.01; 322A.02; 333.001; 333.18, subdivision 2; 333.20, subdivision 2; and 333.21, subdivision 1; Minnesota Statutes 1991 Supplement, sections 290.06, subdivision 22; 302A.471, subdivision 1; and 500.24, subdivision 3; proposing coding for

new law as Minnesota Statutes, chapter 322B.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 422. The motion prevailed.

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

S.F. No. 422: A bill for an act relating to human services; establishing a board of chemical dependency counselors; licensing and regulating chemical dependency counselors; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 214.01, subdivision 2; and 595.02, subdivision 1; Minnesota Statutes 1991 Supplement, sections 148B.60, subdivision 3; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148B.

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

Delete everything after the enacting clause and insert:

"Section 1. [148B.74] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 12, the following terms have the meanings given them.

Subd. 2. [LICENSED CHEMICAL DEPENDENCY COUNSELOR.] "Licensed chemical dependency counselor" means a person who:

(1) represents herself or himself to the public by any title or description of services incorporating the words "licensed chemical dependency counselor";

(2) offers to render professional chemical dependency counseling services to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that she or he is licensed and trained, experienced, or expert in chemical dependency counseling; and

(3) is licensed under sections 1 to 12 in chemical dependency counseling.

Subd. 3. [OTHER TITLES.] For the purposes of sections 1 to 12, all individuals who practice, as their main vocation, chemical dependency counseling as defined in subdivision 2, regardless of their titles, shall be covered by sections 1 to 12. This includes, but is not limited to, individuals who may refer to themselves as "alcoholism counselor," "drug abuse therapist," "chemical dependency recovery counselor," "chemical dependency relapse prevention planner," "addiction therapist," "chemical dependency intervention specialist," "family chemical dependency counselor," "chemical health specialist," "chemical health coordinator," and "substance abuse counselor."

Subd. 4. [CHEMICAL DEPENDENCY.] "Chemical dependency" means a condition in which a person pathologically uses alcohol or a controlled substance as defined in chapter 152, accompanied by physical manifestation

of increased tolerance to the chemical or chemicals being used, or withdrawal syndrome following cessation of chemical use.

Subd. 5. [CHEMICAL ABUSE.] "Chemical abuse" means a pattern of inappropriate and harmful use of alcohol or a controlled substance governed by chapter 152. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life such as loss of a job, death of a loved one, or a sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subd. 6. [ACCREDITED SCHOOL OR EDUCATIONAL PROGRAM OF CHEMICAL DEPENDENCY COUNSELING.] "Accredited school or educational program of chemical dependency counseling" means a school of chemical dependency counseling or other educational program that has been recognized by the commissioner of health.

Subd. 7. [PRIVATE PRACTICE.] "Private practice" means chemical dependency counseling practice conducted by an individual who is either self-employed or a member of a partnership or a group practice, rather than being employed by a public agency or an agency licensed under chapter 245A.

Subd. 8. [TWELVE CORE FUNCTIONS.] "Twelve core functions" means the following services provided in chemical dependency treatment:

- (1) screening;*
- (2) intake;*
- (3) orientation;*
- (4) assessment;*
- (5) treatment planning;*
- (6) counseling;*
- (7) case management;*
- (8) crisis intervention;*
- (9) client education;*
- (10) referral;*
- (11) reports and record keeping; and*
- (12) consultation with other professionals regarding client treatment and services.*

Sec. 2. [148B.75] [CHEMICAL DEPENDENCY ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] (a) The chemical dependency advisory council is created. The council consists of 13 members appointed by the governor.

(b) Membership shall be as follows:

- (1) Seven members shall be licensed chemical dependency counselors.*
- (2) Three members shall be public members as defined by section 214.02.*
- (3) One member shall be a director or coordinator of an accredited chemical dependency counselor training program.*

(4) *One member shall be a former consumer of service who has received services no sooner than three years prior to appointment.*

(5) *One member shall be licensed and appointed by the American Indian advisory committee to the department of human services, chemical dependency office.*

Subd. 2. [DUTIES.]

The council shall study the provision of chemical dependency counseling and advise the commissioner, the profession, and the public.

Sec. 3. [148B.76] [DUTIES OF THE COMMISSIONER.]

Subdivision 1. [GENERAL.] The commissioner of health shall:

(a) adopt and enforce rules for licensure of chemical dependency counselors and for regulation of professional conduct. The rules must be designed to protect the public;

(b) adopt rules establishing standards and methods of determining whether applicants and licensed persons are qualified under section 4. The rules must provide for examinations and must establish standards for professional conduct, including adoption of a professional code of ethics;

(c) hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the commissioner or by a nonprofit agency under contract to administer the examinations. Examinations must minimize cultural bias and must be balanced in various theories relative to the practice of chemical dependency;

(d) license individuals qualified under sections 1 to 12;

(e) issue copies of the rules for licensure to all applicants;

(f) establish and implement procedures, including a standard disciplinary process and a code of ethics, to ensure that individuals licensed as chemical dependency counselors will comply with rules;

(g) establish, maintain, and publish annually a register of persons licensed;

(h) establish initial and renewal application and examination fees sufficient to cover expenses of licensure and enforcement;

(i) educate the public about the existence and content of the rules for chemical dependency counselor licensure to enable consumers to file complaints against persons who may have violated the rules; and

(j) evaluate the rules in order to refine and improve the methods used to enforce the standards.

Subd. 2. [CONTINUING EDUCATION COMMITTEE.] The commissioner shall appoint a continuing education committee of five persons, including a chair, which shall advise on the administration of continuing education requirements in section 5, subdivision 2.

Subd. 3. [RESTRICTIONS ON MEMBERSHIP.] A member of the department that carries out functions under this section may not be an officer, employee, or paid consultant of a trade association in the counseling services industry.

Sec. 4. [148B.77] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [GENERAL REQUIREMENTS.] The commissioner shall license the individuals qualified under sections 1 to 12 to practice chemical dependency counseling.

Subd. 2. [FEE.] Each applicant shall pay a nonrefundable fee set by the commissioner. Fees paid shall be deposited in the general fund.

Subd. 3. [LICENSURE REQUIREMENTS FOR CHEMICAL DEPENDENCY COUNSELOR; EVIDENCE.] (a) To be licensed as a chemical dependency counselor, an applicant must meet the requirements in clauses (1) to (3).

(1) Except as provided in subdivision 4, the applicant must have received an associate degree including 270 clock hours of chemical dependency education and 880 clock hours of chemical dependency practicum.

(2) The applicant must have completed a written and oral case presentation that demonstrates competence in the 12 core functions.

(3) The applicant must have satisfactorily passed a written examination as established by the commissioner.

(b) To be licensed as a chemical dependency counselor, an applicant must furnish evidence satisfactory to the commissioner that the applicant has met the requirements of paragraph (a).

Subd. 4. [ADDITIONAL REQUIREMENTS.] Beginning five years after the effective date of sections 1 to 12, an applicant for licensure must have received a bachelor's degree in a human services area, and must have completed 480 clock hours of chemical dependency education and 880 clock hours of chemical dependency practicum.

Subd. 5. [EDUCATION AND TRAINING REQUIREMENTS.] Educational programs designed to meet the requirements of this section, as well as continuing education programs under section 6, must include programs designed to enable applicants and licensees to offer chemical dependency counseling that meets the specific needs of diverse racial, sexual, and cultural groups and that recognizes and addresses the link between violence and chemical dependency.

Sec. 5. [148B.78] [LICENSE RENEWAL REQUIREMENTS.]

Subdivision 1. [RENEWAL.] Persons shall renew licenses at the time and in the manner established by the commissioner.

Subd. 2. [CONTINUING EDUCATION.] At the time of renewal, each person shall furnish satisfactory evidence to the commissioner that the person has completed annually at least the equivalent of 40 clock hours of continuing professional postdegree education every two years, in programs approved by the commissioner, and that the person continues to be qualified to practice under sections 1 to 12.

Sec. 6. [148B.79] [SPECIAL REQUIREMENTS; TRANSITION PERIOD.]

Effective two years after the effective date of sections 1 to 12, no person may hold a license unless the person has passed the testing requirements required of new applicants.

For two years from the effective date of sections 1 to 12, the commissioner shall license an applicant who does not meet the requirements in section 4 if the applicant meets one of the following qualifications:

(a) is credentialed as a certified chemical dependency counselor (CCDC) or certified chemical dependency counselor reciprocal (CCDCR) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.;

(b) has three years or 6,000 hours of supervised chemical dependency counselor experience, 270 clock hours of chemical dependency training, 300 hours of chemical dependency practicum, and has successfully completed a written and oral test;

(c) has five years or 10,000 hours of chemical dependency counselor experience as defined by the 12 core functions, 270 clock hours of chemical dependency training, and has successfully completed a written or oral test or is credentialed as a certified chemical dependency practitioner (CCDP) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.; or

(d) has seven years or 14,000 hours of supervised chemical dependency counselor experience as defined by the 12 core functions, and 270 clock hours of chemical dependency training with 60 hours of this training occurring within the past five years.

Sec. 7. [148B.80] [RECIPROCITY.]

The commissioner shall license an individual who holds a current license or other credential from another jurisdiction if the commissioner finds that the requirements for that credential are substantially similar to the requirements in sections 1 to 12.

Sec. 8. [148B.81] [NONTRANSFERABILITY.]

A chemical dependency counselor license is not transferable.

Sec. 9. [148B.82] [DENIAL, SUSPENSION, OR REVOCATION.]

Subdivision 1. [GROUNDS.] The commissioner may refuse to license or may suspend, revoke, or restrict the license of an individual if the commissioner determines that a person:

(1) is incompetent to engage in chemical dependency counseling practice or is found to be engaged in chemical dependency counseling practice in a manner harmful or dangerous to a client or the public;

(2) has violated the rules of the commissioner or the statutes the commissioner is empowered to enforce;

(3) has obtained or attempted to obtain a license renewal by bribery or fraudulent misrepresentation;

(4) has knowingly made a false statement on the form required for licensure or renewal; or

(5) has failed to obtain continuing education credits required by the commissioner.

Subd. 2. [RESTORING A LICENSE.] For reasons it finds sufficient, the commissioner may grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction.

Subd. 3. [ANNUAL REVIEW.] Suspension, revocation, or restriction shall be reviewed by the commissioner at least annually at the request of the person against whom the disciplinary action was taken.

Subd. 4. [APPEALS.] An individual whose application for a license has

been denied, or an individual whose license has been suspended, revoked, or restricted, may appeal the decision of the commissioner and is entitled to a contested case hearing under chapter 14.

Sec. 10. [148B.83] [PROHIBITION AGAINST UNLICENSED USE OF TITLES: PENALTY.]

After the commissioner adopts rules, no individual shall hold herself or himself out to be a "chemical dependency counselor" or employ that or any of the other terms stated in section 1, subdivision 3, unless that individual is licensed. Hospital chemical dependency counselors who are not licensed under sections 1 to 12 may use the title "hospital chemical dependency counselor" while acting within the scope of their employment. City, county, and state agency chemical dependency counselors who are not licensed under sections 1 to 12 may use the title "city agency chemical dependency counselor" or "county agency chemical dependency counselor" or "state agency chemical dependency counselor" while acting within the scope of their employment.

Sec. 11. [148B.84] [EXCEPTIONS TO LICENSING REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 1 to 10 shall prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychologists, members of the clergy, attorneys, probation officers, marriage and family therapists, social workers, professional counselors, school counselors, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "chemical dependency counselor" or "licensed chemical dependency counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of chemical dependency counseling.

Subd. 2. [STUDENTS.] Nothing in sections 1 to 10 shall prevent students enrolled in an accredited school of chemical dependency counseling from engaging in the practice of chemical dependency counseling under qualified supervision in an accredited school of chemical dependency counseling.

Subd. 3. [CITY, COUNTY, AND STATE AGENCY CHEMICAL DEPENDENCY COUNSELORS.] The licensing of city, county, and state agency chemical dependency counselors shall be voluntary. City, county, and state agencies employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.

Subd. 4. [FEDERALLY RECOGNIZED TRIBES AND PRIVATE NON-PROFIT AGENCIES WITH A MINORITY FOCUS.] The licensure of chemical dependency counselors who are employed by federally recognized tribes, or by private, nonprofit agencies whose primary service focus addresses ethnic minority populations, and who are themselves members of ethnic minority populations within the agencies, shall be voluntary.

Subd. 5. [CITIES OF 5,000 OR LESS.] The licensure of chemical dependency counselors in cities with a population of 5,000 people or less is voluntary.

Subd. 6. [HOSPITAL CHEMICAL DEPENDENCY COUNSELORS.] The licensing of hospital chemical dependency counselors shall be voluntary.

Hospitals employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.

Sec. 12. [148B.85] [PENALTY.]

A person who violates a provision of sections 1 to 11 is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1990, section 595.02, subdivision 1, is amended to read:

Subdivision 1. [COMPETENCY OF WITNESSES.] Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist or consulting psychologist shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity.

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) *Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:*

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect,

abandonment or nonsupport by a parent.

~~(j)~~ (k) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

~~(k)~~ (l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

~~(l)~~ (m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

Sec. 14. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of health for the purposes of this act.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective July 1, 1992."

Delete the title and insert:

"A bill for an act relating to human services; licensing and regulating chemical dependency counselors; providing penalties; appropriating money; amending Minnesota Statutes 1990, section 595.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 148B."

And when so amended the bill do pass.

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

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

H.F. No. 2756 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

H.F. No. S.F. No.

2756 2530

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2709 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.

2709 2483

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2709 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2709 and insert the language after the enacting clause of S.F. No. 2483, the first engrossment; further, delete the title of H.F. No. 2709 and insert the title of S.F. No. 2483, the first engrossment.

And when so amended H.F. No. 2709 will be identical to S.F. No. 2483, and further recommends that H.F. No. 2709 be given its second reading and substituted for S.F. No. 2483, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2435 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

H.F. No. S.F. No.

2435 2700

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 419 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
419	410				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 419 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 419 and insert the language after the enacting clause of S.F. No. 410, the first engrossment; further, delete the title of H.F. No. 419 and insert the title of S.F. No. 410, the first engrossment.

And when so amended H.F. No. 419 will be identical to S.F. No. 410, and further recommends that H.F. No. 419 be given its second reading and substituted for S.F. No. 410, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 2699: A bill for an act relating to state government; department of administration; changing the government data classification of requests for proposals; modifying the encumbrance process for agency construction projects; modifying authority for building maintenance and leasing; changing requirements for certain agency purchases; amending administration of STARS; changing the date for the department of administration to report recycling goals; providing that the department may retain money from successful litigation; amending auditing requirements for noncommercial radio stations; extending the date for relocating the state printing operation; making various technical changes; amending Minnesota Statutes 1990, sections 13.37, subdivision 2; 16A.15, subdivision 3; 16B.09, by adding a subdivision; 16B.121; 16B.24, subdivisions 1, 5, and 6; 16B.31, by adding a subdivision; 16B.33, subdivision 3; 16B.40, subdivision 8; 16B.465, subdivisions 2, 3, and 6; 16B.58, subdivision 5; 129D.14, subdivisions 3, 4, and 6; Minnesota Statutes 1991 Supplement, sections 16B.19, subdivision 2b; 103B.311, subdivision 7; 115A.15, subdivision 9; and 138.94, subdivision 1; and Laws 1991, chapter 345, article 1, section 17, subdivision 4.

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

Pages 1 and 2, delete section 1

Page 3, line 19, delete everything after the period and insert "*The total percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract under any one of these statutory sections.*"

Page 3, delete line 20

Pages 3 and 4, delete section 4 and insert:

“Sec. 3. Minnesota Statutes 1990, section 16B.121, is amended to read:

16B.121 [PURCHASE OF RECYCLED, REPAIRABLE, AND DURABLE MATERIALS.]

~~The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. The commissioner shall apply weighting factors to the recycled content and recyclability criteria in order to give a preferential treatment to those criteria. State agencies shall purchase recycled materials when specifications allow the practical use of the recycled materials and the price does not exceed the price of nonrecycled materials by more than ten percent. If possible, state agencies should purchase materials recycled from waste generated in this state. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.~~

When purchasing commodities and services, the commissioner, and state agencies when purchasing under delegated authority, shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. The commissioner, and state agencies when purchasing under delegated authority, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the state resource recovery program.

Sec. 4. [16B.176] [ADVERTISING SPACE PROVIDED BY RECIPIENTS OF STATE GRANTS.]

A nonprofit organization, governmental entity, or business that receives an appropriation, grant, or aid from the state shall provide programs of state agencies and political subdivisions free advertising or publicity space in one or more of the organization's publications exceeding eight pages. This requirement does not apply to publications distributed only to employees or shareholders of the organization, or to other publications where this publicity or advertising would be inappropriate. The organization providing the space may decide how much to provide. The free advertising or publicity must be provided during the state fiscal year that the grant, aid, or appropriation is received.

Sec. 5. [16B.177] [RECIPIENTS OF SERVICES: ADVERTISING.]

The commissioner shall notify state agencies and political subdivisions of services available under section 4. The commissioner shall maintain a file of advertising or publicity that state agencies and political subdivisions would like to place or develop under section 4. The commissioner shall coordinate requests for space with organizations offering space. State agencies and political subdivisions that receive a legislative appropriation for marketing, publicity, or advertising may not receive space under this section.

Page 5, line 6, after “center,” strike “the”

Page 5, line 7, delete the new language and strike the comma

Page 6, lines 18 and 19, delete the new language

Page 6, line 21, after "*agencies*" delete the comma and insert "*and*"

Page 6, lines 22 and 23, delete "*, and the Minnesota historical society,*"

Page 8, line 13, before the period, insert "*involving capital improvements to state buildings*"

Page 9, line 35, strike "*assistance*" and insert "*advice*"

Page 14, line 13, delete "*by July 1 to*" and insert "*annually within the deadline prescribed by*"

Page 14, line 15, delete "*The*"

Page 14, delete lines 16 to 22 and insert "*If the application and report are not submitted within the deadline prescribed by the commissioner, the grant may be redistributed to the other noncommercial radio stations eligible for a grant under this section,*"

Page 15, line 3, strike "*hereby*"

Page 15, lines 5, 6, and 9, delete the new language

Page 15, line 10, strike "*state*" and insert "*department of administration*"

Page 15, line 11, before the period, insert "*in accordance with standards established by the society*"

Page 16, line 44, delete "*monitoring*" and insert "*information clearinghouse*"

Page 16, after line 46, insert:

"Sec. 25. [EFFECTIVE DATE.]

Sections 4 and 5 are effective July 1, 1992, and apply only to contracts entered into and grants, aid, and appropriations received on or after that date. Section 14 is effective July 1, 1992. Sections 1 to 3, 6 to 13, and 15 to 23 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "*modifying*"

Page 1, line 8, after the first semicolon, insert "*requiring certain recipients of state money to provide free advertising space for state programs;*"

Page 1, lines 15 and 16, delete "*13.37, subdivision 2;*"

Page 1, line 25, before the period, insert "*;*" proposing coding for new law in Minnesota Statutes, chapter 16B"

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. 1845: A bill for an act relating to retirement; providing benefit increases for certain public employees; amending Minnesota Statutes 1990, sections 352.115, subdivision 3; 353.29, subdivision 3; 354.44, subdivision 6; and 354A.31, subdivision 4.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 352.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund must be equal to ~~4.15~~ percent of salary. These contributions must be made by deduction from salary as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1990, section 352.04, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] (a) The employer contribution to the fund must be equal to ~~4.29~~ percent of salary.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 3. Minnesota Statutes 1990, section 352.115, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] (a) This paragraph, in conjunction with section 352.116, subdivision 1, applies to a person who became a covered employee or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (b), in conjunction with section 352.116, subdivision 1a, produces a higher annuity amount, in which case paragraph (b) will apply. The employee's average salary, as defined in subdivision 2, multiplied by ~~one~~ ~~1.1~~ percent per year of allowable service for the first ten years and ~~4.5~~ ~~1.6~~ percent for each later year of allowable service and pro rata for completed months less than a full year shall determine the amount of the retirement annuity to which the employee is entitled.

(b) This paragraph applies to a person who has become at least 55 years old and first became a covered employee after June 30, 1989, and to any other covered employee who has become at least 55 years old and whose annuity amount, when calculated under this paragraph and in conjunction with section 352.116, subdivision 1a, is higher than it is when calculated under paragraph (a), in conjunction with section 352.116, subdivision 1. The employee's average salary, as defined in subdivision 2, multiplied by ~~4.5~~ ~~1.6~~ percent for each year of allowable service and pro rata for months less than a full year shall determine the amount of the retirement annuity to which the employee is entitled.

Sec. 4. Minnesota Statutes 1990, section 352.92, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] Beginning with the first full pay period after July 1, 1984, in lieu of employee contributions payable under section 352.04, subdivision 2, contributions by covered correctional employees must be in an amount equal to ~~4.90~~ percent of salary.

Sec. 5. Minnesota Statutes 1990, section 352.92, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] (a) In lieu of employer contributions payable under section 352.04, subdivision 3, the employer shall contribute for covered correctional employees an amount equal to ~~6.27~~ percent of salary.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 6. Minnesota Statutes 1990, section 352.93, subdivision 2, is amended to read:

Subd. 2. [CALCULATING MONTHLY ANNUITY.] The monthly annuity under this section must be determined by multiplying the average monthly salary by the number of years, or completed months, of covered correctional service by ~~2.5~~ 2.7 percent. However, the monthly annuity must not exceed ~~75~~ 81 percent of the average monthly salary.

Sec. 7. Minnesota Statutes 1990, section 352.95, subdivision 1, is amended to read:

Subdivision 1. [JOB-RELATED DISABILITY.] A covered correctional employee less than 55 years old who becomes disabled and physically unfit to perform the duties of the position as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty that makes the employee physically or mentally unable to perform the duties, is entitled to a disability benefit based on covered correctional service only. The benefit amount must equal ~~50~~ 54 percent of the average salary defined in section 352.93, plus an additional ~~2.4~~ 2.7 percent for each year of covered correctional service in excess of 20 years, prorated for completed months.

Sec. 8. Minnesota Statutes 1990, section 352B.02, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTIONS.] Each member shall pay a sum equal to ~~8.5~~ percent of the member's salary, which shall constitute the member contribution to the fund.

Sec. 9. Minnesota Statutes 1990, section 352B.02, subdivision 1c, is amended to read:

Subd. 1c. [EMPLOYER CONTRIBUTIONS.] (a) In addition to member contributions, department heads shall pay a sum equal to ~~4.88~~ percent of the salary upon which deductions were made, which shall constitute the employer contribution to the fund. Department contributions must be

paid out of money appropriated to departments for this purpose.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Sec. 10. Minnesota Statutes 1990, section 352B.08, subdivision 2, is amended to read:

Subd. 2. [NORMAL RETIREMENT ANNUITY.] The annuity must be paid in monthly installments. The annuity shall be equal to the amount determined by multiplying the average monthly salary of the member by ~~2-1/2~~ 2.7 percent for each year and pro rata for completed months of service.

Sec. 11. Minnesota Statutes 1990, section 352B.10, subdivision 1, is amended to read:

Subdivision 1. [INJURIES, PAYMENT AMOUNTS.] Any member less than 55 years old, who becomes disabled and physically or mentally unfit to perform duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, shall receive disability benefits while disabled. The benefits must be paid in monthly installments equal to the member's average monthly salary multiplied by ~~50~~ 54 percent, plus an additional ~~2-1/2~~ 2.7 percent for each year and pro rata for completed months of service in excess of 20 years, if any.

Sec. 12. Minnesota Statutes 1990, section 353.27, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTION.] The employee contribution shall be an amount (a) for a "basic member" equal to ~~8-23~~ 8.52 percent of total salary; and (b) for a "coordinated member" equal to ~~4-23~~ 4.52 percent of total salary. These contributions shall be made by deduction from salary in the manner provided in subdivision 4. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the total salary received from all sources.

Sec. 13. Minnesota Statutes 1990, section 353.29, subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] (a) This paragraph, in conjunction with section 353.30, subdivisions 1, 1a, 1b, and 1c, applies to any member who first became a public employee or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (b), in conjunction with section 353.30, subdivision 5, produces a higher annuity amount, in which case paragraph (b) will apply. The average salary as defined in subdivision 2, multiplied by ~~two~~ 2.7 percent for each year of allowable service for the first ten years and thereafter by ~~2-5~~ 2.6 percent per year of allowable service and completed months less than a full year for the "basic member," and ~~one~~ 1.7 percent for each year of allowable service for the first ten years and thereafter by ~~1-5~~ 1.6 percent per year of allowable service and completed months less than a full year for the "coordinated member," shall determine the amount of the "normal" retirement annuity.

(b) This paragraph applies to a member who has become at least 55 years old and first became a public employee after June 30, 1989, and to any other

member whose annuity amount, when calculated under this paragraph and in conjunction with section 353.30, subdivision 5, is higher than it is when calculated under paragraph (a), in conjunction with section 353.30, subdivisions 1, 1a, 1b, and 1c. The average salary, as defined in subdivision 2, multiplied by ~~2.5~~ 2.6 percent for each year of allowable service and completed months less than a full year for a basic member and ~~4.5~~ 4.6 percent per year of allowable service and completed months less than a full year for a coordinated member, shall determine the amount of the normal retirement annuity.

Sec. 14. Minnesota Statutes 1990, section 353.651, subdivision 3, is amended to read:

Subd. 3. [RETIRED ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by ~~2.4~~ 2.7 percent per year of allowable service shall determine the amount of the normal retirement annuity. If the member has earned allowable service for performing services other than those of a police officer or firefighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 15. Minnesota Statutes 1990, section 353.656, subdivision 1, is amended to read:

Subdivision 1. [IN LINE OF DUTY; COMPUTATION OF BENEFITS.] Any member of the police and fire fund less than 55 years of age, who becomes disabled and physically unfit to perform duties as a police officer or firefighter subsequent to June 30, 1973, as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which has or is expected to render the member physically or mentally unable to perform duties as a police officer or firefighter for a period of at least one year, shall receive disability benefits during the period of such disability. The benefits must be in an amount equal to ~~50~~ 54 percent of the "average salary" pursuant to subdivision 3 plus an additional ~~2.4~~ 2.7 percent of said average salary for each year of service in excess of 20 years. Should disability under this subdivision occur before the member has at least five years of allowable service credit in the police and fire fund, the disability benefit must be computed on the "average salary" from which deductions were made for contribution to the police and fire fund.

Sec. 16. Minnesota Statutes 1991 Supplement, section 353C.06, subdivision 3, is amended to read:

Subd. 3. [ANNUITY AMOUNT.] The average salary as defined in subdivision 2, multiplied by ~~two~~ 2.2 percent for each year of allowable service for the first ten years and ~~2.5~~ 2.7 percent for each additional year of allowable service, and pro rata for completed months less than a full year, determines the amount of the normal annuity. If a person has earned allowable service in the public employees retirement association or the public employees police and fire fund prior to participation under this chapter, the annuity representing such service must be computed in accordance with the formula under sections 353.29 and 353.30 or 353.651, whichever applies.

Sec. 17. Minnesota Statutes 1990, section 354.42, subdivision 2, is amended to read:

Subd. 2. The employee contribution to the fund shall be an amount equal to ~~4.4~~ percent of the salary of every coordinated member and ~~8.4~~ percent of the salary of every basic member. This contribution shall be made by deduction from salary. Where any portion of a member's

salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received.

Sec. 18. Minnesota Statutes 1990, section 354.42, subdivision 3, is amended to read:

Subd. 3. The employer contribution to the fund shall be an amount equal to ~~4-1/2~~ percent of the salary of each coordinated member and ~~8-1/2~~ percent of the salary of each basic member. This contribution shall be made in the manner provided in section 354.43.

Sec. 19. Minnesota Statutes 1990, section 354.44, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] (1) The formula retirement annuity hereunder shall be computed in accordance with the applicable provisions of the formulas stated in clause (2) or (4) on the basis of each member's average salary for the period of the member's formula service credit.

For all years of formula service credit, "average salary," for the purpose of determining the member's retirement annuity, means the *higher of: (i) the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, section 354.511, for the highest five successive years of formula service credit provided, however, that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments, or (ii) if the member was a full-time teacher during the period used to compute the average salary under clause (i), 73 percent of the average of the annual salaries paid to members who are elementary and secondary teachers with an identical period of formula service credit in the public schools throughout the state during the most recent five-year period for which figures are available as determined from reports submitted to the board by the employing district. Average salary must be based upon all years of formula service credit if this service credit is less than five years.*

(2) This clause, in conjunction with clause (3), applies to a person who first became a member of the fund or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless clause (4), in conjunction with clause (5), produces a higher annuity amount, in which case clause (4) applies. The average salary as defined in clause (1), multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

	Coordinated Member	Basic Member
Each year of service during first ten	4-0 1.1 percent per year	2-0 2.1 percent per year
Each year of service thereafter	4-5 1.6 percent per year	2-5 2.6 percent per year

(3)(i) This clause applies only to a person who first became a member of the fund or a member of a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, and whose annuity is higher when calculated under clause (2), in conjunction with this clause than when calculated under clause (4), in conjunction with clause (5).

(ii) Where any member retires prior to normal retirement age under a formula annuity, the member shall be paid a retirement annuity in an amount

equal to the normal annuity provided in clause (2) reduced by one-quarter of one percent for each month that the member is under normal retirement age at the time of retirement except that for any member who has 30 or more years of allowable service credit, the reduction shall be applied only for each month that the member is under age 62.

(iii) Any member whose attained age plus credited allowable service totals 90 years is entitled, upon application, to a retirement annuity in an amount equal to the normal annuity provided in clause (2), without any reduction by reason of early retirement.

(4) This clause applies to a member who has become at least 55 years old and first became a member of the fund after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity amount when calculated under this clause and in conjunction with clause (5), is higher than it is when calculated under clause (2), in conjunction with clause (3). The average salary, as defined in clause (1) multiplied by ~~2.5~~ 2.6 percent for each year of service for a basic member and by ~~4.5~~ 4.6 percent for each year of service for a coordinated member shall determine the amount of the retirement annuity to which the member is entitled.

(5) This clause applies to a person who has become at least 55 years old and first becomes a member of the fund after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity is higher when calculated under clause (4) in conjunction with this clause than when calculated under clause (2), in conjunction with clause (3). An employee who retires under the formula annuity before the normal retirement age shall be paid the normal annuity provided in clause (4) reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable to the employee if the employee deferred receipt of the annuity and the annuity amount were augmented at an annual rate of three percent compounded annually from the day the annuity begins to accrue until the normal retirement age.

Sec. 20. Minnesota Statutes 1990, section 354A.12, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] The contribution required to be paid by each member of a teachers retirement fund association shall not be less than the percentage of total salary specified below for the applicable association and program:

Association and Program	Percentage of Total Salary
Duluth teachers retirement association	
old law and new law coordinated programs	4.5 percent
Minneapolis teachers retirement association	
basic program	8.5 percent
coordinated program	4.5 percent
St. Paul teachers retirement association	
basic program	8 percent
coordinated program	4.5 percent

Sec. 21. Minnesota Statutes 1990, section 354A.12, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed.

The employing units shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the employing unit shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b):

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	5.79 percent
Minneapolis teachers retirement fund association	4.50 percent
St. Paul teachers retirement fund association	4.50 percent

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	13.35 percent
St. Paul teachers retirement fund association	12.63 percent

The employer contributions shall be remitted directly to each teachers retirement fund association each month.

Payments for school district or technical college employees who are paid from normal operating funds, shall be made from the appropriate fund of the district or technical college.

Sec. 22. Minnesota Statutes 1990, section 354A.31, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION OF THE NORMAL COORDINATED RETIREMENT ANNUITY.] (a) The normal coordinated retirement annuity shall be an amount equal to a retiring coordinated member's average salary multiplied by the retirement annuity formula percentage. Average salary for purposes of this section shall mean an amount equal to the average salary upon which contributions were made for the highest five successive years of service credit, but which shall not in any event include any more than the equivalent of 60 monthly salary payments. Average salary must be based upon all years of service credit if this service credit is less than five years.

(b) This paragraph, in conjunction with subdivision 6, applies to a person who first became a member or a member in a pension fund listed in section 356.30, subdivision 3, before July 1, 1989, unless paragraph (c), in conjunction with subdivision 7, produces a higher annuity amount, in which case paragraph (c) will apply. The retirement annuity formula percentage for purposes of this paragraph is ~~one~~ 1.1 percent per year for each year of coordinated service for the first ten years and ~~4.5~~ 1.6 percent for each year of coordinated service thereafter.

(c) This paragraph applies to a person who has become at least 55 years old and who first becomes a member after June 30, 1989, and to any other member who has become at least 55 years old and whose annuity amount, when calculated under this paragraph and in conjunction with subdivision 7 is higher than it is when calculated under paragraph (b), in conjunction with the provisions of subdivision 6. The retirement annuity formula percentage for purposes of this paragraph is ~~4.5~~ 1.6 percent for each year of coordinated service.

Sec. 23. Minnesota Statutes 1991 Supplement, section 356.215, subdivision 4d, is amended to read:

Subd. 4d. [INTEREST AND SALARY ASSUMPTIONS.] (a) For funds governed by chapters 352, 352B, 353, 353C, and 354, the actuarial valuation must use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and a future salary increase assumption of ~~6.5~~ six percent.

(b) For funds governed by chapter 354A, the actuarial valuation must use preretirement and postretirement assumptions of 8.5 percent and a future salary increase assumption of ~~6.5~~ six percent, but the actuarial valuation must reflect the payment of postretirement adjustments to retirees, based on the methods specified in the bylaws of the fund as approved by the legislature. For a fund governed by chapter 422A, the actuarial valuation shall use a preretirement interest assumption of six percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.04 multiplied by the salary for the preceding year.

(c) For all other funds not specified in paragraph (a), (b), or (d), the actuarial valuation must use a preretirement interest assumption of five percent, a postretirement interest assumption of five percent, and a future salary increase assumption of 3.5 percent.

(d) For funds governed by chapters 3A, 352C, and 490, the actuarial valuation must use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and a future salary increase assumption of ~~6.5~~ six percent in each future year in which the salary amount payable is not determinable from section 3.099, 15A.081, subdivision 6, or 15A.083, subdivision 1, whichever applies, or from applicable compensation council recommendations under section 15A.082.

Sec. 24. Minnesota Statutes 1991 Supplement, section 356.215, subdivision 4g, is amended to read:

Subd. 4g. [AMORTIZATION CONTRIBUTIONS.] (a) In addition to the exhibit indicating the level normal cost, the actuarial valuation must contain an exhibit indicating the additional annual contribution sufficient to amortize the unfunded actuarial accrued liability. For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354, 354A, and 490, the additional

contribution must be calculated on a level percentage of covered payroll basis by the established date for full funding in effect when the valuation is prepared. The level percent additional contribution must be calculated assuming annual payroll growth of ~~6.5~~ *six* percent. For all other funds, the additional annual contribution must be calculated on a level annual dollar amount basis.

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

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

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

(ii) the level annual dollar contribution or level percentage, whichever is applicable, needed to amortize the unfunded actuarial accrued liability amount determined under item (i) by the established date for full funding in effect before the change must be calculated using the interest assumption specified in subdivision 4d in effect before the change;

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

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

(v) the level annual dollar or level percentage amortization contribution

under item (iv) must be added to the level annual dollar amortization contribution or level percentage calculated under item (ii);

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

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

(d) For the Minneapolis employees retirement fund, the established date for full funding is June 30, 2020.

Sec. 25. Minnesota Statutes 1990, section 356.30, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; COMPUTATION OF ANNUITY.] (1) Notwithstanding any provisions to the contrary of the laws governing the funds enumerated in subdivision 3, a person who has met the qualifications of clause (2) may elect to receive a retirement annuity from each fund in which the person has at least six months allowable service, based on the allowable service in each fund, subject to the provisions of clause (3).

(2) A person may receive upon retirement, in lieu of any augmentation of deferred annuities provided by laws governing the funds enumerated in subdivision 3, a retirement annuity from each fund in which the person has at least six months allowable service if

(a) the person has allowable service totaling an amount that allows the person to receive an annuity in any two or more of the enumerated funds;

(b) the person has at least six months of allowable service with the last such fund earned during the last period of employment; and

(c) the person has not begun to receive an annuity from any enumerated fund or the person has made application for benefits from all funds within a six-month period.

(3) The retirement annuity from each fund shall be based upon the allowable service in each fund, except that:

(a) The laws governing annuities shall be the law in effect on the date of final termination from the last public service under a covered fund.

(b) The "average salary" on which the annuity from each covered fund in which the employee has credit in a formula plan shall be based on the employee's highest five successive years of covered salary during the entire service in covered funds.

(c) The formula percentages to be used by each fund shall be those percentages prescribed by each fund's formula as continued for the respective years of allowable service from one fund to the next, recognizing all

previous allowable service with the other covered funds.

(d) Allowable service in all the funds shall be combined in determining eligibility for and the application of each fund's provisions in respect to actuarial reduction in the benefit amount for retirement prior to normal retirement.

(e) The benefit amount payable for any allowable service under a non-formula plan of a covered fund shall not be affected but such service and covered salary shall be used in the above calculation.

(f) This section shall not apply to any person whose final termination from the last public service under a covered fund is prior to May 1, 1975.

(g) For the purpose of computing benefits under this section the formula percentages used by any covered fund shall in no event exceed ~~2-1/2~~ 2.7 percent per year of service for any year of service or fraction thereof.

(h) Any period of time for which a person has credit in more than one of the covered funds shall be used only once for the purpose of determining total allowable service.

(i) If the period of duplicated service credit is more than six months, or the person has credit for more than six months with each of the funds, each fund shall apply its formula to a prorated service credit for the period of duplicated service based on a fraction of the salary on which deductions were paid to that fund for the period divided by the total salary on which deductions were paid to all funds for the period.

(j) If the period of duplicated service credit is less than six months, or when added to other service credit with that fund is less than six months, the service credit shall be ignored and a refund of contributions made to the person in accord with that fund's refund provisions.

Sec. 26. Minnesota Statutes 1990, section 422A.10, subdivision 1, is amended to read:

Subdivision 1. There shall be deducted and withheld from the basic salary, pay or compensation of each employee in the contributing class, prior to January 1, 1980 an amount equal to 7-1/4 percent, after December 31, 1979 but prior to January 1, 1981 an amount equal to 8-1/4 percent and after December 31, 1980 an amount equal to ~~9-1/4~~ percent of such salary, pay or compensation, except as hereinafter provided. The retirement board may increase the percentage rate of contribution to the retirement fund of any employee or employees for the purpose of establishing and maintaining on an actuarial basis a plan of insurance, survivors' benefits, or other type of benefit or benefits, the cost of which shall be paid out of such extra percentage so authorized and deducted from the employee's compensation, except as hereinafter provided. Any plan or plans so established and placed in operation may be amended from time to time, or may be abandoned, but if abandoned, any surplus remaining from the operation of a plan shall be the property of the fund, and shall be credited to the reserve for loss in investment account.

Sec. 27. Minnesota Statutes 1990, section 422A.15, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided in subdivision 3, each contributing member who, at the time of retirement, fulfills the conditions necessary to enable the member to retire, shall receive what shall be known as a "formula pension and annuity" equal to ~~two~~ 2.1 percent for each year of

allowable service for the first ten years and thereafter ~~2.5~~ 2.6 percent per year of allowable service of the arithmetic average annual salary, wages or compensation of the member from the city for any five calendar years out of the last ten calendar years of service except as provided for in section 422A.16, which may include the year in which the employee retires, as selected by the employee, multiplied by the years of service credited by the retirement fund. The formula pension and annuity shall be computed on the single life plan but subject to the option selections provided for in section 422A.17.

In order to be entitled to the formula pension and annuity herein provided for, the retiring employee at the time of cessation of employment and of actual retirement shall have attained the age of 60 years or have been employed by the city not less than 30 years, or meet the qualifications provided for in section 422A.16, and in addition thereto have contributed to the retirement fund at the percentage rate prescribed by the retirement law applicable when the salary, wages or compensation was paid on all salaries, wages, or compensation received from the city or from an applicable employing unit. The years of service to be applied in the formula pension and annuity shall be found and determined by the retirement board, except that no credit shall be allowed for any year in which a back charge is owing at time of retirement and the earnings from any year in which a back charge is owing shall not be used in determining the average annual salary.

Sec. 28. [FIRST CLASS CITY TEACHER FUNDS.]

Subdivision 1. [AUTHORITY GRANTED TO INCREASE FORMULAS.] In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the teachers retirement fund associations in each of the cities of the first class to amend their articles of incorporation or bylaws in the manner specified in this section. The amendments in this section apply only to basic members in the Minneapolis teachers retirement fund association and the St. Paul teachers retirement fund association, and to old law coordinated program members in the Duluth teachers retirement fund association.

Subd. 2. [PERMISSIBLE INCREASES.] The formula percentages for persons specified in subdivision 1 may be increased as follows:

(1) for the Minneapolis teachers retirement fund, 2.6 instead of 2.5 percent for each year of service;

(2) for the St. Paul teachers retirement fund, 2.1 instead of 2.0 percent for each year of service for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraph (a), and 2.6 instead of 2.5 percent for persons whose annuity is calculated under authority of Laws 1989, chapter 319, article 13, section 94, paragraphs (b) and (c);

(3) for the Duluth teachers retirement fund old coordinated plan, 1.35 instead of 1.25 percent for each year of service for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraph (a), and 1.6 instead of 1.5 percent for persons whose annuity is calculated under Laws 1989, chapter 319, article 13, section 94, paragraphs (b) and (c).

Sec. 29. [EFFECTIVE DATE.]

Sections 3, 6, 7, 10, 11, 13, 14, 15, 16, 22, 24, 25, 27, and 28 are effective May 16, 1993. Sections 1, 2, 4, 5, 8, 9, 12, 17, 18, 20, 21, and 26 are effective the first full payroll period beginning after July 1, 1993. Section 19,

paragraph (1), is effective July 1, 1992. The balance of section 19 is effective May 16, 1993. Section 23, with respect to the teachers retirement association, is effective July 1, 1992. Section 23, with respect to remaining affected pension funds, is effective May 16, 1993."

Delete the title and insert

"A bill for an act relating to retirement; providing benefit increases for certain public employees; amending Minnesota Statutes 1990, sections 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.92, subdivisions 1 and 2; 352.93, subdivision 2; 352.95, subdivision 1; 352B.02, subdivisions 1a and 1c; 352B.08, subdivision 2; 352B.10, subdivision 1; 353.27, subdivision 2; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 354.42, subdivisions 2 and 3; 354.44, subdivision 6; 354A.12, subdivisions 1 and 2; 354A.31, subdivision 4; 356.30, subdivision 1; 422A.10, subdivision 1; 422A.15, subdivision 1; Minnesota Statutes 1991 Supplement, sections 353C.06, subdivision 3; and 356.215, subdivisions 4d and 4g."

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

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as to the Committee Report on S.F. No. 422. The motion prevailed.

Mr. Moe, R.D. moved the adoption of the Committee Report on S.F. No. 422. The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 422 and 2699 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2756, 2709, 2435 and 419 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bertram introduced—

Senate Resolution No. 137: A Senate resolution congratulating the Paynesville Bulldogs Wrestling Team for their efforts and achievements in the State High School Class A Wrestling Meet.

Referred to the Committee on Rules and Administration.

Mr. Solon moved that S.F. No. 422, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 2924: 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.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2316: A bill for an act relating to drivers' licenses; abolishing requirements to surrender driver's license under certain circumstances; revising driver's license classifications; making technical corrections; amending Minnesota Statutes 1990, sections 169.121, subdivision 7; 169.123, subdivision 5a; 169.14, subdivision 10; 171.11; and 171.22, subdivision 1; Minnesota Statutes 1991 Supplement, section 171.02, subdivisions 1 and 2; repealing Minnesota Statutes 1990, section 171.20, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1996: A bill for an act relating to retirement; permitting certain persons to have employer contributions transferred from the teachers retirement association to the individual retirement account plan; amending Laws 1990, chapter 570, article 3, section 11.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2233: A bill for an act relating to natural resources; exempting snowmobile testing activities from applicable speed limits under certain conditions; allowing the use of snowmobiles on certain conservation lands unless prohibited by rule of the commissioner of natural resources; allowing towing of persons with personal watercraft equipped with rearview mirrors; amending Minnesota Statutes 1990, sections 84.87, by adding a subdivision; and 84A.55, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 22, Mr. McGowan moved to be excused from voting on S.F. No. 2547. The motion prevailed.

S.F. No. 2547: A bill for an act relating to retirement; Minneapolis police relief association; recodifying the local laws applicable to the local relief association; amending Laws 1980, chapter 607, article XV, sections 8, 9, as amended, and 10; Laws 1989, chapter 319, article 19, sections 6 and 7, subdivisions 1 and 4, as amended; and Laws 1990, chapter 589, article 1, section 6; repealing Minnesota Statutes 1957, sections 423.71; 423.715;

423.72; 423.725; 423.73; 423.735; 423.74; 423.745; 423.75; 423.755; 423.76; 423.765; 423.77; 423.775; Special Laws 1891, chapter 143; Laws 1943, chapter 280; Laws 1949, chapter 406; Laws 1953, chapter 127; Laws 1957, chapters 721 and 939; Laws 1959, chapters 428 and 662; Laws 1961, chapter 532; Laws 1963, chapter 315; Laws 1965, chapters 493, 520, and 534; Laws 1967, chapters 820 and 825; Laws 1969, chapters 258 and 560; Laws 1973, chapters 272 and 309; Laws 1975, chapter 428; Laws 1980, chapter 607, article XV, section 21; Laws 1983, chapter 88; Laws 1987, chapters 322, sections 2, 3, 4, 5, 6, 7, and 8; and 372, article 2, sections 2, 3, 4, 6, and 15; Laws 1988, chapters 572, sections 3, 5, and 6; and 574, sections 2, 4, and 5; Laws 1990, chapter 589, article 1, section 4; and Laws 1991, chapter 90.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1852: A bill for an act relating to Big Stone, Chippewa, and Kandiyohi counties; permitting each county to consolidate the offices of auditor and treasurer.

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 45 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kelly	Metzen	Ranum
Belanger	Flynn	Knaak	Moe, R.D.	Reichgott
Benson, J.E.	Frank	Langseth	Neuville	Riveness
Berg	Frederickson, D.J.	Larson	Olson	Solon
Berglin	Gustafson	Lessard	Pappas	Spear
Bernhagen	Halberg	Luther	Pariseau	Stumpf
Brataas	Hughes	Marty	Piper	Terwilliger
Cohen	Johnson, D.J.	McGowan	Pogemiller	Traub
Dahl	Johnson, J.B.	Merriam	Price	Waldorf

Those who voted in the negative were:

Beckman	Day	Johnston	Morse	Vickerman
Benson, D.D.	DeCramer	Kroening	Novak	
Bertram	Finn	Laidig	Renneke	
Chmielewski	Frederickson, D.R.	Mehrkens	Sams	
Davis	Hottinger	Mondale	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 2186: 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.

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 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston and Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2572: 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.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 52 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson, D.D.	Day	Frank	Pariseau	Sams
Berg	Finn	McGowan	Renneke	Terwilliger
Davis				

So the bill passed and its title was agreed to.

S.F. No. 1821: A bill for an act relating to children; changing certain provisions for placement of children; establishing a general preference for adoption by relatives; requiring continued study of out-of-home dispositions; amending Minnesota Statutes 1990, sections 257.025; 257.071, subdivision 1; 257.072, subdivision 7; 259.255; 259.28, subdivision 2; 259.455; 260.181, subdivision 3; and 518.17, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Berg	Knaak	Olson	Renneke
Benson, D.D.	Brataas	Larson	Pariseau	Terwilliger

So the bill passed and its title was agreed to.

S.F. No. 2380: A bill for an act relating to the legislature; requiring committees and commissions of the legislature to consider the effect of proposed legislation on the state's science and technology policy; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Halberg	Johnston	Merriam	Renneke
Berg				

So the bill passed and its title was agreed to.

H.F. No. 2034: A bill for an act relating to health; allowing persons who voluntarily provide assistance at the scene of an accident to obtain test results to determine whether they have been exposed to HIV or hepatitis B; amending Minnesota Statutes 1990, section 144.761, subdivision 5.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2081: A bill for an act relating to health; modifying provider appeal requirements for medical assistance; amending Minnesota Statutes 1990, section 256B.50, subdivision 1b.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2082: A bill for an act relating to utilities; requiring rules for tracing calls made to a household that has received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1416: A bill for an act relating to commerce; modifying the regulation of interest rate advertising; amending Minnesota Statutes 1990, section 45.025, subdivisions 1 and 2; repealing Minnesota Statutes 1990, section 45.025, subdivision 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2683: 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; repealing a surviving spouse remarriage penalty; amending Laws 1943, chapter 196, section 4, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2792: A bill for an act relating to retirement; providing level benefits for members of the Minneapolis fire department relief association.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2732: A bill for an act relating to public utilities; removing the public service member from the telecommunications access for communication-impaired persons board; amending Minnesota Statutes 1990, section 237.51, subdivisions 2 and 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1935: A bill for an act relating to retirement; making changes in laws governing the Minneapolis employees retirement fund; amending Minnesota Statutes 1990, sections 422A.12, subdivision 2; 422A.14, subdivision 1; and 422A.23, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 422A.101, subdivision 1; and 422A.17; repealing Minnesota Statutes 1990, section 422A.14, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Neuville moved that his name be stricken as a co-author to S.F. No. 2781. The motion prevailed.

Mr. Pogemiller moved that S.F. No. 684, No. 87 on General Orders, be stricken 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 Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Benson, D.D. introduced—

S.F. No. 2784: A bill for an act relating to workers' compensation; regulating benefits, providers, dispute resolution, and insurance; establishing programs and committees; permitting the adoption of administrative rules; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 15A.083, subdivision 7; 72A.04; 79.211, subdivision 1; 79.251, subdivisions 1, 2, 3, 4, and 5; 79.252, subdivisions 1 and 3; 175.007, subdivisions 1 and 2; 176.041, subdivision 1; 176.081, subdivisions 1, 5, and by adding a subdivision; 176.101, subdivisions 1, 2, 3b, 3c, 4, and 5; 176.102, subdivisions 3a and 4; 176.103, subdivision 3; 176.106, subdivisions 2, 3, 4, 7, 8, and by adding a subdivision; 176.129, subdivisions 1, 9, 10, 11, and 13; 176.132, by adding a subdivision; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.181, subdivision 3, and by adding subdivisions; 176.221, by adding a subdivision; 176.291; 176.645, subdivision 1; 176.83, subdivision 5; 182.659, subdivision 8, and by adding subdivisions; 182.666, subdivision 7; 480A.06, subdivisions 3 and 4; Minnesota Statutes 1991 Supplement, sections 14.03, subdivision 3; 182.666, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 72B; 79; 175; 176; 176A; 182; and 268; repealing Minnesota Statutes 1990, sections 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; 176.081, subdivision 2; 176.101, subdivisions 3a, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, and 3t; 176.129, subdivisions 3, 4, 4a, and 12; 176.131; 176.132, subdivisions 1 and 2; 176.135, subdivision 3; 176.136, subdivisions 3 and 5; 176.231, subdivisions 8 and 9; and 176.401.

Referred to the Committee on Employment.

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. 1590, 2137, 2510, 651 and H.F. Nos. 2369, 1889, 1978, which the committee recommends to pass.

S.F. No. 2194, which the committee reports progress, subject to the following motion:

Mr. Lessard moved to amend S.F. No. 2194 as follows:

Pages 6 and 7, delete section 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Johnson, D.J.	McGowan	Samuelson
Beckman	Day	Johnston	Metzen	Solon
Benson, D.D.	Finn	Kroening	Morse	Stumpf
Benson, J.E.	Frank	Laidig	Neuville	Terwilliger
Berg	Frederickson, D.R.	Langseth	Olson	
Bernhagen	Halberg	Larson	Pariseau	
Bertram	Hughes	Lessard	Sams	

Those who voted in the negative were:

Berglin	Knaak	Mondale	Pogemiller	Spear
Cohen	Luther	Novak	Ranum	Traub
DeCramer	Marty	Pappas	Reichgott	Waldorf
Flynn	Merriam	Piper	Riveness	

The motion prevailed. So the amendment was adopted.

S.F. No. 2194 was then progressed.

S.F. No. 522, which the committee recommends to pass with the following amendment offered by Mr. Benson, D.D.:

Page 1, delete section 1

Page 1, line 14, delete "Sec. 2" and insert "Section 1" and delete "97C.007" and insert "97C.003" and after "SOUTHEASTERN" insert "EXPERIMENTAL"

Page 1, line 15, delete "*designated trout*"

Page 1, line 16, after "*counties*" insert "*that are subject to experimental regulation under section 97C.001, subdivision 3, relating to the taking of trout*"

Page 1, after line 19, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2523, which the committee recommends to pass with the following amendment offered by Mrs. Pariseau:

Page 12, after line 15, insert:

"Sec. 14. Minnesota Statutes 1991 Supplement, section 256B.092, subdivision 7, is amended to read:

Subd. 7. [SCREENING TEAMS.] For persons with mental retardation or a related condition, screening teams shall be established which shall evaluate the need for the level of care provided by residential-based habilitation services, residential services, training and habilitation services, and nursing facility services. The evaluation shall address whether home- and community-based services are appropriate for persons who are at risk of

placement in an intermediate care facility for persons with mental retardation or related conditions, or for whom there is reasonable indication that they might require this level of care. The screening team shall make an evaluation of need within 15 working days of the date that the assessment is completed or within 60 working days of a request for service by a person with mental retardation or related conditions, whichever is the earlier, and within five working days of an emergency admission of a person to an intermediate care facility for persons with mental retardation or related conditions. The screening team shall consist of the case manager for persons with mental retardation or related conditions, the person, the person's legal guardian or conservator, or the parent if the person is a minor, and a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 483.430, as amended through June 3, 1988. The case manager may also act as the qualified mental retardation professional if the case manager meets the federal definition. County social service agencies may contract with a public or private agency or individual who is not a service provider for the person for the public guardianship representation required by the screening or individual service planning process. The contract shall be limited to public guardianship representation for the screening and individual service planning activities. The contract shall require compliance with the commissioner's instructions and may be for paid or voluntary services. For persons determined to have overriding health care needs, a registered nurse must be designated as either the case manager or the qualified mental retardation professional. The case manager shall consult with the person's physician, other health professionals or other individuals as necessary to make this evaluation. *For persons under the jurisdiction of a correctional agency, the case manager must consult with the corrections administrator regarding additional health, safety, and supervision needs.* The case manager, with the concurrence of the person, the person's legal guardian or conservator, or the parent if the person is a minor, may invite other individuals to attend meetings of the screening team. No member of the screening team shall have any direct or indirect service provider interest in the case. Nothing in this section shall be construed as requiring the screening team meeting to be separate from the service planning meeting."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1114, which the committee recommends to pass, after the following motions:

Mr. Knaak moved to amend H.F. No. 1114, the unofficial engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. [3.054] [GENDER BALANCE.]

The chairmanships of legislative committees must be gender balanced. No person of the overrepresented gender may be appointed or reappointed to a chairmanship of a committee of the house of representatives or the senate if after the appointment or reappointment the number of chairs of one gender in the legislative body would be greater than:

(1) one-half of the chairmanships plus one, if the body has an odd number of committees; or

(2) one-half of the chairmanships, if the body has an even number of committees.

The speaker of the house of representatives and the subcommittee on committees of the senate committee on rules and administration shall consult each other to ensure compliance with this section. In addition, the speaker and the subcommittee shall endeavor to ensure that the chairmanships in their respective bodies reflect racial, ethnic, and socioeconomic diversity to the extent possible."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly in sequence

Mr. Luther questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Mr. Knaak appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Senate?"

The roll was called, and there were yeas 31 and nays 17, as follows:

Those who voted in the affirmative were:

Berglin	Johnson, D.J.	Merriam	Price	Traub
Bertram	Johnson, J.B.	Moe, R.D.	Ranum	Vickerman
Cohen	Kelly	Mondale	Reichgott	Waldorf
DeCramer	Kroening	Morse	Riveness	
Finn	Lessard	Novak	Samuelson	
Flynn	Luther	Piper	Spear	
Hughes	Marty	Pogemiller	Stumpf	

Those who voted in the negative were:

Adkins	Bernhagen	Knaak	Neuville	Terwilliger
Belanger	Brataas	Laidig	Olson	
Benson, D.D.	Gustafson	Larson	Pariseau	
Benson, J.E.	Johnston	McGowan	Renneke	

The decision of the Chair was sustained.

Mr. Knaak then moved to amend H.F. No. 1114, the unofficial engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. [3.071] [GENDER BALANCE.]

The employees of the legislature must be gender balanced. No person of the overrepresented gender may be employed by the house of representatives or the senate if after the person's employment the number of employees of one gender in the person's job classification within the legislative body would be greater than:

(1) one-half of total employees plus one, if the classification has an odd number of employees; or

(2) one-half of the total employees, if the classification has an even number of employees.

The speaker of the house of representatives and the subcommittee on personnel of the senate committee on rules and administration shall consult each other to ensure compliance with this section. In addition, the speaker and the subcommittee shall endeavor to ensure that the employees in their

respective bodies reflect racial, ethnic, and socioeconomic diversity to the extent possible."

Renumber the sections in sequence and correct the internal references
Amend the title accordingly

Mr. Finn questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Mr. Knaak appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Senate?"

The roll was called, and there were yeas 30 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Merriam	Piper	Sams
Berglin	Johnson, J.B.	Moe, R.D.	Pogemiller	Samuelson
Bertram	Kroening	Mondale	Price	Spear
Cohen	Lessard	Morse	Ranum	Stumpf
DeCramer	Luther	Novak	Reichgott	Traub
Finn	Marty	Pappas	Riveness	Vickerman

Those who voted in the negative were:

Belanger	Brataas	Knaak	Neuville	Waldorf
Benson, D.D.	Frank	Laidig	Olson	
Benson, J.E.	Frederickson, D.R.	Larson	Pariseau	
Berg	Johnston	McGowan	Renneke	
Bernhagen	Kelly	Mehrkens	Terwilliger	

The decision of the Chair was sustained.

H.F. No. 2137, which the committee recommends to pass, after the following motion:

Mr. Stumpf moved that the amendment made to H.F. No. 2137 by the Committee on Rules and Administration in the report adopted March 27, 1992, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 1856, which the committee recommends to pass with the following amendment offered by Mr. Finn:

Page 1, after line 22, insert:

"Section 1. Minnesota Statutes 1990, section 507.03, is amended to read:

507.03 [PURCHASE-MONEY MORTGAGE; NONJOINDER OF SPOUSE.]

When a spouse married individual purchases land and real property during coverture marriage and mortgages the estate in such land and real property to secure the payment of the purchase price or any portion thereof of it, the surviving other spouse shall not be entitled to any inchoate or, contingent, or marital property right or interest in such land and the real property as against the mortgagee or those claiming under the mortgagee although such survivor even though the other spouse did not join in such the mortgage. A statement in the mortgage to the effect that the mortgage is a purchase money mortgage constitutes prima facie evidence of that fact."

Page 21, after line 18, insert:

“Sec. 29. Minnesota Statutes 1990, section 518.54, subdivision 5, is amended to read:

Subd. 5. [MARITAL PROPERTY: EXCEPTIONS.] “Marital property” means property, real or personal, including vested public or private pension plan benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding, but prior to the date of valuation under section 518.58, subdivision 1. All property acquired by either spouse subsequent to the marriage and before the valuation date is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of coownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. Each spouse shall be deemed to have a common ownership in marital property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58. *If a title interest in real property is held individually by only one spouse, the interest in the real property of the nontitled spouse is not subject to claims of creditors or judgment or tax liens until the time of entry of the decree awarding an interest to the nontitled spouse.* The presumption of marital property is overcome by a showing that the property is nonmarital property.

“Nonmarital property” means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

(a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;

(b) is acquired before the marriage;

(c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);

(d) is acquired by a spouse after the valuation date; or

(e) is excluded by a valid antenuptial contract.”

Page 27, after line 7, insert:

“Sec. 35. Minnesota Statutes 1990, section 582.27, is amended to read:
582.27 [EFFECTIVE DATES.]

Subdivision 1. The following schedule specifies the dates to be applied to the provisions of section 582.25:

(A) As to the general provision of section 582.25, ~~May 1, 1988~~ April 1, 1991;

(B) As to clause (1), ~~May 24, 1989~~ the day following final enactment of this act;

(C) As to clause (2), ~~January 1, 1978~~ 1982;

(D) As to clause (5), ~~May 24, 1989~~ the day following final enactment of this act;

(E) As to clause (8), ~~May 24, 1989~~ the day following final enactment of this act;

(F) As to clause (10) (a), ~~May 24, 1989~~; *the day following final enactment of this act.*

Subd. 2. The date of the report of sale to which section 582.26 applies is ~~May 24, 1989~~ *the day following final enactment of this act.*

Subd. 3. The provisions of sections 582.25 to 582.27 shall not affect any action or proceeding pending on August 1, 1989, or which shall be commenced before February 1, 1990, in any of the courts of the state, involving the validity of such foreclosure. *This act does not affect any proceeding pending on August 1, 1992, or commenced before February 1, 1993, in any of the courts of the state, involving the validity of the foreclosure.*"

Page 27, after line 13, insert:

"Section 35 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing for new certificates of title or CPT to be issued for registered land adjoining a vacated street or alley; providing that purchase money mortgages are subject to rights or interest of nonmortgaging spouse; providing that marital property interest of nontitled spouse is not subject to levy, judgments, or tax liens;"

Page 1, line 10, after the semicolon, insert "changing certain dates relating to validation of mortgage foreclosures;"

Page 1, line 11, after "sections" insert "507.03;"

Page 1, line 17, after the second semicolon, insert "518.54, subdivision 5;"

Page 1, line 18, delete "and" and after the third semicolon, insert "and 582.27;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1230, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 9, line 30, delete "five"

Page 9, line 31, delete "apportionments and payments" and insert "apportionment and payment"

Page 9, line 36, delete "five-year"

Page 10, line 1, delete "cancel to the state general fund" and insert "must be credited to the amount of fire insurance premium tax proceeds available for the next subsequent fire state aid apportionment"

Page 10, line 3, delete "cancels to the state general" and insert "must be credited to the amount of fire insurance premium tax proceeds available for the next subsequent fire state aid apportionment."

Page 10, delete line 4

Page 10, after line 14, insert:

"Sec. 5. [VALIDATION OF PRIOR PAYMENTS; AUTHORITY TO RETAIN CERTAIN SERVICE PENSION AMOUNTS.]

(a) *Payments of lump sum service pensions by volunteer firefighter relief*

associations before March 15, 1992, that were in excess of the uppermost flexible service pension maximum amount specified in Minnesota Statutes, section 424A.02, subdivision 3, but were in conformance with the articles of incorporation or bylaws of the relief association in effect on the day before the payment of the lump sum service pension, are ratified.

(b) A lump sum service pension amount in excess of the uppermost flexible service pension maximum amount specified in Minnesota Statutes 1990, section 424A.02, subdivision 3, and in excess of the applicable lump sum service pension maximum amount specified in section 3, as specified in the articles of incorporation or bylaws of a relief association in effect on December 31, 1991, may continue in force after December 31, 1991, but may not be subsequently increased except in conformance with section 3."

Page 10, line 16, delete "4" and insert "5"

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 7, after "auditor;" insert "ratifying certain prior nonconforming lump sum service pension payments; continuing certain nonconforming lump sum service pension amounts in force;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1993, which the committee recommends to pass with the following amendments offered by Mr. Kelly and Ms. Flynn:

Mr. Kelly moved to amend S.F. No. 1993 as follows:

Page 9, after line 31, insert:

"Sec. 5. [SIGN TO BE ERECTED.]

The commissioner of transportation shall erect at the earliest feasible date an addition to the exit sign marking the East Seventh Street exit on eastbound marked interstate highway No. 94 in St. Paul to indicate that the exit provides access to Metropolitan State University in downtown St. Paul if Metropolitan State University pays all costs of erecting the sign.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Flynn moved to amend S.F. No. 1993 as follows:

Page 9, line 14, delete " " and insert "November 1, 1992"

The motion prevailed. So the amendment was adopted.

Ms. Flynn then moved to amend S.F. No. 1993 as follows:

Page 6, line 34, delete "at an"

Page 6, delete lines 35 and 36 and insert "in front of a transit bus at an intersection, unless the bus is parked with its four-way flashers on."

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend S.F. No. 1993 as follows:

Pages 5 and 6, delete section 1

Renumber the sections of article 2 in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 36, as follows:

Those who voted in the affirmative were:

Beckman	Bernhagen	Knaak	Neuville	Vickerman
Belanger	Brataas	Laidig	Olson	
Benson, D.D.	Day	Larson	Pariseau	
Benson, J.E.	Johnson, D.E.	McGowan	Renneke	
Berg	Johnston	Mehrkins	Terwilliger	

Those who voted in the negative were:

Adkins	Flynn	Langseth	Novak	Sams
Berglin	Frank	Lessard	Pappas	Spear
Bertram	Frederickson, D.J.	Luther	Piper	Stumpf
Chmielewski	Hottinger	Marty	Pogemiller	Traub
Cohen	Hughes	Merriam	Price	
DeCramer	Johnson, J.B.	Metzen	Ranum	
Dicklich	Kelly	Mondale	Reichgott	
Finn	Kroening	Morse	Riveness	

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

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

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

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 2326: A bill for an act relating to education; providing for general education revenue, transportation, special programs, community services, facilities and equipment, education organization and cooperation, other aids and levies, other education programs, miscellaneous education matters, libraries, state education agencies; imposing a tax; modifying certain income tax provisions; modifying appropriations; appropriating money; amending Minnesota Statutes 1990, sections 120.17, subdivisions 2, 3a, and 16; 121.11, subdivision 7; 121.88, by adding a subdivision; 121.935, by adding subdivisions; 122.23, subdivisions 12, 13, and 13a; 122.241, subdivision 3; 122.531, by adding subdivisions; 122.532, subdivision 2; 123.33, subdivision 7; 123.35, by adding a subdivision; 123.3514, subdivisions 6, as amended, as reenacted, 6b, as amended, as reenacted, and by adding a subdivision; 123.39, subdivision 8d; 123.58, subdivision 3, and by adding a subdivision; 123.78, by adding a subdivision; 124.155, subdivision 1; 124.17, by adding a subdivision; 124.19, subdivision 5; 124.243, subdivisions 2 and 6; 124.244, subdivision 1; 124.2725, subdivision 2; 124.6472, by adding subdivisions; 124.73, subdivision 1; 124.85, subdivision 4; 124A.22, subdivision 2a, and by adding subdivisions; 124A.23, subdivision

3; 124A.26, subdivision 2; 124A.29, as amended; 124C.61; 125.05, subdivision 2; 125.18, subdivision 1; 126.22, by adding a subdivision; 128A.09, subdivision 2, and by adding a subdivision; 134.34, subdivision 1, and by adding a subdivision; 136C.65, subdivision 1; 136D.22, subdivision 1; 136D.27, subdivision 2; 136D.74, subdivision 2a; 136D.82, subdivision 1; 136D.87, subdivision 2; 205A.10, subdivision 2; 275.125, subdivisions 10, 14a, and by adding subdivisions; 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, sections 13.40, subdivision 2; 120.062, subdivision 8a; 120.17, subdivisions 3b and 7a; 120.181; 121.904, subdivisions 4a and 4e; 121.912, subdivision 6; 121.915; 122.22, subdivision 9; 122.23, subdivision 2; 122.242, subdivision 9; 124.155, subdivision 2; 124.19, subdivision 1; 124.195, subdivisions 2 and 3a; 124.2601, subdivision 6; 124.2615, subdivision 2; 124.2721, subdivision 5a; 124.2727, subdivision 6; 124.646, subdivision 4; 124.6472, subdivision 1; 124.84, subdivision 3; 124.95, subdivisions 1 and 2; 124A.03, subdivisions 1h, 2, and 2a; 124A.23, subdivision 4; 124A.24; 125.185, subdivision 4a; 125.62, subdivision 6; 126.23; 126.70, subdivision 2a; 128B.10, subdivision 2; 136D.72, subdivision 1; 275.065, subdivisions 1 and 6; 275.125, subdivisions 6j and 11g; 289A.01; 298.28, subdivision 4; 373.42, subdivision 2; Laws 1990, chapter 366, section 1, subdivision 2; Laws 1991, chapters 265, articles 3, section 39, subdivision 16; 4, section 30, subdivisions 9 and 11; 5, sections 18 and 23; 7, section 37, subdivision 6; 8, sections 14 and 19, subdivision 6; 9, sections 75 and 76; 11, section 23, subdivision 1; and 356, article 9, section 12; proposing coding for new law in Minnesota Statutes, chapters 121; 122; 124; 124A; 124C; 126; 135A; 136C; 179A; 295; proposing coding for new law as Minnesota Statutes, chapter 297E; repealing Minnesota Statutes 1990, sections 121.25; 121.26; 121.27; 121.28; 124A.02, subdivision 24; 124A.23, subdivisions 2, 2a, and 3; 126.071, subdivisions 2, 3, and 4; 128A.022, subdivisions 5 and 7; 128A.024, subdivision 1; 134.34, subdivision 2; Minnesota Statutes 1991 Supplement, sections 121.935, subdivision 7; 123.35, subdivision 19; 124.2721, subdivision 5b; 124.2727, subdivisions 1, 2, 3, 4, 5, and 6; 124.646, subdivision 2; 124A.02, subdivisions 16 and 23; 124A.03, subdivision 2; 124A.23, subdivisions 1, 4, and 5; 126.071, subdivision 1; 126.70; Laws 1990, chapter 604, article 8, section 12; and Laws 1991, chapter 265, articles 2, section 18; 3, section 36; 5, section 17; 6, sections 60 and 64; and 7, section 35.

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

Page 4, after line 20, insert:

"Sec. 3. Minnesota Statutes 1990, section 122.531, subdivision 2, is amended to read:

Subd. 2. [VOLUNTARY DISSOLUTION: REFERENDUM ~~LEVIES~~ *REVENUE*.] As of the effective date of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum ~~levies~~ *revenues* previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, is canceled. However, if all of the territory of any independent district is included in the enlarged district, and if the adjusted net tax capacity of taxable property in that territory comprises 90 percent or more of the adjusted net tax capacity of all taxable property in an enlarged district, ~~the board of the enlarged district may levy the increased amount previously approved by a referendum~~

in the preexisting independent district upon all taxable property in the enlarged district district's referendum revenue shall be determined as follows:

If the referendum revenue previously approved in the preexisting district is authorized as a tax rate, the referendum revenue in the enlarged district is the tax rate times the adjusted net tax capacity of the enlarged district. If referendum revenue previously approved in the preexisting district is authorized as revenue per actual pupil unit, the referendum revenue shall be the revenue per actual pupil unit times the number of actual pupil units in the enlarged district. If referendum revenue in the preexisting district is authorized both as a tax rate and as revenue per actual pupil unit, the referendum revenue in the enlarged district shall be the sum of both plus any referendum revenue in the preexisting district authorized as a dollar amount. Any new referendum ~~levy~~ revenue shall be ~~certified~~ authorized only after approval is granted by the voters of the entire enlarged district in an election pursuant to section 124A.03, subdivision 2.

Sec. 4. Minnesota Statutes 1990, section 122.531, subdivision 2a, is amended to read:

Subd. 2a. [CONSOLIDATION; MAXIMUM AUTHORIZED REFERENDUM ~~LEVIES REVENUE~~.] As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, or if the plan for consolidation makes no provision concerning referendum ~~levies revenues~~, the authorization for all referendum ~~levies revenues~~ previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision shall be recalculated as provided in this subdivision. The referendum ~~levy~~ revenue authorization for the newly created district shall be the local tax rate that would raise an amount equal to the combined dollar amount of the referendum ~~levies revenues~~ authorized by each of the component districts for the year preceding the consolidation, unless the referendum ~~levy~~ revenue authorization of the newly created district is subsequently modified pursuant to section 124A.03, subdivision 2. If the referendum ~~levy~~ revenue authorizations for each of the component districts were limited to a specified number of years, the referendum ~~levy~~ revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum ~~levy~~ revenue authorization of any component district is not limited to a specified number of years, the referendum ~~levy~~ revenue authorization for the newly created district shall not be limited to a specified number of years.

Sec. 5. Minnesota Statutes 1990, section 122.531, subdivision 2b, is amended to read:

Subd. 2b. [ALTERNATIVE METHOD.] As of the effective date of a consolidation pursuant to section 122.23, if the plan for consolidation so provides, the authorization for all referendum ~~levies revenues~~ previously approved by the voters of all affected districts for those districts pursuant to section 124A.03, subdivision 2, or its predecessor provision shall be combined as provided in this subdivision. The referendum ~~levy~~ revenue authorization for the newly created district may be any ~~local tax rate allowance per actual pupil unit~~ provided in the plan for consolidation, but may not exceed the ~~local tax rate allowance per actual pupil unit~~ that would raise an amount equal to the combined dollar amount of the referendum ~~levies revenues~~ authorized by each of the component districts for the year preceding the consolidation. If the referendum ~~levy~~ revenue authorizations for each

of the component districts were limited to a specified number of years, the referendum ~~levy~~ revenue authorization for the newly created district shall continue for a period of time equal to the longest period authorized for any component district. If the referendum ~~levy~~ revenue authorization of any component district is not limited to a specified number of years, the referendum ~~levy~~ revenue authorization for the newly created district shall not be limited to a specified number of years. The referendum ~~levy~~ revenue authorization for the newly created district may be modified pursuant to section 124A.03, subdivision 2."

Pages 6 and 7, delete section 7

Page 8, line 17, after the period, insert *"If a district has referendum authority under section 124A.03 and levy authority under section 275.125, subdivisions 6e and 6i, and the district requests that each be converted, the department shall convert separate revenue allowances for each."*

Page 8, line 22, before the period, insert *", unless it is scheduled to expire sooner"*

Page 15, after line 4, insert:

"Sec. 17. [BORROWING AGAINST LEVIES.]

The limit for borrowing money upon negotiable tax anticipation certificates of indebtedness, according to Minnesota Statutes, section 124.73, subdivision 1, is increased from 50 to 75 percent for certificates or warrants issued before July 1, 1993."

Page 15, line 9, delete "10" and insert "12"

Re-number the sections of article 1 in sequence

Page 16, line 32, delete *"the seven-county"* and insert *"a"* and delete *"area"* and insert *"county, as defined by section 473.121"*

Page 29, line 12, reinstate the stricken language

Page 29, line 13, delete *"PLACEMENT"* and reinstate the stricken *"PUPILS"*

Page 30, lines 8 and 22, delete the new language

Page 30, delete lines 9, 23, and 24

Page 30, after line 34, insert:

"(f) The district in which the day program or residential facility, according to paragraph (c) or (d), is located may contract with the day program or residential facility to provide instruction by licensed teachers."

Pages 34 and 35, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1991 Supplement, section 124.2605, is amended to read:

124.2605 [GED TEST FEES.]

The commissioner of education shall pay 60 percent of the costs of a GED test taken by an eligible individual, but not more than \$20 for an eligible individual who takes all parts of a GED test."

Page 38, line 4, delete "1990" and insert "1992"

Page 38, line 9, strike "1990" and insert "1992"

Page 38, line 15, after the period, insert "*The criterion in section 124.431, subdivision 2, paragraph (a), clause (2), shall be considered to have been met if the district:*

(i) *serves an average of at least 66 pupils per grade in grades 9 to 12;*
or

(ii) *is eligible for sparsity revenue in the fiscal year in which the district's bonds are authorized at an election conducted under chapter 475."* and before "Districts" insert paragraph coding

Page 39, after line 20, insert:

"The authority to enter into installment contracts and lease purchase agreements under this subdivision expires July 1, 1995. A district may levy under this subdivision for installment contracts and lease purchase agreements approved by the commissioner before July 1, 1995."

Page 41, line 26, after "Notwithstanding" insert "*Minnesota Statutes, sections 124.431, 475.61, a section of this act, an enactment of the 1992 legislative session, or*"

Page 41, line 34, after the period, insert "*The levies and aids of the district shall be calculated each year as though the district had not retained the excess authorized by this section."*

Page 42, after line 6, insert:

"Sec. 12. [DULUTH BONDING.]

Subdivision 1. [BONDING AUTHORIZATION.] To provide funds for the acquisition and betterment, as defined in Minnesota Statutes, section 475.51, subdivisions 7 and 8, of existing and new facilities, independent school district No. 709 may, by two-thirds majority vote of all the members of the school board, issue general obligation bonds in one or more series in calendar years 1992 and 1993 as provided in this section. The aggregate principal amount of any bonds issued under this section for calendar years 1992 and 1993 may not exceed \$9,600,000. Issuance of the bonds is not subject to Minnesota Statutes, section 475.58 or 475.59. As with other bonds issued by independent school district No. 709, Minnesota Statutes, section 475.53, subdivision 5, does not apply to issuance of the bonds. If the school board proposes to issue bonds under this section, it must publish a resolution describing the proposed bond issue once each week for two successive weeks in a legal newspaper published in the city of Duluth. The bonds may be issued without the submission of the question of their issue to the electors unless, within 30 days after the second publication of the resolution, a petition requesting an election signed by a number of people residing in the school district equal to five percent of the people registered to vote in the last general election in the school district is filed with the recording officer. If such a petition is filed, no bonds shall be issued under this section unless authorized by a majority of the electors voting on the question at the next general or special election called to decide the issue. The bonds must otherwise be issued as provided in Minnesota Statutes, chapter 475. The authority to issue bonds under this section is in addition to any bonding authority authorized by Minnesota Statutes, chapter 124, or other law. The amount of bonding authority authorized under this section must be disregarded in calculating the bonding limit of chapter 124 or any other law other than Minnesota Statutes, section 475.53, subdivision 4, as made applicable to independent school district No. 709 by Laws 1973.

chapter 266.

Subd. 2. [TAX LEVY FOR DEBT SERVICE.] To pay the principal of and interest on bonds issued under subdivision 1, independent school district No. 709 shall levy a tax in an amount sufficient under Minnesota Statutes, section 475.61, subdivisions 1 and 3, to pay the principal of and interest on the bonds. The tax authorized under this section is in addition to the taxes authorized to be levied under Minnesota Statutes, chapter 124A or 275, or other law.

Sec. 13. [LAKE SUPERIOR, VIRGINIA, GRAND RAPIDS SCHOOL DISTRICT BONDS.]

Subdivision 1. [AUTHORIZATION.] Independent school district No. 381, Lake Superior, may issue bonds in an aggregate principal amount not exceeding \$779,500, and independent school district No. 318, Grand Rapids, may issue bonds in an aggregate principal amount not exceeding \$5,500,000, and independent school district No. 706, Virginia, may issue bonds in an aggregate principal amount not exceeding \$5,000,000, in addition to any bonds already issued or authorized, to provide funds to construct, equip, furnish, remodel, rehabilitate, and acquire land for school facilities and buildings. They may spend the proceeds of the bond sale for those purposes and any architects', engineers', and legal fees incidental to those purposes or the sale. Except as permitted by this section, the bonds shall be authorized, issued, sold, executed, and delivered in the manner provided by Minnesota Statutes, chapter 475. A resolution of the board levying taxes for the payment of the bonds and interest on them as authorized by this section and pledging the proceeds of the levies for the payment of the bonds and interest on them shall be deemed to be in compliance with the provisions of chapter 475 with respect to the levying of taxes for their payment.

Subd. 2. [APPROPRIATION.] There is annually appropriated from the distribution of taconite production tax revenues to the taconite environmental protection fund pursuant to Minnesota Statutes, section 298.28, subdivision 11, and to the northeast Minnesota economic protection trust pursuant to section 298.28, subdivisions 9 and 11, in equal shares, an amount sufficient to pay when due 80 percent of the principal and interest on the bonds issued pursuant to subdivision 1. If the annual distribution to the northeast Minnesota economic protection trust is insufficient to pay its share after fulfilling any obligations of the trust under section 298.225 or 298.293, the deficiency shall be appropriated from the taconite environmental protection fund.

Subd. 3. [DISTRICT OBLIGATIONS.] Bonds issued under authority of this section shall be the general obligations of the school district, for which its full faith and credit and unlimited taxing powers shall be pledged. If there are any deficiencies in the amount received pursuant to subdivision 2, they shall be made good by general levies, not subject to limit, on all taxable properties in the district in accordance with Minnesota Statutes, section 475.64. If any deficiency levies are necessary, the school board may effect a temporary loan or loans on certificates of indebtedness issued in anticipation of them to meet payments of principal or interest on the bonds due or about to become due.

Subd. 4. [DISTRICT LEVY.] The school board shall by resolution levy on all property in the school district subject to the general ad valorem school tax levies, and not subject to taxation under Minnesota Statutes, sections 298.23 to 298.28, a direct annual ad valorem tax for each year of the term of the bonds in amounts that, if collected in full, will produce the amounts

needed to meet when due 20 percent of the principal and interest payments on the bonds. A copy of the resolution shall be filed, and the necessary taxes shall be extended, assessed, collected, and remitted in accordance with Minnesota Statutes, section 475.61.

Subd. 5. [LEVY LIMITATIONS.] Taxes levied pursuant to this section shall be disregarded in the calculation of any other tax levies or limits on tax levies provided by other law.

Subd. 6. [BONDING LIMITATIONS.] Bonds may be issued under authority of this section notwithstanding any limitations upon the indebtedness of a district, and their amounts shall not be included in computing the indebtedness of a district for any purpose, including the issuance of subsequent bonds and the incurring of subsequent indebtedness.

Subd. 7. [TERMINATION OF APPROPRIATION.] The appropriation authorized in subdivision 2 shall terminate upon payment or maturity of the last of those bonds.

Subd. 8. [LOCAL APPROVAL.] This section is effective for independent school district No. 381 the day after its governing body complies with Minnesota Statutes, section 645.021, subdivision 3, and for independent school district No. 318 the day after its governing body complies with Minnesota Statutes, section 645.021, subdivision 3, and for independent school district No. 706 the day after its governing body complies with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 14. [ICE ARENA LEVY.]

Subdivision 1. [AUTHORITY.] Each year, independent school district No. 361, International Falls, may levy for the operational costs of the Bronco arena. The levy may not exceed the actual costs of operation of the arena for that year.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day after the governing body of independent school district No. 361, International Falls, complies with Minnesota Statutes, section 645.021, subdivision 1.

Sec. 15. [FUND BALANCE LIMIT EXCEPTION.]

Notwithstanding Minnesota Statutes, section 124.243, subdivision 2, the capital expenditure facilities revenue for special school district No. 6, South St. Paul, for fiscal years 1992, 1993, and 1994 must not be reduced because of the district's fund balance.

Sec. 16. [LEVY AND AID ADJUSTMENTS.]

The department of education shall adjust the levy limits and aid payments for special school district No. 6 according to section 15. Adjustment to the school district levy may be spread over three years.

Sec. 17. [EFFECTIVE DATE.]

Sections 15 and 16 are effective the day following final enactment."

Page 43, line 18, strike "shall be at least" and delete "two" and strike "months after the date of the order,"

Page 43, line 19, strike "and"

Page 45, line 26, strike "at"

Page 45, line 27, strike "least" and delete "two" and strike "months

after the day when the date must be set,"

Page 45, line 28, strike "and shall be"

Page 47, line 13, strike everything after "projections"

Page 47, line 14, strike everything before the second "of"

Pages 48 and 49, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1990, section 122.532, subdivision 2, is amended to read:

Subd. 2. (a) As of the effective date of ~~any~~ a consolidation in which a district is divided or the dissolution of ~~any~~ a district and its attachment to ~~one~~ two or more existing districts, each teacher employed by an affected district shall be assigned to the newly created or enlarged district in which is located the building where that teacher was primarily employed prior to the consolidation or dissolution and attachment on the basis of a ratio of the pupils assigned to each district according to the new district boundaries. The district receiving the greatest number of pupils must be assigned the teacher with the greatest seniority, and the remaining teachers must be alternately assigned to each district until the district receiving the fewest pupils has received its ratio of teachers who will not be retiring before the effective date of the consolidation or dissolution.

(b) Notwithstanding paragraph (a), the school board and the exclusive representative of teachers in each school district involved in the consolidation or dissolution and attachment may negotiate a plan for assigning teachers to each newly created or enlarged district."

Page 49, line 10, after the period, insert "A district may not levy or receive state aid, according to section 124.2721 or any other law, as a result of exercising any power of an education district."

Page 53, line 22, after the third comma, insert "education district, intermediate school district, secondary vocational cooperative, joint powers district," and after "a" insert "school"

Page 54, line 4, after "divide" insert "five-sixths of" and after "certified" insert "for special education and secondary vocational education"

Page 54, after line 10, insert:

"A school district may recognize 50 percent of the proceeds of the levy in the fiscal year it is certified."

Page 54, line 14, before "A" insert "(a)"

Page 54, after line 23, insert:

"(b) A school district that levies according to this subdivision may permanently transfer money to an account in the capital expenditure fund for telecommunications development project from the unreserved undesignated account for unemployment, transportation fund, community service fund, trust and agency fund, or debt redemption fund, to the extent a balance in the debt redemption fund is not needed to pay principal and interest on bonds outstanding at the time of transfer. The transfer may not result in a deficit in any fund from which a transfer is made and may be made one time after June 30, 1992, and before July 1, 1994."

Page 54, delete section 20 and insert:

"Sec. 20. [LAC QUI PARLE COOPERATION REVENUE.]

Subdivision 1. Notwithstanding any other law to the contrary, if the members of joint school district No. 6011, Lac Qui Parle Valley, meet the requirements of Minnesota Statutes 1990, sections 122.241 to 122.246, they shall be eligible for revenue under Minnesota Statutes, section 124.2725.

Subd. 2. The authority in subdivision 1 expires if the members of joint school district No. 6011 have not combined according to Minnesota Statutes 1990, section 122.244, by July 1, 1996.

Subd. 3. Joint school district No. 6011, Lac Qui Parle Valley, may certify a levy on all the taxable property in the joint district for costs associated with the establishment of the joint district. The levy authorized under this section must not exceed \$400,000 in total and must be certified in equal amounts over each year of a five-year period."

Page 54, line 28, delete "sections" and insert "section"

Page 54, line 29, delete everything after the first comma

Page 54, line 30, delete "are" and insert "is"

Pages 60 and 61, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1990, section 275.125, is amended by adding a subdivision to read:

Subd. 6k. [HEALTH INSURANCE LEVY.] (a) A school district may levy the amount necessary to make employer contributions for insurance for retired employees under this subdivision. The entire amount levied shall be recognized as revenue for the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under section 124.155.

(b) The school board of a joint vocational technical district formed under sections 136C.60 to 136C.69 and the school board of a school district may provide employer-paid hospital, medical, and dental benefits to a person who:

(1) is eligible for employer-paid insurance under collective bargaining agreements or personnel plans in effect on the day before the effective date of this section;

(2) has at least 25 years of service credit in the public pension plan of which the person is a member on the day before retirement or, in the case of a teacher, has a total of at least 25 years of service credit in the teachers retirement association, a first-class city teacher retirement fund, or any combination of these;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after May 15, 1992, and before July 21, 1992.

A school board paying insurance under this subdivision may not exclude any eligible employees.

(c) An employee who is eligible both for the health insurance benefit under this subdivision and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive provided under the collective

bargaining agreement personnel plan or the incentive provided under this subdivision, but may not receive both. For purposes of this subdivision, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program.

(d) An employee who retires under this subdivision using the rule of 90 must not be included in the calculations required by section 356.85.

(e) Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of chapter 179A. The authority provided in this subdivision for an employer to pay health insurance costs for certain retired employees is not subject to the limits in section 179A.20, subdivision 2a.

Sec. 11. Minnesota Statutes 1990, section 275.125, is amended by adding a subdivision to read:

Subd. 24. [RETIRED EMPLOYEE HEALTH BENEFITS LEVY.] For taxes payable in 1993 and 1994 only, a school district may levy an amount up to the amount the district is required by the collective bargaining agreement in effect on March 30, 1992, to pay for health insurance or unreimbursed medical benefits for licensed and nonlicensed employees who have terminated services in the employing district and withdrawn from active teaching service or other active service, as applicable, before July 1, 1992. The total amount of the levy each year may not exceed the following:

(1) .1 percent of adjusted net tax capacity, if the district's adjusted net tax capacity exceeds \$100,000,000;

(2) one percent of adjusted net tax capacity, if the district's adjusted net tax capacity is greater than \$10,000,000 but equal to or less than \$100,000,000; or

(3) five percent of adjusted net tax capacity, if the district's adjusted net tax capacity is equal to or less than \$10,000,000.

Notwithstanding section 121.904, the proceeds of this levy shall be recognized in the fiscal year in which it is certified."

Page 63, after line 9, insert:

"Sec. 16. [OPERATING DEBT LEVY FOR COLERAINE SCHOOL DISTRICT.]

Subdivision 1. [OPERATING DEBT ACCOUNT.] On July 1, 1992, independent school district No. 316, Coleraine, shall establish a reserved account in the general fund. The balance in the account shall equal the unreserved undesignated fund balance in the operating funds of the district as of June 30, 1992.

Subd. 2. [LEVY.] For taxes payable in each of the years 1993 through 1997, the district may levy an amount up to 20 percent of the balance in the account on July 1, 1992. The balance in the account shall be adjusted each year by the amount of the proceeds of the levy. The proceeds of the levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

Subd. 3. [NO LOCAL APPROVAL.] Pursuant to Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), this section is effective without local approval."

Page 63, delete section 16 and insert:

"Sec. 18. [APPROPRIATION: GRANT FOR SCIENCE AND MATH.]

\$150,000 in fiscal year 1993 is appropriated from the general fund to the commissioner of education to supplement a grant from the National Science Foundation. The appropriation is for a systemic initiative in science and mathematics education."

Page 64, delete lines 6 to 8 and insert "124A.23, subdivisions 2, 2a, and 3; 124A.26, subdivisions 2 and 3; 124A.27; 124A.28; and 124A.29, subdivision 2; and Minnesota Statutes 1991 Supplement, sections 124A.02, subdivisions 16 and 23; 124A.03, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, and 1i; 124A.04; 124A.22, subdivisions 2, 3, 4, 4a, 4b, 8, and 9; 124A.23, subdivisions 1, 4, and 5; 124A.24; 124A.26, subdivision 1; and 124A.29, subdivision 1, are"

Page 64, line 9, delete "July 1, 2000" and insert "June 30, 1999"

Page 64, line 12, delete "Section"

Page 64, delete line 13

Page 64, line 14, delete "2001" and insert "2000"

Renumber the sections of article 7 in sequence

Pages 65 and 66, delete section 5

Page 71, line 1, after "schools" insert "throughout the state"

Pages 73 to 77, delete sections 15 and 16

Pages 79 and 80, delete section 18

Page 88, line 22, delete "11" and insert "10"

Page 88, line 24, delete "Section 15 is effective June 30, 1997." and delete "21" and insert "17"

Renumber the sections of article 8 in sequence

Page 94, after line 20, insert:

"Sec. 6. Minnesota Statutes 1990, section 123.3514, is amended by adding a subdivision to read:

Subd. 6c. [FINANCIAL ARRANGEMENTS FOR COURSES AT SECONDARY SCHOOLS.] The agreement between a school board and the governing body of a public post-secondary system or private post-secondary institution shall set forth the payment amounts and arrangements, if any, from the school board to the post-secondary institution. No payments shall be made by the department of education according to subdivision 6 or 6b.

For the purpose of computing state aids for a school district, a pupil enrolled according to subdivision 4e shall be counted in the average daily membership of the school district as though the pupil were enrolled in a secondary course that is not offered in connection with an agreement. Nothing in this subdivision shall be construed to prohibit a public post-secondary system or private post-secondary institution from receiving additional state funding that may be available under any other law."

Page 96, line 1, delete "8" and insert "9"

Renumber the sections of article 9 in sequence

Page 97, line 24, before "fiscal" insert "state"

Page 97, line 27, delete "this subdivision" and insert "paragraph (a) or (b)"

Pages 108 to 110, delete sections 10 and 11

Page 118, line 4, before the period, insert ", unless the school district or other educational agency consents to participation in the system"

Page 118, line 23, before "program" insert "learning readiness"

Page 119, line 1, delete "and 12" and delete "23" and insert "21"

Page 119, line 2, delete everything after the period

Page 119, delete line 3

Page 124, after line 3, insert:

"Sec. 5. Minnesota Statutes 1990, section 122.247, subdivision 1, is amended to read:

Subdivision 1. [REFERENDUM ~~LEVIES~~ REVENUES.] The referendum ~~levy~~ revenue authorization of the combined district shall be one of the methods set forth in section 122.531, subdivision 2a, 2b, or 2c, and must be consistent with the plan adopted according to section 122.242, and any subsequent modifications.

Sec. 6. Minnesota Statutes 1990, section 122.531, subdivision 1a, is amended to read:

Subd. 1a. [INVOLUNTARY DISSOLUTION REFERENDUM ~~LEVIES~~ REVENUE.] As of the effective date of the involuntary dissolution of a district and its attachment to one or more existing districts pursuant to sections 122.32, or 122.41 to 122.52, the authorization for any referendum ~~levy~~ revenue previously approved by the voters of the dissolved district in that district pursuant to section 124A.03, subdivision 2, or its predecessor or successor provision, is canceled. The authorization for any referendum ~~levy~~ revenue previously approved by the voters of a district to which all or part of the dissolved district is attached shall not be affected by the attachment and shall apply to the entire area of the district as enlarged by the attachment.

Sec. 7. Minnesota Statutes 1990, section 122.531, subdivision 2c, is amended to read:

Subd. 2c. If the plan for consolidation provides for discontinuance of referendum ~~levies~~ revenue previously approved by voters of the component districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, the newly created district shall not ~~make~~ receive a referendum

~~levy~~ revenue unless the voters of the newly created district authorize a referendum ~~levy~~ revenue pursuant to section 124A.03, subdivision 2.

Sec. 8. Minnesota Statutes 1991 Supplement, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the net tax capacity of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the local tax rate as determined by the county auditor based upon the original net tax capacity is applied upon the changed net tax capacities, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. Each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The amount of the abatement adjustment shall be the product of:

- (1) the net revenue loss as certified by the county auditor, times
- (2) the ratio of:

(a) the sum of the amounts of the district's certified levy in the preceding year according to the following:

(i) section 124A.23 if the district receives general education aid according to that section, or section 124B.20, if the education district of which the district is a member receives general education aid according to that section;

(ii) section 275.125, subdivisions 5 and 5c, if the district receives transportation aid according to section 124.225;

(iii) section 124.243, if the district receives capital expenditure facilities aid according to that section;

(iv) section 124.244, if the district receives capital expenditure equipment aid according to that section;

(v) section 124.83, if the district receives health and safety aid according to that section;

(vi) sections 124.2713, 124.2714, and 124.2715, if the district receives aid for community education programs according to any of those sections;
~~and~~

(vii) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711;

(viii) *section 124.321, subdivision 3, if the district receives special education levy equalization aid according to that section;*

(ix) *section 124A.03, subdivision 1g, if the district receives referendum equalization aid according to that section; and*

(x) *section 124A.22, subdivision 4a, if the district receives training and experience aid according to that section;*

(b) to the total amount of the district's certified levy in the preceding October, plus or minus auditor's adjustments.

Sec. 9. Minnesota Statutes 1991 Supplement, section 124.214, subdivision 3, is amended to read:

Subd. 3. [EXCESS TAX INCREMENT.] If a return of excess tax increment is made to a school district pursuant to section 469.176, subdivision 2, or upon decertification of a tax increment district, the school district's aid and levy limitations must be adjusted for the fiscal year in which the excess tax increment is paid under the provisions of this subdivision.

(a) An amount must be subtracted from the school district's aid for the current fiscal year equal to the product of:

(1) the amount of the payment of excess tax increment to the school district, times

(2) the ratio of:

(A) the sum of the amounts of the school district's certified levy for the fiscal year in which the excess tax increment is paid according to the following:

(i) section 124A.23, if the district receives general education aid according to that section, or section 124B.20, if the education district of which the district is a member receives general education aid according to that section;

(ii) section 275.125, subdivisions 5 and 5c, if the school district receives transportation aid according to section 124.225;

(iii) section 124.243, if the district receives capital expenditure facilities aid according to that section;

(iv) section 124.244, if the district receives capital expenditure equipment aid according to that section;

(v) section 124.83, if the district receives health and safety aid according to that section;

(vi) sections 124.2713, 124.2714, and 124.2715, if the district receives aid for community education programs according to any of those sections; and

(vii) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711;

(viii) section 124.321, subdivision 3, if the district receives special education levy equalization aid according to that section;

(ix) section 124A.03, subdivision 1g, if the district receives referendum equalization aid according to that section; and

(x) section 124A.22, subdivision 4a, if the district receives training and experience aid according to that section;

(B) to the total amount of the school district's certified levy for the fiscal year, plus or minus auditor's adjustments.

(b) An amount must be subtracted from the school district's levy limitation for the next levy certified equal to the difference between:

(1) the amount of the distribution of excess increment, and

(2) the amount subtracted from aid pursuant to clause (a).

If the aid and levy reductions required by this subdivision cannot be made to the aid for the fiscal year specified or to the levy specified, the reductions must be made from aid for subsequent fiscal years, and from subsequent levies. The school district shall use the payment of excess tax

increment to replace the aid and levy revenue reduced under this subdivision.

This subdivision applies only to the total amount of excess increments received by a school district for a calendar year that exceeds \$25,000."

Page 137, line 3, after "amount" insert "for fiscal year 1992 and 50 percent for fiscal years thereafter"

Page 137, after line 23, insert:

"Sec. 29. Laws 1991, chapter 265, article 7, section 41, subdivision 4, is amended to read:

Subd. 4. [OUTCOME-BASED EDUCATION PROGRAM CONTRACTS.] For entering into contracts for outcome-based education programs according to section 37:

\$675,000 1992

\$675,000 1993

\$55,000 each year is for evaluation and administration of the program.

A balance in the first year does not cancel but is available in the second year."

Page 139, line 2, delete "5" and insert "10" and delete "22" and insert "27"

Renumber the sections of article 12 in sequence

Amend the title as follows:

Page 1, line 14, after the semicolon, insert "122.247, subdivision 1;" and before "by" insert "subdivisions 1a, 2, 2a, 2b, 2c, and"

Page 1, lines 18 and 19, delete "a subdivision" and insert "subdivisions"

Page 1, line 25, delete "124.73, subdivision 1;"

Page 1, line 35, after the second semicolon, insert "270.101, subdivision 1;"

Page 1, line 36, delete "subdivisions 10," and insert "subdivision"

Page 1, line 37, delete "290.01, subdivision 19b" and insert "289A.02, subdivision 5; 289A.18, by adding a subdivision: 289A.19, by adding a subdivision: 289A.20, by adding a subdivision: 289A.56, subdivision 3"

Page 1, line 44, after the first semicolon, insert "124.214, subdivisions 2 and 3;" and after the second semicolon, insert "124.2605;"

Page 2, line 11, delete "subdivisions 9 and" and insert "subdivision"

Page 2, line 12, delete "section" and insert "sections" and after "6" insert "; and 41, subdivision 4"

Page 2, line 17, delete "179A: 295" and insert "289A"

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Metzen moved that H.F. No. 1948 be taken from the table. The motion prevailed.

H.F. No. 1948: A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; proposing coding for new law in Minnesota Statutes, chapters 61A; and 309.

Mr. Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1948, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. Luther, for Mr. Frederickson, D.J., moved that S.F. No. 2514 be taken from the table. The motion prevailed.

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.

Mr. Luther, for Mr. Frederickson, D.J., moved that the Senate do not concur in the amendments by the House to S.F. No. 2514, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 1948: Messrs. Metzen, Solon and Larson.

S.F. No. 1619: Messrs. Marty, Spear and Knaak.

H.F. No. 1903: Messrs. Merriam; Vickerman; Johnson, D.E.; Stumpf and Morse.

S.F. No. 2514: Messrs. Frederickson, D.J.; DeCramer and Renneke.

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

MEMBERS EXCUSED

Mr. Johnson, D.E. was excused from the Session of today from 12:30 to 4:15 p.m. Mr. Moe, R.D. was excused from the Session of today at 4:30 p.m. Mr. Hottinger was excused from the Session of today from 1:30 to 3:10 p.m. Mr. Dahl was excused from the Session of today from 2:00 to 4:30 p.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 12:00 noon, Thursday, April 2, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate